

City Council Meeting Notice & Agenda



Tuesday, December 04, 2012

Pine Conference Room
8401 West Monroe Street
Peoria, AZ 85345

Special Meeting & Study Session

5:00 P.M. Convene

Roll Call

Final Call To Submit Speaker Request Forms

Consent Agenda

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.

Consent

1C. Authorization to Hold an Executive Session

Pursuant to A.R.S. § 38-431.03: Discussion and possible action to authorize the holding of an Executive Session for the purpose of discussion with Legal Counsel for legal advice pertaining to pending litigation for Jane Doe v. City of Peoria, et al. (Pursuant to A.R.S. § 38-431.03(A)(3)).

Study Session Agenda

Subject(s) for Discussion Only

2. Peoria Friends of the Arts

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

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.

Adjournment

Executive Session

**Convene immediately following Special City Council Meeting
Ironwood Conference Room, City Hall Building**

Under the provisions of A.R.S. § 38-431.02 there will be a **CLOSED EXECUTIVE SESSION**.

Executive Session Agenda

3. Discussion with Legal Counsel for legal advice pertaining to pending litigation for Jane Doe v. City of Peoria, et al. (Pursuant to A.R.S. § 38-431.03(A)(3)).

Adjournment

The above-named Public Body of the City of Peoria, Arizona will convene into Executive Session pursuant to A.R.S. § 38-431.03 for those items listed on the agenda. Only those persons who are:

- Members of the Public Body, or
- Officers of the City that are required to attend, or
- Those individuals whose presence is reasonably necessary for the Public Body to carry out its Executive Session responsibilities as determined by the City Attorney may be present during the Executive Session.

All persons who remain present during the Executive Session are reminded that the business conducted in Executive Session, including all discussion taking place herein, is confidential and may not be disclosed to any person, except as permitted by law.

Regular Meeting

7:00 P.M. Convene

Pledge of Allegiance

Roll Call

Final Call To Submit Speaker Request Forms

Presentation

4. Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the November 13, 2012 City Council meeting:
 - Brian Greathouse appointed to the Board of Adjustment,
 - Michael Kwederis appointed to the Board of Adjustment,
 - Michelle Lehman appointed to the Economic Development Advisory Board,
 - Neil Terry appointed to the Economic Development Advisory Board,
 - Kristin Phelps appointed to the Personnel Board,
 - John Albright appointed to the Volunteer Firefighter Pension Board,
 - Hama Amjad appointed to the Youth Advisory Board, and
 - Emily Sarbacker appointed to the Youth Advisory Board.

Consent Agenda

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.

Consent

5C. Disposition of Absence

Discussion and possible action to excuse the absence of Councilmember Carlo Leone from the Special Meeting held at 5:30 p.m. on November 26, 2012.

6C. Minutes

Discussion and possible action to approve the following minutes:

November 13, 2012 City Council meeting
November 26, 2012 5:00 p.m. Special City Council meeting
November 26, 2012 5:30 p.m. Special City Council meeting

7C. **Code Amendment, Chapter 14, Motor Vehicles and Traffic**

Discussion and possible action to adopt **ORD. 2012-21A** amending Chapter 14 of the Peoria City Code (1992 Edition) by amending Section 14-80 pertaining to local speed limits.

8C. **Grant, United States Department of the Interior Bureau of Reclamation, Home Owner Associations, Water Efficiency/Audits**

Discussion and possible action to: (a) accept a grant from the United States Department of the Interior Bureau of Reclamation in the amount of \$25,000 for Home Owner Association's Water Efficiency/Audits; and (b) approve a budget adjustment in the amount of \$25,000 from the Proposed Grant Contingency account to various Bureau of Reclamation Home Owner Associations Water Efficiency Grant Fund accounts.

9C. **Grant, Arizona Peace Officer Standards and Training Board, Indoor Range Target System Upgrade**

Discussion and possible action to: (a) authorize the Peoria Police Department to accept a grant award in the amount of \$27,295 from the Arizona Peace Officer Standards and Training Board; and (b) approve a budget adjustment in the amount of \$27,295 from the Proposed Grants Contingency account to the Police Administration account.

10C. **Programmatic Agreement, Neighborhood Stabilization Program, State Historical Preservation Office**

Discussion and possible action to approve the Neighborhood Stabilization Programmatic Agreement with the State Historical Preservation Office allowing City Staff to make a determination that there will be no adverse historic effect on properties acquired, rehabilitated and resold to eligible homebuyers in the expanded target area.

11C. **Deeds and Easements, Various Locations**

Discussion and possible action to adopt **RES. 2012-135** accepting Deeds and Easements for various Real Property interests acquired by the City.

12C. **Designate Roadways, Establish Rights-of-Way, Various Locations**

Discussion and possible action to adopt **RES. 2012-136** designating various Real Properties to be used as City roadways and authorize the establishment of Public Rights-of-Way to be opened and maintained by the City as a Public Street.

13C. **Final Plat, Vistancia Village A Parcel G1, Lone Mountain Road and Vistancia Boulevard**

Discussion and possible action to approve the Final Plat of Vistancia Village A Parcel G1, located at Lone Mountain Road west of Vistancia Boulevard, subject to stipulations.

14C. **Condominium Replat, 1200 Riverwalk Professional Center North, 77th Avenue and Deer Valley Road**

Discussion and possible action to approve the Condominium Replat of 1200 Riverwalk Professional Center North, located at 77th Avenue south of Deer Valley Road, subject to stipulations.

15C. **Fiscal Year 2013 Budget Amendments**

Discussion and possible action to approve the recommended budget amendments.

16C. **Community/Outside Agency Funding and Assistance Policy**

Discussion and possible action to adopt the Community/Outside Agency Funding and Assistance Policy.

17C. **Exemption Request, Requirement to Post Security for Self Insured Workers' Compensation Claims**

Discussion and possible action to authorize the execution of documents necessary to certify the City of Peoria exemption from the Industrial Commission of Arizona requirements to post security for pending self-insured Workers' Compensation claims.

18C. **Ratification of Approval, Industrial Development Authority Board Debt Refinance, LifeStream Complete Senior Living, Inc. Project formerly known as Arizona Baptist Retirement Centers, Inc.**

Discussion and possible action to adopt **RES. 2012-140** ratifying the approval of the Industrial Development Authority Board of the City of Peoria, Arizona to refinance certain authority bonds issued on behalf of the LifeStream Complete Senior Living, Inc. Project formerly known as Arizona Baptist Retirement Centers, Inc.

19C. **Contract Amendment, City Manager, Terms and Conditions of Employment**

Discussion and possible action to approve an amendment to the Terms and Conditions of Employment with the City Manager.

Regular Agenda

New Business

20R. **PUBLIC HEARING - Liquor License, Various locations**

PUBLIC HEARING: RE: (a) A New Domestic Microbrewery Liquor License (Series 03) for Freak'N Brewing Company, located at 9299 W. Olive Avenue Suite 513, Thomas F. Lavallee Jr., Applicant, LL#20006638; and (b) A New Restaurant Liquor License (Series 12) for Yu's Chinese Cuisine, located at 13686 N. 75th Avenue, Cai H. Situ Tang, Applicant, LL#20005686.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to recommend approval to the State Liquor Board for: (a) A New Domestic Microbrewery Liquor License (Series 03) for Freak'N Brewing Company, located at 9299 W. Olive Avenue Suite 513, Thomas F. Lavallee Jr., Applicant, LL#20006638; and (b) A New Restaurant Liquor License (Series 12) for Yu's Chinese Cuisine, located at 13686 N. 75th Avenue, Cai H. Situ Tang, Applicant, LL#20005686.

21R. **PUBLIC HEARING - 2012 Major General Plan Amendment, Land Use Element**

PUBLIC HEARING: RE: A Major Amendment to the General Plan that updates the Land Use Element and Land Use Map to comply with Senate Bill 1598 on the topic of aggregate mining.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to adopt **RES. 2012-137** amending the General Plan under Planning and Community Development Case No. GPA 12-0002, a Major Amendment to the General Plan that updates the Land Use Element and Land Use Map to comply with Senate Bill 1598 on the topic of aggregate mining.

22R. **PUBLIC HEARING - 2012 Major General Plan Amendment, Lake Pleasant Heights Specific Area Plan**

PUBLIC HEARING: RE: A Major Amendment to the Lake Pleasant Heights Specific Area Plan for a site comprised of approximately 3,268 acres, generally located south of the intersection of the El Mirage alignment and SR-74 to south of Westland Drive.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to adopt **RES. 2012-138** amending the General Plan under Planning and Community Development Case No. GPA 12-0003, a Major Amendment to the Lake Pleasant Heights Specific Area Plan for a site comprised of approximately 3,268 acres, generally located south of the intersection of the El Mirage alignment and SR-74 to south of Westland Drive.

23R. **Amended Settlement Agreement, Maricopa County Superior Court, City of Peoria v. Larry & Jeff Limited Partnership, et al., Inc. v. City of Peoria and FNF Construction, Inc., FFF, L.L.C. v. City of Peoria et al., Thunderbird Road Improvement Project**

Discussion and Possible action to approve the Second Amended Settlement Agreement in the Maricopa County Superior Court Cases City of Peoria v. Larry & Jeff Limited Partnership, et al., Larry & Jeff Limited Partnership, Inc. v. City of Peoria and FNF Construction, Inc., FFF, L.L.C. v. City of Peoria et al., as it relates to the Thunderbird Road Improvement Project.

Call To The Public (Non-Agenda Items)

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Reports from City Manager

24. **Council Calendar**

25. **Reports with Presentation**

A. Building Development Initiatives

B. November 8, 2012 Job Fair - Results

C. Arizona Public Service Transmission Line Project and Bureau of Land Management Resource Management Plan Amendment/Draft Environmental Impact Statement

26. **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. Fire Department's Annual Accreditation Status
- B. Council Subcommittee Update
- C. Electric Vehicle Charging Stations Agreement
- D. 2013 Winter Water Safety Day and Polar Plunge
- E. Peoria Visitors Guide
- F. Shop Peoria
- G. Holiday Festival Update

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 and assistive listening devices are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Peoria, Arizona 85345 - Phone: (623)773-7340 or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request. The City has a TDD line where accommodations may be requested at: (623)773-7221.

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.

City Council Meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <http://www.peoriaaz.gov/content2.aspx?id=2151>.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Date Prepared: November 20, 2012

Study Session Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager

FROM: John R. Sefton, Jr., Community Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Peoria Friends of the Arts

Purpose:

To create a Peoria Friends of the Arts organization. An auxiliary non-profit entity to promote, facilitate and enhance the artistic climate in the Peoria community. Functions will include supporting the efforts of managing the city-sponsored arts activities and city-owned public art collection, and serve as an ally in raising financial resources.

Summary:

Consistent with recommendations from the City's Arts and Culture Master Plan, City staff is recommending establishment of a non-profit entity dedicated to the education and enrichment of the arts in the community. Modeled after the Friends of the Library organization, Peoria Friends of the Arts (Entity) would function in the following areas.

Advocacy –actively communicate with the public as a supporting voice for the fine arts, and undertake community outreach.

Volunteerism – organize a pool of individuals to assist with creating and developing signature special events, support with City-led arts activities, and assist with the City Hall Art Gallery, various other arts activities.

Financial – the ability to raise funds to support the arts in the areas of grants, scholarships, performances, public art, collection, and an endowment for long term sustainability.

City staff have recent experience in creating similar not-for-profit organizations such as Play Peoria, Inc. and Friends of the Library. As an initial step, staff has proactively developed draft procedural and charter documents to prepare for such an entity. As a result, the process and

potential for staff time involvement is expected to be manageable. It is staff's estimate that an Entity could be fully operational within 18 months.

Previous Actions:

- May 5, 2009 – City Council approved the Peoria Arts and Culture Master Plan
- December 6, 2011 – City Council Study Session. Staff provided an overview on the state of the arts. Discussion included establishing a “Friends of the Arts” entity.
- February 27, 2012 – Council Subcommittee on Community Culture. Subcommittee recommended to bring a Friends of the Arts presentation to Council Study Session.

Options:

- 1) Forward an agenda item for a future City Council meeting to create a Peoria Friends of the Arts organization.
- 2) Request staff to provide additional information as needed and consider returning for a future Study Session item for more discussion.
- 3) Do not move forward with the creation of a Peoria Friends of the Arts organization.

Staff's Recommendation:

The City staff recommends moving forward an agenda item to a future City Council meeting to create a Peoria Friends of the Arts not-for-profit organization.

Fiscal Analysis:

There are some modest anticipated costs in the formation of the Peoria Friend of the Arts organization. Filing and processing fees for the 501(c)(3) should not exceed \$500. Other expenses are not expected to exceed \$2,000 and will be absorbed in the current operating budgets.

Exhibit(s): None

Contact Name and Number: Kirk Haines, 623-773-7120

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 4

Date Prepared: November 14, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager
FROM: Rhonda Geriminsky, CMC, Interim City Clerk
THROUGH: Susan K. Thorpe, Deputy City Manager
SUBJECT: Board and Commission Appointments Presentation

Purpose:

This is a request for City Council to present plaques and *Certificates of Appointment* to the Board and Commission members as follows:

Names	Boards and Commissions
Brian Greathouse Michael Kwederis	Board of Adjustment
Michelle Lehman Neil Terry	Economic Development Advisory Board
Kristin Phelps	Personnel Board
John Albright	Volunteer Firefighter Pension Board
Hama Amjad Emily Sarbacker	Youth Advisory Board

Background/Summary:

Newly appointed Board and Commission members are invited to attend a Regular City Council meeting to personally accept a plaque and *Certification of Appointment* from the Mayor and City Council.

Previous Actions:

On September 17, 2012 and October 10, 2012, the Council Subcommittee on Policy and Appointments met and made recommendations for Board and Commission member appointments and reappointments.

On September 24, 2012 and October 11, 2012, memorandums were submitted to Mayor and Council outlining the recommended member appointments and reappointments from the September 17, 2012 and October 10, 2012 Subcommittee meetings and asking for concerns to be submitted in writing to the Mayor. No comments were received.

On November 13, 2012 City Council adopted Resolutions making the following Board and Commission appointments:

Resolution Nos.	Names	Boards and Commissions	Term Expirations
2012-124	Brian Greathouse Michael Kwederis	Board of Adjustment	December 2015 December 2016
2012-127	Michelle Lehman Neil Terry	Economic Development Advisory Board	June 2016 June 2016
2012-129	Kristin Phelps	Personnel Board	June 2013
2012-132	John Albright	Volunteer Firefighter Pension Board	June 2015
2012-134	Hama Amjad Emily Sarbacker	Youth Advisory Board	June 2014 June 2013

Options:

This is a presentation item only.

Staff's Recommendation:

That the Mayor and City Council present *Certificates of Appointment* to newly appointed Board and Commissions members who where appointed by Resolution at the November 13, 2012 City Council meeting.

Fiscal Analysis:

There is no fiscal impact regarding this item.

Narrative:

Newly appointed Board and Commission members have been invited to attend the December 4, 2012 City Council meeting to receive their respective Plaque and *Certificates of Appointment*.

Exhibit(s): There are no exhibits.

Contact Name and Number: Rhonda Geriminsky, Interim City Clerk, 623-773-7340

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
November 13, 2012

A **Special Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street 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 Thorpe, Deputy City Manager; Rhonda Geriminsky, Interim City Clerk; Andy Granger, Engineering Director; Bo Larsen, Public Information Manager; Jeff Tyne, Management and Budget Director; Scott Whyte, Economic Development Services Director; and Linda Blas, Deputy City Clerk.

Audience: Approximately two 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.

CONSENT AGENDA

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Motion was made by Councilmember Carlat, seconded by Councilmember Rivero, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

1C. **Authorization to Hold an Executive Session**

Pursuant to A.R.S. § 38-431.03 Authorized the holding of an Executive Session for the purposes of discussion with City staff in order to consider the City's position and instruct staff regarding negotiations for the purchase of real property in the vicinity of 99th Avenue and Northern Avenue. (Pursuant to A.R.S. § 38-431.03(A)(7)).

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:01 p.m.

A **Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 6:08 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 Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, Interim City Clerk; Andy Granger, Engineering Director; Brent Mattingly, Finance Director; John Sefton, Community Services Director; Jeff Tyne, Management and Budget Director; Claudia Luján, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately five 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.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

2. Community/Outside Agency Funding and Assistance Policy

Jeff Tyne, Management and Budget Director, provided a background of agency funding and discussed:

- Current funding strategies
- Desired policy outcomes
- Next steps

Tammy Shreeve, Grants Coordinator, outlined the draft agency funding policy. Information provided included:

- New administration guidelines
- Next steps

Discussion ensued regarding potential partner agencies.

Consensus of the Council was to bring the item back to Council at the December 4, 2012 meeting.

3. Capital Improvement Program End of Year Update

Andy Granger, Engineering Director, provided an update on the Capital Improvement Program.

Mr. Granger outlined significant projects which include:

- Council Chamber ADA enhancements
- Pioneer Community Park
- 83rd Avenue Street and Drainage Improvements
- 75th Avenue and Thunderbird Road Intersection Improvements
- Lake Pleasant Parkway
- Grand Avenue Landscaping
- Community Center Building Addition
- Agua Fria Truck Road Reliever

Discussion ensued regarding:

- Sustainable roadways
- Street lighting along Grand Avenue
- Grant funding for intersection projects

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 6:36 p.m.

EXECUTIVE SESSION AGENDA

4. An Executive Session was convened immediately following the Special City Council Meeting pursuant to A.R.S. § 38-431.03 for the purposes of discussion with City staff in order to consider the City's position and instruct staff regarding negotiations for the purchase of real property in the vicinity of 99th Avenue and Northern Avenue. (Pursuant to A.R.S. § 38-431.03(A)(7)).

Clerk's Note: In accordance with A.R.S. § 38-431.03(B), minutes of executive sessions must be kept confidential except as outlined in statute.

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, Girl Scout Troop 1252 led the Pledge of Allegiance.

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 Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, Interim City Clerk; Andy Granger, Engineering Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Manager; Bill Mattingly, Public Works Director; Brent Mattingly, Finance Director; Roy Minter, Police Chief; Bobby Ruiz, Fire Chief; John Sefton, Community Services Director; Jeff Tyne, Management and Budget Director; Claudia Luján, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately 170 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:

5. Honoring SPC Robert J. Donevski

Mayor Barrett presented a Proclamation to Mr. and Mrs. John Donevski honoring their son, Army Specialist Robert J. Donevski, who was killed in combat while serving in Afghanistan.

6. Friends of the Library

Mr. Al Bell, Chairman of the Strategic Planning Committee for Friends of the Peoria Public Library, provided information on the organization's support of the Peoria Public Library System including:

- Promoting literacy
- Funding materials and programs not covered in the City's budget
- Public awareness and outreach

7. Certificates of Appointment

Mayor Barrett and Councilmember Pearson presented Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the October 23, 2012 City Council meeting:

- Lois Galpert appointed to the Arts Commission,
- Cecil Daniels appointed to the Board of Adjustment,
- Brent Taylor appointed to the Parks and Recreation Board, and
- Ian Mullane appointed to the Youth Advisory Board.

Note: Cecil Daniels was not present to receive his certificate.

8. 12th Annual U.S. Constitution Contest

Mayor Barrett, Councilmember Evans, and Uncle Sam (portrayed by Mike Lindquist) presented certificates to the Constitution Contest winners from local schools.

Mayor Barrett declared a short recess at 7:28 p.m. and reconvened the meeting at 7:42 p.m.

CONSENT AGENDA

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

Councilmember Rivero requested that Agenda Items 13C, 14C, and 15C be removed for separate discussion.

Motion was made by Councilmember Rivero, seconded by Councilmember Leone, to approve the Consent Agenda with the exception of Agenda Items 13C, 14C, and 15C. Upon vote, the motion carried unanimously 7 to 0.

9C. **Disposition of Absence**

Approved the absences of:

- (a) Councilmember Cathy Carlat from the Special Meeting & Study Session held at 5:00 p.m. on October 23, 2012, and
- (b) Councilmember Cathy Carlat and Councilmember Joan Evans from the Regular City Council Meeting held at 7:00 p.m. on October 23, 2012.

10C. **Minutes**

Approved the October 23, 2012 City Council meeting minutes.

11C. **Appointments, Boards and Commissions**

RESOLUTION 2012-124

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING MICHAEL KWEDERIS AND BRIAN GREATHOUSE TO THE BOARD OF ADJUSTMENT AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-125

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING ROY BADE TO THE BUILDING BOARD OF APPEALS AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-126

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING PHIL HANSON TO THE CITIZENS COMMISSION ON SALARIES FOR ELECTED CITY OFFICIALS AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-127

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING MICHELLE LEHMAN AND NEIL TERRY TO THE ECONOMIC DEVELOPMENT ADVISORY BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-128

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING SHLEBY DUPLESSIS AND STEVE POE TO THE HISTORIC PRESERVATION COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-129

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING KRISTIN PHELPS TO THE PERSONNEL BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-130

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING NANCY GOLDEN AND LEONARD SPRAKER TO THE PLANNING AND ZONING COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-131

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING JOE MCCORD AND KENNETH LAMBERT TO THE VETERANS MEMORIAL BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-132

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING JOHN ALBRIGHT TO THE VOLUNTEER FIREFIGHTER PENSION BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-134

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING HAMA AMJAD AND EMILY SARBACKER TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERM OF OFFICE.

Approved the recommendation from the Council Subcommittee on Boards and Commissions Appointments pertaining to the following appointments, and adopted the Resolutions as presented:

Adopted **RES. 2012-124** appointing Michael Kwederis, as a regular member, and Brian Greathouse, as an alternate member, to the Board of Adjustment,

Adopted **RES. 2012-125** reappointing Roy Bade, as a regular member, to the Building Board of Appeals,

Adopted **RES. 2012-126** reappointing Phil Hanson, as a regular member, to the Citizens Commission on Salaries,

Adopted **RES. 2012-127** appointing Michelle Lehman, as a regular member, and Neil Terry, as an alternate member, to the Economic Development Advisory Board,

Adopted **RES. 2012-128** reappointing Shelby Duplessis and Steve Poe, as regular members, to the Historic Preservation Commission,

Adopted **RES. 2012-129** appointing Kristin Phelps, as a regular member, to the Personnel Board,

Adopted **RES. 2012-130** reappointing Nancy Golden and Leonard Spraker, as regular members, to the Planning and Zoning Commission,

Adopted **RES. 2012-131** reappointing Joe McCord and Kenneth Lambert, as regular members, to the Veterans Memorial Board,

Adopted **RES. 2012-132** appointing John Albright, as a regular member, to the Volunteer Firefighter Pension Board, and

Adopt **RES. 2012-134** appointing Hama Amjad, as a regular member, and Emily Sarbacker, as an alternate member, to the Youth Advisory Board.

12C. **Investment Report for the Quarter Ended September 30, 2012**

Accepted the Investment Report for the Quarter Ended September 30, 2012.

13C. **Budget Transfers, Sports Complex Improvements, 83rd Avenue and Mariners Way**

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

At the request of Councilmember Rivero, Agenda Item 13C was pulled from the Consent Agenda for separate discussion.

Jeff Tyne, Management and Budget Director, presented a brief overview of the request to approve budget transfers for improvements at the Sports Complex.

Motion was made by Vice Mayor Aames, seconded by Councilmember Leone, to approve a series of budget transfers for the Sports Complex Improvements to fully appropriate this project using available cash in several funds.

Upon vote, the motion carried unanimously 7 to 0.

14C. **Grant, State of Arizona, Department of Homeland Security, Various Police and Fire Department Programs**

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

At the request of Councilmember Rivero, Agenda Item 14C was pulled from the Consent Agenda for separate discussion.

Bobby Ruiz, Fire Chief, and Roy Minter, Police Chief, provided an overview of grant funding awarded to support the Terrorism Liaison Officer program and the Chemical, Biological, Radiological, Nuclear or Explosive operations.

Motion was made by Councilmember Rivero, seconded by Vice Mayor Aames to:

- (a) Authorize the Peoria Police and Fire Departments to accept three grant awards totaling \$133,990 from the Arizona Department of Homeland Security to be used to strengthen chemical, biological, radiological, nuclear or explosive (CBRNE) weapon detection, response and decontamination capabilities; and sustain and enhance the Terrorism Liaison Officer (TLO) program; and
- (b) Approve a budget adjustment in the amount of \$133,990 from the Proposed Grants Contingency Account to the Homeland Security Fund.

Upon vote, the motion carried unanimously 7 to 0.

15C. **Fiscal Year 2012 Comprehensive Annual Financial Report, Single Audit, Management Letter and SAS114 Letter**

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

At the request of Councilmember Rivero, Agenda Item 15C was pulled from the Consent Agenda for separate discussion.

Brent Mattingly, Finance Director, reviewed the request to receive and file the Comprehensive Annual Financial Report, Single Audit, Management Letter, and SAS114 Letter for the fiscal year ended June 30, 2012.

Motion was made by Vice Mayor Aames, seconded by Councilmember Leone, to receive and file the Comprehensive Annual Financial Report, Single Audit, Management Letter, and SAS114 Letter for the fiscal year ended June 30, 2012.

Upon vote, the motion carried unanimously 7 to 0.

16C. **Annexation, 97th Avenue and Avenida Del Sol**

ORDINANCE NO. 2012-25

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF PEORIA OF MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF PEORIA, AND PROVIDING FOR SEVERABILITY.

Adopted **ORD. 2012-25** approving the annexation of approximately 2.33 acres of privately-owned property located west of the southwest corner of 97th Avenue and Avenida Del Sol (ANX12-0001).

17C. **Initial Zoning, 97th Avenue and Avenida Del Sol**

ORDINANCE NO 2012-26

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ESTABLISHING INITIAL ZONING ON PROPERTY FROM MARICOPA COUNTY RURAL-43 ZONING DISTRICT TO CITY OF PEORIA SR-43 ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Concurred with the Planning and Zoning Commission's recommendation and adopted **ORD. 2012-26** establishing initial zoning of Suburban Ranch (SR-43) on approximately 2.33 acres of privately-owned property recently annexed from Maricopa County, generally located west of the southwest corner of 97th Avenue and Avenida Del Sol.

18C. **Deeds and Easements, Various Locations**

RESOLUTION NO. 2012-133

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. 2012-133** accepting Deeds and Easements for various Real Property interests acquired by the City.

19C. Maintenance Improvement District No. 1132, Umbria Estates, 101st Avenue and Williams Road

RESOLUTION NO. 2012-119

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. 1132, UMBRIA ESTATES, 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.

RESOLUTION NO. 2012-120

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. 1132, UMBRIA ESTATES; 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.

Approved the Petition for Formation and adopted **RES. 2012-119** intention and ordering the formation of proposed Maintenance Improvement District No. 1132, Umbria Estates, located at 101st Avenue and Williams Road; and adopted **RES. 2012-120** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

20C. **Street Light Improvement District No. 1071, Umbria Estates, 101st Avenue and Williams Road**

RESOLUTION NO. 2012-121

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS WITHIN THE PROPOSED DISTRICT AND THAT THE COST OF THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS, BE ASSESSED UPON A CERTAIN IMPROVEMENT DISTRICT TO BE KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1071, UMBRIA ESTATES; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2012-122

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1071, UMBRIA ESTATES, PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

Approved the Petition for Formation and adopted **RES. 2012-121** intention and ordering formation of proposed Street Light Improvement District No. 1071, Umbria Estates, located at 101st Avenue and Williams Road; and adopted **RES. 2012-122** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

REGULAR AGENDA

Unfinished Business

21R. **PUBLIC HEARING – Major Planned Area Development (PAD) Amendment, Donation Center, Fletcher Heights PAD, Lake Pleasant Parkway and 83rd Avenue**

ORDINANCE NO 2012-27

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING A PLANNED AREA DEVELOPMENT (P.A.D.) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report:

Chris Jacques, Planning and Community Development Director, provided background on a request from Goodwill Industries to amend the Fletcher Heights Planned Area Development (PAD) to allow donation centers as a conditional use on a 17-acre commercial parcel located at the northeast corner of Lake Pleasant Parkway and 83rd Avenue.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request to amend the Fletcher Heights Planned Area Development (PAD) by amending the permitted use list to allow donation centers as a conditional use on a 17-acre parcel located at the northeast corner of Lake Pleasant Parkway and 83rd Avenue.

Jeff Wilson spoke in opposition of the Goodwill donation center becoming a drop off location.

Jason Morris, representing Goodwill of Central Arizona, addressed Council regarding the site which will utilize an existing empty Safeway store. Mr. Morris highlighted Goodwill's operating standards in excess of the stipulations imposed by the City including:

- Donation attendants on staff assigned to receiving doors during hours of operation
- Daily clean up and continual maintenance outside the Goodwill site
- Signage and reference to the correct donation receiving area
- Signage referencing City Code regarding dumping
- Working with the City to maintain a zero tolerance for illegal dumping
- 24-hour video surveillance of the entire site

Richard May inquired if the proposed amendment could be granted with the stipulation of a probationary period, and whether the amendment could be reversed if it were approved.

Jeff Wilson addressed Council to inform that his opinion regarding the Goodwill donation center becoming a drop off location had changed after hearing the information presented by Mr. Morris. Mr. Wilson spoke in favor of a probationary period for the proposed amendment.

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

Council Action:

Motion was made by Councilmember Evans, seconded by Vice Mayor Aames, to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2012-27** amending a Planned Area Development (PAD) for approximately 17 acres located at the northeast corner of Lake Pleasant Parkway and 83rd Avenue. (Z 93-10A.7)

Upon vote, the motion carried unanimously 7 to 0.

New Business

22R. **PUBLIC HEARING - Liquor Licenses, Various Locations**

Staff Report :

Brent Mattingly, Finance Director, reported on staff's recommendation to recommend approval to the State Liquor Board for:

- (a) A New Restaurant Liquor License (Series 12) for Nineveh Restaurant, located at 9864 W. Peoria Avenue, Randy D. Nations, Applicant, LL#20005373; and
- (b) A New Restaurant Liquor License (Series 12) for CheezHeadz Winning Pizza, Subs and more, located at 20283 N. Lake Pleasant Road Suite #110, Craig S. Maynard, Applicant, LL#20006321.

Mr. Mattingly advised that the properties were 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:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request for:

- (a) A New Restaurant Liquor License (Series 12) for Nineveh Restaurant, located at 9864 W. Peoria Avenue, Randy D. Nations, Applicant, LL#20005373; and

- (b) A New Restaurant Liquor License (Series 12) for CheezHeadz Winning Pizza, Subs and more, located at 20283 N. Lake Pleasant Road Suite #110, Craig S. Maynard, Applicant, LL#20006321.

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

Council Action:

Motion was made by Councilmember Carlat, seconded by Vice Mayor Aames, to recommend approval to the State Liquor Board for:

- (a) A New Restaurant Liquor License (Series 12) for Nineveh Restaurant, located at 9864 W. Peoria Avenue, Randy D. Nations, Applicant, LL#20005373; and
- (b) A New Restaurant Liquor License (Series 12) for CheezHeadz Winning Pizza, Subs and more, located at 20283 N. Lake Pleasant Road Suite #110, Craig S. Maynard, Applicant, LL#20006321.

Upon vote, the motion carried unanimously 7 to 0.

Staff Report:

Brent Mattingly, Finance Director, reported on staff's recommendation to recommend approval to the State Liquor Board for:

- (c) A New Restaurant Liquor License (Series 12) for Times 3 Bar & Grill, located at 8279 W. Lake Pleasant Parkway Suite #101-103, Daniel C. Eastwood, Applicant, LL#20006523.

Mr. Mattingly advised that the property was posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval, and five comments were received from the public.

Chris Jacques, Planning and Community Development Director, provided information pertaining to zoning of the site. Mr. Jacques informed Council that under the Zoning Ordinance, the establishment is classified as a restaurant which is a permitted use at the site.

Mr. Jacques explained that in accordance with the Zoning Ordinance, a conditional use permit is required for all outdoor dining. Mr. Jacques noted that currently there is no conditional use permit approval for any outdoor dining component at this location, and at this time the patio cannot be utilized for any activity associated with the restaurant.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request for:

- (c) A New Restaurant Liquor License (Series 12) for Times 3 Bar & Grill, located at 8279 W. Lake Pleasant Parkway Suite #101-103, Daniel C. Eastwood, Applicant, LL#20006523.

The following citizens addressed Council to voice their opposition to the Series 12 Liquor License for Times 3 Bar & Grill, citing past experiences with a previous sports bar at this location:

Ian Hasegawa
Tevis West
Ismael Hamad
Jigar Patel
Daniel Pierce

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

In response to questions from Council, the applicant, Daniel Eastwood, informed he had not had any meetings with nearby homeowners as he was unaware of any opposition to the liquor license application until today. Mr. Eastwood stated he would be amenable to meeting with citizens residing near his restaurant in an effort to alleviate their concerns.

Discussion ensued regarding whether the location is conducive to any type of bar due to the proximity of the homes nearby.

Motion was made by Vice Mayor Aames, seconded by Councilmember Carlat, to recommend denial to the State Liquor Board for:

- (c) A New Restaurant Liquor License (Series 12) for Times 3 Bar & Grill, located at 8279 W. Lake Pleasant Parkway Suite #101-103, Daniel C. Eastwood, Applicant, LL#20006523.

Upon vote, the motion carried unanimously 7 to 0.

23R. **PUBLIC HEARING - Off-Track Wagering License Renewal, American Greyhound Racing, Inc., Gallagher's of Peoria, 6750 West Peoria Avenue**

Staff Report:

Brent Mattingly, Finance Director, reported that all fees were paid and staff recommends approval to the Arizona Racing Commission for an Off-Track Wagering License Renewal for Gallagher's of Peoria, located at 6750 West Peoria Avenue.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request for an Off-Track Wagering License Renewal for Gallagher's of Peoria, located at 6750 West Peoria Avenue.

Having no request from the public to address this item, Mayor Barrett declared the Public Hearing closed.

Council Action:

Motion was made by Councilmember Carlat, seconded by Vice Mayor Aames, to recommend approval to the Arizona Racing Commission for an Off-Track Wagering License Renewal for Gallagher's of Peoria, 6750 West Peoria Avenue.

Upon vote, the motion carried unanimously 7 to 0.

24R. **Peoria Youth Master Plan**

John Sefton, Community Services Director, summarized the process involved in drafting the Peoria Youth Master Plan.

Motion was made by Councilmember Evans, seconded by Councilmember Carlat, to adopt the Peoria Youth Master Plan.

Upon vote, the motion carried unanimously 7 to 0.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager:

25. **Council Calendar**

26. **Reports with Presentation**

Clerk's Note: The Capital Improvement Program End of Year Update was presented as Study Session Agenda Item 3.

- A. Capital Improvement Program End of Year Update
- B. Budget/Financial Update

Jeff Tyne, Management and Budget Director, presented an update on the economic forecast and the impact to the City's financial condition and provided information related to the following:

- Consumer spending
- Unemployment rates
- Housing market trends
- General Fund revenues
- Operating expenditures
- Budgetary considerations

27. **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. Council Subcommittee Update
- B. Festival in the Plaza
- C. Peoria's 26th Annual Oldtown Holiday Festival
- D. Proposed 2013 City Council Meeting Calendar

Reports from City Council:

Councilmember Leone reported on the various activities and events he attended.

Councilmember Carlat wished a Happy Thanksgiving to the citizens of Peoria.

Councilmember Evans congratulated the students who participated in the Constitution Contest. Councilmember Evans expressed her appreciation to all veterans for their service.

Vice Mayor Aames reported on the various City of Peoria activities he attended. Vice Mayor Aames reported on his attendance at a meeting of the Grand Avenue Coalition to discuss the future of transportation along the Grand Avenue corridor.

Reports from the Mayor:

Mayor Barrett reported that he had the honor of speaking at various events commemorating Veterans Day.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:57 p.m.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, Interim City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the City Council Meetings of the City Council of Peoria, Arizona held on the 13th day of November, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of December, 2012.

(Seal)

Rhonda Geriminsky, Interim City Clerk

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

A **Special Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:01 p.m.

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

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; Steve Kemp, City Attorney; Rhonda Geriminsky, Interim City Clerk; and Natalie Gilstrap, City Clerk Specialist.

Audience: Approximately 2 members of the public were present.

Regular Agenda

New Business

1. **Canvass of November 6, 2012 General Election**

RESOLUTION NO 2012-139

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE REGULAR GENERAL ELECTION HELD ON NOVEMBER 6, 2012; AND ORDERING THE RECORDING OF SUCH RESOLUTION.

Motion was made by Councilmember Evans, seconded by Vice Mayor Aames, to adopt **RES. 2012-139** approving the official Canvass of Election for the November 6, 2012 City of Peoria General Election.

Upon vote, the motion carried unanimously 7 to 0.

Certificates of Election were presented to the following Councilmember Elects:

Ironwood District
Willow District

Bill Patena
Jon Edwards

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:04 p.m.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, Interim City Clerk

CERTIFICATION

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

Dated this 4th day of December, 2012.

(Seal)

Rhonda Geriminsky, Interim City Clerk

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

A **Special Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:30 p.m.

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

Members Absent: Carlo Leone.

Other Municipal Officials Present: Rhonda Geriminsky, Interim City Clerk.

Audience: No members of the public were present.

Consent Agenda

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.

Consent

Motion was made by Vice Mayor Aames, seconded by Councilmember Carlat, to approve the Consent Agenda. Upon vote, the motion carried unanimously 6 to 0.

1C. **Authorization to Hold an Executive Session**

Pursuant to A.R.S. § 38-431.03.A.1: Authorized the holding of an Executive Session for the purpose of discussion or consideration of assignment, appointment, promotion, or salary of a public officer or appointee pertaining to the evaluation process and performance review of the City Manager.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:30 p.m.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, Interim City Clerk

CERTIFICATION

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

Dated this 4th day of December, 2012.

(Seal)

Rhonda Geriminsky, Interim City Clerk

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 7C

Date Prepared: September 6, 2012

Council Meeting Date: November 13, 2012

TO: Carl Swenson, City Manager
FROM: Andrew Granger, P.E., Engineering Director
THROUGH: Susan J. Daluddung, Deputy City Manager
SUBJECT: Code Amendment, Chapter 14, Motor Vehicles and Traffic

Purpose:

This is a request for City Council to adopt ORD. 2012-21A amending Chapter 14 of the Peoria City Code (1992 Edition) pertaining to local speed limits by amending Section 14-80.

Background/Summary:

Arizona State Traffic Law allows local authorities within their respective jurisdictions to determine and/or change the maximum speed limit for all arterial streets as well as business and residential districts to a reasonable and safe speed based on engineering and traffic investigations (*Arizona Revised Statutes Title 28, Article 6, Section 28-703*). It is a widely accepted practice among traffic engineers to consider speed characteristics such as the 85th percentile value. The 85th percentile speed is the speed at or below which 85 percent of the vehicles are moving. Research has shown that the 85th percentile speed coincides with the lowest accident rates and reflects a safe speed for existing conditions as perceived by the majority of motorists.

In addition to evaluating speed data, a speed study investigates roadway geometry, roadside development, roadway hazards, bicycle and pedestrian traffic, and crash history. These factors are outlined in the *Manual on Uniform Traffic Control Devices* (MUTCD), published by the Federal Highway Administration (FHWA) which is the national set of standards for traffic control devices.

ARS 28-702 requires that all posted speed zones be based on an engineering and traffic investigation, herein referred to as traffic study. Speed zoning revisions may be necessary because of highway improvements, roadside development, traffic operational changes, constructing new roadway segments or annexing new roads. It is important that speed regulations be updated promptly to reflect any revisions to the existing speed zoning.

On new highway alignments or major highway reconstruction projects, the speed study should be conducted as soon as possible after the work has been completed. Several factors may

affect the 85th percentile speed. Analysis of these factors in conjunction with the 85th percentile speed provides an accurate representation of traffic operating conditions along any given section of roadway and provides a scientific basis for the selection of speed limits:

- Length of Section
- Alignment
- Roadway width and shoulders
- Surface condition
- Sight distance
- Traffic volume
- Crash experience
- Maximum comfortable speed on curves
- Side friction (roadside development)
- Bicycle and pedestrian activity
- Signal progression.

The justification to increase or decrease of existing speed limits depends on the results of the traffic study for each street segment. It is customary that speed limits are usually established at the first five-mile per hour (MPH) increment below the 85th percentile unless extenuating conditions exist. Increase in speed limit is considered at locations where the 85th percentile speed is more than 10 mph than the existing posted speed limit along with other factors such as number of accidents, section length and accident rate along with roadside developments (friction) which may allow for such increase.

Previous Actions:

Council approved and adopted Resolution 2010-01 authorizing the amendment of the Speed Limit Ordinance on January 19, 2010.

Options:

- A:** Approve adoption of the new speed limit ordinance
- B:** Deny adoption of the revised speed limit ordinance which may result in inconsistent and unenforceable speed limits on city roadways.

Staff's Recommendation:

Approve the adoption of the new speed limit ordinance so that the speed limits are consistent and justifiable based on the data and engineering judgment.

Fiscal Analysis:

There is no fiscal impact or other impacts on City resources. The costs of additional sign installations or modifications are planned within the existing budget.

Exhibit 1: Proposed Speed Limit Ordinance

Exhibit 2: Rationale for proposed changes

Contact: Jamal Rahimi, City Traffic Engineer, 623-773-7224

ORDINANCE NO. 2012-21A

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 14-80 PERTAINING TO LOCAL SPEED LIMITS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria, Maricopa County, Arizona as follows:

SECTION 1. Chapter 14 of the Peoria City Code (1992) entitled "Motor Vehicles and Traffic" is amended by amending Section 14-80 pertaining to Local Speed Limits to read as follows:

Sec. 14-80. Local Speed Limits.

- (a) It is hereby determined upon the basis of an engineering and traffic investigations by the Engineering Director that the speed limit permitted by State law on the following streets and/or intersections is greater than, or less than, the speed which is reasonable and prudent under existing conditions, and it is declared that the maximum speed limit on the streets set forth in sub-sections 1, 2, 3, 4, 5, 6, 7 and 8 shall be set forth in this Ordinance.
- (1) The following streets shall have a prima facie speed limit at twenty-five (25) miles per hour at all times:

Arrowhead Fountain Center Drive	Stadium Way to Bell Road
Avenida Del Sol	81 st Avenue to 83 rd Avenue
Butler Drive	83 rd Avenue to 91 st Avenue
Cheryl Drive	67 th Avenue to 79 th Avenue
Country Club Parkway	Grovers Avenue to Union Hills Drive
Fletcher Way	Lake Pleasant Parkway to Pontiac Drive
Golden Lane	75 th Avenue to 79 th Avenue
Grovers Avenue	89 th Avenue to Country Club Parkway
Irma Lane	101 st Avenue to Lake Pleasant Road
Mariners Way	83 rd Avenue to Arrowhead Fountain Center Drive
Monroe Street	91 st Avenue to Grand Avenue
Mountain View Road	83 rd Avenue to 91 st Avenue
Paradise Lane	83 rd Avenue to Private Street
Peoria Avenue	81st Avenue 83 rd Avenue to 85 th Avenue
Plaza Del Rio Boulevard	94 th Drive to Thunderbird Road
Stadium Way	83 rd Avenue to Arrowhead Fountain Center Drive
Sunnyside Drive	67 th Avenue to 76 th Lane
Tierra Buena Lane	75 th Avenue to 79 th Avenue
Varney Road	83 rd Avenue to 87 th Avenue
Washington Street	83 rd Avenue to 85 th Avenue
69 th Avenue	Olive Avenue to Peoria Avenue
69 th Avenue	Cholla Street to Cactus Road

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 Speed Limit Ordinance
 December 4, 2012
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73 rd Avenue	Desert Cove Road to Sweetwater Avenue
77 th Avenue	Mountain View Road to Cholla Street
79 th Avenue	Seldon Lane to Olive Avenue
81 st Avenue	Olive Avenue to Mountain View Road
81 st Avenue	Peoria Avenue to Sweetwater Avenue
81 st Avenue	Pinnacle Peak Road to Hatfield Road
83 rd Avenue	Monroe Street to Edwards Street Peoria Avenue
84 th Avenue	Bell Road to Country Club Parkway
85 th Avenue	Cactus Road to Rue de Lamour
85 th Avenue	Las Palmaritas to Olive Avenue
87 th Avenue	Sweetwater Avenue to Joan De Arc Avenue
87 th Avenue	Betty Elyse Lane to Tumblewood Drive
88 th Drive	Kelton Lane to Bell Road
89 th Avenue	Northern Avenue to Peoria Avenue
89 th Avenue	Bell Road to Union Hills Drive
94 th Drive	Plaza Del Rio Boulevard to Thunderbird Road
95 th Avenue	Las Palmaritas Drive to Olive Avenue
95 th Avenue	Peoria Avenue north to 96 th Avenue
99 th Avenue (Section Line)	Beardsley Road to Potter Drive
101 st Avenue	Beardsley Road to Irma Lane
105 th Avenue	Deer Valley Road to Robin Lane

(2) The following streets shall have a prima facie speed limit set at thirty (30) miles per hour at all times:

Beardsley Road	81st Avenue Road to 83rd Avenue
Black Rock Boulevard	Jomax Road to Westwing Parkway
Butler Drive	104 th Avenue to 114 th Avenue
Cactus Road	91 st Avenue to 92 nd Drive
Calle Lejos	79 th Avenue to 83 rd Avenue
Cholla Street	67 th Avenue to 83 rd Avenue
Country Club Parkway	91 st Avenue to Union Hills Drive
Deer Valley Road	107 th Avenue to 109 th Avenue
Desert Harbor Drive	91 st Avenue to 91 st Avenue
Desert Moon Way	67 th Avenue to Terramar Boulevard
Dove Valley Ranch Drive	91 st Avenue to 95 th Avenue
Edgewater Road	Westbrook Parkway to Westbrook Parkway
Greenway Road	72 nd Drive to 81 st Avenue
High Desert Drive (North Loop)	Westwing Parkway to Westwing Parkway
High Desert Drive (South Loop)	Westwing Parkway to Westwing Parkway
Hillcrest Boulevard	83 rd Avenue to Deer Valley Road
Kelton Lane	84 th Avenue to 91 st Avenue
Lakeview Road	Westbrook Parkway to Westbrook Parkway
Lone Cactus Drive	81 st Avenue to 87 th Avenue
Mountain View Road	67 th Avenue to 79 th Avenue
Olive Avenue Frontage Road (C)	73 rd Avenue to 75 th Avenue
Olive Avenue Frontage Road (A)	75 th Avenue to 7600 West Olive Avenue

Oraibi Drive	81 st Avenue to 83 rd Avenue
Paradise Lane	87 th Avenue to 91 st Avenue
Peoria Avenue	79 th Avenue to 81st Avenue 83 rd Avenue
Pinnacle Peak Road	81 st Avenue to 83 rd Avenue
Pontebella Drive	129 th Avenue to 130 th Lane
Sonoran Mountain Ranch Road	Pyramid Peak Parkway to north of Montgomery Road
Sunrise Point	Town Center Drive to Lone Mountain Parkway
Sunset Point	Sunrise Point to Lone Mountain Parkway
Sweetwater Avenue	71 st Avenue to 87 th Avenue
Terramar Boulevard	Happy Valley Road to Jomax Road
Tumblewood Drive	87 th Avenue to 91 st Avenue
Union Hills Drive	107 th Avenue to 111 th Avenue
Village Parkway	Country Club Parkway to 83 rd Avenue
Westbrook Drive	Country Club Parkway to Village Parkway
Westbrook Parkway	91 st Avenue to Union Hills Dr.
Whispering Ridge	Sunrise Point to Vistancia Boulevard
Whitney Drive	79 th Avenue to Cotton Crossing
71 st Avenue	Olive Avenue to Acoma Drive
79 th Avenue	Mountain View Road to Acoma Drive
79 th Avenue	Country Gables Dr. to Tierra Buena Lane
79 th Avenue	Olive Avenue to Whitney Drive
81 st Avenue	Deer Valley Road to Oraibi Drive
83 rd Avenue	Edwards Street Peoria Avenue to Cholla Street / Varney Road
84 th Avenue	Kelton Lane to Bell Road
85 th Avenue	Olive Avenue to Grand Avenue
87 th Avenue	Beardsley Road to Deer Valley Road
87 th Avenue	Grand Avenue to Northern Avenue
87 th Avenue	Tumblewood Drive to Union Hills Drive
87 th Avenue	Varney Road to Sweetwater Avenue
91 st Avenue	Thunderbird Road to Kelton Lane
91 st Avenue	Villa Lindo to Happy Valley Road
95 th Avenue	Olive Avenue to Peoria Avenue
104 th Avenue	Butler Drive to Olive Avenue
107th Avenue	Northern Avenue to Olive Avenue
111th Avenue	Union Hills Drive to Beardsley Road
112 th Avenue	Beardsley Road to Rose Garden Lane

(3) The following streets shall have a prima facie speed limit set at thirty-five (35) miles per hour at all times:

Beardsley Road	81st Avenue Loop 101 to 83 rd Avenue
Beardsley Road	Lake Pleasant Road to the west City Limits
Cibola Vista Drive	Jomax Road to Lake Pleasant Parkway
Cotton Crossing	Cinnabar Avenue to Peoria Avenue
Deer Valley Road	83rd Avenue to 95th Avenue
Jomax Road	Lake Pleasant Parkway to the west City Limits

Jomax Road	El Mirage Road to 12900 West Jomax Road
Paradise Lane	75 th Avenue to 83 rd Avenue
Peoria Avenue	77th Avenue to 79th Avenue
Peoria Avenue	85 th Avenue to 87 th Avenue
Peoria Avenue	95 th Avenue to 99 th Avenue
Ridgeline Road	Vistancia Boulevard to 119 th Lane
Rose Garden Lane	Lake Pleasant Parkway to 112 th Avenue
Tierra Del Rio	Happy Valley Parkway to Jomax Parkway
Williams Road	Lake Pleasant Parkway to 109 th Avenue
77 th Avenue	Paradise Lane to Bell Road
83rd Avenue	Cholla Street / Varney Road to Cactus Road
83 rd Avenue	Olive Avenue Las Palmaritas to Monroe Street
	Cinnabar Avenue
91 st Avenue	Grand Avenue to Cactus Road
91 st Avenue	Kelton Lane to Bell Road
95 th Avenue	Beardsley Road to Deer Valley Road
99 th Avenue	Northern Avenue to Olive Avenue
103 rd Avenue	Northern Avenue to Olive Avenue
107 th Avenue	Northern Avenue to Olive Avenue
111 th Avenue	Northern Avenue to Olive Avenue
111 th Avenue	Union Hills Drive to Beardsley Road

(4) The following streets shall have a prima facie speed limit set at forty (40) miles per hour at all times:

Beardsley Road	Lake Pleasant Road to 83rd Avenue
Bell Road	The west City Limits to Loop 101 Freeway
Cactus Road	67 th Avenue to 91 st Avenue
Deer Valley Road	95th Ave 75 th Avenue to 107 th Avenue
El Mirage Road	Jomax Road to Vistancia Boulevard
Happy Valley Road	67 th Avenue to Terramar Boulevard
Jomax Road	67 th Avenue to Westwing Parkway
Lake Pleasant Parkway	Beardsley Road to 95 th Avenue
Lake Pleasant Road	Beardsley Road to Lake Pleasant Parkway
Northern Avenue	71 st Avenue to 115 th Avenue
Olive Avenue	67 th Avenue to 99 th Avenue (Section Line)
Peoria Avenue	87 th Avenue to 95 th Avenue
Peoria Avenue	67 th Avenue to 77th Avenue 79 th Avenue
Pinnacle Peak Road	99 th Avenue to Lake Pleasant Parkway
Thunderbird Road	67 th Avenue to 94 th Drive
Union Hills Drive	83 rd Avenue to the west City Limits
Westwing Parkway	Jomax Road to Lake Pleasant Parkway
67 th Avenue	Pinnacle Peak Road to Happy Valley Road
75 th Avenue	Northern Avenue to Bell Road
83 rd Avenue	Cactus Road Cholla Street to Bell Road
83 rd Avenue	Calle Lejos to Jomax Road
83 rd Avenue	Union Hills Drive to Beardsley Road

83 rd Avenue	Lake Pleasant Parkway to Williams Road
91 st Avenue	Bell Road to Pinnacle Peak Road
91 st Avenue	Northern Avenue to Grand Avenue
107 th Avenue	Union Hills Drive to 23200 North 107 th Avenue

- (5) The following streets shall have a prima facie speed limit set at forty-five (45) miles per hour at all times:

Deer Valley Road	75th Avenue to 83rd Avenue
Happy Valley Road	Terramar Boulevard to Lake Pleasant Parkway
Happy Valley Parkway	Lake Pleasant Parkway to 107 th Avenue
Lake Pleasant Parkway	95 th Ave to Yearling Road Westwing Parkway
Lone Mountain Parkway	El Mirage Road to Vistancia Boulevard
Vistancia Boulevard	Loop 303 to Whispering Ridge
87 th Avenue	Carefree Hwy to Joy Ranch Road
107 th Avenue	Hatfield Road to Happy Valley Parkway

- (6) The following streets shall have a prima facie speed limit set at fifty (50) miles per hour at all times:

Castle Hot Springs Road	Carefree Highway (SR74) to north Lake Pleasant Park entrance
Happy Valley Parkway	107 th Avenue to west City Limits
Lake Pleasant Parkway	Yearling Road Westwing Parkway to Carefree Highway (SR 74)
New River Road	Carefree Highway (SR 74) to the north City Limits

- (7) The following type of street shall have a prima facie speed limit set at fifteen (15) miles per hour at all times:

- (a) All public dirt streets or gravel roads within the corporate limits of the City of Peoria, unless posted otherwise.
- (b) The Engineering Director may determine that a different speed limit is appropriate for the specific dirt streets. If so, the Public Works Director is empowered to post the appropriate speed limit signs.

- (8) The following type of streets shall have a prima facie speed limit set at twenty-five (25) miles per hour at all times, unless posted otherwise.

- (a) Collector and residential streets adjacent to all Public Schools (with the exception of High Schools) shall be designated as a School Zone with a prima facie speed limit of twenty-five (25) miles per hour. Arterial streets adjacent to Public Schools and other designated arterial streets may have a School Zone with a prima facie speed limit deemed appropriate by the Engineering Director.
- (b) All PM 10 roads, unless posted otherwise.

(c) All residential streets, unless posted otherwise.

State law reference(s) -- Speed generally, A.R.S. § 28-701 et seq.; authority to alter speed limits, A.R.S. §§28-627(A)(10), 28-703.

- (Ord. No. 90-54, 11/13/90)
- (Ord. No. 91-40, 11/12/91, Amended)
- (Ord. No. 92-01, 1/14/92, Amended)
- (Ord. No. 93-31, 7/6/93, Amended)
- (Ord. No. 93-54, 12/7/93, Amended)
- (Ord. No. 94-54, 7/19/94, Amended)
- (Ord. No. 95-07, 1/17/95, Amended)
- (Ord. No. 98-101, 9/22/98, Amended)
- (Ord. No. 99-14, 4/6/99, Amended) SUPP. 1999-2
- (Ord. No. 01-19, 5/22/2001, Amended) SUPP. 2001-2
- (Ord. No. 02-41, 6/4/2002, Amended) SUPP 2002-2
- (Ord. No. 05-17, 3/1/2005, Amended) SUPP 2005-1
- (Ord. No. 06-34, 09/19/06, Amended) SUPP 2006-03
- (Ord. No. 09-13, 05/05/09, Amended) SUPP 2009-02
- (Ord. No. 2010-01, 01/19/2010, Amended) SUPP 2010-01

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 4th day of December, 2012.

Dated: _____

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, Interim City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in The Peoria Times
Publication Dates: December 7, 2012 and December 14, 2012
Effective Date: _____

S. No	Street	From	To	Posted Speed	85% Speed	Difference between 85% & Posted Speed	Proposed Speed	ADT	# of Crashes	Roadway Section in miles	Collision Rate (per million veh miles)	Functional Classification	Overall Justification for Modification
1	Peoria Avenue	84st Avenue 83 rd Avenue	85 th Avenue	25	37	12	25	13,392	29	0.5	0.27	Major Art	It is in the Old town CBD area with pedestrian activity and side friction with respect to parking and current land use.
2	83 rd Avenue	Monroe Street	Edwards Street Peoria Avenue	25	35	10	25	1,982	1	0.36	1.28	Major Art	83 rd alignment has been changed. The roadway section is within the Old Town CBD area with pedestrian activity and side friction with respect to parking.
3	Peoria Avenue	79 th Avenue	84st Avenue 83 rd Avenue	25/30	37	12	30	16,372	2	0.54	0.21	Major Art	To reduce multiple speed reductions within 1/4 mile and also based on roadway conditions and speed study. Proposed change to reflect 85 th percentile speed and create consistent speed throughout corridor.
4	Whitney Drive	79 th Avenue	Cotton Crossing	30	39	9	30	416	0	0.45	0	Collector	Currently posted at 30 and it is not listed in the current speed limit ordinance. Therefore, it is added to the speed limit ordinance.
5	79 th Avenue	Olive Avenue	Whitney Drive	30	39	9	30	416	0	0.45	0	Collector	Currently posted at 30, but not listed in the current speed limit ordinance. Therefore added to the speed limit ordinance.
6	83 rd Avenue	Edwards Street Peoria Avenue	Cholla Street / Varney Road	25/30	25	0	30	14,390	0	0.37	0	Major Art	To create consistent speed limits throughout corridor and eliminate several speed limit changes.
7	Beardsley Road	L101 Frontage Road	84st Avenue 83 rd Avenue	30	42	12	35	13,304	1	0.53	0.13	Major Art	To be consistent with other street segments and more reasonable speed based on 85 th percentile speed.

S. No	Street	From	To	Posted Speed	85% Speed	Difference between 85% & Posted Speed	Proposed Speed	ADT	# of Crashes	Roadway Section in miles	Collision Rate (per million veh miles)	Functional Classification	Overall Justification for Modification
8	Cotton Crossing	Cinnabar Avenue	Peoria Avenue	35	44	9	35	5,934	0	0.55	0	Major Art	Currently posted at 35mph, but not listed in the current speed limit ordinance. Therefore added to the speed limit ordinance.
9	Tierra Del Rio	Happy Valley Parkway	Jomax Parkway	35	47	12	35	2,756	0	0.65	0	Collector	Currently posted at 35 mph and is not listed in the current speed limit ordinance. Therefore added to the speed limit ordinance.
10	83 ^d Avenue	Olive Ave Las Palmaritas Drive	Monroe St Cinnabar Ave	35	41	6	35	8,150	22	1.15	2.14	Major Art	83 ^d Ave south of Olive Ave to Las Palmaritas has been annexed by the City. A new park is being proposed at Butler Dr and 83 ^d Ave with a proposed industrial park. Based on the proposed developments, land uses and possible side friction, it is proposed 35 mph for the entire corridor.
11	107 th Avenue	Northern Avenue	Olive Avenue	30	41	11	35	5,745	2	1.0	0.32	Major Art	The currently posted speed limit on 107 th Ave is low for the roadway conditions, functional classification of the roadway and the observed 85 th percentile speed.
12	111 th Ave	Union Hills Drive	Beardsley Road	30	43	13	35	2,603	0	1.0	0	Collector	Currently posted at 30mph. Based on the 85% speed and less friction, and no crashes on this section of roadway, it is proposed to increase the speed limit to 35 mph.
13	Deer Valley Road	75 th Avenue	9th Avenue 107 th Avenue	35/40/45	44	4	40	22,500	44	2.0	0.89	Major Art	Based on the 85 th percentile speed, functional classification, crash data, to be consistent with other segments of roadway and eliminate several speed limit changes, it is proposed 40 mph along Deer Valley Rd.

S. No	Street	From	To	Posted Speed	85% Speed	Difference between 85% & Posted Speed	Proposed Speed	ADT	# of Crashes	Roadway Section in miles	Collision Rate (per million veh miles)	Functional Classification	Overall Justification for Modification
14	Peoria Avenue	67 th Avenue	77th Avenue 79 th Avenue	35/40	46	11	40	20,459	10	1.5	0.30	Major Art	To be consistent with other street segments and more reasonable speed based on 85 th percentile speed.
15	67 th Avenue	Pinnacle Peak Road	Happy Valley Road	45	44	1	40	21,343	45	1.0	1.93	Major Art	Currently posted at 40 and it is not listed in the current speed limit ordinance. Therefore, it is added to the speed limit ordinance.
16	83 ^d Avenue	Cactus Road Cholla Street	Bell Road	35/40	46	11	40	17,800	66	3.5	0.96	Major Art	To create consistent speed limits throughout corridor and eliminate several speed limit changes.
17	107 th Avenue	Hatfield Road	Happy Valley Parkway	45	45	0	45	7,366	1	0.5	0.12	Major Art	Major Arterial with raised medians. Currently posted at 45 mph, but is not listed in the current speed limit ordinance. Therefore added to the speed limit ordinance.
18	Lake Pleasant Parkway	95 th Avenue	Yearling Road Westwing Parkway	45/50	52	7	45	20,000	65	4.25	0.67	Major Art	<p>The following are the reasons for speed changes:</p> <ul style="list-style-type: none"> recent developments on LPP such as the New Basis School, proposed Peoria Regional Medical Center closely spaced signals projected traffic increase with L303 safety and efficient coordination of signal timings along this corridor.
19	Lake Pleasant Parkway	Yearling Road Westwing Parkway	Carefree Highway (SR 74)	45/50	58	13	50	6,900	15	4.50	0.44	Major Art	

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 8C

Date Prepared: November 13, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager
FROM: William Mattingly, Public Works – Utilities Director
THROUGH: Susan K. Thorpe, Deputy City Manager
SUBJECT: Bureau of Reclamation Home Owner Associations Water Efficiency Grant

Purpose:

Discussion and possible action to accept the grant award through United States Department of the Interior Bureau of Reclamation for Home Owner Associations (HOAs) Water Efficiency grant agreement number R12AP32020 in the amount of \$25,000. In addition, staff recommends approval of a budget adjustment in the amount of \$25,000 from Proposed Grant contingency (7990-7990-570000) to BOR HOA Water Efficiency Grant Fund various accounts (7862-7812).

Background/Summary:

On July 2, 2012 the United States Department of the Interior Bureau of Reclamation informed the city that our proposal for HOAs Water Efficiency funding was approved for \$25,000. The scope of work for the grant agreement includes the following:

1. Identification of Water Audit Participants.
2. Water Auditor Training and Certification for Water Conservation Staff.
3. Conducting Audit to Select HOA to Receive New “Smart” Irrigation Controllers.
4. Irrigation Controller Purchase and Installation.

The total project funding is listed below.

City Funding	\$33,037	57%
BOR Grant	<u>\$25,000</u>	43%
Total Project Cost	\$58,037	100%

The City funding will be provided from the following budgeted line items:

Other Professional Services (2050-2120-520099)	\$ 9,990
Local Training (2050-2120-520511)	\$ 537
Community Promotions (2050-2120-522099)	<u>\$22,510</u>
Total	\$33,037

Previous Actions:

None.

Options:

- A:** Accept the grant award through United States Department of the Interior Bureau of Reclamation for HOAs Water Efficiency grant agreement number R12AP32020.
- B:** The Council could decline the grant award from the Bureau of Reclamation.

Staff's Recommendation:

Staff recommends that the Mayor and Council accept the grant award through United States Department of the Interior Bureau of Reclamation in the amount of \$25,000 for HOAs Water Efficiency grant agreement number R12AP32020.

Fiscal Analysis:

In addition, staff recommends approval of a budget adjustment in the amount of \$25,000 from Proposed Grant contingency (7990-7990-570000) to the BOR HOA Water Efficiency Grant Fund various accounts (7862-7812).

Other Professional Services (7862-7812-520099)	\$ 9,990
Community Promotions (7862-7812-522099)	\$15,010

This transfer will establish appropriation to expend the funds.

Narrative:

Acceptance of the grant award of \$25,000 will allow the City to provide water management and conservation measures to HOAs that will improve water efficiencies. This is an important component of sustaining water resources in the west.

Exhibit(s):

Exhibit 1: Grant Agreement – R12AP32020

Contact Name and Number:

William Mattingly, Public Works – Utilities Director, 623-773-5151

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
ASSISTANCE AGREEMENT**

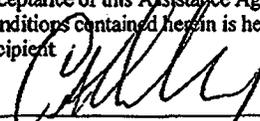
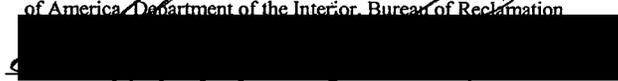
1A. AGREEMENT NUMBER R12AP32020		1B. MOD NUMBER N/A		2. TYPE OF AGREEMENT <input checked="" type="checkbox"/> GRANT <input type="checkbox"/> COOPERATIVE AGREEMENT		3. CLASS OF RECIPIENT City or Township Government			
4. ISSUING OFFICE Bureau of Reclamation Lower Colorado Region P.O. Box 61470 Boulder City, NV 89006-1460				5. RECIPIENT The City of Peoria 8401 West Monroe Street Peoria, Arizona 85345					
				EIN #:		86-6003634		County: Maricopa	
				DUNS #:		809812170		Congress. Dist: 02	
6. ADMINISTRATIVE POINT OF CONTACT Shawna Thompson, LC-10101 Bureau of Reclamation P.O. Box 61470 Boulder City, NV 89006-1470 Phone: 702-293-8570, Email: smthompson@usbr.gov				7. RECIPIENT PROJECT MANAGER Mr. Michael Buettner Water Resources and Environmental Manager City of Peoria 8401 West Monroe Street Peoria, Arizona 85345 Phone: 623-773-7357, Email: Michael.buettner@peoriaaz.gov					
8. GRANTS OFFICER TECHNICAL REPRESENTATIVE Lynne A. Fisher - PXAO 7000 Bureau of Reclamation 6150 West Thunderbird Road Glendale, AZ 85306 Phone: 623-773-6273, Email: lafisher@usbr.gov				9A. INITIAL AGREEMENT EFFECTIVE DATE: See Date in Block 17a		9B. MODIFICATION EFFECTIVE DATE: N/A			
				10. COMPLETION DATE March 30, 2014					
11A. PROGRAM STATUTORY AUTHORITY P.L. 111-11 Omnibus Public Lands Management Act of 2009, Sec. 9504(a) (1) (a) - (h)						11B. CFDA Number 15.530			
12. FUNDING INFORMATION		<u>RECIPIENT/OTHER</u>		<u>RECLAMATION</u>		13. REQUISITION NUMBER 12320700011			
Total Estimated Amount of Agreement		\$33,037		\$25,000		14A. ACCOUNTING AND APPROPRIATION DATA Cost Authority: A10-1971-6200-200-54-0-0 Cost Center: 3207000 Object Code: 411G			
This Obligation		\$33,037		\$25,000					
Previous Obligation		\$0		\$0					
Total Obligation		\$33,037		\$25,000					
Cost-Share %		57%		43%		14B. TREASURY ACCOUNT FUNDING SYMBOL 14X0680			
15. PROJECT TITLE AND BRIEF SUMMARY OF PURPOSE AND OBJECTIVES OF PROJECT PROJECT TITLE: HOAs Water Efficiency Through Implementation of Recent Conservation Technology PURPOSE: To provide through water audits information to the HOAs to gain a better understanding of good water management and water conservation principles, and integrate water conserving "Smart" irrigation controllers that can save money while preserving precious resources.									
16a. Acceptance of this Assistance Agreement in accordance with the terms and conditions contained herein is hereby made on behalf of the above-named recipient BY:  DATE: 9/19/12				17a. Award of this Assistance Agreement in accordance with the terms and conditions contained herein is hereby made on behalf of the United States of America, Department of the Interior, Bureau of Reclamation BY:  DATE: 4/14/2012					
16b. NAME, TITLE, AND TELEPHONE NUMBER OF SIGNER Carl Swenson City Manager 623-773-7572 <input type="checkbox"/> Additional signatures are attached				17b. NAME OF GRANTS OFFICER Shawna M. Thompson Grants Officer 702-293-8570					

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**Grant Agreement
Between
Bureau of Reclamation
And
City of Peoria
For
HOAs Water Efficiency**

I. OVERVIEW AND SCHEDULE

1. AUTHORITY

This Grant Agreement (Agreement) is entered into between the United States of America, acting through the Department of the Interior, Bureau of Reclamation, hereinafter referred to as "Reclamation," and City of Peoria, hereinafter referred to as the "Recipient" or "Grantee," pursuant to Public Law 111-11 (42 USC 10364). The following section, provided in full text, authorizes Reclamation to award this financial assistance agreement:
SEC. 9504. WATER MANAGEMENT IMPROVEMENT.

- (a) Authorization of Grants and Cooperative Agreements –
- (1) **AUTHORITY OF SECRETARY** – The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement - -
- (A) to conserve water;
 - (B) to increase water use efficiency;
 - (C) to facilitate water markets;
 - (D) to enhance water management, including increasing the use of renewable energy in the management and delivery of water;
 - (E) to accelerate the adoption and use of advanced water treatment technologies to increase water supply;
 - (F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule);
 - (G) to accelerate the recovery of threatened species, endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or
 - (H) to carry out any other activity
 - (i) to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change; or
 - (ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area.

2. PUBLIC PURPOSE OF SUPPORT OR STIMULATION

The public benefit of the project is to provide water management and conservation measures to HOAs that will improve water efficiencies. This is an important component of sustaining water resources in the west.

3. BACKGROUND AND OBJECTIVES

Residents of the City of Peoria typically use up to 70 percent of their potable water outdoors. Providing programs to higher water wasting entities, could assist in ensuring water resources are better used. Through an understanding of good water management and water conservation principles, the public can integrate a variety of water conservation techniques that can save money while preserving resources. The purpose of this project is to work with HOAs in the city to identify and implement efficient water management and conservation efforts.

4. PERIOD OF PERFORMANCE AND FUNDS AVAILABILITY

This Agreement becomes effective on the date shown in Block 17a of Form 7-2279, United States of America, Department of the Interior, Bureau of Reclamation, Assistance Agreement. The Agreement shall remain in effect until the date shown in Block 10 of Form 7-2279, United States of America, Department of the Interior, Bureau of Reclamation, Assistance Agreement. The period of performance for this Agreement may only be modified through written modification of the Agreement by a Reclamation Grants Officer (GO).

No legal liability on the part of the Government for any payment may arise until funds are made available, in writing, to the Recipient by the Grants Officer. The total estimated amount of federal funding for this agreement is \$25,000 of which the initial amount of federal funds available is limited to \$25,000 as indicated by "this obligation" within Block 12 of Form 7-2279, United States of America, Department of the Interior, Bureau of Reclamation, Assistance Agreement. Subject to the availability of Congressional appropriations, subsequent funds will be made available for payment through written modifications to this agreement by a Reclamation Grants Officer.

5. SCOPE OF WORK AND MILESTONES

Task A Identification of Water Audit Participants

The first step is to identify HOAs that will participate in the water audit project. The city of Peoria currently has 161 HOA communities. Typically, each HOA has common grass areas that the HOA maintains. Based on the City's review of HOA annual water bills, they will identify the top 30 HOAs to target for a water audit. The city will conduct community outreach among these top 30 HOAs to identify those interested in participating in the water audit. This will be performed by water conservation staff, with assistance from the City's Communications staff. Outreach will include personal contact direct mail/email, and informational literature.

After developing a list of interested HOAs the city staff will conduct pre-audit meetings with HOA representatives to answer any questions they may have regarding the purpose of the project. With assistance from the HOA representatives, the city staff will gather essential information on their irrigation systems(s) including:

- Design or as-built plans;
- Irrigation control devices (locations, type, age);
- Most recent leak detection survey (if available);
- Meter information (size, age, type), and the type(s) of landscape that the meter serves;
- Consumption data at each meter;
- Billing/cost information;
- City staff will compile data and organize for Task C.

Task A Identification of Water Audit Participants Task	Dates	
Identify Top 30 HOA Water Users	Oct-2012	Nov-2012
Develop and Conduct Outreach	Nov-2012	Jan-2012
Pre-Audit Meeting, Information Gathering	Dec-2012	Mar-2013
Data Compilation	April-2013	April-2013

Task B Water Auditor Training and Certification for Water Conservation Staff

Currently, the city does not have any staff trained to conduct water audits. The city intends to send three environmental resources staff to a two-day Certified Landscape Irrigation Auditors Workshop designed to provide water auditor certification. Participants will learn to perform site inspections, evaluate irrigation systems, prepare a water budget, and develop efficient irrigation schedules. Class time is spending learning about irrigation theory, practicing collection of field data, and performing data entry and processing. The Field Audit workshop and study session provides hands-on opportunity for participants to practice water audit procedures and review for the exam. Successful completion of the Certified Landscape Irrigation Auditor exam will be recognized by issuance of a Certificate, provided by Ewing (the trainer) for the purpose of conducting Landscape Irrigation Water Audits.

Task B Water Auditor Training and Certification for Water Conservation Staff	Dates	
Water Auditor Training and Certification	Nov-2012	Jan-2013

Task C. Conducting Audit to Select HOAs to Receive New “Smart” Irrigation Controllers

Once the staff has completed Task B, the city can conduct water audits on selected participants. The audit consists of site inspections, evaluating irrigation systems, preparing a water budget, and developing efficient irrigation schedules. Staff will then prepare reports for each participant, which will provide information to help these HOAs improve their water management to obtain the best results for their landscapes as well as reduce water use. Staff will distribute reports and conduct post-audit meetings to explain the City’s water management recommendations and answer any questions the HOA representatives may have. For those whose audits reveal the new “Smart” Irrigation Controllers(s) would provide substantive water efficiencies and conservation, we will move forward to purchase and install these controllers under Task D.

Task C. Conducting audit to Select HOAs to Receive New “Smart” Irrigation Controllers	Dates	
Conduct Water Audits	May-2013	Sep-2013
Prepare water management reports for HOAs	Jun-2013	Oct-2013
Distribute reports, post-audit meetings	Jul-2013	Nov-2013

Task D. Irrigation Controller Purchase and Installation

Smart irrigation control systems typically include either a standalone controller or an add-on device which interfaces with a conventional clock-type controller. The weather and/or soil moisture-based technologies incorporated into these devices allow them to function similar to a thermostat. Like a thermostat, the devices permit irrigation to occur when needed rather than on a preset schedule. Regardless of the specific method or technology, the concept is for the appropriate irrigation quantity to be applied an appropriate time. Most of these systems are available in a variety of sizes appropriate for small residential to large commercial applications. For this project, a device with more than a 12 station (zone) capacity is considered large residential. Larger industrial type commercial products possess high station capacity and offer additional features such as flow sensing, surge and lightning protection, multiple meter valve circuits, concurrent station operation, and other sophisticated features. It is anticipated that both large residential and industrial types of products will be purchased and installed to the HOA irrigation systems, based upon the results of the water audit.

This agreement supports the purchase and installation of up to 60 “Smart” Irrigation Controllers. With an anticipation that each HOA will utilize 4 “Smart” Irrigation Controllers. If there are more than 15 selected participants that can benefit from any remaining controller purchase and installation funds, the City will conduct audits on the commensurate number of the additional HOAs to join the project.

The City will provide the training and the warranty documents to the participating HOAs after installation and programming has been completed.

Task D. Irrigation Controller Purchase and Installation	Dates	
	Purchase 60 Irrigation Controllers	Jan-2013
Install Irrigation Controllers	Aug-2013	Dec-2013
Training of HOA Representatives	Sep-2013	Jan-2014
Final Report to Bureau of Reclamation	Feb-2014	Mar-2014

6. RESPONSIBILITY OF THE PARTIES

6.1 Recipient Responsibilities

6.1.1 The Recipient shall carry out the Scope of Work in accordance with the terms and conditions stated herein. The Recipient shall adhere to Federal, state, and local laws, regulations, and codes, as applicable, and shall obtain all required approvals and permits. If the Scope of Work contains construction activities, the Recipient is responsible for construction inspection, oversight, and acceptance. If applicable, the Recipient shall also coordinate and obtain approvals from site owners and operators.

6.2 Reclamation Responsibilities

6.2.1 Reclamation will monitor and provide federal oversight of activities performed under this Agreement. Monitoring and oversight includes review and approval of financial status and performance reports, payment requests, and any other deliverables identified as part of the Scope of Work. Additional monitoring activities may include site visits, conference calls, and other on-site and off-site monitoring activities. At the Recipient's request, Reclamation may also provide technical assistance to the Recipient in support of the Scope of Work and objectives of this Agreement.

7. BUDGET

7.1 Budget Estimate. The following is the estimated budget for this Agreement. As federal financial assistance agreements are cost-reimbursable, the budget provided is for estimation purposes only. Final costs incurred under the budget categories listed may be either higher or lower than the estimated costs. All costs incurred by the Recipient under this agreement must be in accordance with any pre-award clarifications conducted between the Recipient and Reclamation, as well as with the terms and conditions of this agreement. Final determination of the allowability, allocability, or reasonableness of costs incurred under this agreement is the responsibility of the Grants Officer. Recipients are encouraged to direct any questions regarding allowability, allocability or reasonableness of costs to the Grants Officer for review prior to incurrence of the costs in question.

BUDGET ITEM DESCRIPTION	COMPUTATION		RECIPIENT FUNDING	OTHER FUNDING	RECLAMATION FUNDING	TOTAL COST
	Price/Unit	Quantity				
SALARIES AND WAGES --Position title x hourly wage/salary x est. hours for assisted activity. Describe this information for each position.						
FRINGE BENEFITS -- Explain the type of fringe benefits and how applied to various categories of personnel.						
SUPPLIES/MATERIALS --Describe all major types of supplies/materials, unit price, # of units, etc., to be used on this assisted activity.						
Irrigation Controllers	\$537.50	60	\$20,010.00		\$12,510.00	\$32,520.00
Misc Supplies (fittings/Valves)	\$5,000.00	LS	\$2,500.00		\$2,500.00	\$5,000.00
CONTRACTUAL/ CONSTRUCTION --Explain any contracts or sub-Agreements that will be awarded, why needed. Explain contractor qualifications and how the contractor will be selected.						
Contract (Installation of Irrigation Controller)			\$9,990.00		\$9,990.00	\$19,980.00
OTHER --List any other cost elements necessary for your project, such as extra reporting, or contingencies in a construction contract.						
Other(Training Certifications)	\$179.00	3	537.00			\$537.00
TOTAL DIRECT COSTS--			\$33,037.00		\$25,000.00	\$58,037.00
TOTAL PROJECT/ACTIVITY COSTS						\$58,037.00

*** City of Peoria will provide salaries and wages + fringe benefits for this project and will not claim the expenses.

7.2 Cost Sharing Requirement

At least 50% non-federal cost-share is required for costs incurred under this Agreement. If pre-award costs are authorized, reimbursement of these costs is limited to federal cost share percentage identified in this agreement.

7.3 Pre-Award Incurrence of Costs

The Recipient is not authorized to incur costs prior to the award of this Agreement. Costs incurred prior to the award of this agreement are not allowable.

7.4 Allowable Costs (2 CFR Part §225)

Costs incurred for the performance of this Agreement must be allowable, allocable to the project, and reasonable. The following Office of Management and Budget (OMB) Circular, codified within the Code of Federal Regulations (CFR), governs the allowability of costs for Federal financial assistance:

2 CFR Part 225 (OMB Circular A-87), "Cost Principles for State, Local, and Indian Tribal Governments"

Expenditures for the performance of this Agreement must conform to the requirements within this Circular. The Recipient must maintain sufficient documentation to support these expenditures. Questions on the allowability of costs should be directed to the GO responsible for this Agreement.

The Recipient shall not incur costs or obligate funds for any purpose pertaining to operation of the program or activities beyond the expiration date stated in the Agreement. The only costs which are authorized for a period of up to 90 days following the project performance period are those strictly associated with closeout activities for preparation of the final report.

7.5 Changes (43 CFR §12.70).

(a) *General.* Grantees and subgrantees are permitted to rebudget within the approved direct cost budget to meet unanticipated requirements and may make limited program changes to the approved project. However, unless waived by the awarding agency, certain types of post-award changes in budgets and projects shall require the prior written approval of the awarding agency.

(b) *Relation to cost principles.* The applicable cost principles (see 43 §12.62) contain requirements for prior approval of certain types of costs. Except where waived, those requirements apply to all grants and subgrants even if paragraphs (c) through (f) of this section do not.

(c) *Budget changes.*

(1) *Nonconstruction projects.* Except as stated in other regulations or an award document, grantees or subgrantees shall obtain the prior approval of the awarding agency whenever any of the following changes is anticipated under a nonconstruction award:

(i) Any revision which would result in the need for additional funding.

(ii) Unless waived by the awarding agency, cumulative transfers among direct cost categories, or, if applicable, among separately budgeted programs, projects, functions, or activities which exceed or are expected to exceed ten percent of the current total approved budget, whenever the awarding agency's share exceeds \$100,000.

(iii) Transfer of funds allotted for training allowances (i.e., from direct payments to trainees to other expense categories).

(2) *Construction projects.* Grantees and subgrantees shall obtain prior written approval for any budget revision which would result in the need for additional funds.

(3) *Combined construction and nonconstruction projects.* When a grant or subgrant provides funding for both construction and nonconstruction activities, the grantee or subgrantee must obtain prior written approval from the awarding agency before making any fund or budget transfer from nonconstruction to construction or vice versa.

(d) *Programmatic changes.* Grantees or subgrantees must obtain the prior approval of the awarding agency whenever any of the following actions is anticipated:

(1) Any revision of the scope or objectives of the project (regardless of whether there is an associated budget revision requiring prior approval).

(2) Need to extend the period of availability of funds.

(3) Changes in key persons in cases where specified in an application or a grant award. In research projects, a change in the project director or principal investigator shall always require approval unless waived by the awarding agency.

(4) Under nonconstruction projects, contracting out, subgranting (if authorized by law) or otherwise obtaining the services of a third party to perform activities which are central to the purposes of the award, *unless included in the initial funding proposal*. This approval requirement is in addition to the approval requirements of 43 §12.76 but does not apply to the procurement of equipment, supplies, and general support services.

(e) *Additional prior approval requirements.* The awarding agency may not require prior approval for any budget revision which is not described in paragraph (c) of this section.

(f) *Requesting prior approval.*

(1) A request for prior approval of any budget revision will be in the same budget format the grantee used in its application and shall be accompanied by a narrative justification for the proposed revision.

(2) A request for a prior approval under the applicable Federal cost principles (see §12.62) may be made by letter.

(3) A request by a subgrantee for prior approval will be addressed in writing to the grantee. The grantee will promptly review such request and shall approve or disapprove the request in writing. A grantee will not approve any budget or project revision which is inconsistent with the purpose or terms and conditions of the Federal grant to the grantee. If the revision, requested by the subgrantee would result in a change to the grantee's approved project which requires Federal prior approval, the grantee will obtain the Federal agency's approval before approving the subgrantee's request.

7.6 Modifications

Any changes to this Agreement shall be made by means of a written modification. Reclamation may make changes to the Agreement by means of a unilateral modification to address administrative matters, such as changes in address, no-cost time extensions, or the addition of previously agreed upon funding. Additionally, a unilateral modification may be utilized by Reclamation if it should become necessary to suspend or terminate the Agreement in accordance with 43 CFR 12.83.

All other changes shall be made by means of a bilateral modification to the Agreement. No oral statement made by any person, or written statement by any person other than the GO, shall be allowed in any manner or degree to modify or otherwise effect the terms of the Agreement.

All requests for modification of the Agreement shall be made in writing, provide a full description of the reason for the request, and be sent to the attention of the GO. Any request for project extension shall be made at least 45 days prior to the expiration date of the Agreement or the expiration date of any extension period that may have been previously granted. Any determination to extend the period of performance or to provide follow-on funding for continuation of a project is solely at the discretion of Reclamation.

8. KEY PERSONNEL

8.1 Recipient's Key Personnel

The Recipient's Project Manager for this Agreement shall be:
Ms Michael Buettner
Water Resources and Environmental Manager
City of Peoria
8401 West Monroe Street
Peoria, Arizona 85345
Phone: 623-773-7357, Email: Michael.buettner@peoriaaz.gov
Changes to Key Personnel require compliance with 43 CFR 12.70(d)(3).

8.2 Reclamation's Key Personnel

8.2.1 Grants Officer (GO):

Shawna Thompson, LC-10101
Bureau of Reclamation
P.O. Box 61470
Boulder City, NV 89006-1470
Phone: 702-293-8570, Email: smthompson@usbr.gov

- (a) The GO is the only official with legal delegated authority to represent Reclamation. The GO's responsibilities include, but are not limited to, the following:
- (1) Formally obligate Reclamation to expend funds or change the funding level of the Agreement;
 - (2) Approve through formal modification changes in the scope of work and/or budget;
 - (3) Approve through formal modification any increase or decrease in the period of performance of the Agreement;
 - (4) Approve through formal modification changes in any of the expressed terms, conditions, or specifications of the Agreement;

- (5) Be responsible for the overall administration, management, and other non-programmatic aspects of the Agreement including, but not limited to, interpretation of financial assistance statutes, regulations, circulars, policies, and terms of the Agreement;
- (6) Where applicable, ensures that Reclamation complies with the administrative requirements required by statutes, regulations, circulars, policies, and terms of the Agreement.

8.2.2 Grants Officer Technical Representative (GOTR):

Lynne A. Fisher – PXAO 7000
Bureau of Reclamation
6150 West Thunderbird Road
Glendale, AZ 85306
Phone: 623-773-6273, Email: lafisher@usbr.gov

- (a) The GOTR's authority is limited to technical and programmatic aspects of the Agreement. The GOTR's responsibilities include, but are not limited to, the following:
 - (1) Assist the Recipient, as necessary, in interpreting and carrying out the scope of work in the Agreement;
 - (2) Review, and where required, approve Recipient reports and submittals as required by the Agreement;
 - (3) Where applicable, monitor the Recipient to ensure compliance with the technical requirements of the Agreement;
 - (4) Where applicable, ensure that Reclamation complies with the technical requirements of the Agreement;
- (b) The GOTR does not have the authority to and may not issue any technical assistance which:
 - (1) Constitutes an assignment of additional work outside the scope of work of the Agreement;
 - (2) In any manner causes an increase or decrease in the total estimated cost or the time required for performance; or
 - (3) Changes any of the expressed terms, conditions, or specifications of the Agreement.

9. REPORTING REQUIREMENTS AND DISTRIBUTION

9.1 Noncompliance. Failure to comply with the reporting requirements contained in this Agreement may be considered a material non-compliance with the terms and conditions of the award. Non compliance may result in withholding of payments pending receipt of required reports, denying both the use of funds and matching credit for all or part of the cost of the activity or action not in compliance, whole or partial suspension or termination of the Agreement, recovery of funds paid under the Agreement, withholding of future awards, or other legal remedies in accordance with 43 CFR §12.83.

9.2 Financial Reports. Financial Status Reports shall be submitted by means of the SF-425 and shall be submitted according to the Report Frequency and Distribution schedule below. All financial reports shall be signed by an Authorized Certifying Official for the Recipient's organization.

9.3 Monitoring and reporting program performance (43 CFR §12.80)

(a) *Monitoring by grantees.* Grantees are responsible for managing the day-to-day operations of grant and subgrant supported activities. Grantees must monitor grant and subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved. Grantee monitoring must cover each program, function or activity.

(b) *Nonconstruction performance reports.* The Federal agency may, if it decides that performance information available from subsequent applications contains sufficient information to meet its programmatic needs, require the grantee to submit a performance report only upon expiration or termination of grant support. Unless waived by the Federal agency this report will be due on the same date as the final Financial Status Report.

(1) Grantees shall submit annual performance reports unless the awarding agency requires quarterly or semi-annual reports. However, performance reports will not be required more frequently than quarterly. Annual reports shall be due 90 days after the grant year, quarterly or semi-annual reports shall be due 30 days after the reporting period. The final performance report will be due 90 days after the expiration or termination of grant support. If a justified request is submitted by a grantee, the Federal agency may extend the due date for any performance report. Additionally, requirements for unnecessary performance reports may be waived by the Federal agency.

(2) Performance reports will contain, for each grant, brief information on the following:

(i) A comparison of actual accomplishments to the objectives established for the period. Where the output of the project can be quantified, a computation of the cost per unit of output may be required if that information will be useful.

(ii) The reasons for slippage if established objectives were not met.

(iii) Additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(3) Grantees will not be required to submit more than the original and two copies of performance reports.

(4) Grantees will adhere to the standards in this section in prescribing performance reporting requirements for subgrantees.

(c) *Construction performance reports.* For the most part, on-site technical inspections and certified percentage-of-completion data are relied on heavily by Federal agencies to monitor progress under construction grants and subgrants. The Federal agency will require additional formal performance reports only when considered necessary, and never more frequently than quarterly.

(d) *Significant developments.* Events may occur between the scheduled performance reporting dates which have significant impact upon the grant or subgrant supported activity. In such cases, the grantee must inform the Federal agency as soon as the following types of conditions become known:

(1) Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of the award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.

(2) Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more beneficial results than originally planned.

(e) Federal agencies may make site visits as warranted by program needs.

(f) *Waivers, extensions.*

(1) Federal agencies may waive any performance report required by this part if not needed.

(2) The grantee may waive any performance report from a subgrantee when not needed. The grantee may extend the due date for any performance report from a subgrantee if the grantee will still be able to meet its performance reporting obligations to the Federal agency.

9.4 Report Frequency and Distribution. The following table sets forth the reporting requirements for this Agreement. Please note the first report due date listed for each type of report.

REQUIRED REPORTS	Interim Reports	Final Report
Performance Report		
Format	No specific format required. See content requirements within Section 9.3 (43 CFR 12.80) above.	Summary of activities completed during the entire period of performance is required. See

		content requirements within Section 9.3 (43 CFR 12.80) above.
Reporting Frequency	Semi-Annual	Final Report due upon completion of Agreement's period of performance
Reporting Period	For Semi-Annual Reporting: October 1 through March 31 and April 1 through September 30.	Entire period of performance
Due Date*	Within 30 days after the end of the Reporting Period	Within 90 days after the completion date of the Agreement
First Report Due Date	The first performance report is due for reporting period ending September 30, 2012	N/A
Submit to:	GO at LCFA@usbr.gov	GO at LCFA@usbr.gov
Federal Financial Report		
Format	SF-425 (all sections must be completed)	SF-425(all sections must be completed)
Reporting Frequency	Semi-Annual	Final Report due upon completion of Agreement's period of performance
Reporting Period	For Semi-Annual Reporting: October 1 through March 31 and April 1 through September 30.	Entire period of performance
Due Date*	Within 30 days after the end of the Reporting Period	Within 90 days after the completion date of the Agreement
First Report Due Date	The first Federal financial report is due for reporting period ending September 30, 2012	N/A
Submit to:	GO at LCFA@usbr.gov	GO at LCFA@usbr.gov

* If the completion date is prior to the end of the next reporting period, then no interim report is due for that period. Instead, the Recipient is required only to submit the final financial and performance reports, which will cover the entire period of performance including the last abbreviated reporting period.

10. REGULATORY COMPLIANCE

The Recipient agrees to comply or assist Reclamation with all regulatory compliance requirements and all applicable State, Federal, and local environmental and cultural and paleontological resource protection laws and regulations as applicable to this project. These may include, but are not limited to, the National Environmental Policy Act (NEPA), including the Council on Environmental Quality and Department of the Interior regulations implementing NEPA, the Clean Water Act, the Endangered Species Act, consultation with potentially affected Tribes, and consultation with the State Historic Preservation Office.

Certain environmental and other associated compliance are Federal responsibilities, and will occur as appropriate. Reclamation will identify the need for and will complete any appropriate environmental compliance requirements, as identified above, pertinent to Reclamation pursuant

to activities specific to this assisted activity. Environmental and other associated compliance shall be completed prior to the start of this project. As such, notwithstanding any other provision of this Agreement, Reclamation shall not provide any funds to the Recipient for Agreement purposes, and the Recipient shall not begin implementation of the assisted activity described in this Agreement, until Reclamation provides written notice to the Recipient that all applicable environmental and regulatory compliance analyses and clearances have been completed and that the Recipient may begin implementation of the assisted activity. If the Recipient begins project activities that require environmental and other regulatory compliance approval, such as construction activities, prior to receipt of written notice from Reclamation that all such clearances have been obtained, then Reclamation reserves the right to unilaterally terminate this agreement for cause.

11. AGRICULTURAL OPERATIONS [Public Law 111-11, Section 9504(a)(3)(B)]

The Recipient shall not use any associated water savings to increase the total irrigated acreage of the Recipient or otherwise increase the consumptive use of water in the operation of the Recipient, as determined pursuant to the law of the State in which the operation of Recipient is located.

12. TITLE TO IMPROVEMENTS [Public Law 111-11, Section 9504(a)(3)(D)]

If the activities funded under this Agreement result in an infrastructure improvement to a federally owned facility, the Federal Government shall continue to hold title to the facility and improvements to the facility.

13. OPERATION AND MAINTENANCE COSTS [Public Law 111-11, Section 9504(a)(3)(E)(iv.)]

The non-Federal share of the cost of operating and maintaining any infrastructure improvement funded through this Agreement shall be 100 percent.

14. LIABILITY [Public Law 111-11, Section 9504(a)(3)(F)]

(a) IN GENERAL.—Except as provided under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved under this Agreement, the title of which is not held by the United States.

(b) TORT CLAIMS ACT.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

II. RECLAMATION STANDARD TERMS AND CONDITIONS - STATES, LOCAL GOVERNMENTS, AND FEDERALLY RECOGNIZED INDIAN TRIBAL GOVERNMENTS

1. REGULATIONS

The regulations at 43 CFR, Part 12, Subparts A, C, E, and F, are hereby incorporated by reference as though set forth in full text. The following Office of Management and Budget (OMB) Circulars, as applicable, and as implemented by 43 CFR Part 12, are also incorporated by reference and made a part of this Agreement. Failure of a Recipient to comply with any applicable regulation or circular may be the basis for withholding payments for proper charges made by the Recipient and/or for termination of support.

1.1 Colleges and Universities that are Recipients or sub-recipients shall use the following:

2 CFR Parts 215 and 220 (Circular A 21), "Cost Principles for Educational Institutions"

Circular A 110, as amended September 30, 1999, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" (Codification by Department of Interior, 43 CFR 12, Subpart F)

Circular A-133, revised June 27, 2003, "Audits of States, Local Governments, and Non-Profit Organizations"

1.2 State, Local and Tribal Governments that are Recipients or sub-recipients shall use the following:

2 CFR Part 225 (Circular A 87), "Cost Principles for State, Local, and Indian Tribal Governments"

Circular A 102, as amended August 29, 1997, "Grants and Cooperative Agreements with State and Local Governments" (Grants Management Common Rule, Codification by Department of Interior, 43 CFR 12, Subpart C)

Circular A-133, revised June 27, 2003, Audits of States, Local Governments, and Non-Profit Organizations"

1.3 Nonprofit Organizations that are Recipients or sub-recipients shall use the following:

2 CFR Part 230 (Circular A 122), "Cost Principles for Non-Profit Organizations"

Circular A 110, as amended September 30, 1999, "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" (Codification by Department of Interior, 43 CFR 12, Subpart F)

Circular A-133, revised June 27, 2003, "Audits of States, Local Governments, and Non-Profit Organizations"

1.4 Organizations other than those indicated above that are Recipients or sub-recipients shall use the basic principles of OMB Circular A-110 (Codification by Department of Interior, 43 CFR 12, Subpart F), and cost principles shall be in accordance with 48 CFR Subpart 31.2.

1.5 43 CFR 12.77 sets forth further regulations that govern the award and administration of subawards by State governments.

2. PAYMENT

2.1 Payment Standards. (43 CFR §12.61)

(a) *Scope.* This section prescribes the basic standard and the methods under which a Federal agency will make payments to grantees, and grantees will make payments to subgrantees and contractors.

(b) *Basic standard.* Methods and procedures for payment shall minimize the time elapsing between the transfer of funds and disbursement by the grantee or subgrantee, in accordance with Treasury regulations at 31 CFR part 205.

(c) *Advances.* Grantees and subgrantees shall be paid in advance, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of the funds and their disbursement by the grantee or subgrantee.

(d) *Reimbursement.* Reimbursement shall be the preferred method when the requirements in paragraph (c) of this section are not met. Grantees and subgrantees may also be paid by reimbursement for any construction grant. Except as otherwise specified in regulation, Federal agencies shall not use the percentage of completion method to pay construction grants. The grantee or subgrantee may use that method to pay its construction contractor, and if it does, the awarding agency's payments to the grantee or subgrantee will be based on the grantee's or subgrantee's actual rate of disbursement.

(e) *Working capital advances.* If a grantee cannot meet the criteria for advance payments described in paragraph (c) of this section, and the Federal agency has determined that reimbursement is not feasible because the grantee lacks sufficient working capital, the awarding agency may provide cash or a working capital advance basis. Under this procedure the awarding agency shall advance cash to the grantee to cover its estimated disbursement needs for an initial period generally geared to the grantee's disbursing cycle. Thereafter, the awarding agency shall reimburse the grantee for its actual cash disbursements. The working capital advance method of payment shall not be used by grantees or subgrantees if the reason for using such method is the unwillingness or inability of the grantee to provide timely advances to the subgrantee to meet the subgrantee's actual cash disbursements.

(f) *Effect of program income, refunds, and audit recoveries on payment.*

- (1) Grantees and subgrantees shall disburse repayments to and interest earned on a revolving fund before requesting additional cash payments for the same activity.
- (2) Except as provided in paragraph (f)(1) of this section, grantees and subgrantees shall disburse program income, rebates, refunds, contract settlements, audit recoveries and interest earned on such funds before requesting additional cash payments.

(g) *Withholding payments.*

(1) Unless otherwise required by Federal statute, awarding agencies shall not withhold payments for proper charges incurred by grantees or subgrantees unless—

- (i) The grantee or subgrantee has failed to comply with grant award conditions, or
- (ii) The grantee or subgrantee is indebted to the United States.

(2) Cash withheld for failure to comply with grant award condition, but without suspension of the grant, shall be released to the grantee upon subsequent compliance. When a grant is suspended, payment adjustments will be made in accordance with §12.83(c).

(3) A Federal agency shall not make payment to grantees for amounts that are withheld by grantees or subgrantees from payment to contractors to assure satisfactory completion of work. Payments shall be made by the Federal agency when the grantees or subgrantees actually disburse the withheld funds to the contractors or to escrow accounts established to assure satisfactory completion of work.

(h) *Cash depositories.*

(1) Consistent with the national goal of expanding the opportunities for minority business enterprises, grantees and subgrantees are encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members). A list of minority owned banks can be obtained from the Minority Business Development Agency, Department of Commerce, Washington, DC 20230.

(2) A grantee or subgrantee shall maintain a separate bank account only when required by Federal-State Agreement.

(i) *Interest earned on advances.* Except for interest earned on advances of funds exempt under the Intergovernmental Cooperation Act (31 U.S.C. 6501 et seq.) and the Indian Self-Determination Act (23 U.S.C. 450), grantees and subgrantees shall promptly, but at least quarterly, remit interest earned on advances to the Federal agency. The grantee or subgrantee may keep interest amounts up to \$100 per year for administrative expenses.

2.2 Payment Method

Requesting Payments -- Requests for advance or reimbursement may be made by the following methods:

(1) SF-270, Request for Advance or Reimbursement - Recipients may submit an original and properly certified SF-270 form to the GO. Requests for reimbursement may be submitted on a monthly basis or more frequently if authorized by the (GO). Recipients may not request advance payments for anticipated expenses that are greater than one month in advance of the request.

(2) SF-271, Outlay Report and Request for Reimbursement for Construction Programs - The SF-271 shall be used for construction Agreements paid by the reimbursement method, letter of credit, electronic funds transfer, or Treasury check advance, except where the advance is based on periodic requests from the Recipient, in which case the SF-270 shall be used. This request may be submitted on a quarterly basis, but no less frequently than on an annual basis. Recipients may submit an original, properly certified SF-271 form to the GO.

(3) Automated Standard Application for Payments (ASAP) - Recipients may utilize the Department of Treasury ASAP payment system to request advances or reimbursements. ASAP is a Recipient-initiated payment and information system designed to provide a single point of contact for the request and delivery of Federal funds. Recipient procedures must minimize the time elapsing between the drawdown of federal funds and the disbursement for agreement purposes.

Recipients interested in enrolling in the ASAP system, please contact Dee Devillier at 303-445-3461 or Sheri Oren at 303-445-3448.

3. PROCUREMENT STANDARDS (43 CFR §12.76)

(a) *States.* When procuring property and services under a grant, a State will follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Other grantees and subgrantees will follow paragraphs (b) through (i) in this section.

(b) *Procurement standards.*

(1) Grantees and subgrantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.

(2) Grantees and subgrantees will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(3) Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

(i) The employee, officer or agent,

(ii) Any member of his immediate family,

(iii) His or her partner, or

(iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

(4) Grantee and subgrantee procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(5) To foster greater economy and efficiency, grantees and subgrantees are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.

(6) Grantees and subgrantees are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(7) Grantees and subgrantees are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(8) Grantees and subgrantees will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement.

Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(9) Grantees and subgrantees will maintain records sufficient to detail the significant history of a procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(10) Grantees and subgrantees will use time and material type contracts only—

(i) After a determination that no other contract is suitable, and

(ii) If the contract includes a ceiling price that the contractor exceeds at its own risk.

(11) Grantees and subgrantees alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to source evaluation, protests, disputes, and claims. These standards do not relieve the grantee or subgrantee of any contractual responsibilities under its contracts. Federal agencies will not substitute their judgment for that of the grantee or subgrantee unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.

(12) Grantees and subgrantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protestor must exhaust all administrative remedies with the grantee and subgrantee before pursuing a protest with the Federal agency. Reviews of protests by the Federal agency will be limited to:

(i) Violations of Federal law or regulations and the standards of this section (violations of State or local law will be under the jurisdiction of State or local authorities) and

(ii) Violations of the grantee's or subgrantee's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the grantee or subgrantee.

(c) *Competition.*

(1) All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of §12.76. Some of the situations considered to be restrictive of competition include but are not limited to:

(i) Placing unreasonable requirements on firms in order for them to qualify to do business,

(ii) Requiring unnecessary experience and excessive bonding,

- (iii) Noncompetitive pricing practices between firms or between affiliated companies,
 - (iv) Noncompetitive awards to consultants that are on retainer contracts,
 - (v) Organizational conflicts of interest,
 - (vi) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance of other relevant requirements of the procurement, and
 - (vii) Any arbitrary action in the procurement process.
- (2) Grantees and subgrantees will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts State licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- (3) Grantees will have written selection procedures for procurement transactions. These procedures will ensure that all solicitations:
- (i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equal” description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated; and
 - (ii) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- (4) Grantees and subgrantees will ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, grantees and subgrantees will not preclude potential bidders from qualifying during the solicitation period.

(d) *Methods of procurement to be followed*—(1) *Procurement by small purchase procedures.* Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at \$150,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

(2) Procurement by *sealed bids* (formal advertising). Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in §12.76(d)(2)(i) apply.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively and for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids;

(B) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

(C) All bids will be publicly opened at the time and place prescribed in the invitation for bids;

(D) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(3) Procurement by *competitive proposals*. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(i) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;

(ii) Proposals will be solicited from an adequate number of qualified sources;

(iii) Grantees and subgrantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees;

(iv) Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

(v) Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(4) Procurement by *noncompetitive proposals* is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

(i) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:

(A) The item is available only from a single source;

(B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(C) The awarding agency authorizes noncompetitive proposals; or

(D) After solicitation of a number of sources, competition is determined inadequate.

(ii) Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

(iii) Grantees and subgrantees may be required to submit the proposed procurement to the awarding agency for pre-award review in accordance with paragraph (g) of this section.

(e) *Contracting with small and minority firms, women's business enterprise and labor surplus area firms.* (1) The grantee and subgrantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

(2) Affirmative steps shall include:

(i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

(vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.

(f) *Contract cost and price.*

(1) Grantees and subgrantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

(2) Grantees and subgrantees will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is

performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(3) Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles (see §12.62). Grantees may reference their own cost principles that comply with the applicable Federal cost principles.

(4) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

(g) *Awarding agency review.*

(1) Grantees and subgrantees must make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the grantee or subgrantee desires to have the review accomplished after a solicitation has been developed, the awarding agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(2) Grantees and subgrantees must on request make available for awarding agency pre-award review procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc. when:

(i) A grantee's or subgrantee's procurement procedures or operation fails to comply with the procurement standards in this section; or

(ii) The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation; or

(iii) The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product; or

(iv) The proposed award is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(v) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

(3) A grantee or subgrantee will be exempt from the pre-award review in paragraph (g)(2) of this section if the awarding agency determines that its procurement systems comply with the standards of this section.

(i) A grantee or subgrantee may request that its procurement system be reviewed by the awarding agency to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews shall occur where there is a continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

(ii) A grantee or subgrantee may self-certify its procurement system. Such self-certification shall not limit the awarding agency's right to survey the system. Under a self-certification procedure, awarding agencies may wish to rely on written assurances from the grantee or subgrantee that it is complying with these standards. A grantee or subgrantee will cite specific procedures, regulations, standards, etc., as being in compliance with these requirements and have its system available for review.

(h) *Bonding requirements.* For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the awarding agency may accept the bonding policy and requirements of the grantee or subgrantee provided the awarding agency has made a determination that the awarding agency's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

(1) *A bid guarantee from each bidder equivalent to five percent of the bid price.* The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) *A performance bond on the part of the contractor for 100 percent of the contract price.* A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(3) *A payment bond on the part of the contractor for 100 percent of the contract price.* A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(i) *Contract provisions.* A grantee's and subgrantee's contracts must contain provisions in paragraph (i) of this section. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

(1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than the simplified acquisition threshold)

- (2) Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)
- (3) Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or subgrantees)
- (4) Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). (All contracts and subgrants for construction or repair)
- (5) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR Part 5). (Construction contracts in excess of \$2000 awarded by grantees and subgrantees when required by Federal grant program legislation)
- (6) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5). (Construction contracts awarded by grantees and subgrantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)
- (7) Notice of awarding agency requirements and regulations pertaining to reporting.
- (8) Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.
- (9) Awarding agency requirements and regulations pertaining to copyrights and rights in data.
- (10) Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
- (11) Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.
- (12) Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (Contracts, subcontracts, and subgrants of amounts in excess of \$100,000)

(13) Mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

4. EQUIPMENT (43 CFR §12.72)

(a) *Title.* Subject to the obligations and conditions set forth in this section, title to equipment acquired under a grant or subgrant will vest upon acquisition in the grantee or subgrantee respectively.

(b) *States.* A State will use, manage, and dispose of equipment acquired under a grant by the State in accordance with State laws and procedures. Other grantees and subgrantees will follow paragraphs (c) through (e) of this section.

(c) *Use.*

(1) Equipment shall be used by the grantee or subgrantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency.

(2) The grantee or subgrantee shall also make equipment available for use on other projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency. User fees should be considered if appropriate.

(3) Notwithstanding the encouragement in §12.65(a) to earn program income, the grantee or subgrantee must not use equipment acquired with grant funds to provide services for a fee to compete unfairly with private companies that provide equivalent services, unless specifically permitted or contemplated by Federal statute.

(4) When acquiring replacement equipment, the grantee or subgrantee may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property, subject to the approval of the awarding agency.

(d) *Management requirements.* Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part with grant funds, until disposition takes place will, as a minimum, meet the following requirements:

(1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of property, who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the cost of the property,

the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

(2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

(3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft shall be investigated.

(4) Adequate maintenance procedures must be developed to keep the property in good condition.

(5) If the grantee or subgrantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

(e) *Disposition.* When original or replacement equipment acquired under a grant or subgrant is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows:

(1) Items of equipment with a current per-unit fair market value of less than \$5,000 may be retained, sold or otherwise disposed of with no further obligation to the awarding agency.

(2) Items of equipment with a current per unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall have a right to an amount calculated by multiplying the current market value or proceeds from sale by the awarding agency's share of the equipment.

(3) In cases where a grantee or subgrantee fails to take appropriate disposition actions, the awarding agency may direct the grantee or subgrantee to take excess and disposition actions.

(f) *Federal equipment.* In the event a grantee or subgrantee is provided Federally-owned equipment:

(1) Title will remain vested in the Federal Government.

(2) Grantees or subgrantees will manage the equipment in accordance with Federal agency rules and procedures, and submit an annual inventory listing.

(3) When the equipment is no longer needed, the grantee or subgrantee will request disposition instructions from the Federal agency.

(g) *Right to transfer title.* The Federal awarding agency may reserve the right to transfer title to the Federal Government or a third part named by the awarding agency when such a third party is otherwise eligible under existing statutes. Such transfers shall be subject to the following standards:

(1) The property shall be identified in the grant or otherwise made known to the grantee in writing.

(2) The Federal awarding agency shall issue disposition instruction within 120 calendar days after the end of the Federal support of the project for which it was acquired. If the Federal awarding agency fails to issue disposition instructions within the 120 calendar-day period the grantee shall follow 12.72(e).

(3) When title to equipment is transferred, the grantee shall be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value of the property.

5. SUPPLIES (43 CFR §12.73)

(a) *Title.* Title to supplies acquired under a grant or subgrant will vest, upon acquisition, in the grantee or subgrantee respectively.

(b) *Disposition.* If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate fair market value upon termination or completion of the award, and if the supplies are not needed for any other Federally sponsored programs or projects, the grantee or subgrantee shall compensate the awarding agency for its share.

6. INSPECTION

Reclamation has the right to inspect and evaluate the work performed or being performed under this Agreement, and the premises where the work is being performed, at all reasonable times and in a manner that will not unduly delay the work. If Reclamation performs inspection or evaluation on the premises of the Recipient or a sub-Recipient, the Recipient shall furnish and shall require sub-recipients to furnish all reasonable facilities and assistance for the safe and convenient performance of these duties.

7. AUDIT (31 U.S.C. 7501-7507)

Non-Federal entities that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507) and revised OMB Circular A-133. Federal awards are defined as Federal financial assistance and Federal cost-reimbursement contracts that non-Federal entities receive directly from Federal awarding agencies or indirectly from pass-through entities. They do not include procurement contracts, under grants or contracts, used to buy goods or services from vendors. Non-Federal entities that expend less than \$500,000 a year in Federal awards are exempt from Federal audit requirements for that year, except as noted in A-133,

§ __.215(a), but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office (GAO).

8. ENFORCEMENT (43 CFR §12.83)

(a) *Remedies for noncompliance.* If a grantee or subgrantee materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the awarding agency may take one or more of the following actions, as appropriate in the circumstances:

- (1) Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee or more severe enforcement action by the awarding agency,
- (2) Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance,
- (3) Wholly or partly suspend or terminate the current award for the grantee's or subgrantee's program,
- (4) Withhold further awards for the program, or
- (5) Take other remedies that may be legally available.

(b) *Hearings, appeals.* In taking an enforcement action, the awarding agency will provide the grantee or subgrantee an opportunity for such hearing, appeal, or other administrative proceeding to which the grantee or subgrantee is entitled under any statute or regulation applicable to the action involved.

(c) *Effects of suspension and termination.* Costs of grantee or subgrantee resulting from obligations incurred by the grantee or subgrantee during a suspension or after termination of an award are not allowable unless the awarding agency expressly authorizes them in the notice of suspension or termination or subsequently. Other grantee or subgrantee costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:

- (1) The costs result from obligations which were properly incurred by the grantee or subgrantee before the effective date of suspension or termination, are not in anticipation of it, and, in the case of a termination, are noncancellable, and,
- (2) The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.

(d) *Relationship to Debarment and Suspension.* The enforcement remedies identified in this section, including suspension and termination, do not preclude grantee or subgrantee from being subject to "Debarment and Suspension" under E.O. 12549 ((2 CFR 29.5.12 and 2 CFR 1400, Subpart C).

9. TERMINATION FOR CONVENIENCE (43 CFR §12.84)

Except as provided in 43 CFR §12.83 awards may be terminated in whole or in part only as follows:

(a) By the awarding agency with the consent of the grantee or subgrantee in which case the two parties shall agree upon the termination conditions, including the effective date and in the case of partial termination, the portion to be terminated, or

(b) By the grantee or subgrantee upon written notification to the awarding agency, setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. However, if, in the case of a partial termination, the awarding agency determines that the remaining portion of the award will not accomplish the purposes for which the award was made, the awarding agency may terminate the award in its entirety under either §12.83 or paragraph (a) of this section.

10. DEBARMENT AND SUSPENSION (2 CFR §1400)

The Department of the Interior regulations at 2 CFR 1400—Governmentwide Debarment and Suspension (Nonprocurement), which adopt the common rule for the governmentwide system of debarment and suspension for nonprocurement activities, are hereby incorporated by reference and made a part of this Agreement. By entering into this grant or cooperative Agreement with the Bureau of Reclamation, the Recipient agrees to comply with 2 CFR 1400, Subpart C, and agrees to include a similar term or condition in all lower-tier covered transactions. These regulations are available at <http://www.gpoaccess.gov/ecfr/>.

11. DRUG-FREE WORKPLACE (2 CFR §182 and §1401)

The Department of the Interior regulations at 2 CFR 1401—Governmentwide Requirements for Drug-Free Workplace (Financial Assistance), which adopt the portion of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq, as amended) applicable to grants and cooperative agreements, are hereby incorporated by reference and made a part of this agreement. By entering into this grant or cooperative agreement with the Bureau of Reclamation, the Recipient agrees to comply with 2 CFR 182.

12. ASSURANCES AND CERTIFICATIONS INCORPORATED BY REFERENCE

The provisions of the Assurances, SF 424B or SF 424D as applicable, executed by the Recipient in connection with this Agreement shall apply with full force and effect to this Agreement. All anti-discrimination and equal opportunity statutes, regulations, and Executive Orders that apply to the expenditure of funds under Federal contracts, grants, and cooperative Agreements, loans, and other forms of Federal assistance. The Recipient shall comply with Title VI or the Civil

Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and any program-specific statutes with anti-discrimination requirements. The Recipient shall comply with civil rights laws including, but not limited to, the Fair Housing Act, the Fair Credit Reporting Act, the Americans with Disabilities Act, Title VII of the Civil Rights Act of 1964, the Equal Educational Opportunities Act, the Age Discrimination in Employment Act, and the Uniform Relocation Act.

Such Assurances also include, but are not limited to, the promise to comply with all applicable Federal statutes and orders relating to nondiscrimination in employment, assistance, and housing; the Hatch Act; Federal wage and hour laws and regulations and work place safety standards; Federal environmental laws and regulations and the Endangered Species Act; and Federal protection of rivers and waterways and historic and archeological preservation.

13. COVENANT AGAINST CONTINGENT FEES

The Recipient warrants that no person or agency has been employed or retained to solicit or secure this Agreement upon an Agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide offices established and maintained by the Recipient for the purpose of securing Agreements or business. For breach or violation of this warranty, the Government shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the Agreement amount, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee

14. TRAFFICKING VICTIMS PROTECTION ACT OF 2000 (2 CFR §175.15)

Trafficking in persons.

(a) *Provisions applicable to a recipient that is a private entity.*

(1) You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not

(i) Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

(ii) Procure a commercial sex act during the period of time that the award is in effect; or

(iii) Use forced labor in the performance of the award or subawards under the award.

(2) We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —

(i) Is determined to have violated a prohibition in paragraph a.1 of this award term; or

(ii) Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either

(A) Associated with performance under this award; or

(B) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1400.

(b) *Provision applicable to a recipient other than a private entity.* We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

(1) Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or

(2) Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either

(i) Associated with performance under this award; or

(ii) Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1400.

(c) *Provisions applicable to any recipient .*

(1) You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.

(2) Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:

(i) Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and

(ii) Is in addition to all other remedies for noncompliance that are available to us under this award.

(3) You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

(d) *Definitions .* For purposes of this award term:

(1) "Employee" means either:

(i) An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or

(ii) Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

(2) "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(3) "Private entity":

(i) Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

(ii) Includes:

(A) A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

(B) A for-profit organization.

(4) "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

15. NEW RESTRICTIONS ON LOBBYING (43 CFR §18)

The Recipient agrees to comply with 43 CFR 18, New Restrictions on Lobbying, including the following certification:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Recipient, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and 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 shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.

(c) The Recipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly. 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 Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

16. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 (URA) (42 USC § 4601 *et seq.*)

(a) The Uniform Relocation Assistance Act (URA), 42 U.S.C. § 4601 *et seq.*, as amended, requires certain assurances for Reclamation funded land acquisition projects conducted by a Recipient that cause the displacement of persons, businesses, or farm operations. Because Reclamation funds only support acquisition of property or interests in property from willing sellers, it is not anticipated that Reclamation funds will result in any "displaced persons," as defined under the URA.

(b) However, if Reclamation funds are used for the acquisition of real property that results in displacement, the URA requires Recipients to ensure that reasonable relocation payments and other remedies will be provided to any displaced person. Further, when acquiring real property, Recipients must be guided, to the greatest extent practicable, by the land acquisition policies in 42 U.S.C. § 4651.

(c) Exemptions to the URA and 49 CFR Part 24

(1) The URA provides for an exemption to the appraisal, review and certification rules for those land acquisitions classified as "voluntary transactions." Such "voluntary transactions" are classified as those that do not involve an exercise of eminent domain authority on behalf of a Recipient, and must meet the conditions specified at 49 CFR § 24.101(b)(1)(i)-(iv).

- (2) For any land acquisition undertaken by a Recipient that receives Reclamation funds, but does not have authority to acquire the real property by eminent domain, to be exempt from the requirements of 49 CFR Part 24 the Recipient must:
- (i) provide written notification to the owner that it will not acquire the property in the event negotiations fail to result in an amicable agreement, and;
 - (ii) inform the owner in writing of what it believes to be the market value of the property

(d) Review of Land Acquisition Appraisals. Reclamation reserves the right to review any land appraisal whether or not such review is required under the URA or 49 CFR § 24.104. Such reviews may be conducted by the Department of Interior's Appraisal Services Directorate or a Reclamation authorized designee. When Reclamation determines that a review of the original appraisal is necessary, Reclamation will notify the Recipient and provide an estimated completion date of the initial appraisal review.

17. CENTRAL CONTRACTOR REGISTRATION AND UNIVERSAL IDENTIFIER REQUIREMENTS (2 CFR 25, APPENDIX A)

A. Requirement for Central Contractor Registration (CCR)

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain the currency of your information in the CCR until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

B. Requirement for Data Universal Numbering System (DUNS) Numbers

If you are authorized to make subawards under this award, you:

1. Must notify potential subrecipients that no entity (*see* definition in paragraph C of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.

C. Definitions

For purposes of this award term:

1. *Central Contractor Registration (CCR)* means the Federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the CCR Internet site (currently at <http://www.ccr.gov>).

2. *Data Universal Numbering System (DUNS) number* means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet (currently at <http://fedgov.dnb.com/webform>).
3. *Entity*, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:
 - a. A Governmental organization, which is a State, local government, or Indian Tribe;
 - b. A foreign public entity;
 - c. A domestic or foreign nonprofit organization;
 - d. A domestic or foreign for-profit organization; and
 - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
4. *Subaward*:
 - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, *see* Sec. 11.210 of the attachment to OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations”).
 - c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.
5. *Subrecipient* means an entity that:
 - a. Receives a subaward from you under this award; and
 - b. Is accountable to you for the use of the Federal funds provided by the subaward.

18. PROHIBITION ON TEXT MESSAGING AND USING ELECTRONIC EQUIPMENT SUPPLIED BY THE GOVERNMENT WHILE DRIVING

Executive Order 13513, *Federal Leadership On Reducing Text Messaging While Driving*, was signed by President Barack Obama on October 1, 2009 (ref: <http://edocket.access.gpo.gov/2009/pdf/E9-24203.pdf>). This Executive Order introduces a Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment. Additional guidance enforcing the ban will be issued at a later date. In the meantime, please adopt and enforce policies that immediately ban text messaging while driving company-owned or rented vehicles, government-owned or leased vehicles, or while driving privately owned vehicles when on official government business or when performing any work for or on behalf of the government.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 9C

Date Prepared: October 30, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager

FROM: Roy W. Minter, Chief of Police

SUBJECT: Authorization to accept grant funds from the Arizona Peace Officer Standards and Training Board

Purpose:

This is a request for City Council to authorize the Peoria Police Department to accept a grant from the Arizona Peace Officer Standards and Training Board (AZPOST) in the amount of \$27,295.

Background/Summary:

The Police Department desires to accept funds from AZPOST for the purpose of upgrading the target system located in the indoor shooting range. This upgrade will improve functionality of the current targets in place. Additionally, officer safety will be improved. With upgrade, the target system may be controlled by a tablet PC which will allow the instructor to remain closer to the student versus across the room to control the target system. This will allow the instructor to respond immediately to any training issues that may arise.

The indoor shooting range is utilized by all Peoria Police Officers to complete qualifications and mandatory training for each officer a minimum of two times per year. This upgrade will greatly improve functionality of the target system and provide additional officer safety.

Previous Actions:

City Council has previously accepted grants from AZPOST.

Options:

A: Accept the grant award in the amount of \$27,295 from the Arizona Peace Officer Standards and Training Board and approve a budget adjustment in the amount of \$27,295 from the Proposed Grants Contingency Account to the Police Administration Account, thus providing expenditure authority.

B: Choose not to accept the grants from the Arizona Peace Officer Standards and Training Board which will have the effect of keeping the current target system in place without upgrade.

Staff's Recommendation:

Authorize the Peoria Police Department to accept a grant in the amount of \$27,295 from the Arizona Peace Officer Standards and Training Board and approve a budget adjustment.

Fiscal Analysis:

Request a budget adjustment of \$27,295 from the Proposed Grants Contingency account (7990-7990-570000) to the Police Administration Account (1000-1040-542008) thus providing expenditure authority.

Narrative:

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

Exhibit(s):

Exhibit 1: AZPOST Contract #2012-016

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



AZ POST Contract #2012-016

ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

**PEACE OFFICER TRAINING FUND
GRANT AGREEMENT**

This agreement is made under the authority of A.R.S. §41-1825(A) and §41-1822 (C)(2) and (3).

GRANTEE:

Peoria Police Department
Chief Roy Minter
Contact: Lieutenant Bruce Walls
8351 W. Cinnabar Ave.
Peoria, AZ 85345

GRANT AMOUNT:

\$27,295.00

PROJECT DESCRIPTION:

The Arizona Peace Officer Standards and Training Board (Board) agrees to pay the Grantee the above shown sum from the Peace Officer Training Fund, subject to the conditions provided herein, solely for the purpose of purchasing the following firearms range equipment:

- * Enhancements/Modifications including a Target System Computer and Tablet of the existing Moving Target System located at the Peoria Police Department Indoor Shooting Range.

GENERAL CONDITIONS:

The Grantee agrees:

1. That the Peace Officer Training Fund (POTF) monies will not be used to supplant state or local funds;
2. To expend the POTF monies only for the purpose(s) stated above;

3. To reimburse the Board for any unauthorized or ineligible expenditures and to return any grant amounts in excess of that expended pursuant to the special conditions;
4. To comply with A.R.S. §35-214 and 35-215 with respect to retention and production of records for inspection and audit for a period of five years after completion of the contract;
5. That this agreement may be canceled without penalty or further obligation pursuant to A.R.S. §38-511;
6. That in the event of a dispute, after exhaustion of all administrative remedies, arbitration will be used to the extent required by A.R.S. §12-1518, except as may be required by other applicable statutes;
7. To comply with Executive Order 99-4, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable State and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act;
8. To comply with all procurement statutes, ordinances, rules or policies that may apply to Grantee in the procurement of any goods or services related to this Grant;
9. That the Grantee is acting as an independent contractor and will indemnify and hold the Board harmless for the actions of the Grantee's employees;
10. That every payment obligation of the Board under this Agreement is conditioned upon the availability of funds allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the Board at the end of the period for which funds are available. No liability shall accrue to the Board in the event this provision is exercised, and the Board shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph;
11. That this agreement may be canceled by the Grantee prior to expending Grant funds upon written notice to the Board and any POTF funds shall be returned to the Board;
12. To assign to the State any claim for overcharges resulting from antitrust violations to the extent that such violations concern materials or services supplied by third parties to the Grantee toward fulfillment of this agreement; and
13. That this is a grant of funds only and is not intended to and will not constitute, create, give rise to, or otherwise recognize a joint venture, partnership or formal business association or organization of any kind among the parties.

SPECIAL CONDITIONS:

1. The parties agree that the funds disbursed for this Grant are funds approved by the Board.
2. Grantee shall use these funds solely for funding the Enhancements/Modifications including a Target System Computer and Tablet of the existing Moving Target System located at the Peoria Police Department Police Indoor Shooting Range located at 8351 W. Cinnabar Ave., Peoria, AZ.

For the PEORIA POLICE DEPARTMENT

Approved as to form,

Roy Minter
Chief

Attorney/Legal Advisor
Peoria Police Department

Date

Date

For the ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

Approved as to form,


Eyle Mann
Executive Director


Diana Stabler
Assistant Attorney General

10-15-12

Date

10-15-12

Date

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 10C

Date Prepared: October 24, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager

FROM: Chris Jacques, Planning & Community Development Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Approval of the Neighborhood Stabilization Programmatic Agreement with the State Historical Preservation Office (SHPO)

Purpose:

This is a request for City Council to approve the attached Programmatic Agreement allowing City Staff to make a determination that there will be no adverse historic effect on properties acquired, rehabilitated and resold to eligible homebuyers in the defined Target Area.

Background/Summary:

The City of Peoria, as an entitlement for Federal funds, receives Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME) and Neighborhood Stabilization Program (NSP3) funds from the U.S. Department of Housing and Urban Development (HUD) to purchase, rehabilitate and resell previously foreclosed and/or vacant homes to income-eligible families.

The Target Area proposed in the attached Programmatic Agreement would encompass the geographic area in the City of Peoria's legal city limits generally bounded by Thunderbird Road on the North, Northern Avenue on the South, 111th Avenue on the West and 67th Avenue on the East. On November 15, 2011 City Council approved a similar agreement for the initial Target Area generally bounded by 67th Avenue on the East, 75th Avenue on the West, Peoria Avenue on the North and Olive Avenue on the South. This agreement will encompass a larger area and all eligible HUD program types. The expanded Target Area provides additional flexibility for acquisition decisions, particularly in a more competitive market. The U.S. Department of Housing and Urban Development (HUD) is in support of the expanded Target Area.

All Federally funded programs, including CDBG, HOME and NSP3, are required by Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C 470f) to take into account the effects, if any, of their actions on historic properties. In Arizona, the SHPO is allowed to make comment on such actions.

The City's Programmatic Agreement with SHPO would allow the City, through its contractor(s), to make a determination that there will be no adverse historic effect of properties acquired and rehabilitated in the proposed Target Area. Local determinations will be made through site specific environmental reviews performed by a qualified contractor. A report detailing rehabilitation actions and conditions of properties acquired through the program will be submitted to SHPO annually to ensure compliance with Section 106 requirements.

Previous Actions:

11/5/2011 - Council approval of SHPO agreement for original NSP3 Target Area.

Options:

A: Approve the Programmatic Agreement as recommended by Staff; or

B: Approve the Programmatic Agreement with modifications; or

C: Deny the Programmatic Agreement. Denial of the Programmatic Agreement would result in an approximate 30 day turn-around time to receive a concurrence statement from SHPO for each property purchase proposal. This delay could seriously hinder the purchasing power of the Developers.

Staff's Recommendation:

Staff recommends that City Council approve the attached Neighborhood Stabilization Programmatic Agreement between the City of Peoria and SHPO for properties acquired and rehabilitated in the defined Target Area.

Fiscal Analysis:

Not Applicable

Narrative:

The proposed Programmatic Agreement was developed with SHPO which has agreed to enter into the agreement once approved by Council.

Adoption of the proposed Programmatic Agreement will reduce the amount of time currently needed to obtain SHPO's concurrence with the City's determination that there is no adverse historic effect to properties selected for acquisition in the designated Target Area. Without the proposed Programmatic Agreement, Staff must submit a letter in writing to SHPO requesting agreement with our determination that there is no adverse historic impact for each property

identified for acquisition in the Target Area. Due to its workload, the SHPO may take up to 30 days to turn-around a concurrence statement. The delay in turn-around time can seriously hinder the purchasing power of the Developers when attempting to enter into a purchase agreement for identified homes.

Exhibit(s):

Exhibit 1: Neighborhood Stabilization Programmatic Agreement

Contact Name and Number:

Debbie Stone-Muller, NSP3 Analyst, ext. 7250

Carin Imig, Neighborhood and Revitalization Administrator, ext. 7381

Programmatic Agreement
between the
City of Peoria
and the
Arizona State Historic Preservation Office
regarding
Neighborhood Stabilization

Whereas, The City of Peoria (City), as an entitlement for Federal funds, has been awarded Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME) and Neighborhood Stabilization Program (NSP3) funds from the U.S. Department of Housing and Urban Development (HUD) to acquire, rehabilitate and resell vacant and foreclosed properties (Project); and

Whereas, the City anticipates its total Federal awards, for the project stated above, will not exceed \$1,000,000 (one million dollars) annually; and

Whereas, the proposed actions qualify the Project as a federal undertaking subject to the provisions of Section 106 of the National Historic Preservation Act; and

Whereas, pursuant to 24 CFR Part 58 the City is the responsible entity for compliance with Section 106 on behalf of HUD; and

Whereas, the State Historic Preservation Office (SHPO) assists Federal Agencies and their agents in fulfilling their Section 106 responsibilities pursuant to 36 CFR Part 800; and

Whereas, the Area of Potential Effects (APE) encompasses the geographic area in the City of Peoria identified as: An area within the Peoria legal city limits generally bounded by Thunderbird Road on the North, Northern Avenue on the South, 111th Avenue on the West and 67th Avenue on the East, which has not been surveyed to identify historic properties;

Now Therefore, the City and SHPO agree, in order to avoid adverse effects on any historic properties, the Project will be conducted in accordance with the following stipulations:

I. Conditioned Rehabilitation Actions

The City, through its contractor(s) will ensure, and confirm in an annual report to SHPO, that the rehabilitation of the various housing units is limited to the rehabilitation actions and conditions of the implementations listed below in consideration of the project goals and concern for the protection of historic properties:

Rehabilitation Actions:

- Replacement of interior plumbing
- Replacement of electrical system
- Repainting and weatherization of exterior
- Replacement of HVAC system including duct work
- Replacement of interior flooring
- Roofing replacement
- Primary systems replacement (i.e. Water heater, evaporative cooler, etc.)
- Door and window replacement
- Fence replacement
- Landscaping improvement or replacement

Conditions of Implementation:

Replacement windows and doors will match the existing in material, size and closely approximate the existing design configuration.

Roofing material will match the existing in material and scale.

Provided that matching the existing material is neither feasible nor prudent, pursuant to the economic objectives of the project, substitute material will closely approximate the existing design and appearance.

II. Duration

This Agreement shall remain in effect, unless amended or terminated, for a period of five years, at which time the Agreement will become null and void unless the parties agree to an extension.

III. Termination

This Agreement may be terminated by providing a 30 calendar day written notice to the other party. The parties will consult in good faith during the 30 day period in an effort to seek agreement on amendments that would avoid the termination of this Agreement. If the parties cannot agree on amendment(s), this Agreement will terminate following the 30 day written notice period. The written notice required herein shall be given as follows:

To the State:

By written notice delivered to:
Robert Frankeberger, Architect
State Historic Preservation Office
Arizona State Parks
1300 W. Washington Street
Phoenix, AZ 85007

To the City:

By written notice delivered to:
Debbie Stone-Muller, NSP3 Program Analyst
City of Peoria, Planning and
Community Development Department
9875 N. 85th Avenue
Peoria, AZ 85345

IV. Failure to Carry Out Terms of the Agreement

In the event the City fails to carry out the terms of the Agreement, as set forth above, the City shall comply with CFR Part 800 for each and every housing unit rehabilitation as a separate and discrete undertaking.

V. State of Arizona Contracting Requirements

A. Equal opportunity/nondiscrimination

The parties agree to comply with Chapter 9, Title 41, Arizona Revised Statutes (Civil Rights), Arizona Executive Orders 75-5 and 99-4, and any other Federal or State Laws relating to equal opportunity and nondiscrimination, including the Americans with Disabilities Act.

B. Conflict of Interest

This Agreement is subject to cancellation by the State under A.R.S. §38-511 if any person significantly involved in the Agreement, on behalf of the State or City, is an employee or consultant of the contractor at any time while the Agreement, or any extension of the Agreement, is in effect.

C. Nonavailability of Funds

This Agreement shall be subject to available funding. Nothing in this Agreement shall bind the State to expenditures in excess of funds appropriated and allocated for the purposes outlined in this Agreement.

D. Records

This Agreement does not involve the furnishing of goods, equipment, labor, materials, or services to the State of Arizona or any of its agencies, boards, commissions, or departments; and therefore A.R.S. §35-214 and §35-215 do not apply.

E. Mediation

Should a dispute arise concerning the terms and/or responsibilities of the parties to this Agreement and the parties cannot resolve the dispute through an amendment mutually agreed upon, the parties will participate in non-binding mediation in an effort to resolve said dispute(s). Any such mediation shall be promptly scheduled once a bona fide dispute is identified. A mediator will be jointly chosen by SHPO and the City and the costs of the mediator will be split equally between the parties. The requirement to mediate does not affect any other rights of the parties but will, in the event of a bona fide dispute, be the first method used in an attempt to resolve said dispute. This provision shall not be deemed to affect either party's right to terminate this Agreement pursuant to the terms set forth herein.

F. Entire Agreement

This Agreement constitutes the entire agreement between the parties. The terms and conditions of this Agreement shall be interpreted and enforced according to Arizona law.

City of Peoria

BY: _____ Date: _____
Carl Swenson, City Manager

ATTEST: _____
Rhonda Geriminsky , Interim City Clerk

APPROVED AS TO FORM _____
Stephen M. Kemp, City Attorney

Arizona State Historic Preservation Officer

By: _____ Date: _____

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 11C

Date Prepared: October 31, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager
FROM: Andy Granger, P.E., Engineering Director
THROUGH: Susan J. Daluddung, Deputy City Manager
SUBJECT: Deeds and Easements, Various Locations

Purpose:

This is a request for City Council to adopt a Resolution accepting Deeds and Easements for various Real Property interests acquired by the City. The deeds and easements have been recorded by the Maricopa County Recorder's Office and this process will formally accept them into the system.

Background/Summary:

The City of Peoria periodically acquires a number of property interests including deeds, roadway dedications and various types of easements. All documents are reviewed for accuracy and recorded. A Resolution to accept these documents has been prepared, which lists each document by recording number and provides information related to each so the property interest to be accepted can be identified.

Previous Actions:

This is an ongoing process which occurs when we have acquired a number of real property interests.

Options:

- A: Approve the adoption of the Resolution accepting Deeds and Easements into our system.
- B: Deny adoption of the Resolution that formally accepts the Deeds and Easements into our system, resulting in the City not having an official record of what has been transferred to the City through recordation in the Maricopa County Recorder's office.

Staff's Recommendation:

Staff recommends the adoption of a Resolution accepting Deeds and Easements for various Real Property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office to ensure completeness of the process.

Fiscal Analysis:

There is no fiscal impact to the City.

Narrative:

This Resolution includes Real Property interests acquired since the adoption of the previous acceptance resolution. The acceptance of the Resolution by City Council would bring the deeds and easements into our system and is the final step in the process.

Exhibit(s):

Exhibit 1: Resolution

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

RESOLUTION NO. 2012-135

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.

WHEREAS, the real estate interests hereinafter referenced have been conveyed to the City of Peoria;

WHEREAS, it is to the advantage of the City of Peoria to accept said real property interests; and

WHEREAS, the City has determined that acquisition of these property interests is in the interest of the public health, safety and welfare.

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

SECTION 1. That the following real property interests are hereby accepted by the City of Peoria and referenced by the recording number issued by the Maricopa County Recorder's Office.

Parcel 27 of Tierra Del Rio
Corona Tierra Del Rio LLC.
RECREATIONAL TRAIL EASEMENT
Maricopa County Recording No. 2012-0928247

99th Ave & Jomax Rd

Lake Pleasant Parkway, Westwing to Loop 303
Pivotal Realty AZ I LLC
SPECIAL WARRANTY DEED
Maricopa County Recording No. 2012-0954072
(Project No. EN00241)

Lake Pleasant Parkway,
northeast of Westwing Parkway

Resolution No. 2012-135
Acceptance of Deeds and Easements
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Lake Pleasant Parkway, Westwing to Loop 303
Pivotal Realty AZ I LLC
SLOPE/DRAINAGE EASEMENT
Maricopa County Recording No. 2012-0954073
(Project No. EN00241)

Lake Pleasant Parkway,
northeast of Westwing Parkway

Lake Pleasant Parkway, Westwing to Loop 303
Pivotal Realty AZ I LLC
SPECIAL WARRANTY DEED
Maricopa County Recording No. 2012-0948441
(Project No. EN00241)

NEC Lake Pleasant Parkway &
Westwing Parkway

Lake Pleasant Parkway, Westwing to Loop 303
Pivotal Realty AZ I LLC
SLOPE/DRAINAGE EASEMENT
Maricopa County Recording No. 2012-0956531
(Project No. EN00241)

NEC Lake Pleasant Parkway &
Westwing Parkway

Lake Pleasant Parkway, Westwing to Loop 303
Pivotal Realty AZ I LLC
SPECIAL WARRANTY DEED
Maricopa County Recording No. 2012-0948439
(Project No. EN00241)

SWC Lake Pleasant Parkway &
Westwing Parkway

Lake Pleasant Parkway, Westwing to Loop 303
Pivotal Realty AZ I LLC
SLOPE/DRAINAGE EASEMENT
Maricopa County Recording No. 2012-0948440
(Project No. EN00241)

SWC Lake Pleasant Parkway &
Westwing Parkway

Lake Pleasant Parkway, Westwing to Loop 303
Pivotal Realty AZ I LLC
SPECIAL WARRANTY DEED
Maricopa County Recording No. 2012-0954076
(Project No. EN00241)

NWC Lake Pleasant Parkway &
Westwing Parkway

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Lake Pleasant Parkway, Westwing to Loop 303
Pivotal Realty AZ I LLC
SLOPE/DRAINAGE EASEMENT
Maricopa County Recording No. 2012-0954077
(Project No. EN00241)

NWC Lake Pleasant Parkway &
Westwing Parkway

Lake Pleasant Parkway, Westwing to Loop 303
Pivotal Realty AZ I LLC
SPECIAL WARRANTY DEED
Maricopa County Recording No. 2012-0948443
(Project No. EN00241)

SEC Lake Pleasant Parkway &
Westwing Parkway

Lake Pleasant Parkway, Westwing to Loop 303
Pivotal Realty AZ I LLC
SLOPE/DRAINAGE EASEMENT
Maricopa County Recording No. 2012-0948438
(Project No. EN00241)

SEC Lake Pleasant Parkway &
Westwing Parkway

Lake Pleasant Parkway, Westwing to Loop 303
Pleasant Valley HOA
SLOPE/DRAINAGE EASEMENT
Maricopa County Recording No. 2012-0948442
(Project No. EN00241)

NWC Lake Pleasant Parkway &
Buckhorn Trail

PW-Utilities Fire Hydrant Installation Project
Wagoner Plaza, LLC
PEORIA WATER LINE EASEMENT
Maricopa County Recording No. 2012-0947989

South side of Peoria Avenue
West of 84th Avenue

Agua Fria Truck Road Reliever
Hardy Properties, LLC.
SPECIAL WARRANTY DEED
Maricopa County Recording No. 2012-0998527
(Project No. EN00271)

West of 107th Avenue South of
Pinnacle Peak Road

Parcel 26 of Replat of Tierra Del Rio
Corona Tierra Del Rio LLC.
SPECIAL WARRANTY DEED
Maricopa County Recording No. 2012-0995323

Jomax Rd & Tierra del Rio Blvd

Resolution No. 2012-135
Acceptance of Deeds and Easements
December 4, 2012
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SECTION 2. Public Easement and Land Rights

That the Mayor and Council accept the deeds and public easements transferred to the City of Peoria as described herein.

SECTION 3. Recording Authorized

That the City Clerk shall record the original of this Resolution with the Maricopa County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 4th day of December, 2012.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, Interim City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 12C

Date Prepared: October 31, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager
FROM: Andy Granger, P.E., Engineering Director
THROUGH: Susan J. Daluddung, Deputy City Manager
SUBJECT: Designate Roadways, Establish Rights-of-Way, Various Locations

Purpose:

This is a request for City Council to adopt a Resolution designating various Real Properties to be used as City roadways and authorize the establishment of Public Rights-of-Way to be opened and maintained by the City as a Public Street. The deeds and easements have been recorded by the Maricopa County Recorder's Office and this process will formally incorporate them into the system.

Background/Summary:

The City of Peoria has, by separate Resolution, accepted each right-of-way to be designated as a public street. The attached Resolution lists each document that conveyed the property rights to be designated as public rights-of-way. The description found in the attached Resolution lists each document by recording number and provides information related to each. The individual description also identifies the type of roadway and type of improvement for each parcel.

Previous Actions:

This is an ongoing process that occurs after real property has been accepted into our system.

Options:

A: Approve the adoption of the Resolution designating various Real Property to be used as City roadways and authorize the establishment of Public Rights-of-Way to be opened and maintained by the city as a Public Street.

B: City Council denies the formal designation of various Real Property into our system. The result would be that the Public Rights-of-Way would not be maintained by the City as a Public Street.

Staff's Recommendation:

Staff recommends the adoption of a Resolution designating various Real Properties to be used as City roadways and maintained by the City.

Fiscal Analysis:

There is no significant fiscal impact to the City.

Narrative:

The adoption of the Resolution by City Council would bring the Real Property interests into our maintenance system and is the final step in the process.

Exhibit(s):

Exhibit 1: Resolution

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

RESOLUTION NO. 2012-136

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF PUBLIC STREETS, TO BE OPENED AND MAINTAINED BY THE CITY.

WHEREAS, the Mayor and Council of the City find and determine that the public health, safety and welfare require the establishment of public streets to be opened and maintained by the City;

WHEREAS, the Mayor and Council are vested with the authority pursuant to Article 1, Section 3 (6) of the Peoria City Charter and Section 23-18 of the Peoria City Code (1992) to establish the general location and routing of public streets; and

WHEREAS, the Engineering Director of the City having submitted a map indicating the general location of the proposed public streets and recommends the acceptance of the street by the City for inclusion in the City Street system.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Peoria as follows:

SECTION 1. Recommendation of Engineering Director to Establish a Public Street.

That the Mayor and Council find and determine that it is in the interest of the public health, safety and welfare of the city to accept the recommendation of the Engineering Director to establish public streets in accordance with the general location set forth herein and accept the street for inclusion in the city street system and designate the streets for inclusion on the street classification map required by this chapter.

SECTION 2. Designation of a Public Street

That the Mayor and Council find and determine that the proposed public streets, as described below shall be designated to be either a major arterial, a minor arterial, a collector street or a local street, to be opened as a public street and maintained by the City.

Resolution No. 2012-136
Authorizing Establishment of Public Streets
December 4, 2012
Page 2

Lake Pleasant Parkway, Westwing to Loop 303
Pivotal Realty AZ I LLC
SPECIAL WARRANTY DEED
Major Arterial
Maricopa County Recording No. 2012-0954072
(Project No. EN00241)

Lake Pleasant Parkway,
northeast of Westwing Parkway

Lake Pleasant Parkway, Westwing to Loop 303
Pivotal Realty AZ I LLC
SPECIAL WARRANTY DEED
Major Arterial
Maricopa County Recording No. 2012-0948441
(Project No. EN00241)

NEC Lake Pleasant Parkway &
Westwing Parkway

Lake Pleasant Parkway, Westwing to Loop 303
Pivotal Realty AZ I LLC
SPECIAL WARRANTY DEED
Major Arterial
Maricopa County Recording No. 2012-0948439
(Project No. EN00241)

SWC Lake Pleasant Parkway &
Westwing Parkway

Lake Pleasant Parkway, Westwing to Loop 303
Pivotal Realty AZ I LLC
SPECIAL WARRANTY DEED
Major Arterial
Maricopa County Recording No. 2012-0954076
(Project No. EN00241)

NWC Lake Pleasant Parkway &
Westwing Parkway

Lake Pleasant Parkway, Westwing to Loop 303
Pivotal Realty AZ I LLC
SPECIAL WARRANTY DEED
Major Arterial
Maricopa County Recording No. 2012-0948443
(Project No. EN00241)

SEC Lake Pleasant Parkway &
Westwing Parkway

Agua Fria Truck Road Reliever
Hardy Properties, LLC.
SPECIAL WARRANTY DEED
Minor Arterial
Maricopa County Recording No. 2012-0998527
(Project No. EN00271)

West of 107th Avenue South of
Pinnacle Peak Road

SECTION 3. Amendment of Plans and Maps

That the Mayor and Council find and determine that the Transportation Plan of the City's general plan, the street classification map and the local streets plan shall be amended in the manner required by law to reflect the addition of a public street as set forth herein.

SECTION 4. Signage, Posting and Effective Date

(a) That the Engineering Director or his designee are authorized to post such signage as deemed appropriate to indicate the existence of a public roadway and to provide for the safe and orderly movement of vehicular and pedestrian traffic on the public streets as set forth herein.

(b) That the City Attorney or his designee shall draft and submit the ordinances necessary to establish a speed limit for the public streets as set forth herein.

(c) That this Resolution shall become effective sixty-days after enactment by the City Council.

SECTION 5. Recording Authorized

That the City Clerk shall record the original of this Resolution with the Maricopa County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Peoria, Arizona this 4th day of December, 2012.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, Interim City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 13C

Date Prepared: October 30, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Final Plat, Vistancia Village A Parcel G1, Lone Mountain Road west of Vistancia Boulevard (Project No. R100033)

Purpose:

This is a request for City Council to approve a Final Plat of Vistancia Village A Parcel G1, located on Lone Mountain Road west of Vistancia Boulevard, and authorize the Mayor and City Clerk to sign and record the Final Plat 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 Final Plat.
2. An approval of design from the City Engineering Department for the necessary improvements in accordance with the City Subdivision Regulations, as determined by the City Engineer, must be obtained prior to recording the Final Plat.
3. The developer must provide a financial assurance in the amount agreed upon by the City Engineer and an Agreement to Install for construction of the infrastructure improvements in accordance with the City Subdivision Regulations, prior to recordation of the Final Plat.
4. In the event that the Final Plat is not recorded within 60 days of Council approval, the Final Plat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

Background/Summary:

The purpose of the Final Plat is to plat a subdivision for residential use. This development is within the City's water\sewer service area. This final plat creates a total of 130 new lots within

the Vistancia Village A community. All internal roadways are public and are being dedicated with this Final Plat.

Previous Actions:

The preliminary plat was reviewed by the City and completed in September 2010 and no changes were made to the proposed Final Plat.

Options:

A: The Final Plat has been approved through the Economic Development Services Department. An option would be to not accept the proposed Final Plat; although it should be noted that not approving the Final Plat will prevent the Developer from developing this land.

B: The other option would be to formally approve the Final Plat and allow this parcel to be developed.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Final Plat.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Final Plat.

Narrative:

The acceptance of this Final Plat by City Council will allow the developer to move forward in developing this property.

Exhibit(s):

Exhibit 1: Final Plat

Exhibit 2: Vicinity Map

Contact Name and Number:

Jodi Breyfogle, PE, CFM: 623-773-7577

FINAL PLAN OF VISTANCIA VILLAGE A PARCEL G1 A PARCEL OF LAND LYING WITHIN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 NORTH RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, CITY OF PEORIA, ARIZONA UNITED STATES OF AMERICA

DEDICATION
STATE OF ARIZONA) SS.
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS:

THAT VISTANCIA SOUTH, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER OF THE LAND BEING SUBMITTED HEREON, HAS SUBMITTED UNDER THE NAME OF "VISTANCIA VILLAGE A PARCEL G1" LIVING WITHIN MERIDIAN COUNTY OF PEORIA, MARICOPA COUNTY, ARIZONA, AS PLATTED HEREON AND HEREBY PUBLISHES THIS PLAN AS AND FOR THE PLAN OF SAID "VISTANCIA VILLAGE A PARCEL G1" DESCRIBED HEREON, AND HEREBY AGREES TO THE TERMS AND CONDITIONS OF SAID PLAN, AND THAT EACH LOT, TRACT, STREET AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAN.

VISTANCIA SOUTH, LLC AS OWNER, HEREBY DEDICATES TO THE CITY OF PEORIA FOR USE AS SUCH, THE PUBLIC UTILITY EASEMENTS (PUE) AS SHOWN HEREON AND INCLUDED IN THE ABOVE DESCRIBED PREMISES.

AS USED HEREIN, THE TERM "MAINTENANCE CORPORATION DECLARATION" SHALL MEAN AND REFER TO THAT CERTAIN AGREEMENT OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR VISTANCIA, DATED JULY 9, 2003 (THE "DECLARATION"), AS AMENDED, SUPPLEMENTED AND/OR AMENDED BY THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AS FROM TIME TO TIME HEREAFTER SUPPLEMENTED AND/OR AMENDED, AND THE TERM "VILLAGE ASSOCIATION" SHALL MEAN AND REFER TO VISTANCIA VILLAGE A COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION.

VISTANCIA SOUTH, LLC AS OWNER, HEREBY DEDICATES TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, THE RIGHT TO ENTER UPON OR OVER ANY PART OF SAID PARCEL OF LAND FOR THE PURPOSES OF PERFORMING MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND/OR SEWER LINE OVER, UNDER AND ACROSS SAID PARCEL OF LAND, SUBJECT TO NOTES 1, 2, 3, AND 4.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS DATE OF RECORDING, THE ENTIRE INTEREST IN SAID PARCEL OF LAND, THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND CONVEY SAID PARCEL OF LAND TO ANY PERSON WHO MAY BE INTERESTED IN SAID PARCEL OF LAND, AND THAT IT WILL DEFEND AND HOLD HARMLESS THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AGAINST THE CLAIMS OF ALL PERSONS WHOSEVER, THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE FLOWING PROPERTY OWNER.

VISTANCIA SOUTH, LLC AS GRANTOR, DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, THE RIGHT TO ENTER UPON OR OVER ANY PART OF SAID PARCEL OF LAND FOR THE PURPOSES OF PERFORMING MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND/OR SEWER LINE OVER, UNDER AND ACROSS SAID PARCEL OF LAND, SUBJECT TO NOTES 1, 2, 3, AND 4.

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VISTANCIA SOUTH, LLC AS GRANTOR, DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, THE RIGHT TO ENTER UPON OR OVER ANY PART OF SAID PARCEL OF LAND FOR THE PURPOSES OF PERFORMING MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND/OR SEWER LINE OVER, UNDER AND ACROSS SAID PARCEL OF LAND, SUBJECT TO NOTES 1, 2, 3, AND 4.

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VISTANCIA SOUTH, LLC AS GRANTOR, DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, THE RIGHT TO ENTER UPON OR OVER ANY PART OF SAID PARCEL OF LAND FOR THE PURPOSES OF PERFORMING MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND/OR SEWER LINE OVER, UNDER AND ACROSS SAID PARCEL OF LAND, SUBJECT TO NOTES 1, 2, 3, AND 4.

AND GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS DATE OF RECORDING, THE ENTIRE INTEREST IN SAID PARCEL OF LAND, THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND CONVEY SAID PARCEL OF LAND TO ANY PERSON WHO MAY BE INTERESTED IN SAID PARCEL OF LAND, AND THAT IT WILL DEFEND AND HOLD HARMLESS THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AGAINST THE CLAIMS OF ALL PERSONS WHOSEVER, THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE FLOWING PROPERTY OWNER.

VISTANCIA SOUTH, LLC AS GRANTOR, DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, THE RIGHT TO ENTER UPON OR OVER ANY PART OF SAID PARCEL OF LAND FOR THE PURPOSES OF PERFORMING MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND/OR SEWER LINE OVER, UNDER AND ACROSS SAID PARCEL OF LAND, SUBJECT TO NOTES 1, 2, 3, AND 4.

AND GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS DATE OF RECORDING, THE ENTIRE INTEREST IN SAID PARCEL OF LAND, THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND CONVEY SAID PARCEL OF LAND TO ANY PERSON WHO MAY BE INTERESTED IN SAID PARCEL OF LAND, AND THAT IT WILL DEFEND AND HOLD HARMLESS THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AGAINST THE CLAIMS OF ALL PERSONS WHOSEVER, THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE FLOWING PROPERTY OWNER.

VISTANCIA SOUTH, LLC AS GRANTOR, DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, THE RIGHT TO ENTER UPON OR OVER ANY PART OF SAID PARCEL OF LAND FOR THE PURPOSES OF PERFORMING MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND/OR SEWER LINE OVER, UNDER AND ACROSS SAID PARCEL OF LAND, SUBJECT TO NOTES 1, 2, 3, AND 4.

AND GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS DATE OF RECORDING, THE ENTIRE INTEREST IN SAID PARCEL OF LAND, THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND CONVEY SAID PARCEL OF LAND TO ANY PERSON WHO MAY BE INTERESTED IN SAID PARCEL OF LAND, AND THAT IT WILL DEFEND AND HOLD HARMLESS THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AGAINST THE CLAIMS OF ALL PERSONS WHOSEVER, THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE FLOWING PROPERTY OWNER.

VISTANCIA SOUTH, LLC AS GRANTOR, DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, THE RIGHT TO ENTER UPON OR OVER ANY PART OF SAID PARCEL OF LAND FOR THE PURPOSES OF PERFORMING MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND/OR SEWER LINE OVER, UNDER AND ACROSS SAID PARCEL OF LAND, SUBJECT TO NOTES 1, 2, 3, AND 4.

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VISTANCIA SOUTH, LLC AS GRANTOR, DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, THE RIGHT TO ENTER UPON OR OVER ANY PART OF SAID PARCEL OF LAND FOR THE PURPOSES OF PERFORMING MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND/OR SEWER LINE OVER, UNDER AND ACROSS SAID PARCEL OF LAND, SUBJECT TO NOTES 1, 2, 3, AND 4.

DEDICATION CONTINUED

THE UNDERSIGNED VISTANCIA SOUTH, LLC, A DELAWARE LIMITED LIABILITY COMPANY HAS HEREBY CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED SIGNER HEREUNTO DULY AUTHORIZED THIS _____ DAY OF _____, 2012.

VISTANCIA SOUTH, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: SUE III - VP/HA, LLC, A TEXAS LIMITED LIABILITY COMPANY, ITS MANAGING MEMBER

BY: STRATFORD LAND FUND III, L.P., A DELAWARE LIMITED PARTNERSHIP, ITS SOLE AND MANAGING MEMBER

BY: STRATFORD FUND III, L.P., A TEXAS LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER

BY: _____

DEDICATION ACKNOWLEDGMENT

STATE OF TEXAS) SS.
COUNTY OF DALLAS)

ON THIS _____ DAY OF _____, 2012, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO ACKNOWLEDGED TO ME THAT SHE IS THE MANAGING MEMBER OF VISTANCIA SOUTH, LLC, AND THAT SHE IS DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF, I HERETO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, _____

MY COMMISSION EXPIRES: _____

VISTANCIA VILLAGE A ASSOCIATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAN, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREIN.

VISTANCIA VILLAGE A COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION

BY: _____

ITS: _____

ACKNOWLEDGMENT

STATE OF ARIZONA) SS.
COUNTY OF MARICOPA)

ON THIS _____ DAY OF _____, 2012, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO ACKNOWLEDGED HIMSELF TO BE THE MANAGING MEMBER OF VISTANCIA SOUTH, LLC, AND THAT SHE IS DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF, I HERETO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, _____

MY COMMISSION EXPIRES: _____

MAINTENANCE CORPORATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAN, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREIN.

VISTANCIA MAINTENANCE CORPORATION, AN ARIZONA NON-PROFIT CORPORATION

BY: _____

ITS: _____

ACKNOWLEDGMENT

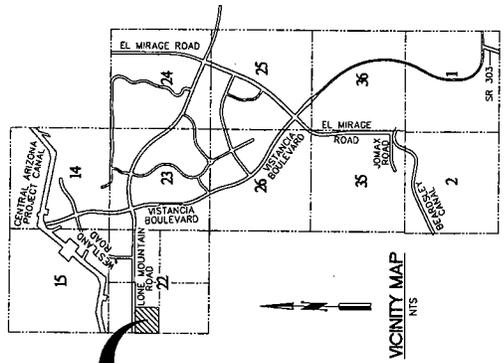
STATE OF ARIZONA) SS.
COUNTY OF MARICOPA)

ON THIS _____ DAY OF _____, 2012, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO ACKNOWLEDGED HIMSELF TO BE THE MANAGING MEMBER OF VISTANCIA MAINTENANCE CORPORATION, AN ARIZONA NON-PROFIT CORPORATION, AND THAT SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF, I HERETO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, _____

MY COMMISSION EXPIRES: _____



VICINITY MAP
NTS

LIEN HOLDER RATIFICATION AND CONSENT

THE UNDERSIGNED HOLDER OF ALL OF THE BENEFICIARY'S RIGHT, TITLE AND INTEREST IN THE PARCEL OF LAND DESCRIBED IN THIS PLAN, INCLUDING ALL INTERESTS, AGREEMENTS, EASEMENTS, RIGHTS, CLAIMS, AND AGREEMENTS, RECORDS ON DECEMBER 23, 2002, IN THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, AS WELL AS ALL OTHER INTERESTS, AGREEMENTS, RIGHTS, CLAIMS, AND AGREEMENTS, HEREBY CONSENTS TO THIS MAP AND AGREES THAT THIS PLAN SHALL CONTINUE TO BE VALID AND ENFORCEABLE IN FULL FORCE AND EFFECT. THE UNDERSIGNED HEREBY CONSENTS TO SUCH DEED OF TRUST OR ANY OTHER ACQUISITION OF TITLE BY THE UNDERSIGNED, ITS SUCCESSORS, OR ASSIGNS, OF ALL OR ANY PORTION OF THE REAL PROPERTY COVERED BY SUCH DEED OF TRUST.

JPMORGAN CHASE BANK, N.A.

BY: _____

ITS: _____

CERTIFICATION

THE UNDERSIGNED HEREBY CERTIFY THAT THE PROPERTY DEPICTED AND DESCRIPTION OF THE SUBDIVISION DESCRIBED ON THIS PLAN IS ACCURATELY REPRESENTED ON THIS PLAN.

BY: _____ DATE: 7/24/12

APPROVALS

APPROVED BY THE COUNCIL OF THE CITY OF PEORIA, ARIZONA ON THE _____ DAY OF _____, 2012.

MAYOR _____ DATE: _____

ATTNEY, CITY CLERK _____ DATE: _____

CITY ENGINEER _____ DATE: _____



PREPARED BY
STANLEY CONSULTANTS, INC.
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FAX: 602.333.2333
CONTACT: MIKE E. FONDREN, PLS

PREPARED FOR
VISTANCIA SOUTH, LLC
SUITE 100
SCOTTSDALE, AZ 85253-4421
PHONE: 480.955.0770
FAX: 480.955.1419
CONTACT: BOB BAMBARGER



OWNER

VISTANCIA SOUTH, LLC
6720 N. SCOTTSDALE ROAD
SCOTTSDALE, AZ 85253-4421
PHONE: 480.955.0770
FAX: 480.955.1419

CITY OF PEORIA PLAN CHECK #R000033

VISTANCIA

STANLEY CONSULTANTS, INC.
1000 CALLENDAR ROAD, SUITE 400
PHOENIX, AZ 85020-3805

VISTANCIA PARCEL G1 FINAL PLAN

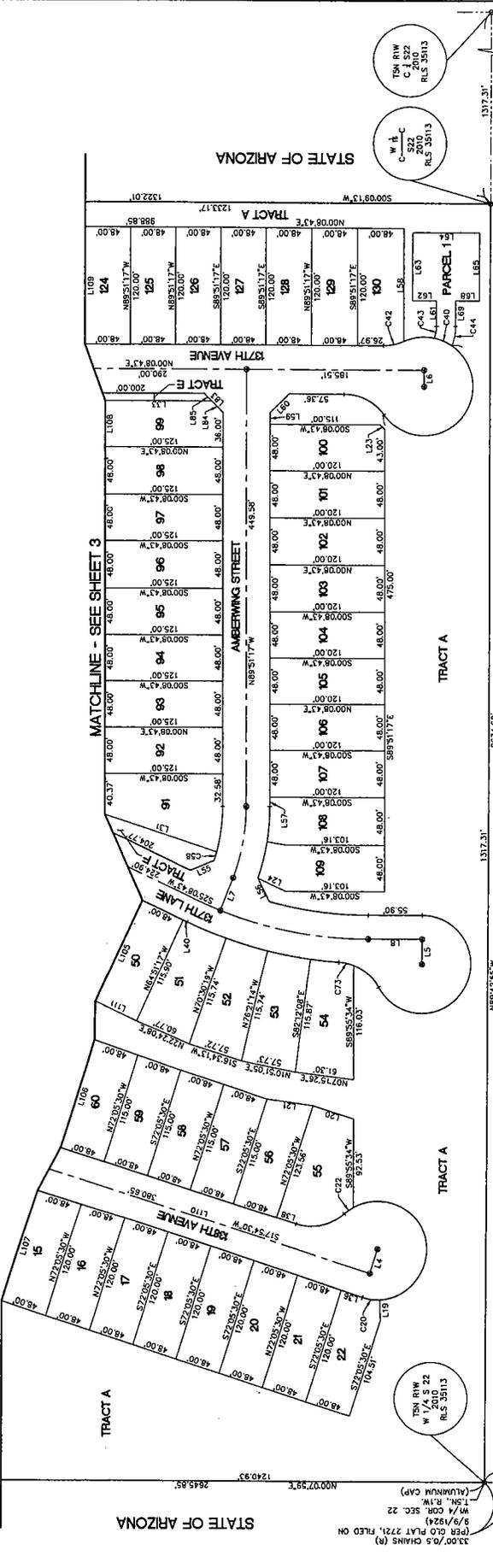
DATE: _____ APPROVED: _____

PROJECT: 1140771/DATA/22023 SHEET: 1 OF 5

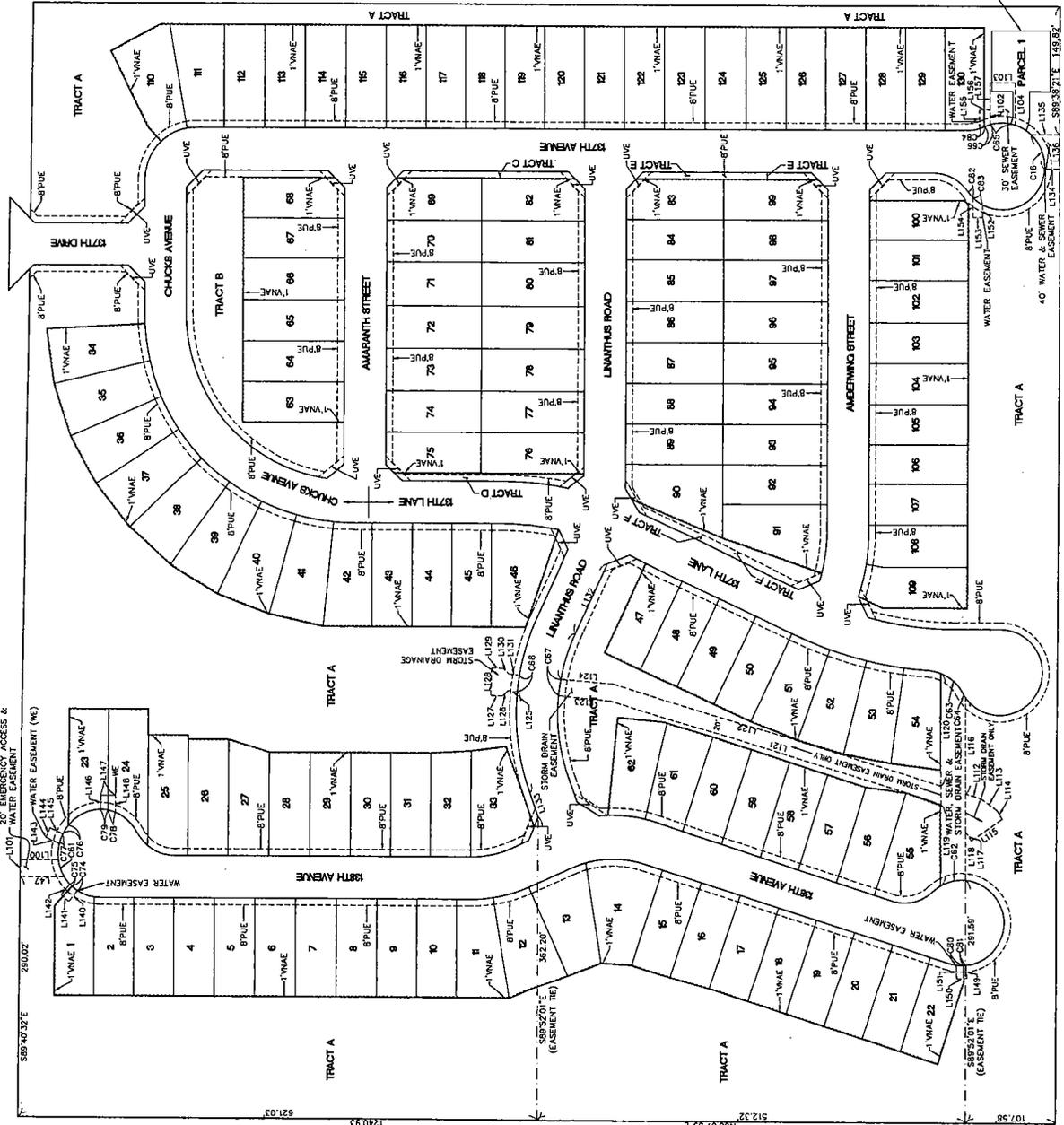
MATCHLINE - SEE SHEET 3

MATCHLINE - SEE SHEET 3

MATCHLINE - SEE SHEET 3

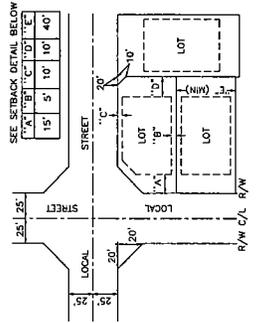


PROPOSED EASEMENTS DETAIL SHEET



TYPICAL BUILDING SETBACKS

LOT LAYOUTS (VRD-5) AND ROADWAY WIDTH



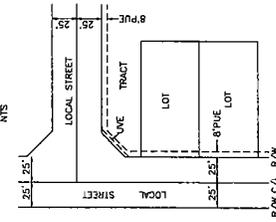
DETAIL LEGEND

—	C/A	CENTRELINE
—	R/W	RIGHT-OF-WAY
—	—	CONTRIBUTION
—	—	RIGHT-OF-WAY
—	—	BUILDING SETBACK

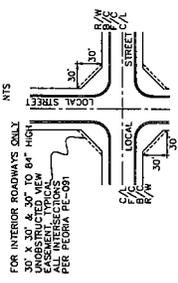
SETBACK NOTES:

1. A 15' FRONT YARD SETBACK WILL BE REQUIRED UNLESS OTHERWISE NOTED.
2. A 10' REAR YARD SETBACK WILL BE REQUIRED UNLESS OTHERWISE NOTED.
3. THE FRONT YARD SETBACK FOR LIVING GARAGE COMPONENT MAY BE SET AT 10' IN ANY RESIDENTIAL ZONING DISTRICT.

TYPICAL PUBLIC UTILITY EASEMENT (PUE) AT AN INTERSECTION



TYPICAL UNOBSTRUCTED VIEW EASEMENT (UVE)



FOR INTERIOR ROADWAYS ONLY
30' X 30' & 30' TO 64" HIGH
EASEMENT TYPICAL
ALL INTERSECTIONS
PER PCMA FC-91

LEGEND

- FOUND MONUMENT, AS NOTED
- FOUND 5/8" REBAR W/ ALUMINUM CAP L.S. 35113
- SET BRASS CAP PUNCH PER PCMA FC-91, 1/2" DIA. STAMPED "R13 35113"
- NR NON-RADIAL
- PUE PUBLIC UTILITY EASEMENT
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- MCR MARICOPA COUNTY RECORDS
- R/W RIGHT-OF-WAY
- (R) RECORD PER BK.632, PG.24, MCR UNLESS OTHERWISE NOTED
- V/AE VEHICLE NON-ACCESS EASEMENT
- UVE UNOBSTRUCTED VIEW EASEMENT PER PCMA FC-91

CITY OF PEORIA PLAN CHECK # 110088

REGISTERED

Stanley Consultants, Inc.

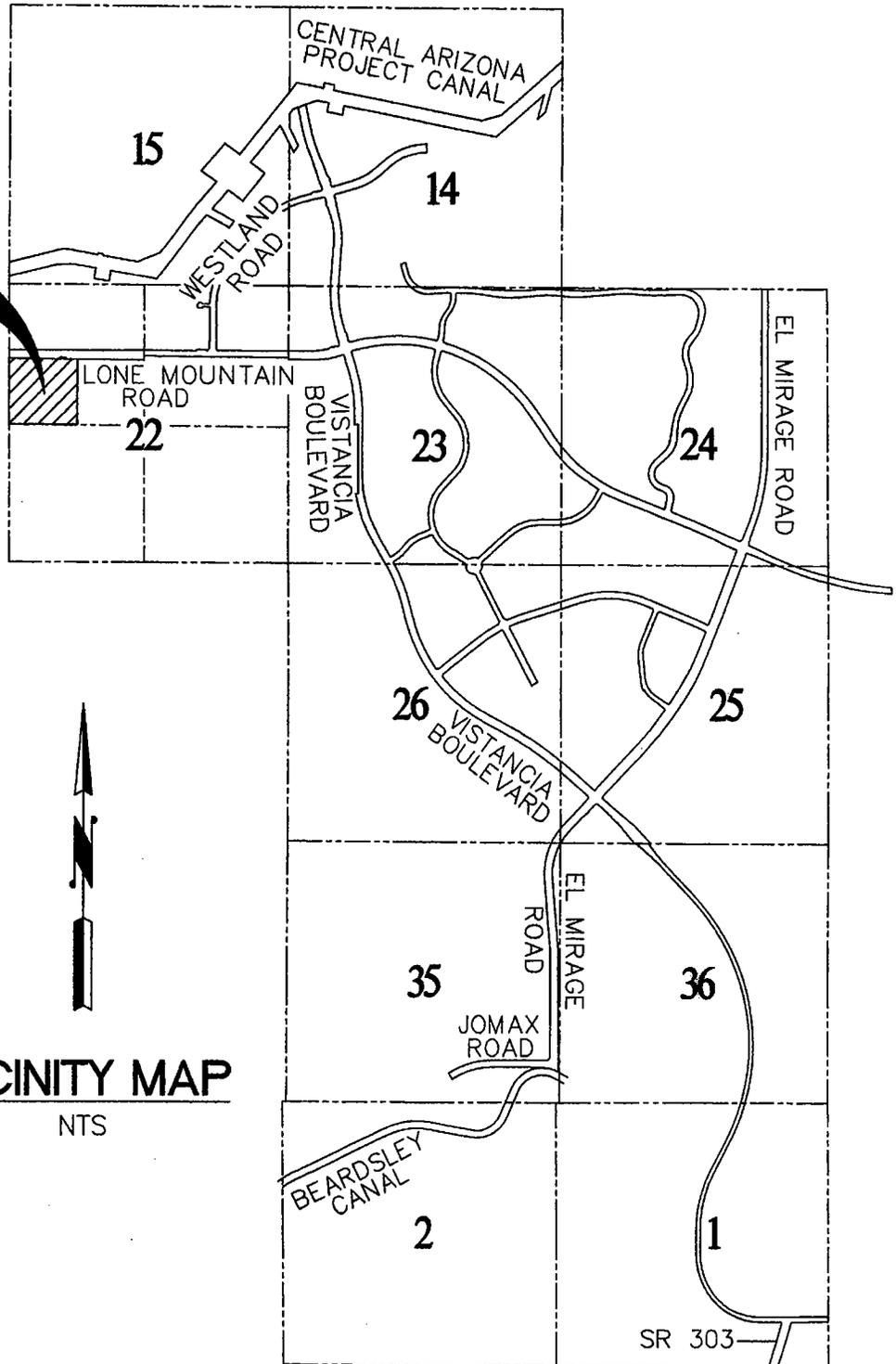
1101 EAST OMAHA ROAD, SUITE 100
PEORIA, ARIZONA 85101 | 902.353.2222

VESTANCA PARCEL G1 FINAL PLAT

DESIGNED: NSJ
APPROVED: WF
DATE: 08/26/2013

FILE: P10-14106 | PROJECT: 1717120 | DATE: 08/26/2013 | SHEET: 3 OF 3

PARCEL G1



VICINITY MAP

NTS

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 14C

Date Prepared: October 16, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Condominium Replat, 1200 Riverwalk Professional Center North, 77th Avenue south of Deer Valley Road (Project No. R070085B)

Purpose:

This is a request for City Council to approve a Condominium Replat of "1200 Riverwalk Professional Center North," located on 77th Avenue south of Deer Valley Road, and authorize the Mayor and City Clerk to sign and record the Condominium Replat with the Maricopa County Recorder's Office subject to the following stipulations:

1. In the event that the Condominium Replat is not recorded within 60 days of Council approval, the Condominium Replat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

Background/Summary:

The Amendment to the Condominium Plat for Riverwalk Professional Center is needed to facilitate the sale of a condo unit to a business entity by the owner. The Riverwalk condo plat was originally set up with individual units identified within buildings throughout the site (March 2012). As sales take place in the condominium subdivision, reconfigurations of the units become necessary (shifting of unit lines, combining of units, etc.). As the owner continues to sell condominium units, additional plat amendments may be required.

Previous Actions:

The condominium plat was reviewed by the City and completed in March 2012.

Options:

A: The Condominium Replat has been approved through the Economic Development Services Department. An option would be to not accept the proposed Condominium Replat; although it

should be noted that not approving the Condominium Replat will hinder the Developer from selling these units as intended.

B: The other option would be to formally approve the Condominium Replat and allow these units to be sold and developed.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Condominium Replat.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Condominium Replat.

Narrative:

The acceptance of this Condominium Replat by City Council will allow the developer to move forward in selling these units.

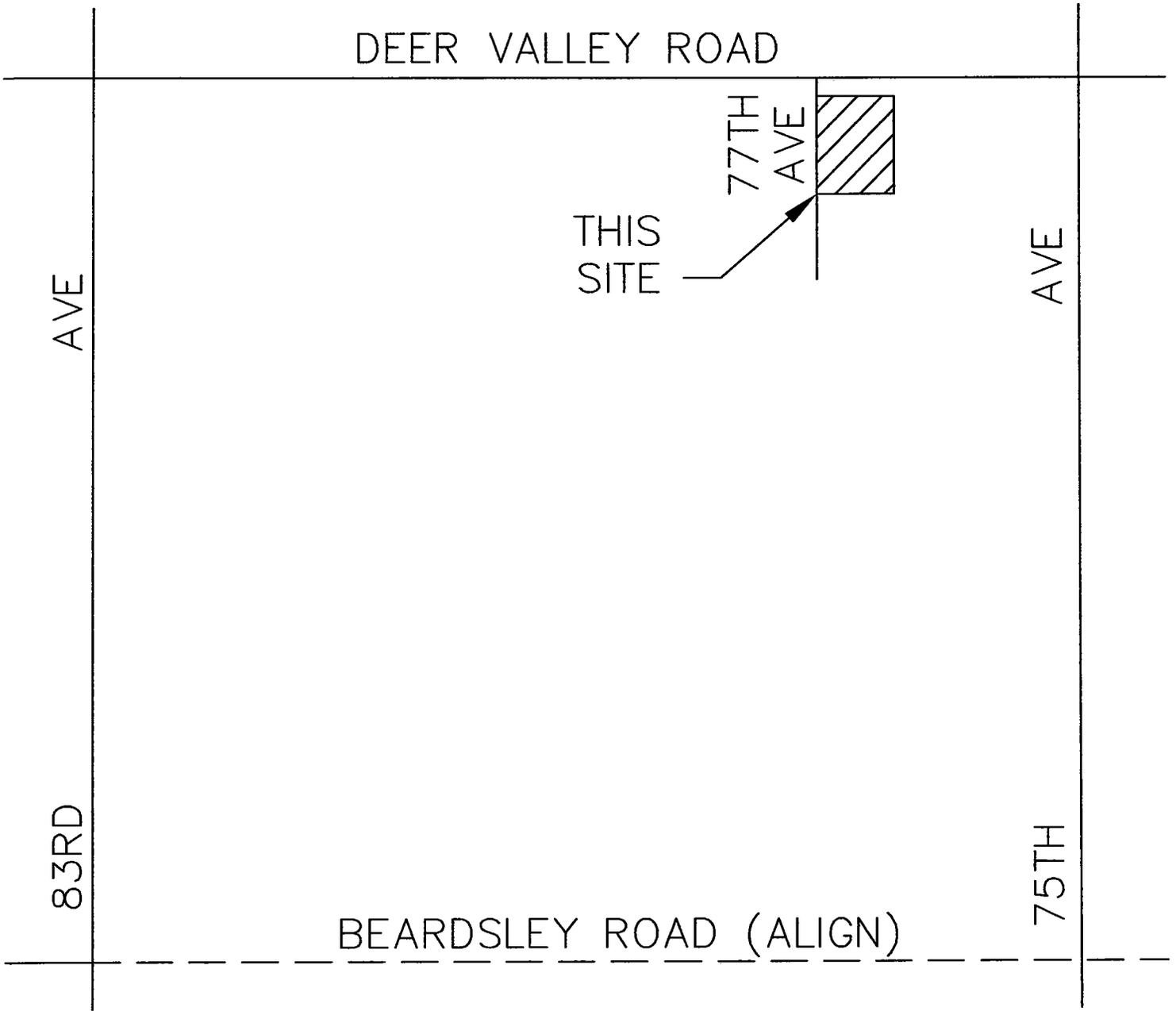
Exhibit(s):

Exhibit 1: Condominium Replat

Exhibit 2: Vicinity Map

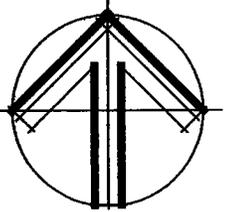
Contact Name and Number:

Jodi Breyfogle, PE, CFM: 623-773-7577



VICINITY MAP

SCALE: NTS



**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 15C

Date Prepared: November 20, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager
FROM: Jeff Tyne, 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 2013 First Quarter Budget Amendments and FY 2012 Carryovers.

Background/Summary:

The attached schedules list budget amendments for FY 2013 and carryovers from the FY 2012 budget 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 2013 Amendments Summary:

Clean-up – The amendment in this category is to correct the program code used for the Community Works Program and to change the program code and account programmed for the Old town Signage. The Clean-up adjustments total \$1,000,000.

Operating – The adjustments in the Operating category include consolidation of IT divisions to more accurately reflect operations, removal of budget for payment of cancelled ADWR Municipality Assessment fees, reimbursement of park impact fees paid by Vistancia for Westland Park, and the transfer of authorized budget for the BioAccel, BioInspire project from the Half Cent fund to the Economic Development fund. The Operating adjustments total \$6,861,467.

Capital Items – This category includes an adjustment to establish appropriation for amounts received from developers for several capital projects, moving budget for replacement water meters from a commodity account to a capital account (no financial impact realized), a return

of budget to fund balance, reflecting savings realized upon bid opening, and chargebacks for Materials Management, Arts, and Engineering. The Capital Items adjustments total \$8,159,046.

FY 2012 Carryover Summary:

Carryover - Operating – This category includes items budgeted in FY 2012 that are carried over into the FY 2013 budget. Operating carryovers include appropriations for various grants, budget for BioInspire to pay costs associated with the BioAccel operating agreement, departmental carryovers from IT, Community Services and Public Works, carryover of Council district funds and funds for Neighborhood Services programs. The Carryover-Operating adjustments total \$2,532,854.

Carryover - Capital – This category includes capital items budgeted in FY 2012 that are carried over into the FY 2013 budget. Capital carryovers include adjustments for various capital projects including Lake Pleasant Parkway street project and Pinnacle Peak Road Channel project. The Carryover-Capital adjustments total \$9,893,157.

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
- C:** Do not approve the Budget Amendments and request further information from Staff.

Staff's Recommendation:

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

Fiscal Analysis:

These budget amendments have no net 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 2013 Budget Amendment and FY 2012 Carryover Schedule

Contact Name and Number: Jeff Tyne, 623-773-7114

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

#4101 - Non-Departmental - Gen Fund Capital Projects

7000	7050	543001	Street System	CIPST	COP0001	\$500,000	
1000	0310	543005	Park Improvements	CIPPK	COP0001	\$494,000	
1000	0310	530018	Signs and Sign Supplies	CIPOT	COP0001	\$6,000	
1000	0310	543005	Park Improvements	CIPOF	COP0001		\$500,000
7000	7050	543001	Street System	CIPOF	COP0001		\$500,000

Comment: CIP - Correct program code used for Community Works Program. Should have used CIPST/CIPPK instead of CIPOF. Also, change program code and account for the \$6,000 programmed for Old Town Signage.

Subtotal for Clean-up Amendments: \$1,000,000 \$1,000,000

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

#4100 - Information Technology - IT Operations

3300	3750	525008	Maintenance Contract - Computer Software	\$1,844,653	
3300	3750	510000	Salaries and Wages - Regular	\$1,622,892	
3300	3750	525503	Service Charges - General Fund	\$330,167	
3300	3750	512000	Hospital, Dental and Life Insurance	\$256,392	
3300	3750	525505	Service Charges - Facility Maintenance	\$194,842	
3300	3750	511501	Retirement - State	\$180,941	
3300	3750	511001	Social Security - OASDI	\$100,609	
3300	3750	511002	Social Security - HI	\$23,521	
3300	3750	520099	Other Professional Services	\$20,000	
3300	3750	520511	Local Training/Meeting	\$17,600	
3300	3750	525501	Service Charges - Insurance Reserve	\$14,319	
3300	3750	525701	Computer Replacement Charge	\$14,170	
3300	3750	512900	457 Compensation	\$8,190	
3300	3750	530003	Computer Hardware and Supplies	\$5,000	
3300	3750	530021	Computer Software	\$5,000	
3300	3750	512500	Workmen's Compensation	\$3,654	
3300	3750	530001	Office Supplies	\$3,410	
3300	3750	513800	EAP Charges	\$630	
3300	3750	513501		\$456	
3300	3750	521002	Employee Professional Membership Dues	\$400	
3300	3751	521002	Employee Professional Membership Dues		\$400
3300	3751	513501			\$456
3300	3751	513800	EAP Charges		\$630
3300	3751	530001	Office Supplies		\$3,410
3300	3751	512500	Workmen's Compensation		\$3,654
3300	3751	530003	Computer Hardware and Supplies		\$5,000
3300	3751	530021	Computer Software		\$5,000
3300	3751	512900	457 Compensation		\$8,190
3300	3751	525701	Computer Replacement Charge		\$14,170
3300	3751	525501	Service Charges - Insurance Reserve		\$14,319
3300	3751	520511	Local Training/Meeting		\$17,600
3300	3751	520099	Other Professional Services		\$20,000
3300	3751	511002	Social Security - HI		\$23,521
3300	3751	511001	Social Security - OASDI		\$100,609
3300	3751	511501	Retirement - State		\$180,941
3300	3751	525505	Service Charges - Facility Maintenance		\$194,842
3300	3751	512000	Hospital, Dental and Life Insurance		\$256,392
3300	3751	525503	Service Charges - General Fund		\$330,167
3300	3751	510000	Salaries and Wages - Regular		\$1,622,892
3300	3751	525008	Maintenance Contract - Computer Software		\$1,844,653

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

Comment: Consolidate IT divisions to more accurately reflect operations.

#4106 - Community Services - Prop 302 Grant Program			
7850	7890	522501	Advertising
			\$67,705
7990	7990	570000	Contingencies
			\$67,705

Comment: Establish budget appropriation for grant from the Arizona Office of Tourism for FY2013 in the amount of \$67,705 for the Sports Complex.

#4117 - Public Works - Water Supply			
2050	2050	570000	Contingencies
			\$191,938
2050	2125	523518	ADWR Fee
			\$191,938

Comment: Remove budget for payment of cancelled ADWR Municipality Assessment fees.

#4124 - Non-Departmental - Neighborhood Park Dev Zone 3							
7905	7905	561502	Dev/Impact Fee Repymts/Reimb	NA	NA	\$640,500	
7904	7904	570000	Contingencies	NA	NA		\$100,800
7915	7915	570000	Contingencies	NA	NA		\$139,700
7905	7905	570000	Contingencies	NA	NA		\$200,000
7910	7910	570000	Contingencies	NA	NA		\$200,000

Comment: Establish appropriation for the reimbursement of park impact fees paid by Vistancia for the dedication of Westland Park (land only) per the Vistancia Development Agreement.

#4128 - Non-Departmental - Non-Departmental					
7450	7700	530006	Postage and Shipping	\$1,036	
7450	7700	530001	Office Supplies	\$349	
7450	7700	520036	Copier Services	\$57	
7990	7990	570000	Contingencies		\$1,442

Comment: To establish budget authority for the Victims Rights Program Grant which assists victims of crime to participate in the criminal justice process.

#4143 - Public Works - Wtr Resources Project							
2169	2229	561502	Dev/Impact Fee Repymts/Reimb	NA	NA	\$311,747	
2161	2221	570000	Contingencies	NA	NA		\$61,747
2169	2229	570000	Contingencies	NA	NA		\$250,000

Comment: Establish appropriation to reimburse Vistancia LLC for Water Resource Impact Fees collected between September 2008 and August 2012 as outlined in the Vistancia Development Agreement.

#4145 - Economic Development Services - Economic Development					
1900	1900	520099	Other Professional Services	\$835,237	
1900	1900	524506	Building - Lease and Rental	\$159,448	
1210	0350	524506	Building - Lease and Rental		\$159,448
1210	0350	520099	Other Professional Services		\$835,237

Comment: This will move the authorized budget for the BioAccel, BioInspire project from the Half Cent fund to the Economic Development fund. This will allow the approved funding for ED projects to be kept in a separate fund for better tracking and reporting.

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

#4147 - Economic Development Services - Economic Development

1000	0352	530008	Food Supplies	\$400	
1000	0300	570000	Contingencies		\$400

Comment: Establish appropriation for sponsorship funds received from Southwest Gas to offset costs of Small Business Roundtable.

#4156 - Public Works - Transit Division

3150	3550	542505	Other Vehicles	\$6,204	
7150	7200	525703	Vehicle Replacement Charge		\$1,760
7150	7200	525600	Vehicle Maintenance Costs		\$4,444

Comment: Transfer to provide for shortfall in Transit Bus replacment budget. This does not affect Cash Reserves as these items are 100% reimbursed by outside agencies.

Subtotal for Operating Amendments: \$6,861,467 \$6,861,467

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

#4103 - Non-Departmental - Gen Fund Capital Projects

4810	4810	543001	Street System	CIPST EN00241	\$292,000
4810	4810	543001	Street System	CIPST PW00046	\$30,894
1000	0300	570000	Contingencies		\$322,894

Comment: CIP - Establish outside sources appropriation for amounts received from developers for the following projects: (1) Lake Pleasant Parkway: Westwing to L303 - \$292,000 and (2) Sidewalks Annual Program - \$30,894.

#4112 - Non-Departmental - Gen Fund Capital Projects

4810	4810	543001	Street System	CIPST EN00088	\$33,638
1000	0300	570000	Contingencies		\$33,638

Comment: CIP - Amendment to establish appropriation to expend funds paid to city by developer for undergrounding of existing overhead power lines.

#4135 - Non-Departmental - Gen Fund Capital Projects

2400	2550	520099	Other Professional Services	CIPWW UT00321	\$104,842
2510	2630	520099	Other Professional Services	CIPWW UT00321	\$104,842

Comment: CIP - Sub-Regional Operating Group (SROG) Line Assessment & Repair - Change budget from wastewater expansion fee fund (2510) to wastewater operating fund (2400).

#4138 - Finance Utilities - Meter Services

1000	0470	543008			\$362,114
1000	0470	533505	Water Meters		\$362,114

Comment: Move budget for replacement water meters from a commodity account to a capital account to reflect the proper accounting of the asset. There is no financial impact from this adjustment.

#4148 - Non-Departmental - Gen Fund Capital Projects

2050	2050	570000	Contingencies		\$1,500,000
2400	2480	570000	Contingencies		\$1,500,000
2050	2140	543002	Water System	CIPWR UT00148	\$1,500,000
2400	2550	543003	Wastewater System	CIPWW UT00151	\$1,500,000

Comment: CIP - Lake Pleasant Parkway water and sewer lines - Return budget to fund balance, reflecting savings realized upon bid opening.

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

#4157 - Non-Departmental - Gen Fund Capital Projects

4250	4250	525515	Arts Commission Service Charge	CIPPK	CS00034	\$10,584
4550	4550	525515	Arts Commission Service Charge	CIPST	EN00089	\$6,910
4232	4232	525515	Arts Commission Service Charge	CIPPK	CS00022	\$5,075
4220	4220	525515	Arts Commission Service Charge	CIPST	EN00241	\$3,034
1000	0310	525515	Arts Commission Service Charge	CIPOF	CS00070	\$2,592
4240	4240	525515	Arts Commission Service Charge	CIPPK	CS00123	\$2,507
4220	4220	525515	Arts Commission Service Charge	CIPST	EN00313	\$2,105
7000	7050	525515	Arts Commission Service Charge	CIPST	COP0001	\$1,314
2400	2550	525515	Arts Commission Service Charge	CIPWW	UT00116	\$1,046
4550	4550	525515	Arts Commission Service Charge	CIPST	EN00313	\$969
1000	0310	525515	Arts Commission Service Charge	CIPOF	ED00006	\$789
2400	2550	525515	Arts Commission Service Charge	CIPWW	UT00296	\$665
7010	7075	525515	Arts Commission Service Charge	CIPTC	EN00170	\$641
1000	0310	525515	Arts Commission Service Charge	CIPPK	CS00022	\$618
1000	0310	525515	Arts Commission Service Charge	CIPST	PW00025	\$615
7001	7051	525515	Arts Commission Service Charge	CIPST	EN00313	\$601
2400	2550	525515	Arts Commission Service Charge	CIPWW	UT00191	\$529
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00204	\$490
4240	4240	525515	Arts Commission Service Charge	CIPPS	PD00013	\$460
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00253	\$448
2510	2630	525515	Arts Commission Service Charge	CIPWW	UT00151	\$433
2161	2221	525515	Arts Commission Service Charge	CIPWR	UT00148	\$289
4550	4550	525515	Arts Commission Service Charge	CIPOF	PW00506	\$274
7901	7901	525515	Arts Commission Service Charge	CIPPK	CS00054	\$274
7000	7050	525515	Arts Commission Service Charge	CIPST	PW00046	\$270
1000	0310	525515	Arts Commission Service Charge	CIPPK	COP0001	\$258
4250	4250	525515	Arts Commission Service Charge	CIPOF	CS00070	\$253
7001	7051	525515	Arts Commission Service Charge	CIPST	EN00177	\$233
2510	2630	525515	Arts Commission Service Charge	CIPWW	UT00171	\$193
1970	1970	525515	Arts Commission Service Charge	CIPOF	PW10300	\$163
4210	4210	525515	Arts Commission Service Charge	CIPST	PW00245	\$143
4210	4210	525515	Arts Commission Service Charge	CIPST	EN00271	\$131
2400	2550	525515	Arts Commission Service Charge	CIPWW	UT00307	\$128
7901	7901	525515	Arts Commission Service Charge	CIPPK	CS00123	\$112
4220	4220	525515	Arts Commission Service Charge	CIPST	PW00152	\$105
2050	2140	525515	Arts Commission Service Charge	CIPWR	EN00313	\$66
2400	2550	525515	Arts Commission Service Charge	CIPWW	EN00313	\$53
4220	4220	525515	Arts Commission Service Charge	CIPDR	PW00185	\$52
7010	7075	525515	Arts Commission Service Charge	CIPST	PW00065	\$52
2400	2550	525515	Arts Commission Service Charge	CIPWW	UT00266	\$40

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

4240	4240	525515	Arts Commission Service Charge	CIPRT	CS00142	\$38	
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00206	\$31	
1000	0310	525515	Arts Commission Service Charge	CIPPK	CS00134	\$21	
1000	0310	525515	Arts Commission Service Charge	CIPOF	PW00506	\$11	
2050	2140	525515	Arts Commission Service Charge	CIPWR	UT00324	\$6	
7000	7050	525515	Arts Commission Service Charge	CIPST	PW00138	\$5	
4240	4240	525515	Arts Commission Service Charge	CIPOF	CS00070	\$3	
1970	1970	525515	Arts Commission Service Charge	CIPOF	AT02013		\$163
4210	4210	525515	Arts Commission Service Charge	CIPOF	AT02013		\$274
2161	2221	525515	Arts Commission Service Charge	CIPOF	AT02013		\$289
7901	7901	525515	Arts Commission Service Charge	CIPOF	AT02013		\$386
2510	2630	525515	Arts Commission Service Charge	CIPOF	AT02013		\$626
7010	7075	525515	Arts Commission Service Charge	CIPOF	AT02013		\$693
7001	7051	525515	Arts Commission Service Charge	CIPOF	AT02013		\$834
2050	2140	525515	Arts Commission Service Charge	CIPOF	AT02013		\$1,041
7000	7050	525515	Arts Commission Service Charge	CIPOF	AT02013		\$1,589
2400	2550	525515	Arts Commission Service Charge	CIPOF	AT02013		\$2,461
4240	4240	525515	Arts Commission Service Charge	CIPOF	AT02013		\$3,008
1000	310	525515	Arts Commission Service Charge	CIPOF	AT02013		\$4,904
4232	4232	525515	Arts Commission Service Charge	CIPOF	AT02013		\$5,075
4220	4220	525515	Arts Commission Service Charge	CIPOF	AT02013		\$5,296
4550	4550	525515	Arts Commission Service Charge	CIPOF	AT02013		\$8,153
4250	4250	525515	Arts Commission Service Charge	CIPOF	AT02013		\$10,837

Comment: CIP - First Quarter FY2013 Arts Transfer.

#4158 - Non-Departmental - Gen Fund Capital Projects

4251	4251	540000	Land	CIPOF	ED00003	\$2,986,500	
4251	4251	540000	Land	CIPRT	CS00089	\$666,667	
4250	4250	540000	Land	CIPRT	CS00089		\$666,667
4250	4250	540000	Land	CIPOF	ED00003		\$2,986,500

Comment: CIP - Move two projects from 2012 G.O. Bond Fund to Proposed G.O. Bond Fund. These projects were not included in the 2012 bond sale.

#4159 - Non-Departmental - Gen Fund Capital Projects

4240	4240	520099	Other Professional Services	CIPRT	CS00089	\$243,000	
4240	4240	540000	Land	CIPRT	CS00089		\$243,000

Comment: CIP - Move budget from Land account to Other Professional Services account to pay for various studies needed to facilitate our open space objectives. This was communicated to the City Council at its August 21 Study Session.

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

#4162 - Non-Departmental - Gen Fund Capital Projects

7010	7075	543001	Street System	CIPTC	EN00170	\$11,526	
4810	4810	570000	Contingencies			\$3,445	
4810	4810	543001	Street System	CIPTC	EN00170		\$3,445
7010	7075	570000	Contingencies				\$11,526

Comment: Traffic Signal Program - Establish budget authority needed to spend \$11,526 refund received from ADOT and reduce budget in outside sources fund for pedestrian countdown heads. Project cost less than anticipated; amount of our reimbursement was less.

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

#4165 - Non-Departmental - Gen Fund Capital Projects

7000 7050 544001	CIPST COP0001	\$3,899
1000 0310 544001	CIPOF ED00002	\$2,257
1000 0310 544001	CIPPK COP0001	\$2,257
7000 7050 544001	CIPST PW00138	\$2,257
7000 7050 544001	CIPST PW11160	\$2,257
7010 7075 544001	CIPTC EN00170	\$2,257
2400 2550 544001	CIPWW UT00191	\$2,053
4550 4550 544001	CIPST EN00324	\$2,053
2050 2140 544001	CIPWR UT00316	\$1,231
7010 7075 544001	CIPST EN00177	\$1,129
7001 7051 544001	CIPST EN00177	\$1,128
2050 2140 544001	CIPWR UT00271	\$1,027
2400 2550 544001	CIPWW UT00271	\$1,026
2050 2140 544001	CIPWR UT00206	\$821
7010 7075 544001	CIPTC EN00348	\$821
2400 2550 544001	CIPWW UT00256	\$419
2050 2140 544001	CIPWR UT00204	\$410
2400 2550 544001	CIPWW UT00307	\$410
2050 2140 544001	CIPWR UT00256	\$402
4550 4550 544001	CIPOF ED00006	\$333
2400 2550 544001	CIPWW UT00116	\$205
2400 2550 544001	CIPWW UT00296	\$205
1000 0310 544001	CIPOF CS00070	\$175
4220 4220 544001	CIPST EN00271	\$175
4550 4550 544001	CIPST EN00313	\$133
4240 4240 544001	CIPPK CS00134	\$117
4220 4220 544001	CIPST EN00241	\$114
1000 0310 544001	CIPPK CS00134	\$88
1000 0310 544001	CIPOF ED00006	\$77
7010 7075 544001	CIPST EN00241	\$45
7010 7075 544001	CIPST PW00065	\$41
4220 4220 544001	CIPST EN00313	\$39
4210 4210 544001	CIPST EN00271	\$30
4240 4240 544001	CIPST EN00241	\$28
4250 4250 544001	CIPOF CS00070	\$20
4550 4550 544001	CIPST EN00241	\$16
2050 2140 544001	CIPWR EN00313	\$15
2400 2550 544001	CIPWW EN00313	\$15
4240 4240 544001	CIPOF CS00070	\$10
7001 7051 544001	CIPST EN00313	\$3

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant				Debit	Credit
<u>Capital</u>						
7000	7050	544001		CIPST EN00241	\$2	
4250	4250	525507	Service Charges - Engineering	CIPOF CB02013		\$20
4210	4210	525507	Service Charges - Engineering	CIPOF CB02013		\$30
4240	4240	525507	Service Charges - Engineering	CIPOF CB02013		\$155
4220	4220	525507	Service Charges - Engineering	CIPOF CB02013		\$328
7001	7051	525507	Service Charges - Engineering	CIPOF CB02013		\$1,131
4550	4550	525507	Service Charges - Engineering	CIPOF CB02013		\$2,535
2050	2140	525507	Service Charges - Engineering	CIPOF CB02013		\$3,906
7010	7075	525507	Service Charges - Engineering	CIPOF CB02013		\$4,293
2400	2550	525507	Service Charges - Engineering	CIPOF CB02013		\$4,333
1000	0310	525507	Service Charges - Engineering	CIPOF CB02013		\$4,854
7000	7050	525507	Service Charges - Engineering	CIPOF CB02013		\$8,415

Comment: CIP - First Quarter FY2013 Materials Management Chargebacks.

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

#4168 - Non-Departmental - Gen Fund Capital Projects

4550	4550	544001	CIPST EN00089	\$21,548
4550	4550	544001	CIPPK CS00034	\$19,998
4550	4550	544001	CIPST EN00313	\$19,983
1970	1970	544001	CIPOF PW10300	\$18,675
7000	7050	544001	CIPST COP0001	\$13,815
1000	0310	544001	CIPOF CS00070	\$12,409
4250	4250	544001	CIPOF CS00070	\$10,823
4250	4250	544001	CIPPK CS00034	\$10,643
4220	4220	544001	CIPST EN00241	\$10,371
7901	7901	544001	CIPPK CS00054	\$9,180
7010	7075	544001	CIPST EN00089	\$8,800
7010	7075	544001	CIPTC EN00170	\$8,753
2050	2140	544001	CIPWR UT00272	\$8,190
2400	2550	544001	CIPWW UT00296	\$7,965
4240	4240	544001	CIPPK CS00123	\$7,687
4220	4220	544001	CIPST EN00271	\$7,052
4240	4240	544001	CIPPK CS00134	\$6,889
7010	7075	544001	CIPST EN00395	\$6,860
7010	7075	544001	CIPST EN00241	\$6,599
4220	4220	544001	CIPST EN00313	\$6,446
4240	4240	544001	CIPDR EN00139	\$5,918
1000	0310	544001	CIPOF ED00002	\$5,138
7000	7050	544001	CIPST PW00046	\$4,860
7010	7075	544001	CIPST EN00243	\$4,860
2400	2550	544001	CIPWW UT00191	\$3,825
2050	2140	544001	CIPWR UT00253	\$3,510
7010	7075	544001	CIPST EN00088	\$3,485
7010	7075	544001	CIPST EN00081	\$3,240
2161	2221	544001	CIPWR UT00117	\$3,218
2050	2140	544001	CIPWR UT00313	\$3,122
7001	7051	544001	CIPST EN00177	\$3,072
7010	7075	544001	CIPST EN00177	\$3,071
2050	2140	544001	CIPWR UT00266	\$3,038
4220	4220	544001	CIPST EN00214	\$2,903
7901	7901	544001	CIPPK CS00123	\$2,843
1000	0310	544001	CIPST PW00025	\$2,790
4210	4210	544001	CIPST EN00241	\$2,592
4240	4240	544001	CIPST EN00241	\$2,592
4550	4550	544001	CIPST CD00003	\$2,565
2510	2630	544001	CIPWW UT00151	\$2,498

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
<u>Capital</u>			
4240 4240 544001	CIPRT CS00125	\$2,498	
2050 2140 544001	CIPWR EN00313	\$2,256	
2400 2550 544001	CIPWW EN00313	\$2,256	
7010 7075 544001	CIPTC EN00225	\$2,243	
4240 4240 544001	CIPRT CS00142	\$2,205	
2400 2550 544001	CIPWW UT00303	\$2,160	
4550 4550 544001	CIPST EN00324	\$2,160	
4240 4240 544001	CIPOF CS00070	\$1,847	
4210 4210 544001	CIPST PW00245	\$1,755	
2050 2140 544001	CIPWR UT00204	\$1,731	
4240 4240 544001	CIPDR EN00137	\$1,710	
7010 7075 544001	CIPST EN00430	\$1,710	
2400 2550 544001	CIPWW UT00307	\$1,665	
7010 7075 544001	CIPST PW00065	\$1,665	
4210 4210 544001	CIPST EN00271	\$1,653	
4240 4240 544001	CIPPK CS00034	\$1,612	
2400 2550 544001	CIPWW UT00151	\$1,597	
7920 7920 544001	CIPRT CS00125	\$1,498	
4550 4550 544001	CIPST EN00241	\$1,414	
7910 7910 544001	CIPOF CS00070	\$1,319	
2161 2221 544001	CIPWR UT00148	\$1,312	
7001 7051 544001	CIPST EN00313	\$1,289	
4240 4240 544001	CIPDR EN00134	\$1,080	
2400 2550 544001	CIPWW UT00313	\$1,041	
7010 7075 544001	CIPTC PW00133	\$1,035	
2400 2550 544001	CIPWW UT00266	\$1,012	
4250 4250 544001	CIPRT CS00125	\$999	
1000 0310 544001	CIPPK CS00134	\$851	
2050 2140 544001	CIPWR UT00148	\$803	
1000 0310 544001	CIPOF ED00006	\$778	
2400 2550 544001	CIPWW UT00116	\$765	
2050 2140 544001	CIPWR UT00303	\$720	
7010 7075 544001	CIPST PW11190	\$675	
7010 7075 544001	CIPST PW13000	\$663	
4550 4550 544001	CIPOF ED00006	\$662	
4210 4210 544001	CIPRT CS00091	\$627	
7920 7920 544001	CIPRT CS00091	\$522	
2050 2140 544001	CIPWR UT00203	\$503	
4240 4240 544001	CIPPS FD00101	\$503	
4220 4220 544001	CIPDR PW00185	\$495	
7940 7940 544001	CIPOF PW00360	\$495	

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant	Debit	Credit
<u>Capital</u>			
2050 2140 544001	CIPWR UT00301	\$450	
7010 7075 544001	CIPST EN00252	\$450	
4550 4550 544001	CIPST PW13000	\$327	
7010 7075 544001	CIPST EN00225	\$277	
4210 4210 544001	CIPST EN00011	\$275	
4220 4220 544001	CIPST PW00152	\$270	
7010 7075 544001	CIPST EN00250	\$270	
7930 7930 544001	CIPPS PD00021	\$180	
4240 4240 544001	CIPRT CS00091	\$156	
2161 2221 544001	CIPWR UT00233	\$149	
4240 4240 544001	CIPOF PD00018	\$135	
7935 7935 544001	CIPPS FD00101	\$82	
4210 4210 544001	CIPRT CS00084	\$78	
2050 2140 544001	CIPWR UT00206	\$68	
2050 2140 544001	CIPWR UT00233	\$14	
7935 7935 525507 Service Charges - Engineering	CIPOF CB02013		\$82
7930 7930 525507 Service Charges - Engineering	CIPOF CB02013		\$675
7920 7920 525507 Service Charges - Engineering	CIPOF CB02013		\$2,020
2510 2630 525507 Service Charges - Engineering	CIPOF CB02013		\$2,498
7001 7051 525507 Service Charges - Engineering	CIPOF CB02013		\$4,361
2161 2221 525507 Service Charges - Engineering	CIPOF CB02013		\$4,679
4210 4210 525507 Service Charges - Engineering	CIPOF CB02013		\$6,980
7901 7901 525507 Service Charges - Engineering	CIPOF CB02013		\$13,342
1970 1970 525507 Service Charges - Engineering	CIPOF CB02013		\$18,675
7000 7050 525507 Service Charges - Engineering	CIPOF CB02013		\$18,675
1000 310 525507 Service Charges - Engineering	CIPOF CB02013		\$21,966
2400 2550 525507 Service Charges - Engineering	CIPOF CB02013		\$22,286
4250 4250 525507 Service Charges - Engineering	CIPOF CB02013		\$22,465
2050 2140 525507 Service Charges - Engineering	CIPOF CB02013		\$24,405
4220 4220 525507 Service Charges - Engineering	CIPOF CB02013		\$27,537
4240 4240 525507 Service Charges - Engineering	CIPOF CB02013		\$34,832
7010 7075 525507 Service Charges - Engineering	CIPOF CB02013		\$54,656
4550 4550 525507 Service Charges - Engineering	CIPOF CB02013		\$68,657

Comment: CIP - First Quarter FY2013 Engineering Chargebacks.

Subtotal for Capital Amendments: \$8,159,046 \$8,159,046

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

#4102 - Fire - Homeland Security Grant - MMRS

7670	7870	524007	Equipment - Repairs and Maintenance	\$11,000	
7670	7870	530019	Operational Supplies	\$10,810	
7670	7870	512000	Hospital, Dental and Life Insurance	\$4,400	
7990	7990	570000	Contingencies		\$26,210

Comment: Carryover for the Fire CBRNE grant.

#4113 - Non-Departmental - Proposed Grants

7545	7795	530019	Operational Supplies	\$13,058	
7990	7990	570000	Contingencies		\$13,058

Comment: Carryover for Police Department - Homeland Security grant.

#4122 - Non-Departmental - Half Cent Sales Tax

1210	0350	520099	Other Professional Services	\$835,237	
1210	0350	524506	Building - Lease and Rental	\$159,448	
1210	0350	570000	Contingencies		\$994,685

Comment: Carryover budget for BioInspire from FY 2012 to pay costs associated with the lease agreement with Plaza Companies and the operating agreement with BioAccel.

#4123 - Economic Development Services - Economic Development

1000	0352	520099	Other Professional Services	\$45,878	
1000	0300	570000	Contingencies		\$45,878

Comment: Carryover in the Business and Real Estate Development Division to continue programs for such items such as public relations, university recruitment, financial analysis and appraisals, and foreign trade zone consulting.

#4126 - Non-Departmental - Non-Departmental

3500	3850	543007	Technical Systems	\$93,745	
3300	3750	525004	Data Processing Equipment - Maintenance Contr	\$19,020	
3300	3760	524008	Repairs and Maintenance - Telephone	\$16,447	
3400	3820	530003	Computer Hardware and Supplies	\$15,350	
3300	3750	520099	Other Professional Services	\$6,000	
3400	3800	542008	Computer Purchases	\$4,000	
1000	0300	570000	Contingencies		\$154,562

Comment: Carryover in Information Technology Department including Permitting & Land Management System, Meter Services Toughbook docking station replacment, and Radio Console Maintenance.

#4127 - Non-Departmental - Non-Departmental

3100	3500	542502	Trucks	\$136,045	
3100	3500	542505	Other Vehicles	\$54,439	
2130	2190	542502	Trucks	\$26,300	
2600	2750	530021	Computer Software	\$24,000	
7861	7811	520099	Other Professional Services	\$23,282	
3100	3500	542501	Automobiles	\$10,944	
1000	0300	570000	Contingencies		\$275,010

Comment: Carryover in Public Works Department for vehicle purchases in the Fleet Replacment Fund and for Solid Waste routing software.

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

#4130 - Police - Police Administration

7350	7500	520099	Other Professional Services	\$106,000	
7545	7795	530019	Operational Supplies	\$56,840	
7520	7770	530010	Wearing Apparel - Safety	\$33,756	
7507	7757	510200	Wages - Overtime	\$30,761	
7430	7590	510200	Wages - Overtime	\$29,791	
7515	7765	510200	Wages - Overtime	\$26,741	
7515	7765	542001	Electronic Equipment	\$25,000	
7350	7500	530019	Operational Supplies	\$21,139	
7525	7775	510200	Wages - Overtime	\$20,005	
7350	7500	532502	Weapons and Accessories	\$17,000	
7350	7500	524002	Building - Repairs and Maintenance	\$14,972	
7507	7757	520510	Overnight Travel and Training	\$7,531	
7515	7765	542006	Other Equipment	\$7,258	
7350	7500	530031	Volunteer Program Supplies	\$7,000	
7507	7757	530021	Computer Software	\$6,461	
7350	7500	530050		\$6,332	
7507	7757	525008	Maintenance Contract - Computer Software	\$4,200	
7515	7765	520099	Other Professional Services	\$3,366	
7507	7757	530001	Office Supplies	\$3,147	
7507	7757	532502	Weapons and Accessories	\$2,977	
7507	7757	523510	Telephone Service -Local	\$2,114	
7350	7500	530012	Expendable Tools	\$2,046	
7515	7765	520510	Overnight Travel and Training	\$1,305	
7545	7795	520510	Overnight Travel and Training	\$800	
7545	7795	530003	Computer Hardware and Supplies	\$600	
7545	7795	523510	Telephone Service -Local	\$451	
7545	7795	525008	Maintenance Contract - Computer Software	\$450	
7507	7757	520012	Contract Labor	\$372	
7515	7765	530019	Operational Supplies	\$67	
7990	7990	570000	Contingencies		\$438,482

Comment: Carryover for several Police grants to complete projects. (DOJ JAG \$57,563, GOHS \$63,737, DOHS 59,141, Bullet Proof Vest Grant \$33,756, US Postal Inspection MOU \$29,791, FED DEA IGA \$20,005, State Anti Racketeering \$174,489.)

#4131 - Community Services - Percent For The Arts

1000	0120	541003	Improvements Other Than Land and Buildings	\$115,000	
8010	8010	530002	Books, Periodicals and Subscriptions	\$11,500	
1000	0300	570000	Contingencies		\$126,500

Comment: Carryover for Community Services in Arts Commission division for public art \$115,000 and in the Citizen Donation fund for library materials \$11,500.

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

#4133 - Non-Departmental - Non-Departmental

1000	0300	542006	Other Equipment	\$40,131	
1000	0300	522046	Pine / At Large Project	\$30,000	
1000	0300	522044	Ironwood / At Large Project	\$29,282	
1000	0300	522045	Palo Verde / At Large Project	\$26,989	
1000	0300	522041	Mayor / At Large Project	\$14,490	
1000	0300	520099	Other Professional Services	\$5,000	
1000	0300	522047	Willow / At Large Project	\$1,658	
1000	0300	522043	Acacia / At Large Project	\$741	
1000	0300	522042	Mesquite / At Large Project	\$463	
1000	0300	522099	Miscellaneous Community Promotions		\$1,095
1000	0300	570000	Contingencies		\$147,659

Comment: Carryover in Non-Departmental for Council District funds \$103,623, Copier Replacement project \$40,131, Community Promotion reduction to previous carryover to match expenditures in FY2012 (\$1,095), and Youth Master Plan \$5,000.

#4142 - Community Services - Sports Programs

1000	1480	533001	Recreation Supplies	\$7,175	
1000	0300	570000	Contingencies		\$7,175

Comment: Carryover in Community Services - Sports program. In FY2012, scoreboard control units were purchased and received. The invoice was not received before June 30, 2012, so the expense will hit the FY2013 budget.

#4144 - Planning and Sustainability - Neighborhood Coordination

1000	0300	570000	Contingencies	\$223,303	
7130	7180	510000	Salaries and Wages - Regular	\$8,869	
1000	0570	522006	City Participation - Outside Programs	\$4,000	
7130	7180	520099	Other Professional Services	\$2,275	
7130	7180	522006	City Participation - Outside Programs		\$27
7130	7180	520511	Local Training/Meeting		\$30
7130	7180	520510	Overnight Travel and Training		\$314
7090	7140	524002	Building - Repairs and Maintenance		\$22,545
7110	7160	524015	Repairs to Non-City Property		\$49,023
7100	7150	522006	City Participation - Outside Programs		\$56,048
7130	7180	522006	City Participation - Outside Programs		\$110,460

Comment: Carryover in Planning department for Neighborhood Services and related programs.

#4146 - Planning and Sustainability - Planning

1000	0300	570000	Contingencies	\$64,093	
1000	0610	520099	Other Professional Services		\$64,093

Comment: Carryover in Planning Department for projects to be completed in FY2013 such as land study, old town redevelopment overlay, and grand avenue coalition.

Subtotal for Carryover - Operating Amendments: \$2,532,854 \$2,532,854

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

#4104 - Non-Departmental - Gen Fund Capital Projects

4220	4220	543001	Street System	CIPST	EN00241	\$437,064	
1000	0300	570000	Contingencies				\$437,064

Comment: CIP - Carryover adjustment for Lake Pleasant Parkway street project (EN00241).

#4105 - Non-Departmental - Gen Fund Capital Projects

1000	0310	522006	City Participation - Outside Programs	CIPOT	COP0001	\$55,475	
1000	0310	524509		CIPOT	COP0001	\$8,250	
1000	0300	570000	Contingencies				\$63,725

Comment: CIP - Carryover for Neighborhood Livability initiative within the Community Works Program. The ending FY12 balance of \$63,725 is being carried over into two separate accounts to reflect planned expenditures.

#4110 - Non-Departmental - Gen Fund Capital Projects

4550	4550	540500	Buildings	CIPOF	ED00006	\$886,000	
1000	0310	540500	Buildings	CIPOF	ED00006	\$204,229	
4240	4240	543005	Park Improvements	CIPPK	CS00123	\$167,132	
7010	7075	543001	Street System	CIPTC	EN00225	\$150,000	
4550	4550	542006	Other Equipment	CIPOF	PW00506	\$133,641	
4240	4240	540500	Buildings	CIPOF	CS00070	\$124,191	
2050	2140	543002	Water System	CIPWR	UT00204	\$101,602	
4240	4240	520099	Other Professional Services	CIPRT	CS00089	\$54,952	
2050	2140	543002	Water System	CIPWR	UT00253	\$51,465	
7010	7075	520099	Other Professional Services	CIPST	EN00252	\$49,617	
4210	4210	543001	Street System	CIPST	EN00271	\$44,674	
4220	4220	543004	Storm Drain System	CIPDR	PW00185	\$32,118	
1000	0310	542006	Other Equipment	CIPOF	PW11180	\$28,442	
2400	2550	543003	Wastewater System	CIPWW	UT00307	\$23,413	
1000	0310	524004	Grounds/Detention - Repairs and Maintenance	CIPPK	CS00134	\$21,792	
1000	0310	543001	Street System	CIPST	COP0001	\$14,478	
4240	4240	543005	Park Improvements	CIPRT	CS00142	\$4,216	
2400	2550	543007	Technical Systems	CIPWW	UT00266	\$4,000	
2050	2140	543002	Water System	CIPWR	UT00098	\$3,898	
2400	2550	524013	Repairs and Maintenance - Wastewater System	CIPWW	UT00307	\$1,082	
2400	2480	570000	Contingencies				\$28,495
7010	7075	570000	Contingencies				\$49,617
7010	7075	543001	Street System	CIPST	EN00225		\$150,000
2050	2050	570000	Contingencies				\$156,965
1000	0310	524015	Repairs to Non-City Property	CIPOF	ED00006		\$171,934
4550	4550	570000	Contingencies				\$500,000
1000	0300	570000	Contingencies				\$1,043,931

Comment: CIP - Carryover for various CIP project budgets that are continuing in FY2013.

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

#4111 - Non-Departmental - Gen Fund Capital Projects

4240	4240	540000	Land	CIPDR EN00134	\$66,558
4240	4240	543004	Storm Drain System	CIPDR EN00134	\$30,000
1000	0300	570000	Contingencies		\$36,558

Comment: CIP - Carryover for Pinnacle Peak Rd Channel project. Need to move all remaining funds to land account to pay the Flood Control District for right-of-way costs.

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

#4120 - Non-Departmental - Gen Fund Capital Projects

1000	0300	570000	Contingencies			\$2,506,515
4550	4550	570000	Contingencies			\$946,350
4550	4550	540500	Buildings	CIPOF	ED00007	\$725,337
2050	2140	543007	Technical Systems	CIPWR	UT00266	\$353,077
2050	2140	543002	Water System	CIPWR	UT00206	\$229,107
7001	7051	570000	Contingencies			\$187,710
4210	4210	543005	Park Improvements	CIPRT	CS00084	\$148,914
2400	2480	570000	Contingencies			\$134,355
1000	0310	530023	Safety Equipment	CIPPS	FD00100	\$130,583
7010	7075	570000	Contingencies			\$119,053
7000	7050	543001	Street System	CIPST	PW11140	\$115,623
1000	0310	543001	Street System	CIPST	COP0001	\$112,000
1000	0310	543007	Technical Systems	CIPOF	MS00002	\$108,760
2400	2550	543007	Technical Systems	CIPOF	MS00002	\$108,753
2050	2140	543007	Technical Systems	CIPOF	MS00002	\$108,699
2400	2550	543003	Wastewater System	CIPWW	UT00116	\$92,870
2050	2140	543002	Water System	CIPWR	UT00253	\$88,542
2161	2221	543002	Water System	CIPWR	UT00148	\$87,215
2050	2140	543002	Water System	CIPWR	UT00262	\$63,961
2510	2630	543003	Wastewater System	CIPWW	UT00151	\$62,807
4210	4210	543005	Park Improvements	CIPRT	CS00091	\$59,536
7000	7050	543001	Street System	CIPST	PW00138	\$55,086
4240	4240	543005	Park Improvements	CIPPK	CS00134	\$53,084
2050	2140	542006	Other Equipment	CIPWR	UT00316	\$51,288
4810	4810	543001	Street System	CIPST	EN00214	\$50,469
1000	0310	520099	Other Professional Services	CIPOF	ED00002	\$50,087
2400	2550	520099	Other Professional Services	CIPWW	UT00256	\$50,000
1000	0310	543001	Street System	CIPST	PW00025	\$43,449
2050	2140	520099	Other Professional Services	CIPWR	UT00256	\$43,329
2400	2550	543007	Technical Systems	CIPWW	UT00266	\$40,482
7000	7050	543001	Street System	CIPST	PW00046	\$39,886
2050	2140	543002	Water System	CIPWR	UT00302	\$39,396
2400	2550	520099	Other Professional Services	CIPWW	UT00191	\$37,072
7920	7920	543005	Park Improvements	CIPRT	CS00091	\$30,000
2161	2221	543002	Water System	CIPWR	UT00233	\$25,302
4210	4210	543001	Street System	CIPST	PW00245	\$22,986
7000	7050	543001	Street System	CIPST	PW00027	\$20,778
1000	0310	543007	Technical Systems	CIPOF	CS00070	\$17,412
7901	7901	543005	Park Improvements	CIPPK	CS00054	\$14,463
4240	4240	543005	Park Improvements	CIPRT	CS00125	\$12,936

Budget Amendment Schedule

Fiscal Year 2013 Amendments

Transfer # - Department - Division	Fund - Division - Account - Account Description - Prgm - Proj/Grant				Debit	Credit
<u>Carryover - Capital</u>						
2050	2140	543002	Water System	CIPWR EN00313	\$7,991	
4250	4250	540000	Land	CIPOF ED00003	\$6,500	
2050	2140	543002	Water System	CIPWR UT00204	\$4,676	
2050	2140	524002	Building - Repairs and Maintenance	CIPWR UT00262	\$4,405	
1970	1970	570000	Contingencies		\$1,361	
4810	4810	570000	Contingencies		\$62	
7010	7075	543001	Street System	CIPST EN00243		\$206
4240	4240	540500	Buildings	CIPOF CS00070		\$991
1970	1970	540500	Buildings	CIPOF PW10300		\$1,361
2510	2630	543003	Wastewater System	CIPWW UT00171		\$2,391
1000	0310	520510	Overnight Travel and Training	CIPPK CS00022		\$2,607
2050	2140	543002	Water System	CIPWR UT00203		\$3,144
4240	4240	520505	In-House Employee Training	CIPPS PD00013		\$6,432
2400	2550	543003	Wastewater System	CIPWW EN00313		\$7,362
4240	4240	543005	Park Improvements	CIPRT CS00146		\$7,531
4550	4550	520099	Other Professional Services	CIPST CD00003		\$8,281
4810	4810	543001	Street System	CIPTC EN00170		\$13,155
4220	4220	543001	Street System	CIPST EN00313		\$20,879
4250	4250	543005	Park Improvements	CIPRT CS00125		\$25,112
4550	4550	543001	Street System	CIPST EN00313		\$25,663
7010	7075	543001	Street System	CIPTC EN00170		\$25,905
4232	4232	540500	Buildings	CIPPK CS00022		\$25,991
4250	4250	543007	Technical Systems	CIPOF IT00004		\$26,184
4240	4240	543004	Storm Drain System	CIPDR EN00003		\$30,000
4250	4250	540000	Land	CIPRT EN00371		\$30,644
1000	0310	543005	Park Improvements	CIPPK CS00134		\$35,856
4810	4810	543001	Street System	CIPST EN00313		\$37,376
2050	2140	543002	Water System	CIPWR UT00143		\$39,541
2400	2550	543003	Wastewater System	CIPWW UT00262		\$40,957
7010	7075	520099	Other Professional Services	CIPST EN00250		\$43,039
2400	2550	543003	Wastewater System	CIPWW UT00191		\$44,858
7010	7075	543001	Street System	CIPST EN00089		\$49,903
2161	2221	543002	Water System	CIPWR UT00170		\$50,474
4210	4210	540000	Land	CIPST EN00271		\$52,603
2161	2221	570000	Contingencies			\$62,043
4240	4240	540000	Land	CIPRT CS00089		\$76,200
2400	2550	543003	Wastewater System	CIPWW UT00266		\$105,000
1000	0310	540500	Buildings	CIPPK CS00022		\$119,404
4550	4550	540000	Land	CIPST EN00089		\$125,894
4240	4240	543007	Technical Systems	CIPPS PD00013		\$167,933
7001	7051	543001	Street System	CIPST EN00313		\$187,710

Budget Amendment Schedule

Fiscal Year 2013 Amendments

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

7000	7000	570000	Contingencies		\$231,373
4550	4550	543005	Park Improvements	CIPPK CS00034	\$242,479
2400	2550	543003	Wastewater System	CIPWW UT00296	\$265,355
4240	4240	543005	Park Improvements	CIPPK CS00034	\$273,802
2050	2140	543002	Water System	CIPWR UT00266	\$325,000
4550	4550	543001	Street System	CIPST EN00089	\$369,370
4250	4250	543005	Park Improvements	CIPPK CS00034	\$544,903
4250	4250	540500	Buildings	CIPOF CS00070	\$600,000
2050	2050	570000	Contingencies		\$626,786
4550	4550	520099	Other Professional Services	CIPOF ED00010	\$900,000
1000	0310	540500	Buildings	CIPOF CS00070	\$1,330,569

Comment: CIP - Carryover for Capital Improvement Projects that are continuing in FY2013.

#4129 - Non-Departmental - Gen Fund Capital Projects

2050	2050	570000	Contingencies		\$12,601
2050	2140	543002	Water System	CIPWR UT00203	\$12,601

Comment: CIP - Carryover adjustment for Misc Local Waterline Improvements project (UT00203).

Subtotal for Carryover - Capital Amendments: \$9,893,157 \$9,893,157

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 16C

Date Prepared: November 14, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager

FROM: Jeff Tyne, Management and Budget Director
Tamara Shreeve, Council Office and Grant Program Manager

THROUGH: Susan Thorpe, Deputy City Manager

SUBJECT: Community/Outside Agency Funding and Assistance Policy

Purpose:

Discussion and possible action to adopt the Community/Outside Agency Funding and Assistance Policy.

Background/Summary:

The city offers several funding assistance programs to eligible community based service organizations. These programs include Community Development Block Grants, federal HOME Grants, General Fund Not-for-Profit Grants, Partner Agency Grants, Arts Grants and Festival Grants. Currently, the city does not have a formal policy regarding the submittal, evaluation, funding and reporting of agency assistance requests. With this in mind, a staff committee was formed to explore the need for a Council Policy and to draft policy if needed.

The Staff Committee consisted of the following members:

Susan Thorpe	Brent Mattingly
Susan Daluddung	Carin Imig
Jeff Tyne	Steve Burg
Katie Gregory	Claudia Lujan
Tammy Shreeve	

After reviewing the community based funding programs that the city offers, staff determined that a Council Policy that identified each program and the guidelines used to determine funding awards would clarify the City's intent for distributing these funds. Moreover, such a policy could emphasize the need for accurate reporting and oversight of City funds.

Previous Actions:

The Community Culture and Public Safety Subcommittee reviewed the draft policy on June 25, 2012, with a recommendation to forward the item to City Council Study Session for review. Staff presented the proposed policy to the City Council at the November 13, 2012 Study Session.

Options:

A: Adopt the proposed Community/Outside Agency Funding and Assistance Policy.

B. Direct staff to make additional changes to the proposed Community/Outside Agency Funding and Assistance Policy.

C. Forego a Community/Outside Agency Funding and Assistance Policy and continue with current practices.

Staff's Recommendation:

Staff recommends the City Council adopts the proposed Community/Outside Agency Funding and Assistance Policy.

Fiscal Analysis:

The policy does not create a fiscal impact.

Exhibit(s):

Exhibit 1: Community/Outside Agency Funding and Assistance Policy

Contact Name and Number: Tamara Shreeve, Council Office and Grant Program Manager
x5143

 DRAFT COUNCIL POLICY	CP 2-_____
	DEPARTMENT: City Manager's Office
SUBJECT: Community/Outside Agency Funding and Assistance Policy	EFFECTIVE DATE:

A. Purpose

A.1. The purpose of this policy is to establish guidelines for the processing and evaluation of funding and assistance requests received from community-based organizations that provide worthwhile services and activities not generally performed by the City.

B. Program Descriptions

B.1. There are a number of programs available to organizations looking for financial and/or in-kind assistance from the City. These categories are:

- B.1.1. Community Development Block Grant and HOME Grant
- B.1.2. General Fund Not-for-Profit Grant
- B.1.3. Arts and Festival Grants
- B.1.4. Partner Agency Funding and Assistance
- B.1.5. Council District Discretionary Funds

C. Funding and Assistance Timeline

C.1. The Peoria City Council makes the final decisions based on community priorities and recommendations from review committees (if applicable). Funding and assistance for these programs is largely determined on an annual basis.

D. Statement of Procedure

- D.1. All programs must have a written procedure for accepting applications, reviewing and selecting requests for assistance and administering funds.
- D.2. As applicable, a program may require review and recommendation by a sub-committee or commission.

E. Program Administration

E.1. Below is a general overview of the not-for-profit funding and assistance opportunities. Additional reference information can be found in the specific guidelines for each of the following programs.

E.1.1. Community Development Block Grant and HOME Grant: The City of Peoria's CDBG and HOME Programs are administered by the Neighborhood and Revitalization Section of the City's Planning and Community Development Department. Refer to the CDBG and HOME grant guidelines. Neighborhood and Revitalization staff is responsible for facilitating project implementation, monitoring project activities and outcomes as well as fiscal and contractual administration.

E.1.2. General Fund Not-for-Profit Grants: The City of Peoria's General Fund Not-for-Profit Grants are administered by the Neighborhood and Revitalization Section of the City's Planning and Community Development Department. Refer to the General Fund Not-for-Profit Program guidelines. Neighborhood and Revitalization staff is responsible for facilitating project implementation, monitoring project activities and outcomes, and overseeing the fiscal and contractual administration.

E.1.3. Arts and Festival Grants: The City of Peoria's Arts and Festival Grants are administered by the Community Services Department. Refer to the Arts and Festival Program guidelines. Community Services Department staff is responsible for facilitating project implementation, monitoring project activities and outcomes, and overseeing the fiscal and contractual administration.

E.1.4. Partner Agency Funding and Assistance: The City of Peoria's Outside Agency Funding and Assistance requests are administered by the City's Grants Program Manager. Refer to the Partner Agency Program guidelines. The Grant Manager is responsible for receiving applications, coordinating and facilitating the review process, notifying agencies of award and monitoring contractual obligations.

E.1.5. Council District Discretionary Funds: The Council District Discretionary Funds are administered by the individual Councilmembers. Refer to Council Policy CP 2-2.

F. Reporting and Compliance

F.1. All agencies receiving public funding through any program identified above with the exception of the Council District Discretionary Funds in Paragraph E.1.5., will be required to provide an annual report describing project details, desired outcomes, specific use of funds and results achieved.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 17C

Date Prepared: November 6, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager

FROM: Julie Ayers, Human Resources Director

THROUGH: Susan Thorpe, Deputy City Manager

SUBJECT: Request for Exemption from Requirement to Post Security for Self Insured Workers Compensation Claims

Purpose:

This is a request for City Council to review and approve certification that the City of Peoria, a chartered Arizona Municipality and duly qualified Workers' Compensation self-insurer is exempt from the Industrial Commission of Arizona (ICA) requirement to post security for pending self-insurance claims.

Background/Summary:

The Industrial Commission of Arizona (ICA) requires that public entities are exempt from posting financial security for claims liability provided the governing body provides a statement to the Commission prior to January 1 of each year certifying the availability of adequate funds to pay for worker's compensation claims. By providing a certified statement, the City of Peoria will meet the requirements imposed by the Industrial Commission of Arizona as it relates to establishing a self-insured worker's compensation plan.

Previous Actions:

Previous requests for exemption were also processed on 7/1/09, 7/1/10 and 1/1/2012.

Options: The Council may select the following options:

A: The Mayor and Council sign the attached letter certifying the City of Peoria, a chartered Arizona Municipality and duly qualified Arizona Workers Compensation self-insurer, requests the Industrial Commission of Arizona (ICA) Exemption from the Requirements to Post Security for pending self insured Workers Compensation claims.

B: If this request is not approved and signed, the City will have to purchase a bond (cost of bond is unknown).

Staff's Recommendation:

The Mayor and Council sign the attached letter certifying the City of Peoria, a chartered Arizona Municipality and duly qualified Arizona Workers Compensation self-insurer, requests the Industrial Commission of Arizona (ICA) Exemption from the Requirements to Post Security for pending self insured Workers Compensation claims.

Fiscal Analysis:

N/A

Narrative:

Once City Council approves the certification that the City of Peoria, a chartered Arizona Municipality and duly qualified Workers' Compensation self-insurer is exempt from the Industrial Commission of Arizona (ICA) requirement to post security for pending self-insurance claims, and necessary signatures are obtained, these documents will be returned to the Human Resources Department and routed through the City Clerk. The final approved documents will be submitted to the Industrial Commission of Arizona (ICA).

Exhibit(s):

Exhibit 1: Request from Exemption Communication and Certified Statement

Contact Name and Number: Bobbie Kimelton, Human Resources Manager.
Telephone number: 623-773-7624.



CITY OF PEORIA)

SS

COUNTY OF MARICOPA)

I Rhonda Geriminsky, Interim City Clerk of the City of Peoria, County of Maricopa, within the State of Arizona, do hereby and attest that the attached is the original Request for Exemption from Requirement to Post Statutory Deposit for the City of Peoria Self-Insured Workers' Compensation in accordance with the Arizona Administrative Code and for its Self-Insured Workers Compensation program, has been duly approved and signed by the Peoria Mayor and City Council on November ____, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Peoria to be affixed hereunto this _____ day of November, 2012.

Rhonda Geriminsky, Interim City Clerk

Request for Exemption from Requirement to Post Statutory Deposit

Pursuant to the Arizona Administrative Code subsection R20-5-1114 (A & B), this document constitutes a certified statement from the City of Peoria, a chartered Arizona municipality), duly qualified and authorized Arizona Workers Compensation self-insurer.

The City of Peoria hereby requests the Industrial Commission of Arizona (ICA) approve an alternate (exemption) from the posting of a statutory deposit, of which the current approved types are as follows: Letter of credit; a surety bond; U.S. Treasury notes or establishing a local government investment pool (LGIP) account. This request is made in accordance with A.A.C § R20-5-1114 and shall cover the City of Peoria's unpaid Workers Compensation claims liability, as outlined in the foregoing statement.

The City of Peoria, Arizona States:

- 1) The City of Peoria has established a self insurance trust pursuant to A.R.S. § 11-981 (A-F) and the A.A.C.R20-5-1114.
- 2) The City of Peoria shall conduct an actuary report on an annual basis. The confidence level shall be no less than fifty-five percent. The discount for investments shall be no more than 3.0% annually.
- 3) The risk management fund and/or workers compensation trust is sufficient to cover actuarial liabilities for workers compensation' as determined by the self insurer in accordance with Government Accounting Standards Board Statement #10 (replaced by GASB No. 30); and
- 4) The City of Peoria provides funding to the risk management fund and/or trust established pursuant to A.R.S. § 11-981 (A-F) each year. The amount in the internal service fund held for workers' compensation purposes within the trust is sufficient to cover actuarial liabilities for workers compensation claims as determined by the self-insurer's actuary in accordance with Government Accounting Standards Board Statement #10 (replaced by GASB No. 30), as well as workers' compensation reserves multiplied by 125% pursuant to the A.A.C.
- 5) The City of Peoria's governing body, or designate, shall immediately notify the ICA and provide security as provided by and in this Article, if the governing body, or designate, learns that the risk management internal service fund and/or trust has insufficient funds to cover all workers compensation liabilities of the City of Peoria.
- 6) Pursuant to items 1 through 4, the City of Peoria meets the conditions required under A.R.S. § 11-981 (A-F) and the Arizona Administrative Code, subsection R20-5-1114 (A&B).
- 7) The signatures below represent a majority of the governing body (Council/Board) members.

Signed _____ Date _____

ATTEST:

Rhonda Geriminsky, Interim City Clerk

APPROVED AS TO FROM:

Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 18C

Date Prepared: November 19, 2012

Council Meeting Date: December 4, 2012

TO: Honorable Mayor and Council

FROM: Steve Kemp, City Attorney

SUBJECT: Ratification of Industrial Development Authority of the City of Peoria,
Arizona action approving refinancing of certain authority bonds

Purpose:

This is a request for City Council to ratify the actions of the Industrial Development Authority of the City of Peoria, Arizona approving the refinancing of certain authority bonds issued on behalf of LifeStream Complete Senior Living, Inc. Project, formerly known as Arizona Baptist Retirement Centers, Inc.

Background/Summary:

Industrial Development Authorities (“Authority”) are separate political subdivisions from the City under Arizona law. The Authority issues conduit debt, which is debt to fund a particular private sector project on behalf the project owner. Pursuant to state statute, the City has no liability on such debt.

The debt issued by the Authority may have the interest on the debt taxable or tax exempt depending on the application of specific provisions of the Internal Revenue Code of 1986. Additionally, the amount of debt is limited pursuant to other provisions of the tax code establishing caps for the amount of debt in each state.

In this case, the Authority previously issued debt on behalf of Arizona Baptist Retirement Centers, Inc. The owners of the project, now known as LifeStream Complete Senior Living, Inc. Project, are seeking to refinance certain bonds that have been previously issued by the authority. Arizona law permits such refinancing. The action before the Council will ratify the action of the Board of Directors of the Authority.

The City Attorney’s Office reviewed all proposed documents in connection with the refinancing and they are in the proper order, meeting all legal requirements.

Previous Actions:

The proposed refinancing of certain authority bonds issued on behalf of Arizona Baptist Retirement Centers, Inc., by the Industrial Development Authority of the City of Peoria, Arizona was acted on by the Board of Directors of the Authority on November 28, 2012.

Options:

A: That the Mayor and Council adopt the proposed resolution ratifying the actions of the Board of Directors of the Industrial Development Authority.

B: That the Mayor and Council reject the proposed resolution ratifying the actions of the Board of Directors of the Industrial Development Authority.

Staff's Recommendation:

That the Mayor and Council adopt the proposed resolution ratifying the actions of the Board of Directors of the Industrial Development Authority of the City of Peoria, Arizona approving the refinancing of certain authority bonds issued on behalf of the LifeStream Complete Senior Living, Inc. Project, formerly known as Arizona Baptist Retirement Centers, Inc.

Fiscal Analysis:

None.

Exhibit 1: Proposed Resolution of the City Council

Exhibit 2: Report of the Industrial Development Authority Board

Exhibit 3: Enclosure from Authority Council

RESOLUTION NO. 2012 -140

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE AND SALE OF REVENUE BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF PEORIA, ARIZONA, AT THE REQUEST OF LIFESTREAM COMPLETE SENIOR LIVING, INC., AN ARIZONA NONPROFIT CORPORATION.

WHEREAS, The Industrial Development Authority of the City of Peoria, Arizona (the "Authority") has proposed, at the request of LifeStream Complete Senior Living, Inc., (formerly known as "Arizona Baptist Retirement Centers, Inc."), an Arizona nonprofit corporation (the "Corporation"), that the Authority issue its Retirement Center Refunding Revenue Bonds (LifeStream Complete Senior Living, Inc. Project), Series 2012A, and its Taxable Retirement Center Refunding Revenue Bonds (LifeStream Complete Senior Living, Inc. Project), Series 2012B (referred to collectively as the "Bonds"), in an original principal amount not to exceed \$18,000,000; and

WHEREAS, the Bonds will be issued pursuant to a Bond Trust Indenture (the "Indenture") between the Authority and U.S. Bank National Association, as trustee (the "Bond Trustee"), and the proceeds of the Bonds will be loaned by the Authority to the Corporation pursuant to a Loan Agreement (the "Loan Agreement") between the Authority and the Corporation, and such proceeds will be applied as set forth in the Indenture; and

WHEREAS, pursuant to the Indenture, the proceeds of the Bonds will be applied to the refunding in full of the outstanding Retirement Center Revenue Bond (Arizona Baptist Retirement Centers, Inc. Project), Series 2007A, issued by the Authority on December 26, 2007, in the original principal amount of \$5,050,000; the outstanding Retirement Center Revenue Bond (Arizona Baptist Retirement Centers, Inc. Project), issued by the Authority on December 20, 2005, in the original principal amount of \$3,000,000; the outstanding Retirement Center Refunding Revenue Bond (Arizona Baptist Retirement Centers, Inc. Project), issued by the Authority on November 19, 2003, in the original principal amount of \$5,240,000; and the outstanding Retirement Center Refunding Revenue Bonds (Arizona Baptist Retirement Centers, Inc. Project),

Series 2004, issued by the Industrial Development Authority of the City of Glendale, Arizona, on May 27, 2004, in the original principal amount of \$7,180,000 (collectively referred to as the “Refunded Bonds”), and such proceeds will also be applied to the refinancing and discharge of certain outstanding taxable indebtedness of the Corporation and related costs associated with discharging such indebtedness; and

WHEREAS, the proceeds of the Bonds will thereby provide refinancing for certain existing retirement center facilities of the Corporation located at 11555 West Peoria Avenue, Youngtown, Arizona; 20802 North Cave Creek Road, Phoenix, Arizona; 13617 North 55th Avenue, Glendale, Arizona, and 12215 West Bell Road, Surprise, Arizona (all collectively referred to as the “Project Facilities”); and

WHEREAS, the Authority is authorized to issue the Bonds under and pursuant to the provisions of Arizona Revised Statutes, Title 35, Chapter 5, as amended (the “Act”); and

WHEREAS, pursuant to Section 35-721.B of the Act, the proceedings under which the Bonds are issued require the approval of this Council; and

WHEREAS, a Resolution adopted by the Board of Directors of the Authority on November 28, 2012, approving the issuance and of the Bonds has been presented to this Council; and

WHEREAS, this Council has had presented to it information regarding the Corporation, the Project Facilities and the Bonds, and is fully advised regarding the same; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), this Council must approve the issuance of the Bonds after a public hearing following reasonable public notice; and

WHEREAS, following publication of a Notice of Public Hearing in the *Peoria Times* and in *The Record Reporter*, each on October 19, 2012, a public hearing with respect to the issuance of the Bonds and the Project was held on November 13, 2012, on behalf of the Issuer, the City of Peoria, and Maricopa County, Arizona, by a representative of the Issuer, pursuant to Section 147(f) of the Code.

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

SECTION 1. That the Council hereby approves for all purposes of the Act and Section 147(f) of the Code: (i) the issuance and sale by the Authority of the Bonds in an original principal amount not to exceed \$18,000,000, with such terms and provisions as have been approved by the Authority in accordance with the Resolution of the Board of Directors of the Authority presented at this meeting; (ii) the use of the proceeds thereof

as contemplated thereby and hereby; and (iii) the proceedings under which the Bonds are to be issued.

SECTION 2. It is intended that this Resolution shall constitute approval by this Council with respect to the issuance of the Bonds pursuant to (i) Section 35-721.B of the Act, and (ii) Section 147(f) of the Code.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona, this 4th day of December, 2012.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, Interim City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

**THE INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE CITY OF PEORIA, ARIZONA**

**REPORT OF PUBLIC HEARING WITH RESPECT TO
NOT TO EXCEED \$18,000,000 OF
THE INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE CITY OF PEORIA, ARIZONA
RETIREMENT CENTER REFUNDING REVENUE BONDS
(LIFESTREAM COMPLETE SENIOR LIVING, INC. PROJECT) SERIES 2012**

On November 13, 2012, at 8:30 a.m. in the County Administration Building, main floor public lobby, 301 West Jefferson, Phoenix, Arizona 85003, the undersigned, on behalf of The Industrial Development Authority of the City of Peoria, Arizona (the "Authority") and Maricopa County, conducted a public hearing pursuant to the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended, with respect to the proposed issuance by the Authority of not to exceed \$18,000,000 of The Industrial Development Authority of the City of Peoria, Arizona Retirement Center Refunding Revenue Bonds (LifeStream Complete Senior Living, Inc. Project), Series 2012 (the "Bonds").

A Notice of Public Hearing was published in *The Record Reporter* on October 19, 2012, and the *Peoria Times* on October 19, 2012 and copies of the Notice of Public Hearing and Affidavits of Publication are attached to this report.

At the time and place set for the Public Hearing, I announced that the Public Hearing was opened and asked if there were interested persons wishing to comment and be heard with regard to the proposed issuance by the Authority of the Bonds.

No persons appeared at the Public Hearing requesting to comment or be heard with regard to the matters for which the public hearing was conducted, whereupon I declared the public hearing closed.

Dated: November 13, 2012


William F. Wilder, Legal Counsel to
The Industrial Development Authority of
the City of Peoria, Arizona and as a Representative
of Maricopa County

**NOTICE OF PUBLIC HEARING ON ISSUANCE OF
REVENUE BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE CITY OF PEORIA, ARIZONA, AT THE REQUEST OF
LIFESTREAM COMPLETE SENIOR LIVING, INC.**

NOTICE IS HEREBY GIVEN that a public hearing shall be conducted jointly on behalf of The Industrial Authority of the City of Peoria, Arizona (the "Authority"), and the County of Maricopa (the "County") by an authorized representative of the Authority and the County, on a proposal that the Authority issue its refunding revenue bonds, including a series of refunding revenue bonds the interest on which is subject to federal income taxes, to provide for the refunding in full of the following outstanding revenue bonds (referred to collectively as the "Prior Bonds"), all of which were issued at the request and for the benefit of LifeStream Complete Senior Living, Inc. (formerly known as "Arizona Baptist Retirement Centers, Inc."), an Arizona nonprofit corporation (the "Borrower"): the Retirement Center Revenue Bond (Arizona Baptist Retirement Centers, Inc. Project), Series 2007A, issued by the Authority in the original principal amount of \$5,050,000 (the "Series 2007 Bond"); the Retirement Center Revenue Bond (Arizona Baptist Retirement Centers, Inc. Project), issued by the Authority in the original principal amount of \$3,000,000 (the "Series 2005 Bond"); the Retirement Center Refunding Revenue Bond (Arizona Baptist Retirement Centers, Inc. Project), issued by the Authority in the original principal amount of \$5,240,000 (the "Series 2003 Bond"); and the outstanding Retirement Center Refunding Revenue Bonds (Arizona Baptist Retirement Centers, Inc. Project), Series 2004, issued by The Industrial Development Authority of the City of Glendale, Arizona, in the original principal amount of \$7,180,000 (the "Series 2004 Bonds"). The Authority's refunding revenue bonds would also provide for the refunding and refinancing of certain outstanding taxable indebtedness incurred by the Borrower for capital improvements and working capital needs.

The Prior Bonds were issued to finance capital improvements at facilities of the Borrower located in Maricopa County (the "Facilities") that provide skilled nursing care and assisted and independent living facilities for seniors. The Facilities are commonly known as Lifestream Complete Senior Living, Inc., located at 11555 West Peoria Avenue, Youngtown, Arizona (financed by the Series 2003 Bond and the Series 2005 Bond); Lifestream Complete Senior Living at Northeast Phoenix, Inc., located at 20802 North Cave Creek Road, Phoenix, Arizona (financed by the Series 2007 Bond); and Lifestream Complete Senior Living at Thunderbird, Inc. located at 13617 North 55th Avenue, Glendale, Arizona (financed by the Series 2004 Bonds).

The owners and operators of the Facilities are the Borrower and certain commonly controlled affiliates of the Borrower.

The maximum aggregate face amount of obligations to be issued is \$18,000,000.

The hearing will be held in the first floor lobby of the Maricopa County Administration Building, located at 301 West Jefferson Street, Phoenix, Arizona. The hearing will be held on November 13, 2012, at 8:30 o'clock a.m. At said time and place all parties who appear shall have an opportunity to express their views with respect to the proposal that the Authority undertake the issuance of its refunding revenue bonds to provide refinancing for the Facilities.

Dated: October 12, 2012.

BY ORDER OF THE BOARD OF
DIRECTORS OF THE AUTHORITY
By: s/Gerald F. Gauthier
Its President

THE RECORD REPORTER

- SINCE 1914 -

1505 N CENTRAL AVE #200, PHOENIX, AZ 85004-1725
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NOTICE OF PUBLIC HEARING ON
ISSUANCE OF REVENUE BONDS
BY THE INDUSTRIAL
DEVELOPMENT AUTHORITY OF
THE CITY OF PEORIA, ARIZONA,
AT THE REQUEST OF
LIFESTREAM COMPLETE SENIOR
LIVING, INC.

NOTICE IS HEREBY GIVEN that a public hearing shall be conducted jointly on behalf of The Industrial Authority of the City of Peoria, Arizona (the "Authority"), and the County of Maricopa (the "County") by an authorized representative of the Authority and the County, on a proposal that the Authority issue its refunding revenue bonds, including a series of refunding revenue bonds the interest on which is subject to federal income taxes, to provide for the refunding in full of the following outstanding revenue bonds (referred to collectively as the "Prior Bonds"), all of which were issued at the request and for the benefit of LifeStream Complete Senior Living, Inc. (formerly known as "Arizona Baptist Retirement Centers, Inc."), an Arizona nonprofit corporation (the "Borrower"): the Retirement Center Revenue Bond (Arizona Baptist Retirement Centers, Inc. Project), Series 2007A, issued by the Authority in the original principal amount of \$5,050,000 (the "Series 2007 Bond"); the Retirement Center Revenue Bond (Arizona Baptist Retirement Centers, Inc. Project), issued by the Authority in the original principal amount of \$3,000,000 (the "Series 2005 Bond"); the Retirement Center Refunding Revenue Bond (Arizona Baptist Retirement Centers, Inc. Project), issued by the Authority in the original principal amount of \$5,240,000 (the "Series 2003 Bond"); and the outstanding Retirement Center Refunding Revenue Bonds (Arizona Baptist Retirement Centers, Inc. Project), Series 2004, issued by The Industrial Development Authority of the City of Glendale, Arizona, in the original principal amount of \$7,180,000 (the "Series 2004 Bonds"). The Authority's refunding revenue bonds would also provide for the refunding and refinancing of certain outstanding taxable indebtedness incurred by the Borrower for capital improvements and working capital needs. The Prior Bonds were issued to finance capital improvements at facilities of the Borrower located in Maricopa County (the "Facilities") that provide skilled nursing care and assisted and independent living facilities for seniors. The Facilities are commonly known as LifeStream Complete Senior Living, Inc., located at 11555 West Peoria Avenue, Youngtown, Arizona (financed by the Series 2003 Bond and the Series 2005 Bond); LifeStream Complete Senior Living at Northeast Phoenix, Inc., located at 20802 North Cave Creek Road, Phoenix, Arizona (financed by the Series 2007 Bond); and LifeStream Complete Senior Living at Thunderbird, Inc. located at 13617 North 55th Avenue, Glendale,

Arizona (financed by the Series 2004 Bonds). The owners and operators of the Facilities are the Borrower and certain commonly controlled affiliates of the Borrower. The maximum aggregate face amount of obligations to be issued is \$18,000,000. The hearing will be held in the first floor lobby of the Maricopa County Administration Building, located at 301 West Jefferson Street, Phoenix, Arizona. The hearing will be held on November 13, 2012, at 8:30 o'clock a.m. At said time and place all parties who appear shall have an opportunity to express their views with respect to the proposal that the Authority undertake the issuance of its refunding revenue bonds to provide refinancing for the Facilities.

Dated: October 12, 2012.
BY ORDER OF THE BOARD OF
DIRECTORS OF THE AUTHORITY
By: /s/ Gerald F. Gaultier
Its President

10/18/12

RR-2394640#

AFFIDAVIT OF PUBLICATION

Reference #:

Notice Type: MN - MISCELLANEOUS NOTICE

Ad Description: IDA CITY OF PEORIA / LIFESTREAM

I, Cathy L Fisher, am authorized by the publisher as agent to make this affidavit. Under oath, I state that the following is true and correct.

THE RECORD REPORTER is a newspaper of general circulation published Monday, Wednesday and Friday except legal holidays, in the County of Maricopa (also publishing for Pima County), State of Arizona. The copy hereto attached is a true copy of the advertisement as published on the following dates:

10/19/2012



State Of Arizona)
)ss.
County Of Maricopa)

Subscribed and sworn to before me on the 19th day of October, 2012



HEATHER CLAYTON
Notary Public—Arizona
Maricopa County
Expires 07/31/2016



* A 0 0 0 0 0 2 8 5 5 7 0 5 *

RYLEY CARLOCK
& APPLEWHITE
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William F. Wilder
Direct Line: 602-440-4802
Direct Fax: 602-257-6902
E-mail: wwilder@rcalaw.com

November 15, 2012

Mayor and City Council Members
City of Peoria, Arizona
8401 West Monroe Street
Peoria, Arizona 85345

Re: Not to Exceed \$18,000,000 The Industrial Development Authority of the City of Peoria Retirement Center Revenue Bonds (LifeStream Complete Senior Living, Inc. Project), Series 2012A and Series 2012B

Ladies and Gentlemen:

As I believe you are aware, our firm serves as legal counsel to The Industrial Development Authority of the City of Peoria, Arizona (the "Authority") and I am writing to you on behalf of the Authority.

The Authority is requesting that on December 4, 2012, the City Council adopt a resolution approving the proceedings of the Authority for the issuance of the above-referenced bonds (the "Bonds") and the purpose of this letter is to provide you with a report from the Authority regarding the proposed financing.

The Authority and Its Powers

The Authority is an Arizona nonprofit corporation incorporated under the provisions of the Industrial Development Financing Act, Title 35, Chapter 5, and Title 10, Arizona Nonprofit Corporation Act, Arizona Revised Statutes, as amended (the "Act"). The Authority is designated by law as a political subdivision of the State of Arizona. Under the terms of the Industrial Development Financing Act, the City Council of the City of Peoria is the governing body of the Authority, is responsible for electing the Directors of the Authority, and must approve the proceedings of the Authority for the issuance of its bonds.

The Authority is empowered to issue its revenue bonds and loan the proceeds from the sale of such bonds to finance "projects" as such term is defined in A.R.S. § 35-701. Financing for any facilities for a nonprofit 501(c)(3) organization constitute a "project." The Authority is empowered to issue its bonds for a "project" wherever located with the exception that a multifamily housing project can only be financed by the Authority if the project is located within the limits of the City of Peoria. The Authority with the approval of the Peoria City Council has a history of issuing bonds for the benefit of Arizona Baptist Retirement Centers, Inc. which is now known as LifeStream Complete Senior Living, Inc.

with respect to its facilities at its Youngtown campus (bonds were so issued in 1995, 2003 and 2005) and its Phoenix campus (bonds were issued in 2007).

Furthermore, under the Act the Authority is empowered to issue its bonds to refinance indebtedness previously incurred with respect to any project.

Under the provisions of A.R.S. § 35-742, the City of Peoria is not liable or obligated for the payment of bonds issued by the Authority and the only source of payment of such bonds are loan repayments from an obligated borrower.

Applicant for Financing

The Applicant for financing is LifeStream Complete Senior Living, Inc., formerly known as Arizona Baptist Retirement Centers, Inc., an Arizona nonprofit corporation ("LifeStream") recognized as an exempt organization under Section 501(c)(3) of the Internal Revenue Code. LifeStream is a major provider of senior living, assisted living and nursing care services in the metropolitan Phoenix area, with facilities in Youngtown, Surprise, Glendale and Phoenix, Arizona.

The Project To Be Financed

The proceeds derived from the sale of the Bonds will be used to refund (refinance) tax exempt debt incurred by LifeStream to finance the acquisition, construction, improving, furnishing and equipping of senior living and assisted living facilities owned by LifeStream or an affiliate and located in Glendale, Youngtown and Phoenix, Arizona. In addition, a portion of the Bond proceeds will be used to refinance the outstanding balance due from LifeStream on a line of credit with a bank.

Specifically the Bond proceeds will be used to refund the outstanding principal balance of the following tax exempt bonds:

Peoria IDA Retirement Center Revenue Bond (Arizona Baptist Retirement Centers, Inc. Project), Series 2007 in the original principal amount of \$5,050,000

Peoria IDA Retirement Center Revenue Bond (Arizona Baptist Retirement Centers, Inc. Project), Series 2005 in the original principal amount of \$3,000,000

Peoria IDA Retirement Center Refunding Revenue Bonds (Arizona Baptist Retirement Centers, Inc. Project), Series 2003 in the original principal amount of \$5,240,000

Glendale IDA Retirement Center Revenue Bonds (Arizona Baptist Retirement Centers, Inc. Project), Series 2004 in the original principal amount of \$7,180,000

No Requirement to Obtain Allocation for Tax Exempt Financing

Since LifeStream is a nonprofit 501(c)(3) corporation, it is exempt from the requirements of federal tax law and Arizona law that it obtain an allocation of the State of Arizona's volume cap or "state ceiling" applicable to certain tax exempt financing transactions. Also, since the proposed transaction is a refunding or refinancing of existing indebtedness, no volume cap allocation is required. This means that the financing for LifeStream will not utilize any of Arizona's volume cap or "state ceiling" and therefore will not restrict other entities from undertaking private activity bond financings.

Authority Approval Process

On October 30, 2012, the Authority Board acted by Resolution to preliminarily approve the issuance of the Bonds for the benefit of LifeStream. On November 28, 2012, the Authority Board is expected to act by Resolution to grant final approval to the financing and to approve the issuance of the Bonds and a copy of the Authority's approving Resolution will be filed in the office of the Peoria City Clerk and provided to the Peoria City Attorney.

Notification to Arizona Attorney General

As required by the provisions of A.R.S. § 35-721.F., the Authority has notified the Arizona Attorney General of the Authority's intention to issue the Bonds.

Satisfaction of Public Hearing Requirement

On November 13, 2012, an authorized representative of the Authority conducted a public hearing, as prescribed by Section 147(f) of the Internal Revenue Code of 1986, as amended, with respect to the proposed issuance of the Bonds and a Report of Public Hearing has been filed in the Office of the Peoria City Clerk and provided to the Peoria City Attorney. No members of the public appeared to comment or be heard at the public hearing.

Financing Participants

<u>Document</u>	<u>Parties</u>
Applicant/Borrower	LifeStream Complete Senior Living, Inc.
Applicant/Borrower's Counsel	Schmitt Schneck Smyth Casey & Even, P.C.
Authority	The Industrial Development Authority of the City of Peoria, Arizona
Authority Counsel	Ryley, Carlock & Applewhite

Bond Counsel	Dorsey & Whitney LLP
Underwriter	Northland Securities, Inc.
Master Trustee	U.S. Bank National Association
Bond Trustee	U.S. Bank National Association

Principal Financing Documents

The principal financing documents for the transaction consist of a Bond Trust Agreement, between the Authority and the Bond Trustee, a Loan Agreement between the Authority and LifeStream, a Bond Purchase Agreement between the Authority, LifeStream and the Underwriter, a Master Trust Indenture and First Supplement to Master Trust Indenture between LifeStream and the Master Trustee and an Official Statement under which the Bonds will be marketed by the Underwriter.

Plan of Financing

The Bonds will be issued in one or more tax exempt and taxable series pursuant to the provisions of the Bond Trust Indenture. The proceeds received from the sale of the Bonds will be loaned by the Authority to LifeStream in accordance with the terms of the Loan Agreement and deposited with the Bond Trustee who will administer the disbursement of Bond proceeds to pay in full the tax exempt bonds that are being refunded and the taxable conventional debt that is being refinanced. Under the terms of the Loan Agreement, LifeStream will be unconditionally obligated to make periodic loan repayments in amounts to pay the interest and principal on the Bonds.

LifeStream, in connection with the management of its business and affairs, including its financings, utilizes a Master Trust Indenture whereby LifeStream and its affiliated entities comprise the "Obligated Group." The Master Trust Indenture and First Supplemental Master Trust Indenture set forth various financial covenants and agreements of the Obligated Group, including agreements specifically relating to the obligation to make payments sufficient to provide for timely payment of interest and principal on the Bonds. LifeStream and its affiliates, as the members of the Obligated Group under the Master Trust Indenture and for the benefit of holders of the Bonds, will grant to the Master Trustee a deed of trust and security interest on and in the senior living and assisted living facilities owned by LifeStream and its affiliates, subject only to certain prior permitted liens.

The Bonds will be purchased by the Underwriter under the terms of the Bond Purchase Agreement and it is the intention of the Underwriter to make a public offering of the Bonds. In connection with such, the Official Statement will be utilized. The Bonds will not be rated.

Mayor and City Council Members
November 15, 2012
Page 5

RYLEY CARLOCK
& A P P L E W H I T E
Attorneys

The Bonds will bear interest at a fixed interest rate that will be determined at the time the Bonds are sold and the maturity dates of the Bonds, in no event exceeding 40 years, will also be determined at the time the Bonds are sold.

Proposed City Council Resolution

The form of Resolution it is requested the City Council adopt on December 4, 2012, has been provided to both the Peoria City Attorney and Peoria City Clerk.

Representatives of the Authority and LifeStream will be present at the City Council meeting on December 4, 2012. If, prior to the meeting, you have any questions, please feel free to contact me.

Yours very truly,

A solid black rectangular box redacting the signature of William F. Wilder.

William F. Wilder

cc: Mr. Carl Swenson
Stephen M. Kemp, Esq.
Ms. Wanda Nelson
Mr. Brent Mathingly
Peoria IDA Board
of Directors

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 19C

Date Prepared: November 29, 2012

Council Meeting Date: December 4, 2012

TO: Honorable Mayor and Council
FROM: Bob Barrett, Mayor
SUBJECT: Amendments to Terms and Conditions of Employment with the City Manager

Purpose:

This is a request for the Mayor and City Council to adopt the proposed amendment to the Terms and Conditions of Employment with the City Manager.

Background/Summary:

Recently, the Mayor and Council completed their appraisal of the City Manager. Pursuant to that appraisal, the City Attorney has prepared a contract amendment providing for a 2.5% increase in the base compensation for the City Manager. The proposed amendment does not change any other terms of the agreement with the City Manager. Therefore, it is my recommendation that the Mayor and the City Council adopt the proposed amendment.

Previous Actions: None

Exhibit:

Exhibit 1: Proposed Amendment

**AMENDMENT TO TERMS AND CONDITIONS OF EMPLOYMENT
AGREEMENT**

This Contract Amendment is made on this 4th day of December, 2012, between the City of Peoria ("City") and Carl Swenson ("City Manager").

RECITALS

WHEREAS, the Mayor and Council of the City have entered into a Terms and Conditions of Employment Agreement with the City Manager dated (hereinafter "Agreement") for the provision of those duties and functions of the City Manager, as provided under the Peoria City Charter and Code and in accordance with ARS §9-271, and

WHEREAS, the City and City Manager desire to amend the Agreement.

Therefore, the parties in consideration of the covenants and conditions to be performed by City Manager set forth in the Agreement dated, July 1, 2008, the Parties agree to amend the Agreement as follows:

Section 1. Amendment to Paragraph 4

Paragraph 4 shall be amended to read as follows:

SECTION 4. Salary.

City agrees to pay Employee for his services rendered pursuant hereto as City Manager an annual base salary of \$189,113.00, payable in installments at the same time as other employees of the City of Peoria are paid.

Section 2. Full Force and Effect Provision

The City and City Manager agree that except solely as modified above, changed and amended, the terms, conditions, and provisions of the agreement dated, July 1, 2008, and subsequent amendments thereto, shall continue in full force and effect and shall apply to, and shall govern, this amendment of the Agreement.

In Witness Whereof, the parties execute this agreement on the date set forth above.

Bob Barrett, Mayor

Carl Swenson, City Manager

ATTEST:

APPROVED AS TO FORM:

Rhonda Germinsky, Interim City Clerk

Stephen M. Kemp, City Manager

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 20R

Date Prepared: November 19, 2012

Council Meeting Date: December 04, 2012

TO: Carl Swenson, City Manager

FROM: Brent Mattingly, Finance Director

THROUGH: Susan K. Thorpe, Deputy City Manager

SUBJECT: Public hearing: Proposed Recommendations by the City to the Arizona State Liquor Board for a new domestic microbrewery and a new restaurant liquor licenses liquor license.

Purpose:

Pursuant to Arizona Law the City must recommend to the State Liquor Board for approval, applications to sell alcoholic beverages in the City. The Standard for the recommendation is whether the best interest of the community will be served by the issuance of these licenses and whether the public convenience is served.

Background/Summary:

Thomas F. Lavalley Jr., Agent for Freak’N Brewing Company, has applied for a New Domestic Microbrewery Liquor License (Series 03) located at 9299 W. Olive Avenue Suite 513.

Cai H. Situ Tang, Agent for Yu’s Chinese Cuisine, has applied for a New Restaurant Liquor License (Series 12) located at 13686 N. 75th Avenue.

The public hearing notices were posted for at least 20 days, and no comments were received during the posting period. The license applications were reviewed according to State law and all Departments gave approvals.

Previous Actions:

9299 W. Olive Avenue Suite 513 has never had a liquor license.

In March 2011, the Mayor and Council recommended approval to Arizona State Liquor Board for Yu’s Chinese Cuisine for a New Restaurant Liquor License (Series 12). The restaurant was sold and the new owners are now applying for this New Restaurant Liquor License. Series 12 Restaurant Liquor Licenses are not transferable between restaurant owners.

Options:

A: Recommend approval to the Arizona State Liquor Board for a New Domestic Microbrewery Liquor License (Series 03) for Freak’N Brewing Company, located at 9299 W. Olive Avenue Suite 513, Thomas F. Lavallee Jr., Applicant, LL#20006638.

Recommend approval to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Yu’s Chinese Cuisine, located at 13686 N. 75th Avenue, Cai H. Situ Tang, Applicant, LL#20005686.

B: Recommend denial to the Arizona State Liquor Board for a New Domestic Microbrewery Liquor License (Series 03) for Freak’N Brewing Company, located at 9299 W. Olive Avenue Suite 513, Thomas F. Lavallee Jr., Applicant, LL#20006638.

Recommend denial to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Yu’s Chinese Cuisine, located at 13686 N. 75th Avenue, Cai H. Situ Tang, Applicant, LL#20005686.

Staff’s Recommendation:

Mayor and Council recommend approval to the Arizona State Liquor Board for a New Domestic Microbrewery Liquor License (Series 03) for Freak’N Brewing Company, located at 9299 W. Olive Avenue Suite 513, Thomas F. Lavallee Jr., Applicant, LL#20006638.

Mayor and Council recommend approval to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Yu’s Chinese Cuisine, located at 13686 N. 75th Avenue, Cai H. Situ Tang, Applicant, LL#20005686.

Fiscal Analysis:

The item has no financial implications.

Narrative:

The appropriate fees have been paid and the applicants have been advised that a representative needs to be present at the meeting to answer any questions that the Council or public may have.

Exhibit 1: New Liquor License Application.

Arizona Department of Liquor Licenses and Control

800 West Washington, 5th Floor

Phoenix, Arizona 85007

www.azliquor.gov

602-542-5141

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

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

SECTION 1 This application is for a:

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

SECTION 2 Type of ownership:

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

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

1. Type of License(s): 4-205.08 domestic micro brewery license #3

2. Total fees attached:

Department Use Only \$ 188.00

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

SECTION 4 Applicant

- Owner/Agent's Name: Mr. Lavallee Jr. Thomas F
Corp./Partnership/L.L.C.: Freak'N Brew LLC
Business Name: Freak'N Brewing Company
Principal Street Location: 9299 W. Olive Ave. Suite 513 Peoria Maricopa 85345
Business Phone: 623 738 5804 Daytime Contact: Thomas Lavallee
Is the business located within the incorporated limits of the above city or town? YES NO
Mailing Address: 9299 W. Olive Ave. Suite 513, Peoria, AZ 85345
Price paid for license only bar, beer and wine, or liquor store: Type App \$100 Zip Type License \$

DEPARTMENT USE ONLY

Fees: Application 100.00 Interim Permit Agent Change Club Finger Prints \$ 88.00 TOTAL OF ALL FEES 188.00

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

Accepted by: Date: 10-01-12 Lic. # 03073066

SECTION 5 Interim Permit:

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

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

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

(Print full name)

State of _____ County of _____

X _____
(Signature)

The foregoing instrument was acknowledged before me this

My commission expires on: _____

_____ day of _____, _____ Year
Day Month Year

(Signature of NOTARY PUBLIC)

SECTION 6 Individual or Partnership Owners:

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

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

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

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

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

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

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

12 OCT 1 1991 11:43 AM

SECTION 7 Corporation/Limited Liability Co.:

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

CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.

L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: Freak'N Brew LLC
(Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 11/14/2011 State where Incorporated/Organized: AZ
3. AZ Corporation Commission File No.: L-1720210-1 Date authorized to do business in AZ: 1/23/2012
4. AZ L.L.C. File No: L-1720210-1 Date authorized to do business in AZ: 1/23/2012 11/16/2011
5. Is Corp./L.L.C. Non-profit? YES NO

6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
Lavallee	Thomas	Franklyn	Manager/ Member	[REDACTED]	[REDACTED]
Lavallee	Jr.	Thomas F	Manager/ Member	[REDACTED]	[REDACTED]
Lavallee	Floyd	William	Member	[REDACTED]	[REDACTED]
Wendling	<i>Douglas</i> Doug	Carl	Member	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

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

Last	First	Middle	% Owned	Mailing Address	City State Zip
Lavallee	Thomas	Franklyn	40	[REDACTED]	[REDACTED]
Lavallee	Jr.	Thomas F	20	[REDACTED]	[REDACTED]
Lavallee	Floyd	William	20	[REDACTED]	[REDACTED]
Wendling	<i>Douglas</i> Doug	Carl	20	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

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

SECTION 8 Club Applicants:

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

1. Name of Club: _____ Date Chartered: _____
(Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)

2. Is club non-profit? YES NO

3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

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

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

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

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

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

SECTION 11 Person to Person Transfer

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

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

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

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

(Signature of CURRENT LICENSEE)

State of _____ County of _____
The foregoing instrument was acknowledged before me this

Day Month Year

(Signature of NOTARY PUBLIC)

My commission expires on: _____

12 OCT 1 1991 LIC. PM 4 32

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

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

1. Current Business: Name _____
(Exactly as it appears on license) Address _____
2. New Business: Name _____
(Physical Street Location) Address _____
3. License Type: _____ License Number: _____
4. If more than one license to be transferred: License Type: _____ License Number: _____
5. What date do you plan to move? _____ What date do you plan to open? _____

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

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

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

1. Distance to nearest school: 16,000 + ft. Name of school Paramount Academy
Address 11039 West Olive Avenue, Peoria, AZ 85345
City, State, Zip _____
2. Distance to nearest church: 12,150+ ft. Name of church Church of Christ
Address 10935 West Olive Avenue, Peoria, AZ 85345
City, State, Zip _____
3. I am the: Lessee Sublessee Owner Purchaser (of premises)
4. If the premises is leased give lessors: Name Patriot Sprit LLC
Address 26420 N. 41ST LN. PHOENIX, AZ 85083
City, State, Zip _____
- 4a. Monthly rental/lease rate \$ 1,500 What is the remaining length of the lease 4 yrs. 8 mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ 3,000 or other _____
(give details - attach additional sheet if necessary)
5. What is the total **business** indebtedness for this license/location excluding the lease? \$ 0
Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Production Domestic Micro Brewery

12 OCT 1 09:14 PM '02

SECTION 13 - continued

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

License # _____ (exactly as it appears on license) Name _____

SECTION 14 Restaurant or hotel/motel license applicants:

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? YES NO
 If yes, give the name of licensee, Agent or a company name:

_____ and license #: _____
Last First Middle

- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this hotel/motel restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

applicant's signature

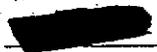
As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception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

applicants initials

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

- 1. Check ALL boxes that apply to your business:
 Entrances/Exits Liquor storage areas Patio: Contiguous
 Service windows Drive-in windows Non Contiguous
- 2. Is your licensed premises currently closed due to construction, renovation, or redesign? YES NO
 If yes, what is your estimated opening date? 10/31/2012
month/day/year
- 3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
- 4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
- 5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

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


applicants initials

OCT 1 11 49 AM '12

SECTION 15 Diagram of Premises

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

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

Diagram attached

A = Beer is processed

B = Beer is stored

C = Beer is sold, served, consumed, dispensed, possessed.

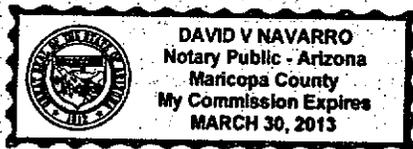
Notes: No dining, No dining tables, No chairs, No kitchen
 No dance floor, No stage, No game room.

12 OCT 1 09:14 PM '12

SECTION 16 Signature Block

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

[Redacted signature]



My commission expires on: 03 30 2013
Day Month Year

State of ARIZONA County of MARICOPA

The foregoing instrument was acknowledged before me this

27th of SEPTEMBER, 2012
Day Month Year

[Redacted signature]
signature of NOTARY PUBLIC

Arizona Department of Liquor Licenses and Control

800 West Washington, 5th Floor

Phoenix, Arizona 85007

www.azliquor.gov

602-542-5124

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

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

SECTION 1 This application is for a:

- MORE THAN ONE LICENSE
- INTERIM PERMIT Complete Section 5
- NEW LICENSE Complete Sections 2, 3, 4, 7, 14, 15, 16
- PERSON TRANSFER (Bars & Liquor Stores ONLY) Complete Sections 2, 3, 4, 11, 13, 15, 16
- LOCATION TRANSFER (Bars and Liquor Stores ONLY) Complete Sections 2, 3, 4, 12, 13, 15, 16
- PROBATE/WILL ASSIGNMENT/DIVORCE DECREE Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
- GOVERNMENT Complete Sections 2, 3, 4, 10, 13, 15, 16

SECTION 2 Type of ownership:

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

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

1. Type of License(s): RESTAURANT

12079302

2. Total fees attached:

\$ 2220

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

SECTION 4 Applicant

1. Owner/Agent's Name: Ms. SITU TANG CAI HONG (Last First Middle)

2. Corp./Partnership/L.L.C.: D & A BROTHERS, LLC (Exactly as it appears on Articles of Inc. or Articles of Org.)

3. Business Name: YU'S CHINESE CUISINE (Exactly as it appears on the exterior of premises)

4. Principal Street Location: 13686 NO. 75th AVE PEORIA MARICOPA 85381 (Do not use PO Box Number City State Zip)

5. Business Phone: 623-878-2836 Daytime Contact: [REDACTED]

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

7. Mailing Address: 13686 NO. 75th AVE PEORIA AZ 85381 (City State Zip)

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

DEPARTMENT USE ONLY

Fees: Application 100.00 Interim Permit 100.00 Agent Change Club Finger Prints \$ 220.00 TOTAL OF ALL FEES 2220.00

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

Accepted by: [REDACTED] Date: 10/9/2012 Lic. # 12079302

12 OCT 11 PM 4:06

SECTION 5 Interim Permit:

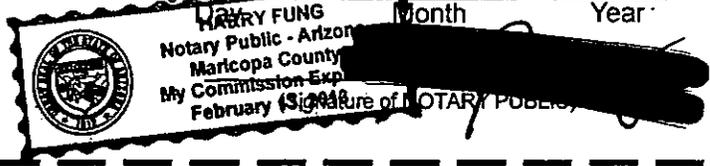
1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. 12078649
4. Is the license currently in use? YES NO If no, how long has it been out of use? 3 MONTHS

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

I, ELLEN TSZ FAN YU, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

State of ARIZONA County of MARICOPA
 The foregoing instrument was acknowledged before me this 6th day of OCTOBER, 2012
 Month Year

My commission expires on: 2-13-2013



12 OCT 9 11:41 AM LIC 47

SECTION 6 Individual or Partnership Owners:

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

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

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

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

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

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

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

STATE OF ARIZONA

DEPARTMENT OF LIQUOR LICENSES
RAND CONTROL
ALCOHOLIC BEVERAGE LICENSE

License 12078649

Issue Date: 4/15/2011

Issued To:
ELLEN TSZ FAN YU, Agent
YU'S CHINESE EXPRESS LLC, Owner

Location:
YU'S CHINESE EXPRESS
13686 N 75TH AVE
PEORIA, AZ 85381

Restaurant

Expiration Date: 3/31/2013

Mailing Address:

ELLEN TSZ FAN YU
YU'S CHINESE EXPRESS LLC
YU'S CHINESE EXPRESS
13686 N 75TH AVE
PEORIA, AZ 85381



EXP 3/31/2013

POST THIS LICENSE IN A CONSPICUOUS PLACE

SECTION 7 Corporation/Limited Liability Co.:

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

CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 9 Lic. PH 407

L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: D & A BROTHERS, LLC
(Exactly as it appears on Articles of Incorporation or Articles of Organization)

2. Date Incorporated/Organized: 6/05/2012 State where Incorporated/Organized: ARIZONA

3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: _____

4. AZ L.L.C. File No: L-1767846-2 Date authorized to do business in AZ: 6/11/2012

5. Is Corp./L.L.C. Non-profit? YES NO

6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
SITU TANG	CAI	HONG	MEMBER	[REDACTED]	[REDACTED]
			MANAGING MEMBER		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

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

Last	First	Middle	% Owned	Mailing Address	City State Zip
SITU TANG	CAI	HONG	100	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

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

SECTION 8 Club Applicants:

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

1. Name of Club: _____ Date Chartered: _____
(Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)

2. Is club non-profit? YES NO

3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

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

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

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

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

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

SECTION 11 Person to Person Transfer:

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

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

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

I, _____, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER
(print full name)
STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

(Signature of CURRENT LICENSEE) State of _____ County of _____
The foregoing instrument was acknowledged before me this

Day Month Year

My commission expires on: _____

(Signature of NOTARY PUBLIC)

12 OCT 9 9:11 AM '07
L.L.C. # 407

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

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

- 1. Current Business: Name _____
(Exactly as it appears on license) Address _____
- 2. New Business: Name _____
(Physical Street Location) Address _____
- 3. License Type: _____ License Number: _____
- 4. If more than one license to be transferred: License Type: _____ License Number: _____
- 5. What date do you plan to move? _____ What date do you plan to open? _____

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

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

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

12 OCT 9 11:41 AM '07

1. Distance to nearest school: _____ ft. Name of school _____
Address _____
City, State, Zip _____

2. Distance to nearest church: _____ ft. Name of church _____
Address _____
City, State, Zip _____

3. I am the: Lessee Sublessee Owner Purchaser (of premises)

4. If the premises is leased give lessors: Name JESWANT CHILDREN'S EDUCATION TRUST
Address 7717 W. THUNDERBIRD RD PEORIA AZ 85381
City, State, Zip _____

4a. Monthly rental/lease rate \$ 3100 What is the remaining length of the lease 2 yrs. 1 mos.

4b. What is the penalty if the lease is not fulfilled? \$ 0 or other PERSONAL PROPERTY
(give details - attach additional sheet if necessary)

5. What is the total business indebtedness for this license/location excluding the lease? \$ 0
Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

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

SECTION 13 - continued

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

License # 12078649 (exactly as it appears on license) Name ELLEN TSZ FAN YU

SECTION 14 Restaurant or hotel/motel license applicants:

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? YES NO
 If yes, give the name of licensee, Agent or a company name:

YU ELLEN TSZ FAN and license # 12078649
Last First Middle

- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this hotel/motel restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

[Redacted Signature]
 applicant's signature

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

[Redacted Initials]
 applicants initials

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

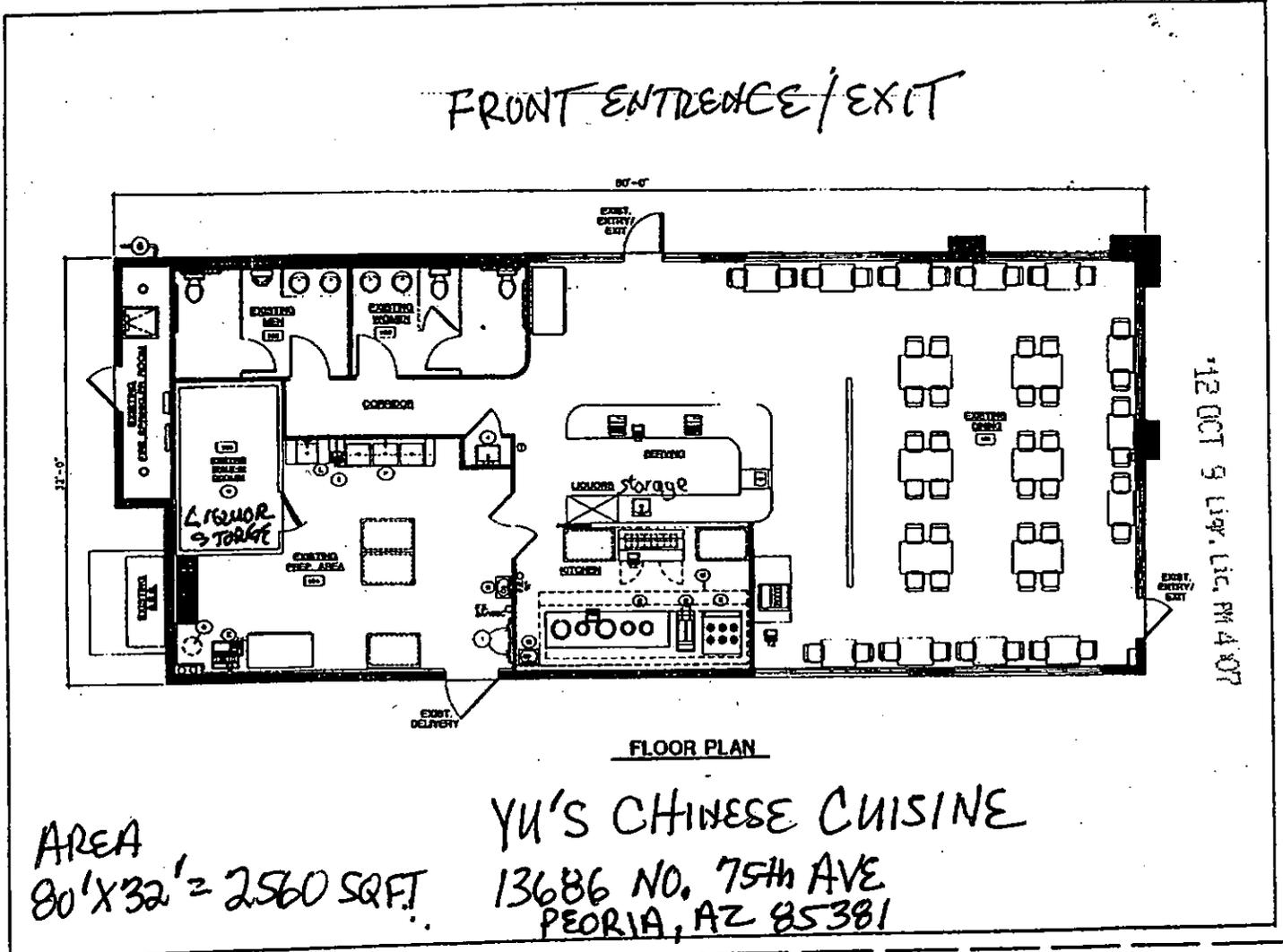
- 1. Check ALL boxes that apply to your business:
 Entrances/Exits Liquor storage areas Patio: Contiguous
 Service windows Drive-in windows Non Contiguous
- 2. Is your licensed premises currently closed due to construction, renovation, or redesign? YES NO
 If yes, what is your estimated opening date?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

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

[Redacted Initials]
 applicants initials

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

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



AREA
80' x 32' = 2560 SQFT.

YU'S CHINESE CUISINE
13686 NO. 75TH AVE
PEORIA, AZ 85381

SECTION 16 Signature Block

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

X

State of ARIZONA County of MARICOPA

The foregoing instrument was acknowledged before me this 6th of OCTOBER 2012

Day Year

My commission expires on: 2-13-2013
Day Month Year

signature of NOTARY PUBLIC

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 21R

Date Prepared: November 5, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager

FROM: Chris M. Jacques, AICP, Planning & Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: Major General Plan Amendment, Senate Bill 1598 - Aggregate Mining
(Case GPA12-0002)

Purpose:

This is a request for City Council to hold a public hearing to consider a proposed amendment to the Land Use Element of the General Plan pertaining to aggregate mining. The amendment is intended to update policy guidance in compliance with recent changes in State Law (SB 1598).

Background/Summary:

Overview – Senate Bill 1598

On April 28, 2011, Senate Bill 1598 was signed into law by Governor Brewer. Although this bill is commonly known as the “Regulatory Bill of Rights,” it has two distinct and unrelated areas of focus. The first portion of the bill essentially affects process decisions and timeframes, appeal procedures and the substantive manner in which we conduct reviews and inspections for the issuance of “licenses,” permits and other approvals. A staff team is currently working on this portion of the bill as a separate item.

The second portion of this bill pertains to aggregate mining (e.g. sand & gravel, mineral extraction) and how mining operations are represented within the General Plan. This item is being processed as part of the 2012 Major General Plan Amendment cycle.

SB 1598 – Aggregate Mining

SB 1598 amended Arizona Revised Statutes Section(s) 9-461.1 by adding a definition for “aggregate” and 9-461.05.C.1 by adding subsection (g) as highlighted below. Staff believes this provision requires the City to identify currently permitted aggregate mining operations on the General Plan Land Use Map; and establish policies that protect these operations from incompatible land uses with the intention of minimizing conflicts between mining operations and residential developments.

A.R.S. 9-461. Definitions

1. ***“Aggregate” means cinder, crushed rock or stone; decomposed granite, gravel, pumice, pumacite and sand.***

A.R.S. 9-461.05. General Plans; authority; scope (excerpt)

C. The General Plan shall consist of a statement of community goals and development policies. It shall include maps, any necessary diagrams and text setting forth objectives, principles, standards and plan proposals. The plan shall include the following elements:

1. A Land Use Element that:

(g) Includes sources of currently identified aggregates from maps that are available from state agencies, policies to preserve currently identified aggregates sufficient for future development and policies to avoid incompatible land uses, except that this subdivision shall not be construed to affect any permitted underground storage facility or limit any person's right to obtain a permit for an underground storage facility pursuant to title 45, chapter 3.1.

To this end, staff has met with the Arizona Department of Mines and Mineral Resources and collected information on existing, permitted mines. Staff has identified eleven (11) mines within the City’s Planning Area. Aggregate mining operations exceeding five (5) acres in area are required by Arizona statute to file “Reclamation Plans” with the Arizona State Mine Inspector. These plans detail the total acreage of the mining site, the disturbed (e.g. mined) acreage, and the manner in which the owner/operator will restore the site once mining activity has ceased.

Within the City limits, any new proposed mine (non-State Land) requires City Council approval of a Special Use zoning overlay. This overlay requires an Operation Plan, Re-use Plan, Closure Plan, regulatory permits and a financial guarantee to ensure that operators abide by the approved plans. Additionally, the SU overlay identifies specific setbacks for various structures and activities including blasting, haul roads, production equipment and the like.

In terms of new General Plan policy guidance, staff has identified a Draft Goal that promotes compatible land uses in areas of close proximity to existing or planned mining operations. Subsequent objectives and policies follow attempting to balance the existing mines from encroachment of new incompatible uses and discourage new mining locations in proximity to residential uses or recreational areas.

Previous Actions:

This amendment has been subject to the City’s annual Major General Plan Amendment process which included:

- Sustainable Development Subcommittee (June 6, 2012)
- City Council Study Session (August 21, 2012)
- Planning & Zoning Commission Public Hearing #1 (October 18, 2012)
- Planning & Zoning Commission Public Hearing #2 (November 1, 2012). The Commission voted unanimously to recommend approval of Case GPA 12-0002 to the City Council.

Per ARS 9-461.06.H, the adoption of a major amendment to the general plan requires the affirmative vote of at least two-thirds (5 of 7) of the City Council.

Options:

- A:** Approve as recommended by Staff and the Planning & Zoning Commission; or
- B:** Approve with modifications; or
- C:** Deny; or
- D:** Continue action to a date certain or indefinitely; or
- E:** Remand to the Planning & Zoning Commission for further consideration.

Staff’s Recommendation:

Staff recommends the City Council concur with the Planning & Zoning Commission’s November 1, 2012 unanimous recommendation to approve Case GPA 12-0002.

Fiscal Analysis:

This request is not expected to have immediate budgetary impacts to the City.

Narrative:

No further action would be necessary should the City Council take action to approve this application.

Exhibit(s):

- Exhibit 1:** November 1, 2012 Planning & Zoning Commission Staff Report with Exhibits
- Exhibit 2:** Resolution

Contact Name and Number: Adam D. Pruett, AICP, LEED Green Associate, Senior Planner, (623) 773-5168

RESOLUTION NO. 2012- 137

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE LAND USE ELEMENT OF THE PEORIA GENERAL PLAN FOR THE CITY OF PEORIA, ARIZONA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

WHEREAS, the General Plan heretofore adopted by the City of Peoria, Arizona provides for periodic review and amendment;

WHEREAS, the City of Peoria is required to follow the procedures of A.R.S. 9-461.06 in adopting any amendments to the General Plan; and

WHEREAS, the Peoria Planning and Zoning Commission, after due and proper notice as required by law, held public hearings regarding amendment number GPA 12-0002, on October 18, 2012 and November 1, 2012; and

WHEREAS, after such public hearing and consideration of GPA 12-0002, the Peoria Planning and Zoning Commission recommended adoption of GPA 12-0002 on November 1, 2012, a copy of which recommendation is on file with the City Clerk of the City of Peoria, Arizona, and which said case number GPA 12-0002 was transmitted to the Mayor and Council of the City of Peoria prior to the meeting of December 4, 2012; and

WHEREAS, after notice in the manner and form provided by law, a public hearing regarding case number GPA 12-0002 was held by the City Council on December 4, 2012, as required by A.R.S. 9-461.06; and

WHEREAS, after due and proper consideration of such GPA 12-0002, the Mayor and Council of the City of Peoria, Arizona have found that GPA 12-0002 will properly aid in the orderly growth and development of the City of Peoria, Arizona.

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

Section 1. Amendments to the Peoria General Plan

1. The City Council of the City of Peoria, Arizona, does hereby accept and adopt amendment number GPA 12-0002 amending text of the Land Use Element of the Peoria General Plan (Exhibit A), which includes the Land Use Plan Map, as shown in Exhibit B.

SECTION 2. Separability.

In the event any part, portion or paragraph of this Resolution is found to be invalid by any court of competent jurisdiction, the invalidity of such part, portion, or paragraph shall not affect any other valid part, portion, or paragraph of this Resolution and effectiveness thereof;

SECTION 3. This Resolution shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 4th day of December, 2012.

Bob Barrett, Mayor

Date Signed _____

ATTEST:

Rhonda Geriminsky, Interim City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT A

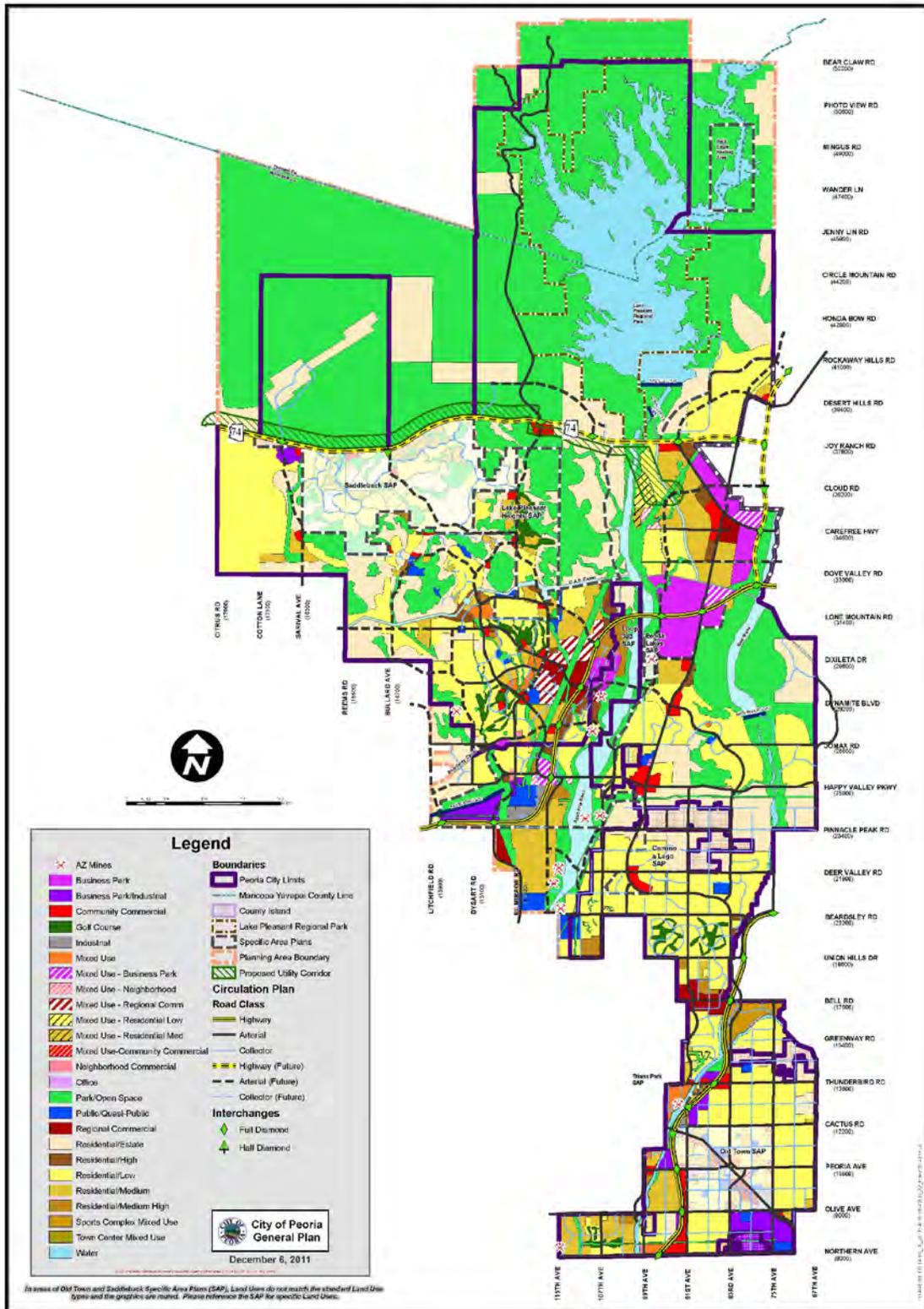


Figure 2.1 - Land Use Plan

EXHIBIT B

2. Land Use Element

The Land Use Element establishes the primary framework for shaping the City's development pattern. Because it directly affects every aspect of the City's form and function, it is paramount to clearly define and communicate each of the goals and strategies of the Land Use Element and present them as they relate to the past, present, and future of Peoria. The Land Use Element is the long-range planning tool used in conjunction with the other General Plan elements to guide future growth, revitalization, and preservation efforts in the City. The Land Use Element also illustrates how the City of Peoria anticipates addressing future population and employment growth while promoting a development pattern that promotes a pedestrian-friendly environment and integrates natural and manmade features in a manner consistent with the vision for the City of Peoria.

The Land Use Element is organized in the following manner:

- 2.a Introduction
- 2.b. Goals, Objectives and Policies
- 2.c Land Use Plan
- 2.d. Implementation Program

- 2.a Introduction
- 2.b. Goals, Objectives and Policies

The following goals, objectives and policies are developed to define the essential components of the Land Use Element. They are listed under the following categories: Smart Growth, Residential Communities, Employment Related Development, Mixed-Use Development, Infill Development, Resort Development, and Amendments to the General Plan.

GOAL 4:

PROMOTE COMPATIBLE LAND USES IN AREAS OF CLOSE PROXIMITY TO EXISTING OR PLANNED AGGREGATE / MINERAL MINING LOCATIONS

Objective 4.A:

Provide equal protection for residential development and aggregate mining operations.

Policy 4.A.1:

Discourage new residential development where future residences would be adjacent to an existing or planned aggregate / mineral mining operation.

Policy 4.A.2:

Discourage new mining operations adjacent to or in close proximity to existing residential development, schools, or existing or planned City recreation areas.

Policy 4.A.3:

Promote non-residential development such as business park and industrial uses adjacent to existing mining operations.



MAJOR GENERAL PLAN AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: GPA 12-0002
DATE: November 1, 2012
AGENDA ITEM: 4R

Applicant: City of Peoria
Request: Major Amendment to Chapter 2 Land Use Element of the City of Peoria General Plan addressing aggregate mining in response to Senate Bill 1598.
Location: Citywide application.
Support / Opposition: Staff has not received any written or verbal support or opposition to this amendment.
Recommendation: Recommend approval to City Council.

*Changes to this report since the October 18, 2012 Planning and Zoning Commission hearing indicated in **Bold Text**.

BACKGROUND

1. On April 28, 2011, Senate Bill 1598 was signed into law by Governor Brewer. Although this bill is commonly known as the "Regulatory Bill of Rights," it has two distinct and unrelated areas of focus. The first portion of the bill essentially affects process decisions and timeframes, appeal procedures and the substantive manner in which we conduct reviews and inspections for the issuance of licenses, permits and other approvals. A staff team is currently working on this portion of the bill as a separate item.
2. The second portion of this bill pertains to aggregate mining (e.g. sand & gravel, mineral extraction) and how mining operations are represented within the General Plan. For the purposes of this amendment, only the aggregate mining component of the legislation is being considered under case GPA 12-0002.

DISCUSSION AND ANALYSIS

SB 1598 / General Plan, Authority & Scope

3. Senate Bill 1598 amended Arizona Revised Statutes Section(s) 9-461.1 by adding a definition for “aggregate” and 9-461.05.C.1 by adding subsection (g) as shown below:

A.R.S. 9-461. Definitions

1. “Aggregate” means cinder, crushed rock or stone; decomposed granite, gravel, pumice, pumacite and sand.

A.R.S. 9-461.05.C.1 Land Use Element that:

(g) Includes sources of currently identified aggregates from maps that are available from state agencies, policies to preserve currently identified aggregates sufficient for future development and policies to avoid incompatible land uses, except that this subdivision shall not be construed to affect any permitted underground storage facility or limit any person's right to obtain a permit for an underground storage facility pursuant to title 45, chapter 3.1.

4. Staff interprets this provision as requiring the City to identify currently permitted aggregate mining operations on the General Plan Land Use Map and establish policies that protect these operations from incompatible land uses with the intention of minimizing conflicts between these operations and residential development.
5. To comply with SB 1598, the General Plan Land Use Element is being amended in two parts. First is an update to the Land Use Map to identify the location of existing permitted aggregate mines as identified on maps from state agencies. Second is to provide a statement of community goals and development policies with regards to use compatibility. Both parts of this amendment are in accordance with A.R.S. 9-461.05 which prescribes the purpose and content of a General Plan.
6. To comply with the policy portion of SB 1598, staff is proposing the addition of a new goal, objective, and policies intended to encourage certain protections for mining operations and residential developments through separation and general land use compatibility (Exhibit B). The General Plan is not a prescriptive document per se, therefore no specific separation standards will be identified. This amendment will provide additional policy guidance that will allow the City to make case-by-case determinations and assist in directing staff's position on future rezoning requests, including Special Use Permits.

Aggregate Mining Data Collection

7. Aggregate mining operations exceeding five (5) acres in area are required by Arizona statute to file "Reclamation Plans" with the Arizona State Mine Inspector, who then conveys any location information to the Arizona Department of Mines & Mineral Resources. These plans are to detail the total acreage of the mining site, the disturbed (e.g. mined) acreage, and the manner in which the owner/operator will restore the site once mining activity has ceased.
8. To this end, staff has consulted with the Arizona Department of Mines & Mineral Resources and collected information on existing, permitted mines. Staff has identified twelve (12) mines within the City's Planning Area, most of which are concentrated along the Agua Fria channel (Exhibit A), though many of which are currently inactive.

Current & Proposed City Process

9. Within the City limits, any new proposed mine (non-State Land) requires City Council approval of a Special Use (SU) zoning overlay. This overlay requires an Operation Plan, Re-use Plan, Closure Plan, regulatory permits, and a financial guarantee to ensure that operators abide by the approved plans. Additionally, the SU overlay identifies specific setbacks for various structures and activities including blasting, haul roads, production equipment and the like.
10. In terms of new General Plan policy guidance (Exhibit B), staff has identified a Draft Goal that promotes compatible land uses in areas of close proximity to existing or planned mining operations. Subsequent objectives and policies follow attempting to balance the existing mines from encroachment of new incompatible uses and discourage new mining locations in proximity to residential uses or recreational areas.

CIVIC ENGAGEMENT & NOTIFICATION

General Public Awareness

11. This amendment was notified in accordance with ARS § 9-461.06 and routed to adjacent governments and reviewing agencies for a 60-day review period. Since this is not an amendment involving specific property, no site posting or radius notification was required.
12. In addition to the 60-day routing, and the published advertisement for the public hearings, additional information regarding each amendment, including the draft amendments and a summary document, was provided on the City's main website and again on the City's Planning Division website.

13. During the 60-day routing period, staff presented this amendment to the Sustainable Development and Public Services Council Subcommittee on June 6, 2012 to discuss policy concerns relating to the future regulation of mining activity and development in the vicinity of mining operations. Accordingly, the Subcommittee expressed their support for the amendment and recommended that it be brought before the full Council as a study session item on August 21, 2012. At the study session, the Council expressed their support for the amendment, but with general concerns about the impact of mining on local communities. Staff clarified that this amendment was prepared to comply with Senate Bill 1598 by adding certain protections for mining operations from incompatible uses; however staff also incorporated language intended to provide similar protections for existing residential development, including schools and park facilities.

Public Notification

14. Public notice was provided in the manner prescribed under Section 14-39-6. The posting / advertising was completed within the prescribed 15-days prior to the Public Hearing.

School District Notification

15. Peoria Unified, Nadaburg and Deer Valley School Districts received written notification of this amendment for the 60-day review period. As of this writing, only one request to modify the new Policy 4.A.2 to include schools in the context of identifying incompatible uses in close proximity to mining operations. This request was incorporated into the current proposal.

Support / Opposition

16. As of this writing, the City has not received any formal written or verbal opposition pertaining to this amendment.

Planning & Zoning Commission Discussion from October 6, 2011 Hearing

17. **The Planning & Zoning Commission held the first of two hearings for the annual Major General Plan Amendment process on October 18th of this year. The first hearing is an opportunity for staff to present the amendment and for the Commission and the public to give testimony.**
18. **No members of the public were in attendance for this amendment. Staff did, however, respond to questions from the Commission requesting clarification on information contained within the bill and whether or not staff's proposal is intended to prevent new mining activity, of which it is not**

as outlined throughout this report.

FINDINGS AND RECOMMENDATION

19. The proposed amendment supports the following finding:
- The amendment is in compliance with Senate Bill 1598 and is consistent with the intent of the General Plan by proposing updated language that furthers the City's desire to provide a healthy, safe community and to work toward the goal of creating a sustainable community.

It is recommended that the Planning and Zoning Commission take the following action:
Recommend approval of Case GPA 12-0002 to the City Council.

ATTACHMENTS

- Exhibit A: Amended Chapter 2 Land Use Plan
Exhibit B: Amended Chapter 2 Land Use Element (amended portion only)

Report prepared by:
Adam Pruett, AICP, LEED Green Associate
Senior Planner

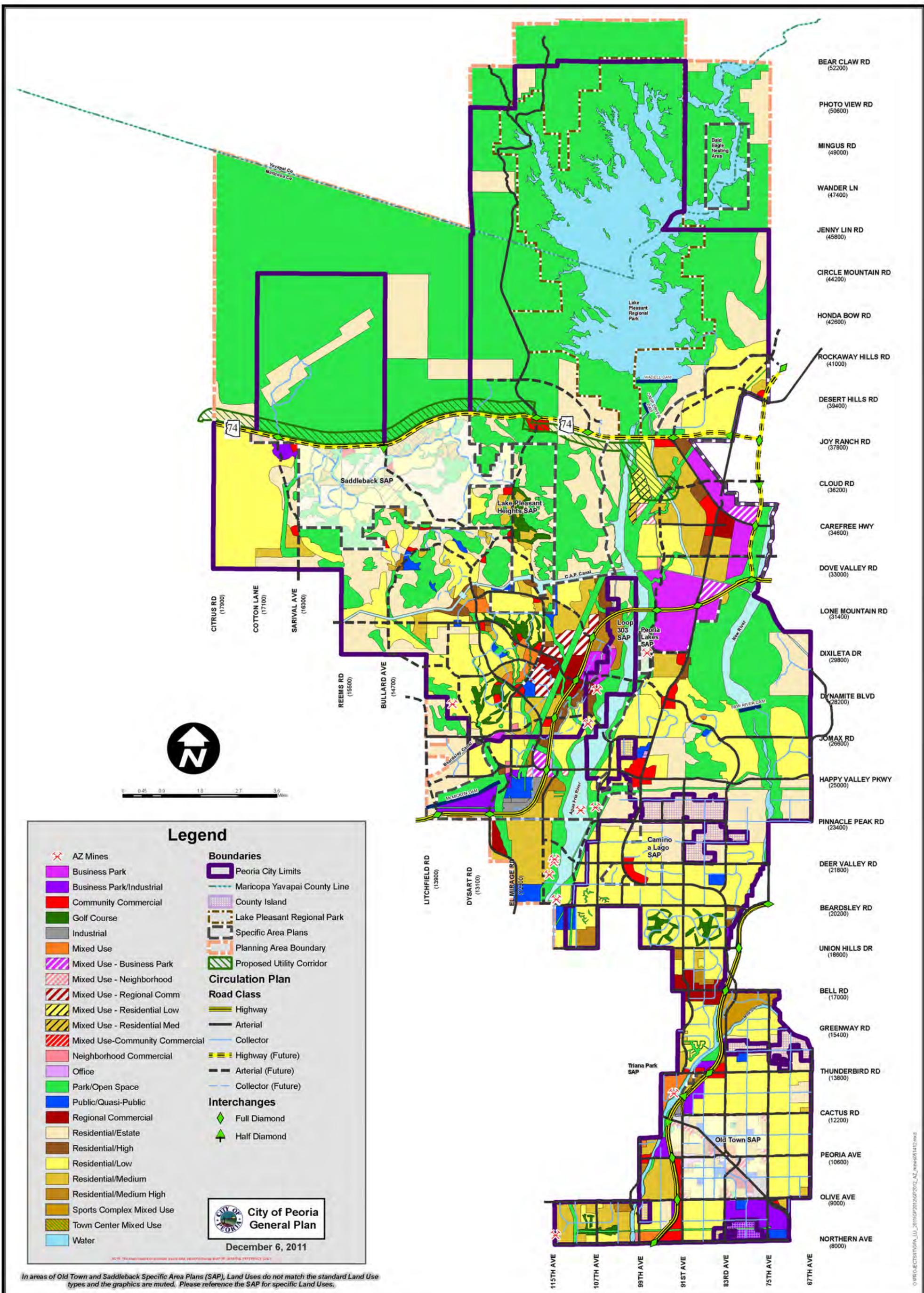


Figure 2.1 - Land Use Plan

2. LAND USE ELEMENT

The Land Use Element establishes the primary framework for shaping the City's development pattern. Because it directly affects every aspect of the City's form and function, it is paramount to clearly define and communicate each of the goals and strategies of the Land Use Element and present them as they relate to the past, present, and future of Peoria. The Land Use Element is the long-range planning tool used in conjunction with the other General Plan elements to guide future growth, revitalization, and preservation efforts in the City. The Land Use Element also illustrates how the City of Peoria anticipates addressing future population and employment growth while promoting a development pattern that promotes a pedestrian-friendly environment and integrates natural and manmade features in a manner consistent with the vision for the City of Peoria.

The Land Use Element is organized in the following manner:

- 2.a Introduction
- 2.b. Goals, Objectives and Policies
- 2.c Land Use Plan
- 2.d. Implementation Program

2.A INTRODUCTION

2.B. GOALS, OBJECTIVES AND POLICIES

The following goals, objectives and policies are developed to define the essential components of the Land Use Element. They are listed under the following categories: Smart Growth, Residential Communities, Employment Related Development, Mixed-Use Development, Infill Development, Resort Development, and Amendments to the General Plan.

GOAL 4:

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Policy 4.A.2:

Discourage new mining operations adjacent to or in close proximity to existing residential development, schools, or existing or planned City recreation areas.

Policy 4.A.3:

Promote non-residential development such as business park and industrial uses adjacent to existing mining operations.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 22R

Date Prepared: November 5, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager
FROM: Chris Jacques, AICP, Planning & Community Development Director
THROUGH: Susan J. Daluddung, AICP, Deputy City Manager
SUBJECT: GPA 12-0003 – Lake Pleasant Heights Specific Area Plan Amendment

Purpose:

This is a request for City Council to hold a Public Hearing to consider a request to amend the Lake Pleasant Heights Specific Area Plan.

Background/Summary:

Lake Pleasant Heights Specific Area Plan

The Lake Pleasant Heights Specific Area Plan that was adopted in 2002 and subsequently amended in 2005 capped the residential density at 1.82 du/ac (5,970 units on 3,268 acres) and provided for a variety of single-family housing types, commercial uses, resort uses, and a golf course within the development. Additionally, the Lake Pleasant Heights SAP included approximately 1,396 acres of State Land planned for Commercial, Open Space, and a variety of Estate, Low, and Medium Density Residential uses.

Amended Lake Pleasant Heights Specific Area Plan

The applicant is proposing a number of amendments to the current Specific Area Plan primarily for the purpose of repositioning the property for the foreseeable future market. Working closely with the City over the last year and a half, the applicants have developed a revised plan that would increase the number of residential units within the project above what is currently permitted, increase open space areas, and incorporate mixed-use land use categories. Additionally, the amendments will remove the golf course and resort land uses which are no longer supported by the current and expected future markets.

Currently, Lake Pleasant Heights is entitled for 5,970 units with 1,233 acres of open space. The applicant is requesting this amendment to allow up to 6,561 units with 1,350 acres of open space, which is an increase of 9.9% and 9.5% respectively.

Lake Pleasant Heights Circulation

Adjustments to the circulation for the SAP are proposed. The proposed circulation changes are the result of the concerted coordination effort of the City, Lake Pleasant Heights, Saddleback Heights, Vistancia, and the State Land Department. Of note, the Bullard/Carefree Highway alignment which was approved last year in both the Saddleback Heights SAP amendment and the Circulation Plan amendment, has been relocated north into less rugged terrain which better serves Lake Pleasant Heights and the regional transportation needs. The changes to the alignment largely impacted the State Land in Section 2.

Lake Pleasant Heights Land Use Table

While some of the parcel land use designations have been modified to support the mixed use component and proposed increases in residential unit count, the parcel layout remains largely unchanged due to the challenging topography throughout the overall site. The table below includes some minor modifications since the drafting of the Planning and Zoning Commission report. More specifically, the amount of Proposed Open Space increased from 1,317 to 1,350 acres and the amount of Mixed-Use Proposed Units increased from 632 to 1,005 units. These modifications were precipitated by the changes in the regional circulation plan as discussed in the preceding paragraph, as well as a change in commercial to mixed-use for a 45.5 acre parcel of State Land.

	Approved SAP	Proposed SAP
Acreage	3,268	3,268
Total Residential Units	5,970	6,561
Overall Density	1.82 du/ac	2.01 du/ac

Residential Land Use Categories

Residential Estate	0-2 du/ac 628.1 ac	0-2 du/ac; target 1 du/ac 436.9 ac
Residential Low Density	2-5 du/ac 663.9 ac	2-5 du/ac; target 3 du/ac 995.6 ac
Residential Medium Density	5-8 du/ac 379 ac	5-8 du/ac; target 6 du/ac 117.4 ac
Residential Medium-High Density	n/a n/a	8-15 du/ac; target 12 du/ac 119 ac
Residential High Density	15 du/ac, target 18 du/ac 30.2 ac	Incorporated w/ Mixed Use n/a
Community Commercial	42.3 acres	Incorporated w/ Mixed Use 0
Open Space	1,233 acres	1,350 ac
Mixed-Use	n/a	113.2 acres; up to 1,005 residential units

	Approved SAP	Proposed SAP
Public /Quasi-Public	9 acres, ±15 acre potential school site identified	16.4 acres, 15 acre potential 2 nd school site identified
Recreation/Park	26.1 acres, 214.4 acre golf course	20 acres, 12 additional potential acres

Previous Actions:

This amendment has been subject to the City’s annual Major General Plan Amendment process which included:

- Neighborhood meeting (September 4, 2012)
- Planning & Zoning Commission Public Hearing #1 (October 18, 2012) – No action taken.
- Planning & Zoning Commission Public Hearing #2 (November 15, 2012). The Commission voted unanimously to recommend approval of Case GPA 12-0003 to the City Council.
 1. Please note that the Condition of Approval contained in the November 15, 2012 Planning and Zoning Commission Staff Report is no longer necessary and has been removed as reflected in the attached Resolution (Exhibit 3). The applicant has provided an updated version of the Specific Area Plan document, which is included with the Resolution.

Options:

- A:** Approve as recommended by Staff and the Planning & Zoning Commission; or
- B:** Approve with modifications; or
- C:** Deny; or
- D:** Continue action to a date certain or indefinitely; or
- E:** Remand to the Planning & Zoning Commission for further consideration.

Per ARS 9-461.06.H, the adoption of a major amendment to the general plan requires the affirmative vote of at least two-thirds (5 of 7) of the City Council.

Staff’s Recommendation:

Staff recommends the City Council concur with the Planning & Zoning Commission’s November 15, 2012 unanimous recommendation to approve Case GPA 12-0003.

Fiscal Analysis:

This request is not expected to have immediate budgetary impacts to the City.

Narrative:

No further action would be necessary should the City Council take action to approve this application.

Exhibits:

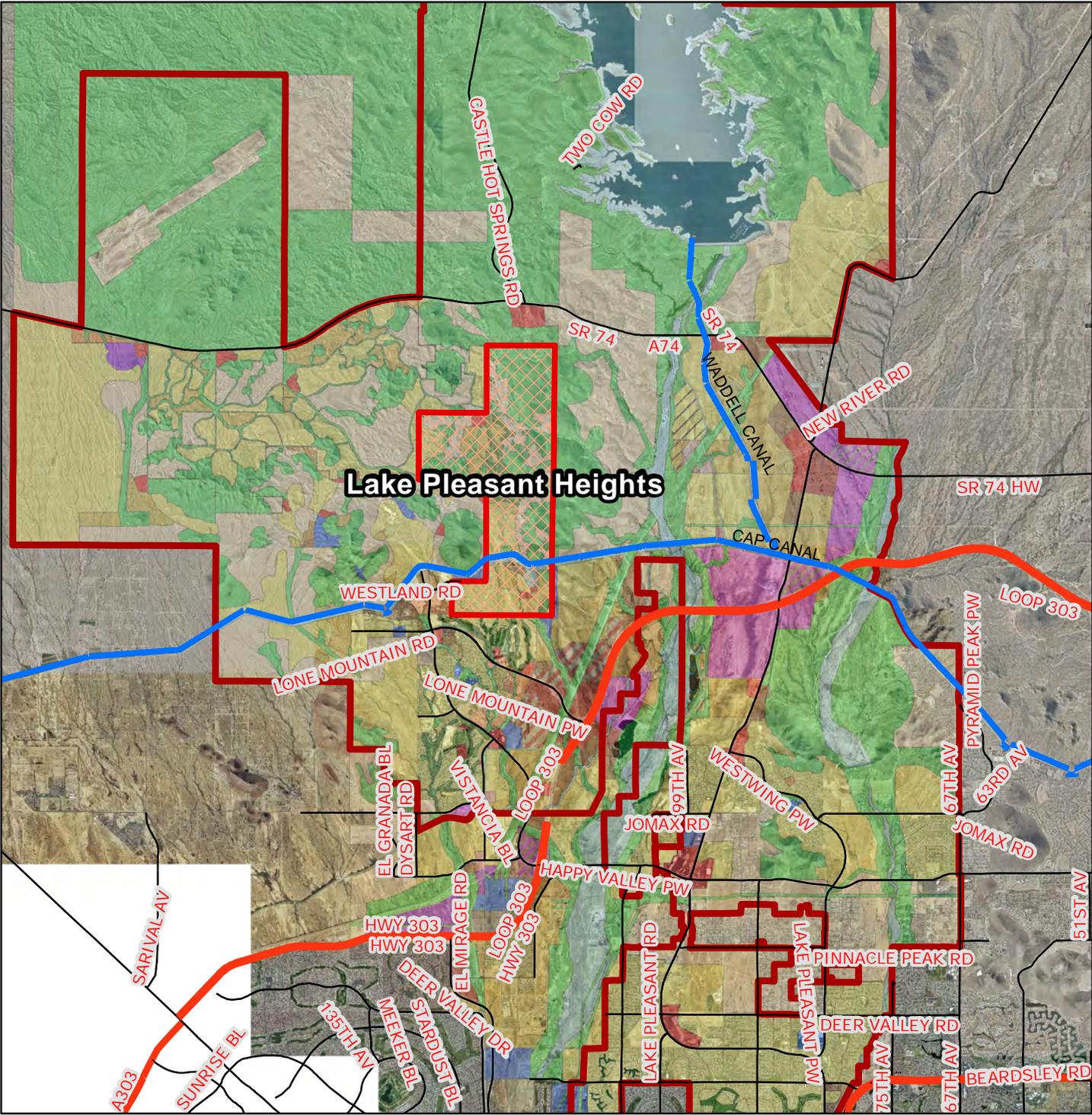
Exhibit 1: Location Map

Exhibit 2: November 15, 2012 Planning & Zoning Commission Staff Report with Exhibits

Exhibit 3: Resolution

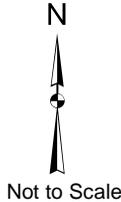
Contact Name and Number: Robert Gubser, AICP, Principal Planner, x7405

Location Map



Z12-0003 Specific Area Plan Amendment

Applicant: Tim Conners, IOTA Purple, LLC
Request: Specific Area Plan Amendment for Lake Pleasant Heights





MAJOR GENERAL PLAN AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: GPA 12-0003
DATE: November 15, 2012
AGENDA ITEM: 3R

Applicant: Tim Connors, IOTA Purple, LLC
Co-Applicants: Alan Beaudoin, LVA Urban Design Studio
Gordon Taylor, Arizona State Land Dept.
Request: Amendment to Lake Pleasant Heights Specific Area Plan
Location: Generally south of the intersection of the El Mirage alignment and SR-74 to south of Westland Drive.
Support / Opposition: Staff has received one email against the project
Recommendation: Recommend approval to City Council

*Changes to this report since the October 18, 2012 Planning and Zoning Commission Hearing are indicated in **bold text**.*

BACKGROUND

Specific Area Plans

1. A Specific Area Plan (SAP) is a planning tool which provides for detailed land use planning in a manner that is typically beyond the scope of the City's General Land Use Plan. SAPs describe the project's density, character, and refine the development style of the individual land use units. This refined planning allows for the creation of unique land use categories which do not fit within the framework of the General Plan. The City encourages the use of SAPs in areas of challenging topography, in areas where unique development opportunities or redevelopment is desired and for large assemblages of land which can be properly master planned as cohesive and unique communities. The rugged topography, unique land use designations, and large plan area support the notion to utilize a SAP.

Original Lake Pleasant Heights Specific Area Plan

2. In 1994, the City Council passed Resolution 94-31, adopting the Lake Pleasant Heights Specific Area Plan (SAP). This Plan provided a general land use and transportation

framework encompassing approximately 9,000 acres (14 square miles) in the far north part of the City which included the present limits of the Saddleback Heights SAP and the subject area (Lake Pleasant Heights SAP). The SAP was accompanied by an Annexation and Development Agreement that established a set of basic land use rights and entitlements for the area.

Split in Ownership

3. In 2001, the Lake Pleasant Heights SAP was split into two ownership groups. The western two-thirds of the area (approx. 9.5 square miles) continued with separate master planning efforts as “Saddleback Heights”. In 2002, the City Council adopted Resolution 02-92, recognizing and approving a revised Lake Pleasant Heights Specific Area Plan for the remaining ±3268 acres (5.1 square miles). In 2005, the City approved a minor amendment to the SAP updating the conceptual land use, circulation, open space and development framework (Res. 05-215A).
4. Today, the Lake Pleasant Heights project area is comprised of three separate ownerships. The Arizona State Land Department (ASLD) controls approximately 1,396 acres within the project area. The remaining land is subject to two separate ownership groups, one of which is subject to a court-ordered receivership. The varied ownership mix has required intensive coordination to ensure a consistent planning vision that supports the interests of each ownership and the goals of the General Plan.

DISCUSSION AND ANALYSIS

Lake Pleasant Heights Specific Area Plan

5. The Lake Pleasant Heights Specific Area Plan that was adopted in 2002 and subsequently amended in 2005 capped the residential density at 1.82 du/ac (5,970 units on 3,268 acres) and provided for a variety of single-family housing types, commercial uses, resort uses, and a golf course within the development. Additionally, the Lake Pleasant Heights SAP included approximately 1,396 acres of State Land planned for Commercial, Open Space, and a variety of Estate, Low and Medium Density Residential uses.

Amended Lake Pleasant Heights Specific Area Plan

6. The applicant is proposing a number of amendments to the current Specific Area Plan primarily for the purpose of repositioning the property for the foreseeable future market. Working closely with the City, over the last year the applicant has developed a revised plan that would increase the number of residential units within the project above what is currently permitted, increase open space areas, and incorporate mixed-use land use categories. Additionally, the amendments will remove the golf course and resort land uses which are no longer supported by the current and expected future market.

Currently, Lake Pleasant Heights is entitled for 5,970 units with 1,233 acres of open space. The applicant is requesting this amendment to allow up to 6,561 units with 1,347 acres of open space, which is an increase of 10% and 9% respectively.

7. While some of the parcel land use designations have been modified to support the mixed use component and proposed increases in residential unit count, the parcel layout remains largely unchanged due to the challenging topography.
8. The applicant has reviewed each of the land use designations contained within the SAP to clarify the character and types of uses to be expected within each category. While the descriptions are general, they are intended to be descriptive enough to serve as a guide for future zoning activity. It is anticipated that an accompanying request to amend the Planned Community District (PCD) zoning and Development Agreement will be forthcoming upon the conclusion of this application.
9. The following table illustrates the proposed changes between the current SAP and the proposed amendment.

Lake Pleasant Heights SAP Land Use Summary

	Approved SAP	Proposed SAP
Acreage	3,268	3,268
Total Residential Units	5,970	6,561
Overall Density	1.82 du/ac	2.01 du/ac

Residential Land Use Categories

Residential Estate	0-2 du/ac 628.1 ac	0-2 du/ac; target 1 du/ac 436.9 ac
Residential Low Density	2-5 du/ac 663.9 ac	2-5 du/ac; target 3 du/ac 995.6 ac
Residential Medium Density	5-8 du/ac 379 ac	5-8 du/ac; target 6 du/ac 117.4 ac
Residential Medium-High Density	n/a n/a	8-15 du/ac; target 12 du/ac 119 ac
Residential High Density	15 du/ac, target 18 du/ac 30.2 ac	Incorporated w/ Mixed Use n/a
Community Commercial	42.3 acres	Incorporated w/Mixed Use 0
Open Space	1,233 acres	1,317.7 acres
Mixed-Use	n/a	113.2 acres ; up to 632 residential units

Public /Quasi-Public	9 acres, ±15 acre potential school site identified	16.4 acres, 15 acre potential 2 nd school site identified
Recreation/Park	26.1 acres, 214.4 acre golf course	20 acres, 12 additional potential acres

10. The proposed mix of land uses positions the project to meet the living preferences of the current and future market. A large portion of the project is unchanged in that significant land area is dedicated to open space, estate residential and low-density residential uses. More significantly, mixed-use land use category is proposed which will support pedestrian-oriented village centers within the development. Clustered within and around the village centers are the higher-density residential uses. To ensure adequate neighborhood serving commercial uses, the number of residential units in the mixed use land use is capped as shown in the table above. The residential and commercial uses may be vertically or horizontally integrated. The standards and development characteristics of the mixed use village centers will be refined through the subsequent PCD amendment process.

Lake Pleasant Heights Circulation

11. Adjustments to the circulation for the SAP are proposed. Namely, El Mirage Rd. and Westland Dr. are re-aligned slightly to better fit the rugged topography of the land. More significantly is the elimination of the Bullard/Carefree Highway alignment which intersects with El Mirage Rd. This alignment was approved last year in both the Saddleback Heights SAP amendment and the Circulation Plan amendment. The topography and the proximity of Vistancia Blvd (less than 1/8 mile south) make this arterial connection infeasible.
12. **Shortly following the October 18th P&Z Hearing, staff engaged representatives of Lake Pleasant Heights, Saddleback Heights, Vistancia, and the Arizona State Land Department to refine and finalize alternatives to the initial proposal to remove the Bullard/Carefree Highway alignment, which was a planned arterial street connecting through the southern end of Section 2.**
13. **A concept solution has been developed and is referenced in both Exhibit E – Preliminary Land Use Plan and Exhibit F – Revised Transportation Element. The solution: a) shifts the planned arterial alignment from the southern section line to an alignment bisecting the section and connecting to El Mirage Rd., b) identifies the alignment as Galvin Blvd. and is designated as a minor arterial, c) places a new secondary collector alignment along the southern section line, and d) adds a collector connection to Saddleback Peak Blvd, just north of Section 2. All parties are in agreement with the new alignments. Additionally, the Circulation Plan to the General Plan will be**

amended next year to recognize these changes.

14. **Due to the new roadway alignments, State Land has requested a modification to the land use map. The 13.1 acre parcel of Community Commercial parcel located at the southwest corner of Saddleback Peak Blvd. and El Mirage Rd. was removed and replaced with 13.5 acres of Medium-High density residential (Parcel E-11). To add a component of non-residential uses for Section 2, 45.5 acres of Mixed Use (Parcel E-MU.1) was located at the northwest corner of Galvin Blvd. and El Mirage Rd. This alteration is aligned with the conceptual land use planning that has occurred for Lake Pleasant Heights where mixed use nodes were placed at the intersections of east-west arterials and El Mirage Rd. As a result of the land use changes, the overall area of each land use category listed in the table in Paragraph 9 above have been amended.**

Lake Pleasant Heights Water Resources

15. At this time a formal water solution is not provided. However, the needs of the project are conceptually addressed within the SAP. As the project moves forward, amendments to the existing development agreements and the Planned Community District (PCD) standards will detail the methods and timing of the water resources required to support the project. Nearby projects, such as Saddleback Heights, are also exploring water resource solutions and a potential solution may involve a regional water treatment solution spearheaded by these developments.
16. According to Chapter 14 of the Peoria General Plan, the City shall find that the proposed amendment substantially demonstrates or exhibits conformance with the following criteria:
 - i. The development pattern contained in the Land Use Plan inadequately provides appropriate optional sites for the use proposed in the amendment.

Finding: The existing Lake Pleasant Heights Specific Area Plan limits the maximum density to 1.83 du/ac and while there are provisions for some commercial and office uses within the Plan, the current land use mix represents an outmoded development pattern and is not responsive to today's and the future market. This amendment endeavors to cluster development, preserve additional open space, and provide numerous living options in the north Peoria.

- ii. That the amendment constitutes an overall improvement to the City's General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

Finding: This amendment will reposition the property for viability in both a recovering and a future healthy economy. While this does benefit the landowner(s), it also provides a benefit to the City in the form of housing diversity, additional open space, and sustainable mixed-use land use practices.

- iii. That the amendment will not adversely impact the community as a whole or a portion of the community by:
- Significantly altering acceptable existing land use patterns,
 - Requiring larger and more expensive improvements to roads, sewer or water systems than are needed to support the prevailing land uses and which, therefore, may impact development of other lands,
 - Adversely impacting existing uses because of increased traffic on existing systems, or
 - Affecting the livability of the area or the health and safety of the residents.

Finding: Lake Pleasant Heights is currently undeveloped as are the majority of the surrounding properties; therefore staff does not foresee any impacts on surrounding uses or property owners. The applicant has worked closely with the development team of the adjacent Vistancia and Saddleback Heights communities to coordinate circulation and land use compatibility. This amendment is also requesting the ability to increase the current entitlement from 5,970 residential units to 6,561 units, plus employment uses. As such, the applicant must demonstrate to the City that their impact on the water and wastewater system is acceptable or may be accommodated through coordinated improvements before any additional residential or commercial development above the current entitlement would be approved.

- iv. That the amendment is consistent with the overall intent of the Peoria General Plan.

Finding: The requested amendment maintains the desired vision for the plan area as expressed in the Lake Pleasant Height Specific Area Plan, but implements smart-growth concepts by clustering the land uses to form village centers which will encourage non-auto transportation activity and community and commerce centers for the community.

For major amendments, the City shall also consider the following evaluative criterion together with the above criteria:

- v. Provides a positive benefit to the community without unduly impacting the City's water supplies as demonstrated through the application of the economic value per gallon of water measure contained within the City's adopted Principles of Sound Water Management.

Finding: This amendment will reposition the property for viability in both a recovering and a future healthy economy. While this does benefit the landowner(s), it also provides a benefit to the City in the form of housing diversity, additional open space, and sustainable mixed-use land use practices.

- iii. That the amendment will not adversely impact the community as a whole or a portion of the community by:
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 - Adversely impacting existing uses because of increased traffic on existing systems, or
 - Affecting the livability of the area or the health and safety of the residents.

Finding: Lake Pleasant Heights is currently undeveloped as are the majority of the surrounding properties; therefore staff does not foresee any impacts on surrounding uses or property owners. The applicant has worked closely with the development team of the adjacent Vistancia and Saddleback Heights communities to coordinate circulation and land use compatibility. This amendment is also requesting the ability to increase the current entitlement from 5,970 residential units to 6,561 units, plus employment uses. As such, the applicant must demonstrate to the City that their impact on the water and wastewater system is acceptable or may be accommodated through coordinated improvements before any additional residential or commercial development above the current entitlement would be approved.

- iv. That the amendment is consistent with the overall intent of the Peoria General Plan.

Finding: The requested amendment maintains the desired vision for the plan area as expressed in the Lake Pleasant Height Specific Area Plan, but implements smart-growth concepts by clustering the land uses to form village centers which will encourage non-auto transportation activity and community and commerce centers for the community.

For major amendments, the City shall also consider the following evaluative criterion together with the above criteria:

- v. Provides a positive benefit to the community without unduly impacting the City's water supplies as demonstrated through the application of the economic value per gallon of water measure contained within the City's adopted Principles of Sound Water Management.

Finding: This amendment to the Lake Pleasant Heights SAP will increase the total allowable residential units on the property from 5,970 (1.82 du/ac) to 6,561 (2.01 du/acre), among other changes. Per the City existing Development Agreement with the property, the original maximum projected water demand was 2,954 acre feet per year (AF/yr), of which 610 AF/yr was to come from the City's existing renewable water supplies. The developer will be required to acquire and dedicate to the city any additional water resources above what is already dedicated to the property to meet the proposed land use changes. The direct benefits of this General Plan change to the City will include:

- Increased direct economic benefits such as property and sales tax,
- Increased indirect economic benefits such as sales tax generated by future employees,
- Construction taxes for new commercial and residential units,

While the increased commercial and residential density will require additional water supplies and increase the cost of providing general government services, this should be offset by the positive economic value of the new land uses.

17. The proposed amendment also supports the following General Plan Goals, Objectives, and Policies:

Chapter 2: Land Use Element

Goal I:

Provide a balance of land uses that will preserve and enhance neighborhoods, promote economic development and encourage redevelopment at appropriate locations.

Objective I.M:

Provide a diversity of housing types to meet the needs of persons of all income levels and ages.

Policy I.M.1:

Accommodate an adequate supply and mix of developable residential land to accommodate future housing needs.

Objective I.N:

Support healthy residential environments that provide for safe and convenient access, open space and recreational opportunities, access to public schools and services and protection from incompatible land uses.

Policy I.N.4:

Require adequate provision of open space or direct access to open space in housing developments and, in particular, medium- and high-density multiple-family housing developments.

Policy I.N.5:

Require new residential developments to provide pedestrian linkages to parks, schools and other appropriate public facilities.

Policy I.N.6:

Encourage the development of master planned communities where large land holdings can be designed to provide a wealth of amenities to City residents.

Objective I.P:

Support appropriate commercial, business park, industrial, and mixed-use employment centers within large-scale master planned areas.

Policy I.P.1:

Encourage adequate and proximate commercial and employment opportunities within large scale development master plans.

Policy I.Q.2:

Periodically re-evaluate land-use designations to ensure consistency and coordination between the land use and transportation elements.

Objective I.Q:

Consider periodic amendments to the General Plan Land Use Map to ensure relevancy.

Policy 3.A.1:

Open space preservation and planning is equally as important to the City as all other components of development review when considering the appropriateness of development proposals.

Policy 3.A.2:

Encourage creative development patterns to ensure preservation of open spaces.

CIVIC ENGAGEMENT & NOTIFICATION

Neighborhood Meeting

18. The applicant hosted a neighborhood meeting on September 4, 2012 at Cross of Glory Lutheran School at 10111 W Jomax Rd. Property owners within ¼ mile of the project

were notified via U.S. mail. There were five attendees. While there was discussion and commentary, no substantive comment, objection or support was provided. A copy of the Citizen Participation Plan Report is attached to this report as Exhibit C.

General Public Awareness

19. This amendment was notified in accordance with ARS § 9-461.06 and routed to adjacent governments and reviewing agencies for a 60-day review period.
20. The application was published in the Peoria Times newspaper for the public hearings, surrounding property owners were notified of the hearings, and additional information regarding the amendment, including the draft amendment and a summary document, was provided on the City's main website and again on the City's Planning Division website.
21. It should also be noted that all external routing materials were limited to a summary letter that outlined the proposed amendment and directed all reviewers to a website where each amendment could be reviewed and comments could be issued to staff entirely online.

Public Notification

22. Public notice was provided in the manner prescribed under Section 14-39-6. The posting was completed within the prescribed 15-days prior to the Public Hearing.

School District Notification

23. Peoria Unified School District received written notification of this amendment for the 60-day review period. The school district provided comments with regard to safe routes to school and future attendance projections. As a result, the southern school site was relocated to a more appropriate location and a second potential school site was identified in the northern portion of the project.

Support / Opposition

24. As of this writing, the City has received one citizen comment which expressed concern of the increase in density but did not outright object to the proposal. Staff believes that the refined land use plan and the modest increases in density and open space will maintain a high-quality and contextually appropriate development.

Planning & Zoning Commission Discussion from October 18, 2012

25. **The Planning & Zoning Commission held the first of two hearings for the**

annual Major General Plan Amendment process on October 18, 2012. The first hearing gave staff an opportunity to present the amendments and for the Commission and the public to give comment and testimony. No action was taken at this hearing.

26. **Due to the land use and circulation modifications, a condition of approval has been added that requires the applicant(s) to provide to the City revised copies of the Specific Area Plan, following City Council adoption, incorporating all changes as referenced in Exhibit E - Preliminary Land Use Plan, Exhibit F – Revised Transportation Element, and Exhibit G – Revised Intensity / Density Analysis.**

FINDINGS AND RECOMMENDATION

27. The proposed amendment advances the function and purpose of the General Plan, and based on the following findings:
- The amendment is consistent with the intent of the General Plan and furthers the vision and goals of the existing Lake Pleasant Heights Specific Area Plan; and
 - The amendment constitutes an overall improvement to the City’s General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time; and
 - That the amendment will better reflect the development needs of the area while accounting for the existing built environment; and
 - The amendment is in conformance with the Goals, Objectives, and Policies of the Peoria General Plan; and
 - That the amendment will not adversely impact the community as a whole or a portion of the community by:
 - i. Significantly altering acceptable existing land use patterns,
 - ii. Requiring larger and more expensive improvements to roads, sewer or water systems than are needed to support the prevailing land uses and which, therefore, may impact development of other lands,
 - iii. Adversely impacting existing uses because of increased traffic on existing systems, or
 - iv. Affecting the livability of the area or the health and safety of the residents.

It is recommended that the Planning and Zoning Commission take the following action:

Recommend to the City Council approval of Case GPA 12-0003, subject to the following condition:

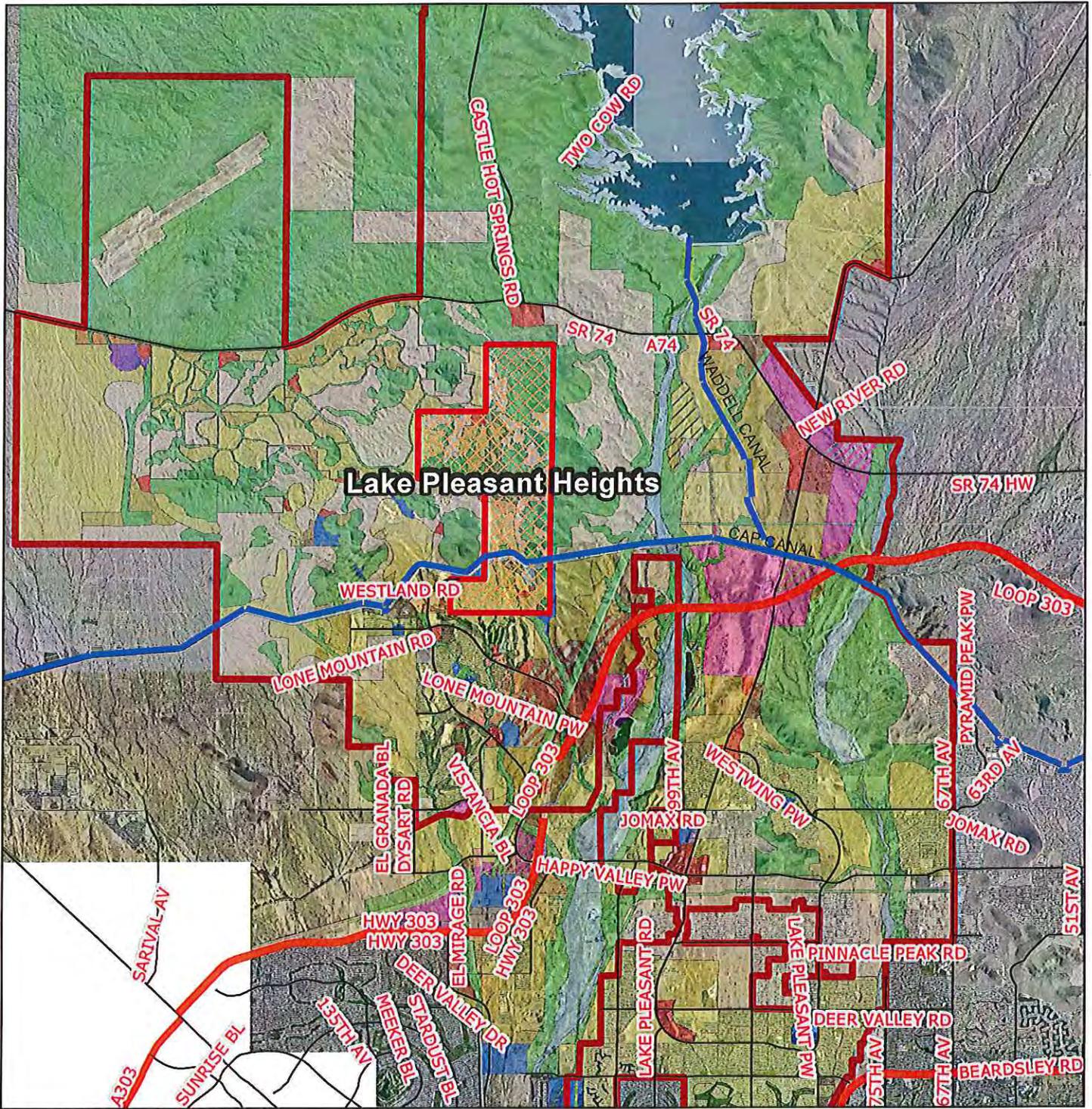
- I. Within 60 days of City Council adoption, the applicant(s) shall provide to the City three (3) copies of the Lake Pleasant Heights Specific Area Plan in its final format, which shall include the incorporation of all modifications to the land use and circulation plans referenced in case GPA 12-0003: Exhibit E – Preliminary Land Use Plan, dated 11/2/2012, Exhibit F – Revised Transportation Element, and Exhibit G – Revised Intensity / Density Analysis, dated 11/3/2012.

ATTACHMENTS

- Exhibit A: Location Map
- Exhibit B: Lake Pleasant Heights Specific Area Plan
- Exhibit C: Citizen Participation Plan Report
- Exhibit D: Citizen Email
- Exhibit E: Preliminary Land Use Plan – dated 11/2/2012
- Exhibit F: Revised Transportation Element
- Exhibit G: Revised Intensity / Density Analysis – dated 11/3/2012
- Exhibit H: Revised Circulation Plan – Supporting Letters

Report prepared by:
Robert Gubser, AICP, LEED Green Associate
Principal Planner

Location Map



Z12-0003 Specific Area Plan Amendment

Applicant: Tim Conners, IOTA Purple, LLC
Request: Specific Area Plan Amendment for Lake Pleasant Heights



Not to Scale



Lake Pleasant Heights

Specific Area Plan Amendment

Lake Pleasant Heights Specific Area Plan

Adopted December 13, 2005 per Resolution 05-XX

Proposed Minor Amendment

1st Submittal June 7, 2012

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I. INTRODUCTION

The Lake Pleasant Heights Specific Area Plan is a master development plan for a mixed-use project on approximately 3,268 acres of land located in north-central Peoria. The intent of the Specific Area Plan is to refine the land uses outlined in the City of Peoria General Plan within the planning area and to provide additional detailed planning intended to set land use, transportation and public facility expectations for the specific area. The Lake Pleasant Heights Specific Area Plan will provide an enhanced level of land use, transportation and public facilities planning within the planning area in an effort to encourage the development of an efficient, contextually appropriate, and balanced land use program for the planning area.

The Lake Pleasant Heights Specific Area Plan proposes a land use distribution containing a mixture of estate, low, medium, medium high, and high density residential land uses as dictated by the sites topography, sub-regional commercial nodes, appropriate supportive public utility and public facility land uses such as an elementary school, neighborhood parks and a water treatment facility site in addition to natural area open space. The specific plan proposes land uses that capitalize on the areas proximity to the planned El Mirage Roadway and its planned connection to State Route 74 to the north; the areas proximity to the Central Arizona Project (CAP) canal; the areas scenic location; abundant natural desert features of the land and the opportunities to encourage the development of a master planned community in this fast growing area of Peoria. The Lake Pleasant Heights Specific Area Plan seeks to lay the foundation for the development of a high-quality desert sensitive master planned community that integrates with the surrounding environment and adjacent planned development.

Section 9-461.08 of the Arizona Revised Statutes establishes the authority under which Specific Plans may be prepared within an incorporated city or town. Section 9-461.08 establishes that Specific Plans may be prepared in support of the General Plan and recommended by the planning body to assist in the systematic implementation of General Plan. It is the intent of this Specific Plan to assist in the implementation of the City of Peoria General Plan by providing an enhanced level of land use planning for the subject area and to provide a refined level of analysis in the areas of transportation and public facilities planning.

The plan area contains approximately 3,268 gross acres of land and is located approximately three-quarters of a mile south of State Route 74 in north Peoria. The general boundaries of the planning area are the Joy Ranch Road alignment on the north, the I 15th Avenue Road alignment on the east, the Lone Mountain Road alignment on the south and the 123rd and 131st Road alignments on the east. The Central Arizona Project (CAP) canal bisects the southern portion of the site. In addition to providing an enhanced level of planning for the private property located within the planning area, the Plan contains land use planning guidance for three parcels of land held by the general public as State Trust Lands. The plan area is located entirely within the jurisdiction of the City of Peoria.

As indicated above, the primary purpose of the Lake Pleasant Heights Specific Area Plan is to refine and lend definition to the land use planning for the area contained within the General Plan.

The goal of this planning effort is to recommend a land use plan that will provide adequate opportunities for a diversity of housing types, supportive commercial uses and economic development opportunities, while maintaining sensitivity to the natural environment and capitalizing on the existing natural features at the site. It is envisioned that this Specific Area Plan will be the basis for future rezoning and development of the site. This Plan is divided into seven major sections:

- **Section I -Introduction:** Provides an overview of the proposed plan and outlines the purpose and authority under which it has been prepared;
- **Section II - Site Analysis:** Provides background and support information for the land within the plan area;
- **Section III - Relationship to Existing City Plans:** Provides an outline of the relationship of this plan to existing City of Peoria plans such as the General Plan, the Desert Lands Conservation Master Plan, and the Trails Master Plan;
- **Section IV- Land Use Element:** Provides and sets forth the proposed land use plan, the proposed land use classifications, densities and intensity of use and outlines a conceptual phasing plan for the property;
- **Section V - Transportation Element:** Provides the proposed circulation pattern for the site and discusses vehicular and non-vehicular access within and through the site;
- **Section VI - Public Facilities Element:** Provides the general strategies for the provision of the public facilities necessary to respond to the projected demands of the community based on build-out of the Plan. The Public Facilities Element discusses the provision of such items as water and wastewater service, drainage, schools, fire, police, parks and open space.
- **Section VII - Future Entitlements:** This section of the document discusses future actions on the site necessary to implement the provisions of this Specific Area Plan.

II. SITE ANALYSIS

A. Site Characteristics

The Lake Pleasant Heights property is located within the north central portion of the City of Peoria. The entire planning area is located within the corporate boundary of the City and has been included within the City of Peoria General Plan. The planning area is currently undeveloped and is surrounded by additional undeveloped desert lands. The property is located approximately $\frac{3}{4}$ of a mile south of State Route 74 and contains no existing developed roadway facilities or developed structures. The location is shown graphically on Figure 1, Regional Vicinity Map.

Lake Pleasant and the Lake Pleasant Regional Park are located approximately 1- $\frac{1}{2}$ miles north of the property. The property enjoys substantial views to the south and west. The landforms and vegetation found within the plan area are typical of those found in the upper Sonoran landform. The property contains significant stands of Saguaro cactus, various species of Cholla cactus as well as isolated groupings of mesquite and ironwood trees clustered along the wash corridors. Animal species common to the site include those animals common to the Sonoran and upper Sonoran desert environments and include such mammals as the coyote and jackrabbit, birds (species such as dove and quail), and various reptile species including the rattlesnake. Due to the limited amount of rainfall and the dispersed vegetative pattern on the site, animal densities tend to be low and isolated with few large mammals frequenting the site.

B. Existing Land Use and Zoning

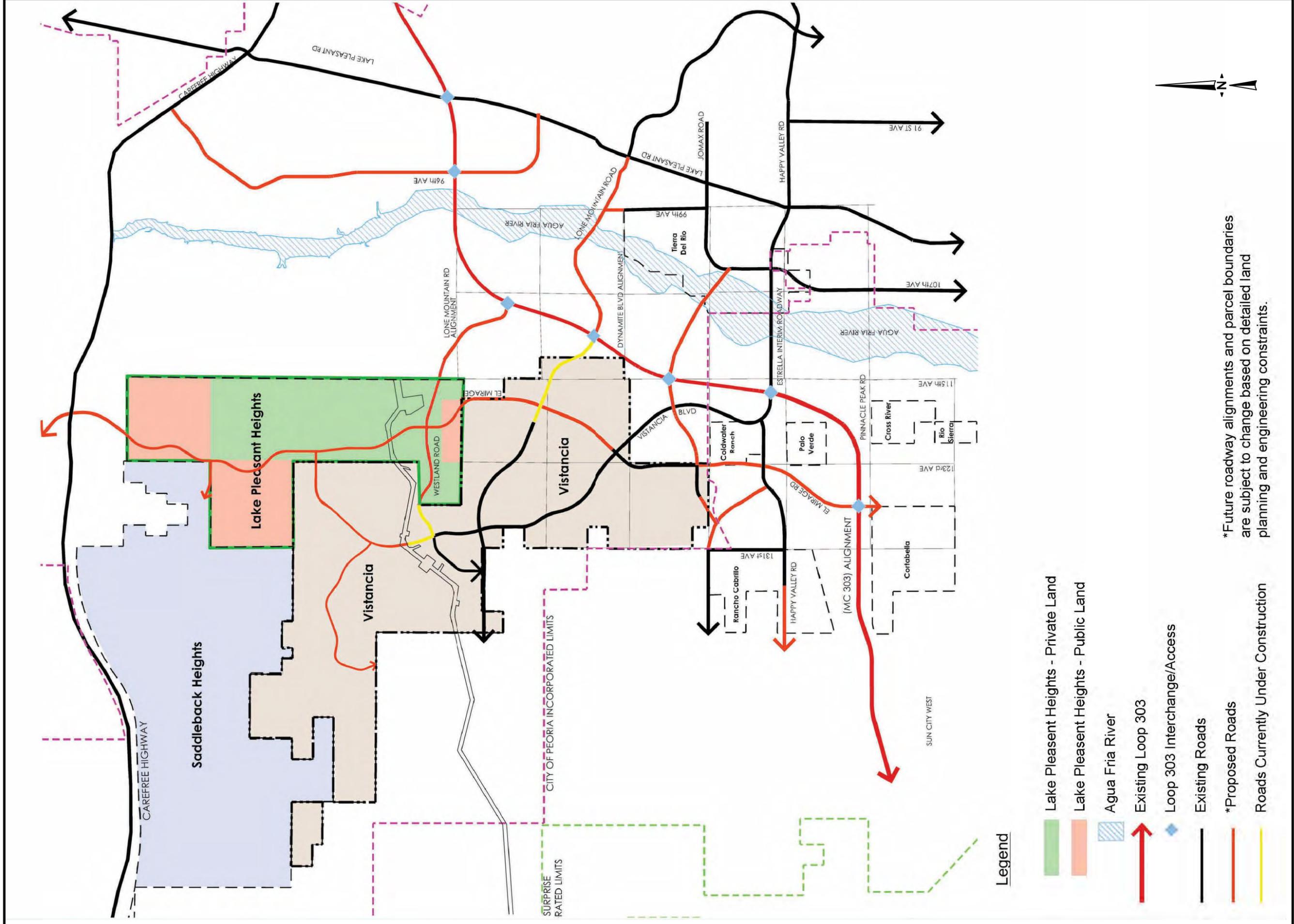
The area contained within this Plan is composed of generally undisturbed desert lands. Historical uses of the property have included limited cattle grazing and limited mineral exploration activities. Today, the site is vacant, undeveloped desert with no developed structures or features on the site. Numerous un-organized dirt roads exist on and through the property. The only major developed feature is the CAP canal located in the southern portion of the site. The existing land use and zoning is shown graphically on Figure 2, Existing General Plan / Specific Area Plan / Land Use and Zoning.

The site is currently zoned Z03-05 Lake Pleasant Heights PCD.

C. Site Topography and Slope

The Lake Pleasant Heights planning area contains some of the most beautiful and significant natural features within the City of Peoria. The topography of the planning area can be characterized as upper Sonoran desert containing numerous valley areas of low slope and low to moderate vegetation densities with defined ridges and landforms containing areas of moderate to high slope with moderate vegetation densities. The site contains numerous rock outcroppings and landform features and numerous wash corridors supporting moderate stands of desert riparian vegetation species. The site contains portions of the southern end of the Hieroglyphic Mountains, the Caterpillar Tank and the natural wetlands area known as Big Springs. Significant peaks within the area include Saddleback Mountain located northwest of the site and Twin Buttes located west of the site. The site does not contain any major mountain peaks but is characterized by multiple ridges within the eastern and northern portions of the site.

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*Future roadway alignments and parcel boundaries are subject to change based on detailed land planning and engineering constraints.

LAKE PLEASANT HEIGHTS SPECIFIC AREA PLAN

PEORIA, ARIZONA

FIGURE 1 REGIONAL VICINITY MAP



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EXISTING ZONING



LAKE PLEASANT HEIGHTS PCD



**LAKE PLEASANT HEIGHTS
SPECIFIC AREA PLAN**

PEORIA, ARIZONA

FIGURE 2

**EXISTING GENERAL PLAN, SPECIFIC
AREA PLAN AND LAND USE & ZONING**



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DATE: 6/6/12

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The topography of the site generally slopes from north to south and is characterized by a series of ridgelines and valleys. The site ranges in elevation from approximately 1,500 feet above sea level in the south to points of elevation approaching 2,150 feet in the northeast portion of the site. The site is dominated by a large ridgeline extension of the Hieroglyphic Mountains running in a north-south direction along the eastern edge of the property. To the east of the ridge, the Agua Fria River runs to the south from its point of outfall from Lake Pleasant to the north. The slope of the site varies from large valley floor areas of 0-10 percent slope to areas along ridgelines with slopes exceeding 40 percent. The southern portion of the site generally contains slope of less than 10 percent with higher slope areas dominating the northern and eastern portion of the site.

D. Site Development Opportunities and Constraints

The Lake Pleasant Heights Specific Area Plan provides for a refined level of land use and transportation planning for an area approximately 3,268-acres in size. The current Specific Area Plan is shown graphically on Figure 2, Existing General Plan / Specific Area Plan / Land Use and Zoning. The planning area is located south of State Route 74 roughly between the El Mirage Road and 115th Avenue road alignments. Contextually, Lake Pleasant Heights is surrounded by proposed master planned developments and the site offers an opportunity to continue the planned development pattern established by the adjacent Vistancia and Saddleback Heights projects. In addition to continuing the opportunities associated with the preparation and approval of detailed planning for the site and the regional area, this Plan will help to assure the integration of future development on the property with those properties adjacent to this planning area.

The planning area encompassed within this Specific Area Plan contains an abundance of natural and locational attributes that provide significant opportunities for the successful development of the property. Locational attributes of the planning area include the proximity of the site to the planned El Mirage Road alignment, the incredible scenery, and views of nearby landforms such as Saddleback Mountain and the Twin Buttes as well as the proximity of the planning area to Lake Pleasant and the Lake Pleasant Recreation Area. The combination of the existing attributes of the site and the thoughtful planning of land uses within the planning area will combine to offer recreational opportunities and quality of life elements for future community residents within the Lake Pleasant Heights Specific Area Plan.

The adoption of Specific Area Plans and Planned Community District zoning for sites such as the Lake Pleasant Heights Plan area offers opportunities to preserve natural site features and provides the opportunity to for the establishment of public recreational opportunities and access into areas that may currently be private holdings. The Lake Pleasant Heights Specific Area Plan seeks to advance this opportunity through the establishment of land uses which complement the natural desert environment and through the establishment of policies and guidelines designed to encourage the preservation of drainage corridors, jurisdictional washes, areas of significant slope and various other open space areas. In contrast, to areas not contained within Specific Area Plans or master planned developments, scattered and unplanned development often ignores these physical opportunities thereby limiting the opportunities for public use and enjoyment of the natural landscape and potentially leading to the unmanaged deterioration of natural drainage corridors and other sensitive lands. Through the implementation of focused goals and objectives designed to provide direction for the long term organized management of public, semi-public and private lands, the public can be provided the benefit of enhanced open space, increased public recreational opportunities and reduced impacts to the natural environment. Additional opportunities presented by a planned approach to the development of the Lake Pleasant Heights planning area include the increased opportunity to achieve a balance between land use, transportation and public facilities, the opportunity to respond to land use ratio and standards provided by the Peoria General Plan and the opportunity to respond to design and development guidelines established as part of the Desert Lands Conservation Plan and the City of Peoria Trails Plan.

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In addition to enhancing opportunities for the sensitive and appropriate development of the site, the adoption and implementation of a Specific Area Plan for the Lake Pleasant Heights area, increases the opportunities for the planning and development of a logical, cost-effective system of infrastructure based upon a regional approach. Within areas that have been planned as an integrated system through the combined use of master planning, specific area planning, and zoning, infrastructure can be extended and phased in a manner that recognizes economy of scale for the initial installation and ongoing maintenance of the public utility system. The system designer can take advantage of design opportunities to minimize the length of subterranean systems, therefore lessening the public burden for long-term maintenance. At the surface, the extension of the public street system can occur in a planned and logical manner while avoiding development around a system of unpaved streets, which contribute to air quality issues while supporting State and Federal Air Quality goals. To permit unplanned development across the entire planning area, as characterized by the current zoning, would be less advisable, less desirable and may have the potential to increase the cost of maintaining the public infrastructure system.

Possibly the biggest constraint to the development within the Lake Pleasant Heights planning area will be the physical extension and phasing of the public infrastructure system. Due to the isolated nature of the site, roadways and water and wastewater facilities will need to be extended into the area. To address these issues, the Applicant has proposed comprehensive plans for the startup, growth, and long term provision of these services as outlined in greater detail within this plan.

E. Development Trends

Recent development trends within the northern areas of the City of Peoria and the areas surrounding the planning area have been focused on the preparation and adoption of master planned communities and planned community districts with a mixture of residential densities, commercial land use intensities, employment nodes and community facilities. The adoption of this Specific Area Plan Amendment will continue the trend toward the development of balanced master planned communities. There are two master planned communities located adjacent to or in close proximity to the Lake Pleasant Heights planning area. These include the planned Vistancia (previously referred to as Vistancia South and White Peak Ranch) and Saddleback Heights projects. The re-adoption of this Specific Plan will help to assure that all of the remaining private and semi-public lands within the north-central portion of the City of Peoria will be planned, balanced communities that recognize the planning efforts that are taking place on the adjacent properties.

Other major developments within the City of Peoria have recognized the opportunities presented through the Specific Area Planning process or the planned community zoning process to assure that future development of the specific site is done in such a manner as to benefit the citizens of Peoria. These include the Westwing Mountain and Sonoran Mountain Ranch planned communities, as well as the Camino a Lago Specific Plan area.

In addition to the recent trend toward the planning and development of master planned communities in north Peoria, additional development activities continue to encourage the development in north Peoria. Recent development activities in the area include the following:

- Completion of the Loop 101 freeway;
- Construction of a dry-crossing of the New River at Deer Valley Road;
- Widening of the existing bridge at the intersection of Union Hills Drive and 83rd Ave;
- Construction of the Lake Pleasant Parkway;

- Construction of the Loop 303 from Grand Avenue to I-17;
- Connection of Lake Mountain Road to the Loop 303; and
- Expansion of the Lake Pleasant Regional Park Boundaries.

These projects have provided new employment and outdoor recreation opportunities in the North Valley and additional pressure in the Lake Pleasant Heights area for a wide variety of housing opportunities and accompanying commercial and recreational activities.

III. RELATIONSHIP TO EXISTING CITY PLANS

A. General Plan

The City of Peoria updated the City's General Plan to conform to the requirements of the Growing Smarter and Growing Smarter Plus legislation adopted by the Arizona State Legislature in 1999. As one of the first municipalities to re-adopt their General Plan, the City of Peoria General Plan has set an example for other municipalities within the State of Arizona related to the re-adoption of a municipal General Plan. The General Plan was formally adopted by the Peoria City Council in January of 2001 and was approved by the City of Peoria voters in May of 2001. The General Plan has subsequently been amended several times as provided for in the Arizona State Statutes. The current General Plan is shown graphically on Figure 2, Existing General Plan / Specific Area Plan / Land Use and Zoning.

The City of Peoria General Plan contains numerous Goals, Objectives, and Policies that establish the publicly expressed policy directions of the City related to growth and development. These Goals, Objectives, and Policies were prepared following an extensive public involvement effort and provide a foundation upon which future planning efforts should be based and future land use decision should be measured. The Lake Pleasant Heights Specific Area Plan has utilized these expressions of public policy in the development of the land use, transportation, and public facility recommendations. This Plan seeks to assist in the implementation of a number of the Goals, Objectives, and Policies outlines in the General Plan and seeks to advance those goals, objectives, and policies through the recommendation of a detailed land use program designed to implement the city's policies. Adoption of the Lake Pleasant Heights Specific Area Plan will serve as the first step in the implementation of these goals, objectives, and policies.

City of Peoria General Plan Land Use Element Goals, Objectives and Policies

Objective 1.A:

Manage and control development to facilitate orderly growth and an efficient urban form.

Policy 1.A.3:

The City shall encourage development to occur as master planned communities with an appropriate mix of land use types in areas where infrastructure is or will be adequate.

Comment: Through the adoption of detailed planning efforts such as the Lake Pleasant Heights Specific Area Plan, the City encourages responsible, orderly, and efficient growth predicated on the ideas expressed within the General Plan. Clustering of development within nodes will also provide a more efficient urban form and provide additional open space.

Objective 1.F

Promote sustainable developments that elevate community identity and convenience, reduce vehicular trips, minimize infrastructure needs, improve air quality and provide a diversity of uses.

Comment: The Lake Pleasant Heights Specific Area Plan Amendment provides for a more sustainable development by clustering complementary land uses in nodes to promote pedestrian-friendly communities.

Objective 1.M

Provide a diversity of housing types to meet the need of persons of all income levels and ages.

Policy 1.M.1:

The City shall zone an adequate supply and mix of developable residential land to accommodate future housing needs.

Comment: Through the adoption of detailed planning efforts such as the Lake Pleasant Heights Specific Area Plan, the City of Peoria can tailor growth and manage the use of land to ensure an adequate mix and supply of housing types. The Land Use Plan contained within this Specific Area Plan provides for a range of housing types and products that are responsive to the environment and that facilitate diversity within the community and the project.

Objective 1.N:

Support healthy residential environments that provide for safe and convenient access, open space and recreational opportunities, access to public schools and services and protection from incompatible land uses.

Policy 1.N.1:

Require adequate buffering to protect residential neighborhoods from intrusion by incompatible land uses.

Comment: The Lake Pleasant Heights Specific Area Plan Amendment is a master planned development that provides a mixture of complementary land uses.

Policy 1.N.2:

Ensure that high-density residential developments have direct access to arterial streets without traversing existing or proposed lower density residential areas.

Comment: The Lake Pleasant Heights Specific Area Plan Amendment clusters High Density residential uses in nodes, adjacent to El Mirage Road, and surrounding commercial and public uses.

Policy 1.N.3:

Locate housing developments in areas that can be adequately served by police, fire and ambulance services.

Comment: Development within the Lake Pleasant Heights Specific Area Plan Amendment provides a fire station site that will adequately serve future residents.

Policy 1.N.4:

Require adequate provision of open space or direct access to open space in housing developments and, in particular, medium- and high-density multiple-family housing developments.

Comment: *The Lake Pleasant Heights Specific Area Plan Amendment provides significant areas of open space that will preserve the surrounding hillsides and ridges. Higher density residential uses are clustered near public parks and a trail network is provided to access the outlying open space areas.*

Policy 1.N.6:

Encourage the development of master planned communities where large land holdings can be designed to provide a wealth of amenities to City residents.

Comment: *The Lake Pleasant Heights Specific Area Plan Amendment is the first step in the process of planning for the development of a high-quality, master planned development that advances the city's goals of increasing access to open space, planning for the development of an efficient and effective circulation pattern and planning for the development of a community that maintains an adequate balance of infrastructure and community services to support development without becoming a burden to the balance of the city.*

Objective 1.0:

Support well-designed, high-quality multifamily residential development in appropriate areas which maintains compatibility between adjacent developments.

Policy 1.0.1:

Support alternate forms of housing, such as attached and detached townhouses and condominiums in appropriate locations.

Policy 1.0.3:

Encourage multi-family housing units adjacent to community level parks and public open space areas.

Comment: *The Lake Pleasant Heights Specific Area Plan Amendment provides for a wide variety of land uses, including Medium, Medium High, and High Density Residential uses which are designed around public open space areas and trail networks.*

Objective 3.A:

Develop programs that encourage the clustering of development in exchange for preserved natural open space area.

Policy 3.A.1:

Open space preservation and planning is equally as important to the City as all other components of development review when considering the appropriateness of development proposals.

Policy 3.A.2:

Encourage creative development patterns to ensure preservation of open spaces.

Comment: *The Lake Pleasant Heights Specific Area Plan Amendment clusters development in the flatter, more developable areas of the site, preserving natural open space.*

City of Peoria General Plan Circulation Element Goals, Objectives and Policies

Goal 1:

Provide for a multi-modal transportation system that will serve the community and region in a safe, efficient, cost effective and aesthetic manner while minimizing adverse impacts to neighborhoods, businesses and the natural environment.

Objective 1.A:

Develop a transportation system within Peoria that is compatible with, and designed to complement, the existing and proposed land uses as provided in the Land Use Plan, without diminishing the efficient movement of people, goods and services.

Comment: The Lake Pleasant Heights Specific Area Plan recognizes and accommodates the development of El Mirage Road, one of the only major north-south transportation corridors in North Peoria. El Mirage Road currently exists on the City of Peoria Land Use and Transportation Plan and will accommodate local and regional traffic within the northern portions of the City of Peoria. The adoption of this Specific Area Plan will complement the City's Transportation Plan by identifying and planning for the development of this major roadway.

City of Peoria General Plan Growth Areas Element Goals, Objectives and Policies

Goal 1:

Promote efficient development areas which support a variety of land uses, conserve natural resources, reduce automobile dependency, and exhibit a logical extension of infrastructure and service capacities.

Objective 1.A:

Direct attractive development into identified growth areas, creating dynamic urban pockets with diverse economic, housing, cultural and entertainment opportunities.

Policy 1.A.2:

Encourage a mix of land uses within each growth area, including varied housing types and densities, employment opportunities and businesses.

Comment: The Lake Pleasant Heights Specific Area Plan Amendment provides for a master planned community with a variety of sustainable uses located in a designated City growth area. Development is clustered into three nodes providing diverse employment, shopping, entertainment, and recreation opportunities, while preserving the surrounding areas in natural open space.

B. Desert Lands Conservation Master Plan

The Peoria City Council adopted the City of Peoria Desert Lands Conservation Master Plan in August of 1999. The purpose of the Plan is to provide an inventory of the existing natural conditions in north Peoria and to establish a series of Goals, Objectives and Policies to assist the City in protection of the natural desert environment. The plan outlines a series of policy options and provides a series of guidelines that may be used by the City in the evaluation of developments within the north Peoria area. The Lake Pleasant Heights Specific Area Plan recognizes and advances the implementation of the Desert Lands Conservation Master Plan through the thoughtful distribution of open space, the preservation of major drainage corridors, limiting

development to areas containing slopes of less than 25%, and by locating land uses and roadway corridors in those areas of least environmental sensitivity. Adoption of the Lake Pleasant Heights Specific Area Plan will serve as an important step in the implementation of the Desert Lands Conservation Master Plan.

Goal A:

Maintain the vitality of the unique Sonoran Desert environment by providing high quality passive and active open space areas, while encouraging development this is sustainable and supportive of the environment.

Objective A-3

Promote the establishment of large, intact areas of native vegetation by preventing fragmentation of those areas by development.

Objective A-4:

Create a meaningful open space network throughout the study area which is connected to existing and future open space systems.

Comment: The Land Use Plan contained within this Specific Area Plan Amendment provides for the preservation of the significant drainage corridors identified within the Desert Lands Conservation Master Plan and seeks to promote the establishment of a connected system of open space corridor. The areas designated for open space on the Land Use Plan have been identified based upon such characteristics as slope and wash corridors and have been located to provide the maximum level of preservation mid open space continuity. The Land Use Plan identifies the majority of the open space within the planning area in the northern and eastern portions of the site. The location of large corridors and pockets of open space in this area allows for the interconnection of open space with adjacent areas such as Saddleback Mountain the Hieroglyphic Mountains and the Agua Fria River.

Objective A-6:

Protect environmentally sensitive lands.

Objective A-9:

Balance the opportunity for recreation by the public with the habitat needs of wildlife.

Objective A-10:

Maintain the natural aesthetic qualities of the area which are visually prominent or offer unique settings.

Comment: The Lake Pleasant Heights Specific Area Plan recognizes the existing natural features on the site and has recommended land uses and transportation corridors that are responsive to the environment. Significant areas have been identified and planned as a protected open space area and the areas of highest slope have been identified as open space on the Land Use Plan. Through the use of the Estate land use category, residential densities have been kept low in areas of increased sensitivity and higher intensity land uses have been planned in those areas of lowest sensitivity. The transportation plan has tried to locate major roadways such as El Mirage Road along corridors that minimize the disturbance of the natural landscape to the maximum extent possible.

C. Trails Master Plan

The Peoria City Council adopted the City of Peoria Trails Master Plan in January of 1999. The stated purpose of the Trails Master Plan is to *"provide the City with a short and long range planning tool that can assist in making appropriate public and private development decisions based on land availability and value..."*. The Trails Plan establishes minimum standards for the development of trails, provides definition for the various types of trails and presents a plan showing the proposed location of trails throughout the City. The trails master plan shows the presence of two types of trails within the Lake Pleasant Heights planning area. The trails master plan shows a paved multi-purpose path along El Mirage Road and the Carefree Highway extension road and a series of unpaved multi-purpose trails running in a north-south direction along the eastern edge of the planning area and along the major drainage ways on the property.

The Lake Pleasant Heights Specific Area Plan supports the goals and objectives outlined in the Trails Master Plan. A variety of trails have been incorporated into the Lake Pleasant Heights Specific Area Plan. This circulation system was designed based on more detailed site planning and design criteria. See Figure 5, Transportation Plan.

D. Relationship with the existing Lake Pleasant Heights Specific Area Plan and the Annexation and Development Agreement

Changes in land ownership, new proposed planned developments, and the desire of the Arizona State Land Department to include State Trust land in a specific area plan resulted in revisions to the Lake Pleasant Specific Area Plan that was adopted in March of 1994. These revisions were incorporated into the Lake Pleasant Heights Specific Area Plan, which was re-adopted by the City Council on May 7, 2002 per Resolution 02-92.

The 1993 Lake Pleasant Heights Specific Area Plan was accompanied by an Annexation and Development Agreement that established a set of basic land use rights and entitlements for the property. The 1993 Annexation and Development Agreement provide numerous contractual development provisions related to the development of the Lake Pleasant Heights property. It is contemplated through the preparation of the revised Specific Area Plan that amendments to the existing Annexation and Development Agreement would be considered in support of the revised Lake Pleasant Heights Specific Area Plan. Concurrent with the review and final adoption of zoning within the planning area, revisions to the Development Agreement will be proposed to conform to the provisions of the Specific Area Plan.

IV. LAND USE ELEMENT

A. Introduction

Land use planning for the Lake Pleasant Heights Specific Plan area has been undertaken with an eye towards the placement of landscape and appropriate land use designations that support the efficient and cost-effective extension of public infrastructure and public facilities. The Land Use Plan recognizes the presence of El Mirage Road, a major regional north-south transportation corridor, and seeks to minimize the impacts of major transportation facilities through recommendations that locate roadways in those areas of lowest environmental sensitivity and recommending the elimination of roadways that would have the potential to disturb substantial natural areas while a reduced level of traffic volume. The Land Use Plan looks to preserve significant on-site natural features such as the Big Spring area while capitalizing on the views of Saddleback Mountain, Twin Buttes, and the White Tank Mountains. The Plan proposes limiting development to those areas having slopes of less than twenty-five (25) percent shown graphically on Figure 3, Slope Analysis, and retaining the major natural drainageways of the site. The land use plan incorporates a mixture of residential density ranges designed to accommodate a diverse residential community across the site.

The Land Use Plan designates land within the Study Area with a set of land use classifications. These classifications are shown graphically on Figure 4, Land Use Plan, on the following page and are as described below.

B. Proposed Land Use Plan

The Proposed Land Use Plan for the Lake Pleasant Heights Specific Plan represents the assemblage and evaluation of an extensive amount of data affiliated with the Northwest Peoria region as developed over the past few years by LVA Urban Design Studio. The proposed land use plan is shown graphically on Figure 4, Land Use Plan. The Plan builds upon land planning and public facility studies within the region that have been prepared by a team of technical consultants and provided to the City of Peoria. Each of the Peoria city departments have participated in the review and evaluations of multiple master planning studies designed to address transportation, water, wastewater, drainage, parks, schools, and emergency response facilities. The proposed development plan provided by the Specific Area Plan builds upon these studies and recommended systems.

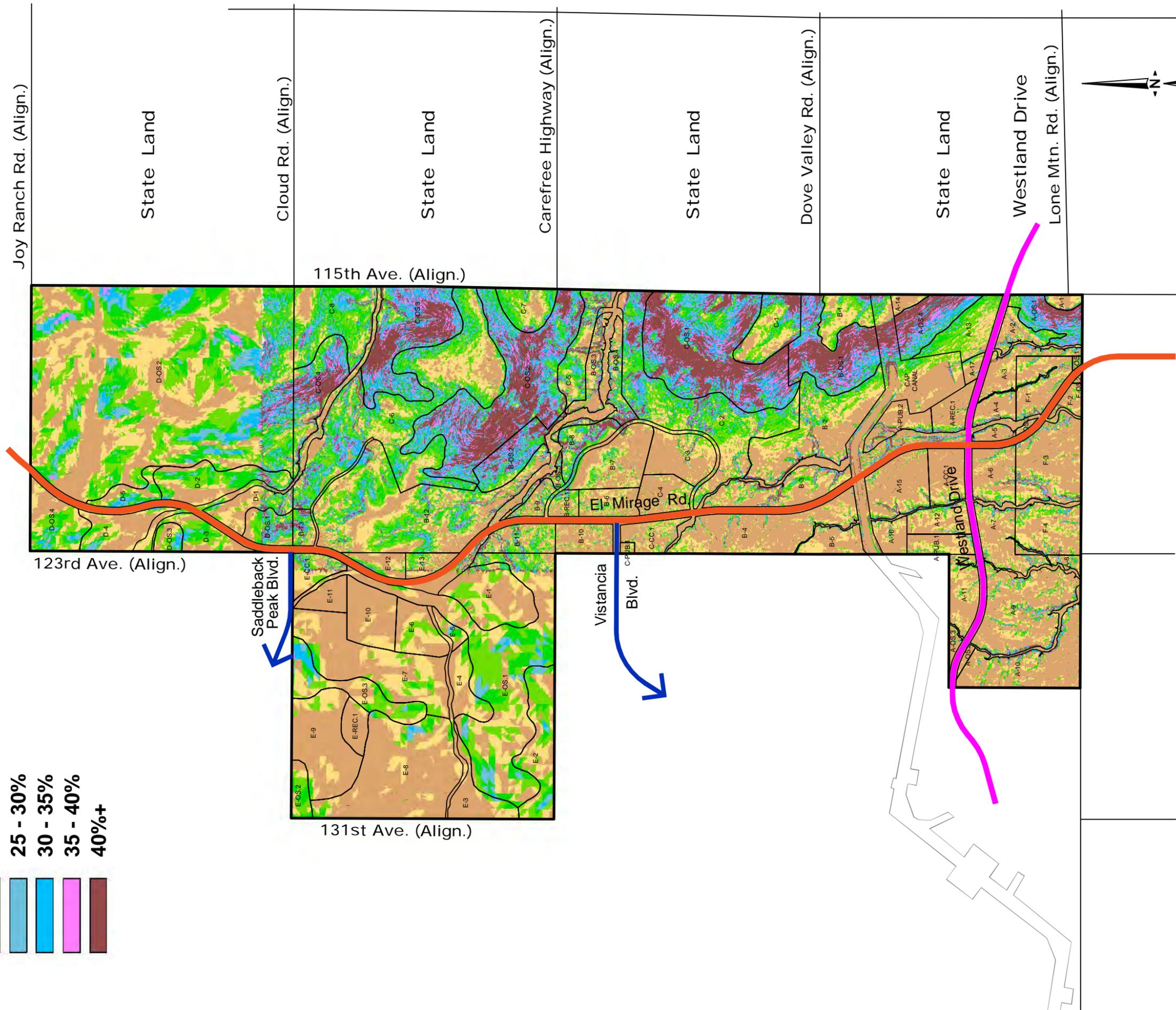
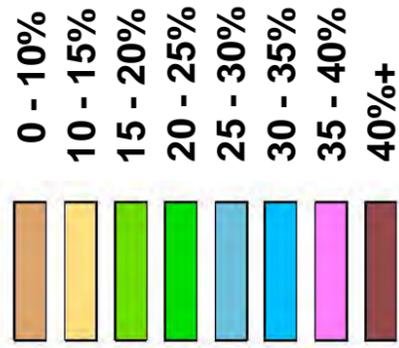
The amended Land Use Plan is designed to provide a balanced and sustainable community with a wide range of housing opportunities. Mixed-use development is clustered in three nodes located along El Mirage Road, the spine of Lake Pleasant Heights. These locations are the flatter and more developable areas of the project. Higher density residential uses surround commercial and public uses to create sustainable and walkable communities. Residents will be within walking/cycling distance of a wide variety of employment, shopping, entertainment, and recreation opportunities.

The southern node will be the densest within Lake Pleasant Heights with High and Medium High Density Residential uses surrounding the large Commercial planning area, elementary school, and recreation site.

The central node includes a smaller commercial area, Fire Station site, and recreation site, surrounded by High and Medium High Density Residential Uses. The northern node is the smallest of the three and contains a commercial area and Medium High Residential uses.

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SLOPE CATEGORY



**LAKE PLEASANT HEIGHTS
SPECIFIC AREA PLAN**

PEORIA, ARIZONA

**FIGURE 3
SLOPE ANALYSIS**



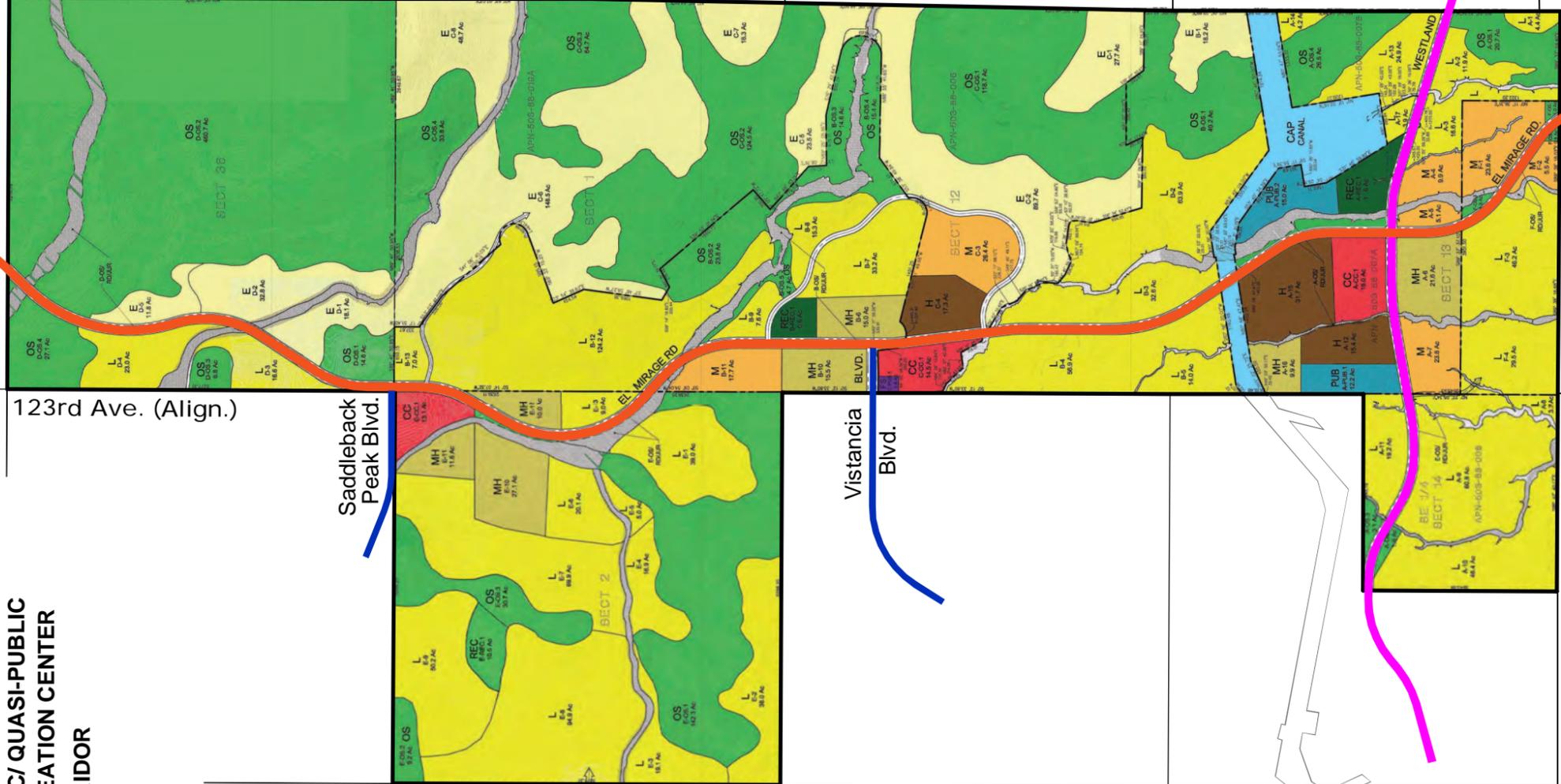
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LAND USE CATEGORY

- E - ESTATE (0-2 Du/Ac; T=1 Du/Ac)
- L - LOW (2-5 Du/Ac; T=3 Du/Ac)
- M - MEDIUM (5-8 Du/Ac; T=6 Du/Ac)
- MH - MEDIUM HIGH (8-15 Du/Ac; T=12 Du/Ac)
- H - HIGH (15+ Du/Ac; T=18 Du/Ac)
- CC - COMMUNITY COMMERCIAL
- OS - PARK/ OPEN SPACE
- PUB - PUBLIC/ QUASI-PUBLIC
- REC - RECREATION CENTER
- WASH CORRIDOR



Joy Ranch Rd. (Align.)

State Land

Cloud Rd. (Align.)

115th Ave. (Align.)

State Land

Carefree Highway (Align.)

State Land

Dove Valley Rd. (Align.)

State Land

Westland Drive

Lone Mtn. Rd. (Align.)



**LAKE PLEASANT HEIGHTS
SPECIFIC AREA PLAN**

PEORIA, ARIZONA

FIGURE 4

LAND USE PLAN
PROPOSED GENERAL DEVELOPMENT PLAN



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The clustering of development in these three nodes reduces residential development and preserves open space in the more sensitive hillsides and drainage ways.

The Lake Pleasant Heights Specific Area Plan, Intensity / Density Analysis provides the intended distribution of residential densities throughout the subject site. The Table provides the analysis and recommendations for land use intensity and density standards for both public and private lands.

A summary of land use intensity and density recommendations are provided in Section IV.D of this Plan. These recommendations are intended to set the appropriate development intensity and density standards for the subject property. Future zoning activity will utilize the defined recommendations to promote a balanced zoning approach to the development of the property.

C. Land Use Classifications

Estate (0-2.0 du/ac., target density = 1 du/ac.): Denotes areas where large-lot single-family residential development is desirable. The density range (0-2.0 dwelling units per gross acre) is intended to provide sufficient open space and lots that create an open environment. Building envelopes or cluster grading will be encouraged to minimize the disturbance of significant natural features. This category also denotes where open areas are desirable based on environmental sensitivity or the presence of cultural resources and may serve as a transitional land use buffer between areas of differing single-family densities as stated in the goals, objectives and policies of this Plan and the General Plan.

Low (2.0-5.0 du/ac., target density = 3.0 du/ac.): Denotes areas where detached moderate-sized lot, single-family residential development is desirable. The density range (2.0-5.0 dwelling units per gross acre) is intended to provide for areas of increased density while maintaining a detached single family residential character. Suitability is determined on the basis of location, access, availability of existing or proposed public facilities and utilities, existing and future land use patterns and natural or man-made constraints, as stated in the goals, objectives, and policies stated within the General Plan.

Medium (5.0-8.0 du/ac., target density = 6.0 du/ac.): Denotes areas where single-family detached and attached residential homes are desirable. The density range (5.0-8.0 dwelling units per gross acre) is intended to provide areas suitable for single family, town home, patio home, and multi-family type units. Suitability is determined on the basis of location, access, availability of existing or proposed public facilities and utilities, existing land use patterns and natural or man-made constraints, as stated in the goals, objectives and policies of this Plan and the General Plan.

Medium High (8.0-15 du/ac, target density =.12 du/ac): Denotes areas where multi-family residential development is appropriate. The density range (8.0-15.0 dwelling units per gross acre) is intended to provide for areas of attached single-family homes, apartments, condominiums and townhouses. Suitability is determined on the basis of location, access and availability of existing or proposed public facilities and utilities and existing and future land use patterns.

High (15.0 +du/ac., target density= 18.0 du/ac.): Denotes areas where the highest multi-family residential density development is appropriate. The density range (15.0 + dwelling units per gross acre) is intended to provide for two and three-story apartments, condominiums, and townhouses close to employment or service areas. Increases in density above 18.0 du/ac should be based upon project design amenities and compatibility with adjacent land uses. Suitability is determined on the basis of location, access and availability of existing or proposed public facilities and utilities and existing land use patterns.

Community Commercial: Denotes areas where all types and intensities of commercial development and low- impact office uses may take place. Community Commercial areas typically consist of larger shopping centers and districts that have a wider variety of goods and services than the neighborhood shopping areas. Major commercial centers should be located with adequate controlled access to arterial streets.

Park / Recreation / Open Space: Denotes areas that are to be precluded from development for open space, recreational and public facilities. Open space areas should remain in a relatively natural state (or be restored to such). State Trust Lands or privately held lands identified as park and open space may be developed at a maximum density of one dwelling unit per acre.

Public / Quasi-Public: Denotes a use that is owned or operated by governmental, nonprofit religious or philanthropic institution and provides governmental, educational, cultural, recreation, religious, or similar service. In this case, it denotes water treatment production and distribution facilities.

D. Land Use Intensity / Density

The Specific Area Plan proposes land use intensity and density which is responsive to the General Plan, the Desert Lands Conservation Plan, the River and Trails Master Plan, Public Facility Planning ratios as well as the many opportunities and constraints affiliated with the subject site. The proposed plan is designed to respond to all these influencing policies while being responsive to the surrounding planned community development as proposed. The proposed land use type, size, density range and target density is shown in Table 1, Specific Area Plan, Intensity/Density Analysis. The total Target Units for Lake Pleasant Heights is 6,518 units. The following is a breakdown of the proposed land uses and density for the private and State Trust Land:

Private Land:

- Approximately 4,262 residential units (2.28 du/ac)
- Approximately 2,530 single family residential units (Estate, Low, and Medium Density) within subdivided properties;
- Approximately 1,732 multifamily residential units intended as apartments or condominiums (Medium High and High Density); and
- Approximately 32.5 acres of land for commercial (retail and office) space.

State Trust Land:

- Approximately 2,256 (1.62 du/ac) single family residential units (Estate, Low, and Medium Density) within subdivided properties. No High Density uses are planned on State Trust land; and
- Approximately 13.1 acres for commercial (retail and office) space. In addition to meeting all City of Peoria Zoning and Design Review standards, all development within the Lake Pleasant Heights Specific Area Plan planning area will meet the following land use standards:
- Development will be encouraged to occur below the twenty-five percent (25%) slope line;
- Development will meet or exceed the lighting standards outlined in the City of Peoria, Dark Sky Ordinance and will discourage lighting in areas of slopes above fifteen percent (15%);
- Commercial development will be planning to minimize impacts to existing natural wash and slope areas; and
- Development within the planning area will utilize colors and materials that minimize glare and light reflectivity.

E. Proposed Phasing Plan

Due to the large amount of land area within the Lake Pleasant Heights Specific Plan planning area, and the inclusion of land currently held in the public trust and managed by the Arizona State Land Department, it is anticipated that development will occur in multiple phases. The initial development strategy of course will primarily be dependent on the start-up of water and wastewater facilities in the region (as provided by area master plans) and the development of El Mirage Road (either from the north or south). The final phasing determinant will depend on the planning and development strategies as developed by the project team in coordination with City staff and other development entities within the region.

It is currently envisioned that the project may develop in response to two possible market groups. The northern portion of the property is expected to develop with low-density, single-family residential development uses being the dominant land use with a public park (on State Trust land in Section 2) and open space. The southern portion of the property is expected to develop with a range of low, medium and high-density residential development around the presence of public facilities, including a public park and a school. Commercial development is expected to be responsive to residential units being developed in the area.

Lake Pleasant Heights

Specific Area Plan

Intensity / Density Analysis

Parcel Number	Land Use Category	Land Use	Land Use Density Range (DU/AC)	Approx. Gross Area (AC)	Target Density (DU/AC)	Total Target D.U.'s	Ownership
Area A							
A-1	L	LOW	2-5	4.4	3	13	IP
A-2	L	LOW	2-5	11.9	3	36	IP
A-3	L	LOW	2-5	16.6	3	50	IP
A-4	M	MEDIUM	5-8	9.9	6	59	IP
A-5	M	MEDIUM	5-8	5.1	6	31	IP
A-6	MH	MED HIGH	8-15	21.6	12	259	IP
A-7	M	MEDIUM	5-8	23.8	6	143	IP
A-8	L	LOW	2-5	3.7	3	11	IP
A-9	L	LOW	2-5	60.8	3	182	IP
A-10	L	LOW	2-5	46.4	3	139	IP
A-11	L	LOW	2-5	19.2	3	58	IP
A-12	H	HIGH	15+	15.4	18	277	IP
A-13	L	LOW	2-5	24.9	3	75	IP
A-14	L	LOW	2-5	4.2	3	13	IP
A-15	H	HIGH	15+	31.7	18	571	IP
A-16	MH	MED HIGH	8-15	9.9	12	119	IP
A-17	L	LOW	2-5	3.9	3	12	IP
A-CC.1	CC	COMMERCIAL		18.0			IP=13 Ac/ G3=5.0 Ac
A-PUB.1	PUB	WATER CONVEYANCE FACILITY		12.2			IP
A-PUB.2	PUB	ELEMENTARY SCHOOL		15.0			IP
A-REC.1	REC	PARK		12.6			IP
A-OS.1	OS	OPEN SPACE		20.7			IP
A-OS.2	OS	OPEN SPACE		1.8			IP
A-OS.3	OS	OPEN SPACE		3.1			IP
A-OS.4	OS	OPEN SPACE		26.5			IP
A-OS/RD/JUR	OS	ROAD R.O.W / JURISDICTIONAL FLOW LINE		61.5			IP
Subtotal Area A				484.8		2048	
Area B							
B-1	E	ESTATE	0-2	18.2	1	18	IP
B-2	L	LOW	2-5	63.9	3	192	IP
B-3	L	LOW	2-5	32.6	3	98	IP
B-4	L	LOW	2-5	56.9	3	171	IP
B-5	L	LOW	2-5	14.0	3	42	IP
B-6	MH	MED HIGH	8-15	15.0	12	180	IP
B-7	L	LOW	2-5	33.2	3	100	IP
B-8	L	LOW	2-5	15.3	3	46	IP
B-9	L	LOW	2-5	7.6	3	23	IP
B-10	MH	MED HIGH	8-15	15.5	1	16	IP
B-11	M	MEDIUM	5-8	17.7	6	106	IP
B-12	L	LOW	2-5	124.7	3	374	IP
B-13	L	LOW	2-5	7.0	3	21	IP
B-REC.1	REC	PARK		6.6			IP
B-OS.1	OS	OPEN SPACE		49.2			IP
B-OS.2	OS	OPEN SPACE		23.8			IP
B-OS.3	OS	OPEN SPACE		14.6			IP
B-OS.4	OS	OPEN SPACE		15.4			IP
B-OS.5	OS	OPEN SPACE		4.7			IP
B-OS/RD/JUR	OS	ROAD R.O.W / JURISDICTIONAL FLOW LINE		65.3			IP
Subtotal Area B				601.2		1387	

Lake Pleasant Heights

Specific Area Plan

Intensity / Density Analysis

Parcel Number	Land Use Category	Land Use	Land Use Density Range (DU/AC)	Approx. Gross Area (AC)	Target Density (DU/AC)	Total Target D.U.'s	Ownership
Area C							
C-1	E	ESTATE	0-2	27.7	1	28	G3
C-2	E	ESTATE	0-2	89.7	1	90	G3
C-3	M	MEDIUM	5-8	26.4	6	158	G3
C-4	H	HIGH	15+	17.3	18	311	G3
C-5	E	ESTATE	0-2	23.5	1	24	G3
C-6	E	ESTATE	0-2	148.5	1	149	G3
C-7	E	ESTATE	0-2	18.3	1	18	G3
C-8	E	ESTATE	0-2	48.7	1	49	G3
C-CC.1	CC	COMMERCIAL		14.5			G3
C-PUB.1	FS	FIRE STATION		1.4			G3
C-OS.1	OS	OPEN SPACE		118.7			G3
C-OS.2	OS	OPEN SPACE		124.5			G3
C-OS.3	OS	OPEN SPACE		64.7			G3
C-OS.4	OS	OPEN SPACE		33.8			G3
C-OS/RD/JUR	OS	ROAD R.O.W / JURISDICTIONAL FLOW LINE		28.3			G3
Subtotal Area C				786.0		827	
Private Land Subtotal Areas A, B, C				1872.0		4262	

Private Land Projections		
Gross Land Area	1,872	AC
Target Project Density	2.28	DU/AC
Projected Population	10,789	People
Projected Households	4,262	Households
Projected Elementary School Children	1,669	Children
Projected High School Children	651	Children
Commercial Land Area	32.5	AC
Projected Elementary Schools	1	School
Projected High School Demand	0	Schools
Improved Neighborhood Parks Demand	18.3	AC
Improved Community Parks Demand	0	AC
Open Space Demand	120	AC
Total Proposed Private Open Space	682	AC

Lake Pleasant Heights

Specific Area Plan

Intensity / Density Analysis

Parcel Number	Land Use Category	Land Use	Land Use Density Range (DU/AC)	Approx. Gross Area (AC)	Target Density (DU/AC)	Total Target D.U.'s	Ownership
Area D							
D-1	E	ESTATE	0-2	18.1	1	18	AZ
D-2	E	ESTATE	0-2	32.8	1	33	AZ
D-3	L	LOW	2-5	16.6	3	50	AZ
D-4	L	LOW	2-5	23.0	3	69	AZ
D-5	E	ESTATE	0-2	11.8	1	12	AZ
D-OS.1	OS	OS		14.6			AZ
D-OS.2	OS	OS		460.7			AZ
D-OS.3	OS	OS		6.8			AZ
D-OS.4	OS	OS		27.1			AZ
D-OS/RD/JUR	OS	ROAD R.O.W / JURISDICTIONAL FLOW LINE		27.7			AZ
Subtotal Area D				639.2		182	
Area E							
E-1	L	LOW	2-5	39.0	3	117	AZ
E-2	L	LOW	2-5	38.0	3	114	AZ
E-3	L	LOW	2-5	19.1	3	57	AZ
E-4	L	LOW	2-5	16.9	3	51	AZ
E-5	L	LOW	2-5	5.0	3	15	AZ
E-6	L	LOW	2-5	20.1	3	60	AZ
E-7	L	LOW	2-5	69.9	3	210	AZ
E-8	L	LOW	2-5	94.9	3	285	AZ
E-9	L	LOW	2-5	50.2	3	151	AZ
E-10	MH	MED HIGH	8-15	27.1	12	325	AZ
E-11	MH	MED HIGH	8-15	11.6	12	139	AZ
E-12	MH	MED HIGH	8-15	10.0	12	120	AZ
E-13	L	LOW	2-5	9.0	3	27	AZ
E-CC.1	CC	COMMERCIAL		13.1			AZ
E-REC.1	REC	PARK		10.5			AZ
E-OS.1	OS	OS		142.3			AZ
E-OS.2	OS	OS		9.2			AZ
E-OS.3	OS	OS		30.7			AZ
E-OS/RD/JUR	OS	ROAD R.O.W / JURISDICTIONAL FLOW LINE		20.8			AZ
Subtotal Area E				637.4		1671	

Lake Pleasant Heights

Specific Area Plan

Intensity / Density Analysis

Parcel Number	Land Use Category	Land Use	Land Use Density Range (DU/AC)	Approx. Gross Area (AC)	Target Density (DU/AC)	Total Target D.U.'s	Ownership
Area F							
F-1	M	MEDIUM	5-8	23.6	6	142	AZ
F-2	M	MEDIUM	5-8	5.5	6	33	AZ
F-3	L	LOW	2-5	46.2	3	139	AZ
F-4	L	LOW	2-5	29.5	3	89	AZ
F-OS.1	OS	OS		1.0			AZ
F-OS.2	OS	OS		0.5			AZ
F-OS.3	OS	OS		1.3			AZ
F-OS/RD/JUR	OS	ROAD R.O.W / JURISDICTIONAL FLOW LINE		11.8			AZ
Subtotal Area F				119.4		403	
State Land Subtotal Areas D, E, F				1396.0		2256	

State Land Projections		
Gross Land Area	1,396	AC
Target Project Density	1.62	DU/AC
Projected Population	5,864	People
Projected Households	2,256	Households
Projected Elementary School Children	688	Children
Projected High School Children	252	Children
Commercial Land Area	13.1	AC
Projected Elementary Schools	0	School
Projected High School Demand	0	Schools
Improved Neighborhood Parks Demand	10.0	AC
Improved Community Parks Demand	0	AC
Open Space Demand	65	AC
Total Proposed State Open Space	765	AC

Project Total Areas A,B,C, D, E, F	3268.0		6518	
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Project Projections (Combined Lands)		
Gross Land Area	3,268	AC
Target Project Density	1.99	DU/AC
Projected Population	16,653	People
Projected Households	6,518	Households
Projected Elementary School Children	2,358	Children
Projected High School Children	902	Children
Commercial Land Area	45.6	AC
Projected Elementary Schools	1	School
Projected High School Demand	0	Schools
Improved Neighborhood Parks Demand	28.3	AC
Improved Community Parks Demand	0	AC
Open Space Demand	185	AC
Total Proposed Open Space	1,447	AC

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V. TRANSPORTATION ELEMENT

A. Introduction

The Transportation Element of the Lake Pleasant Heights Specific Area Plan establishes the basic planned circulation pattern within the planning area and includes the integration of vehicular and non-vehicular transportation modes. The transportation network is shown graphically on Figure 5, Transportation Plan. The proposed transportation network should provide for the efficient movement of traffic within and through the planning area and should adequately accommodate the projected traffic volumes resulting from the planned land use program. This portion of the Plan describes the location, type, and size of the arterial streets within the planning area and establishes the standards for the use of private streets within the planning area. The Transportation Element also establishes the conceptual locations and widths of paved and non-paved, multi-purpose trails within the planning area. Actual design and construction of all streets and trails will be as specified by the City of Peoria during the site planning / plat review process.

B. Vehicular Circulation

Vehicular circulation within the planning area will be accommodated by a network of public and private roadway facilities designed to accommodate the projected traffic volumes generated from on-site and off-site traffic projections. The proposed system of arterial streets will be designed to accommodate the projected traffic volume with the intent of being responsive to the General Plan Transportation Element and proposed land uses within proximity to the Lake Pleasant Heights property. A system of collector and local streets will provide vehicular movement and direct access within the planning area.

Major Arterial Streets:

El Mirage Road is planned as the primary transportation corridor within the planning area. This roadway corridor is planned as a Major Arterial Street on the Circulation Plan of the City of Peoria and accommodated as such by the Specific Area Plan. El Mirage Road will provide three travel lanes in each direction with sufficient right of way width to meet current city roadway standards, or as modified by the City Engineer due to mitigate traffic impact analysis or topographic conditions. The design intent of El Mirage Road is to provide flexibility in the road alignment and right of way configuration allowing the road to adapt and be responsive to topographical and traffic circulation conditions. This planned arterial roadway will be a major north-south transportation corridor within north Peoria promoting regional access to the Lake Pleasant Recreational Area. The proposed alignment will connect with State Route 74 to the north and extend through the proposed Vistancia Planned Community District project south of the planning area. El Mirage Road will serve both regional and sub-regional traffic. The final road alignment will be determined by the City Engineer based on additional studies completed during the Preliminary Plat process.

The existing Circulation Plan contained within the General Plan identifies the presence of a planned Arterial Street, Vistancia Boulevard, connecting into the planning area from the south, through the Vistancia Planned Community at the approximate location of the Carefree Highway alignment. Also, the existing Circulation Plan identifies the presence of a second planned Arterial Street, Saddleback Peak Boulevard, connecting into the planning area from the north, through the Saddleback Heights Planned Community. The Land Use Plan contained within this Specific Area Plan indicates connection points with these two roadways.

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Minor Arterial Streets:

Westland Drive is planned as a minor transportation corridor in the southern portion of the planning area. This roadway alignment is designated as a Minor Arterial Street on the Circulation Plan of the City of Peoria. The facility will provide sufficient right-of-way width to support future expansion to a Major Arterial cross section, as required by the City of Peoria.

Collector and Local Streets:

A network of collector and local streets will enable local traffic to circulate within the planning area. The collector and local street pattern will be established during the detailed site planning / plat review stage of the project. It is currently anticipated that collector streets will provide adequate right-of-way width to meet current city roadway standards, or as modified by the City Engineer due to topographic conditions. Due to the topographic constraints and the property's proximity to the El Mirage Road-alignment, it is not anticipated that the project will promote an extensive collector street network. Local streets will provide adequate right-of-way width to meet current city roadway standards, or as modified by the City Engineer due to topographic conditions. A future PCD or PAD zoning application may refine the necessity and pattern for collector and local streets.

Private Streets:

Private streets may be used within the Specific Area Plan planning area in response to market demand and in response to topographic constraints. Private streets will meet existing City of Peoria street standards unless otherwise approved by the City Engineer

C. Pedestrian and Bicycle Circulation

An integrated system of non-vehicular circulation is planned within the planning area. A detailed system of on-street bicycle lanes and improved and unimproved trails has been planned as indicated on the project Circulation Plan. All bicycle lanes and trails should be developed in a manner consistent with the City's design criteria.

Bicycle Circulation:

Figure 5, Transportation Plan identifies the locations of planned on-street bicycle lanes. It is anticipated by this Plan that on-street bicycle lanes will be located within the right-of-way of all major and minor arterial streets, as well as, collector streets. On-street bicycle lanes will be a minimum of six (6) feet in width.

Pedestrian Circulation:

Figure 5, Transportation Plan, identifies the planned pedestrian circulation network within the planning area. It is anticipated by this plan that a network of sidewalks and paths will accommodate pedestrian circulation and will be located within the public rights-of-way or within dedicated pedestrian easements. Sidewalks for public streets are as follows:

- Arterial streets will be designed to accommodate an eight (8) foot sidewalk on opposite sides of the streets. These can be reduced to five (5) feet on one side if a natural surface path is also provided.
- Collector streets will be designed to accommodate six (6) foot sidewalks on opposite sides of the street.

- Local residential streets will be designed to accommodate: five (5) foot sidewalks on opposite sides of the street.

Public paths and public trails located outside of the public right-of-way in land that is dedicated as public open space will conform to the standards outlined in the City of Peoria Trails Master Plan. The developer of Lake Pleasant Heights will work with the City of Peoria staff and participate in the update of the City of Peoria Trails Master Plan. Detailed planning establishing the locations of the off-street paths and trails will occur at the time of zoning and detailed site planning / plat review.

VI. PUBLIC FACILITIES ELEMENT

A. Introduction

The public facilities element of the Lake Pleasant Heights Specific Area Plan outlines the proposed public facilities within the planning area based upon the proposed Land Use Plan. The public facilities proposed as part of this Specific Area Plan are based upon existing City of Peoria and public service provider service ratios. The public facilities locations are shown graphically on Figure 6, Public Facilities. This section of the Plan provides conceptual public facilities planning for six service area categories:

- Water Service
- Wastewater Service
- Drainage
- Fire / Emergency Response
- Parks / Open Space
- Primary Schools

B. Existing Conditions

No public service facilities currently exist within the Planning Area. The planning area is currently natural desert containing an un-organized network of unimproved trails and roadways. The site contains a single human-made livestock watering tank, Caterpillar tank, in the southern portion of the site. The only developed infrastructure within the planning area is the Central Arizona Project (CAP) canal. The CAP enters the planning area in the southern portion of the site and flows in an easterly direction at surface grade for approximately ½ mile. The CAP canal continues across the site with flow being channeled into a tunnel structure running under the eastern portion of the site until it exits the site to the east.

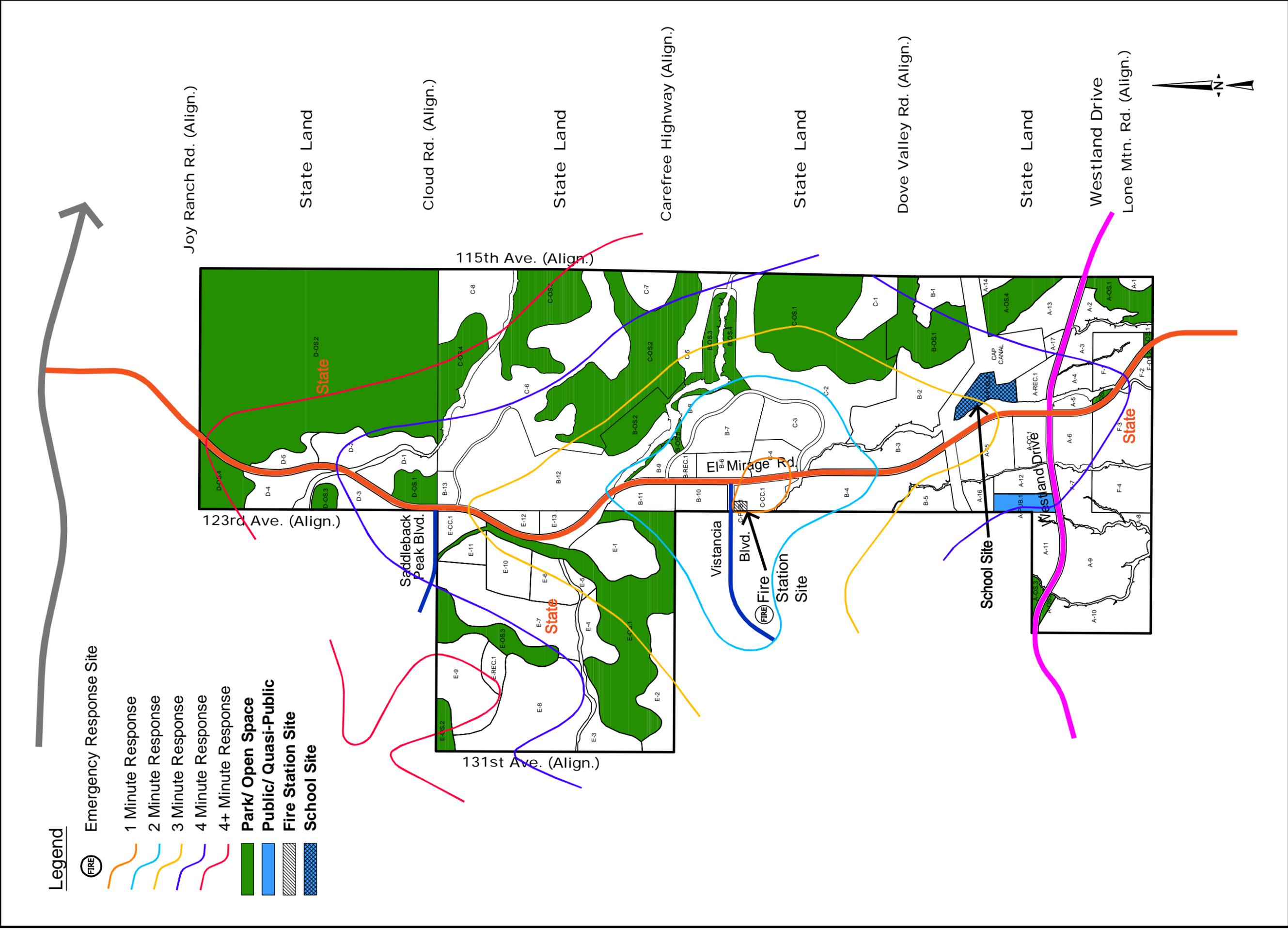
C. Conceptual Water System

The planning area is located within the City of Peoria water service area. The City of Peoria will provide the rights to potable water supply in conformance with the existing Assured Water Supply Designation as it relates to the subject development. The land use plan contained within this plan identifies the location of the proposed "Twin Buttes" Water Treatment Plant adjacent to the CAP canal in the southern portion of the site. The property set aside for this purpose within the Lake Pleasant Specific Area Plan will supplement property reserved by the Vistancia Planned Community District to address the demands for regional water conveyance facilities. It is anticipated the required potable water supply for Lake Pleasant Heights will now be made up of the following sources:

- Water Credits – The development will provide the approved water credits, identified as well sources in Section 10 of the Zoning Stipulations. The nearest aquifer providing adequate supply is located on the east side of the Aqua Fria River, so development of a well also includes use of the existing and proposed 24-inch Lone Mountain Road waterline. This groundwater will be utilized on a "no net reduction" of groundwater basis to comply with "safe-yield" criteria as established by the Arizona Department of Water Resources (ADWR) for groundwater within the Phoenix Active Management Area and the Central Arizona Groundwater Recharge District (CAGRDR).

- City's CAP Capacity – The development will contribute to the City's ability to purchase or build CAP water treatment capacity. The amount of payments and due dates are to be determined.
- City's Water Settlements – This source is comprised of a share of the City's Gila River Indian Settlement, or other water settlements.
- Redundant Water Supplies – The City requires redundant water supplies (City Code Section 25-20) to ensure the reliable delivery of water to the development. Lake Pleasant Heights proposes to achieve the required redundancy by providing backup water conveyance infrastructure from the Aqua Fria well field. In addition to a new well, the development will contribute funds to construct a new booster station on the east side of the Agua Fria to ensure a reliable redundant source.

Reclaimed Water Use Reclaimed water use sites include a City park and school site, both located in the lower side of the development south of the CAP Canal. The adjoining Vistancia development has constructed a reclaimed water system, and Lake Pleasant Heights proposes to perform necessary upgrades to extend the reclaimed water to the two use sites.



**LAKE PLEASANT HEIGHTS
SPECIFIC AREA PLAN**

PEORIA, ARIZONA

**FIGURE 6
PUBLIC FACILITIES**



VA Consulting, Inc.
ENGINEERS · PLANNERS · SURVEYORS

6400 OAK CANYON, SUITE 150 (949) 474-1400 TEL
IRVINE, CA 92618 (949) 261-8482 FAX

DATE: 6/6/12

X:\Projects\1141_0101\Eng\CAD\DWG\Exhibits\EXH01-LPH-SpecificAreaPlan\EXH06-LPH-SAP_PublicFacilities.dwg

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D. Wastewater System

The planning area is located within the City of Peoria wastewater service area. It is currently anticipated that the wastewater generated within the planning area will be served by the Jomax Water Reclamation Facility ("WRF") located in to the south portion of the Lakeland Village Planned Community. Lake Pleasant Heights will provide applicable impact fees to purchase, or expand, capacity within this plant, consistent with the wastewater generated by the project. As defined in the Annexation and Development Agreement supporting the Lake Pleasant Heights Specific Area Plan, the development will have rights to the proportionate share of reclaimed water generated by the plant.

E. Drainage System

The drainage system proposed within the Planning Area is based upon the Desert Lands Conservation Ordinance and the North Peoria Drainage Master Plan and will incorporate the use and preservation of the existing Jurisdictional (Section 404) washes within the Planning Area. Development within the planning area is envisioned as being environmentally sensitive with the proposed drainage concept is based upon the maintenance of the natural environment. Development within the planning area will integrate ecological resources with transportation and open space. The following general drainage concepts will be carried forward within the planning area:

- Off-site drainage flows will enter and depart the Planning Area in substantially the same manner as under pre-development conditions;
- Onsite detention facilities shall be designed to be as unobtrusive as possible and the use of large detention basins shall be limited to the use of basins only to reduce the post-development peak flow to a level equal to or below the existing peak flow rate;
- The use of conventional 100 year - 2 hour stormwater retention standards may be modified only if approved by the City Engineer due to terrain; the minimum standards will be pre versus post for both volume and peak flow. Additionally, there shall be no direct discharge to any wash without a first flush treatment (defined as the first one inch of rainfall).
- Where the use of detention and retention basin facilities is required, they should be designed as flow through systems to sustain existing habitat areas and channel flow and sedimentation characteristics;
- Drainage channels should utilize existing natural wash alignments where possible natural channel flow should be maintained;
- All National Pollution Discharge Elimination System (NPDES) standards will be adhered to and all applicable City of Peoria drainage requirements will be followed.
- Upon the development of individual parcels within the Planning Area, a detailed drainage master plan shall be prepared and approved by the City of Peoria.

F. Fire / Emergency Response

The Land Use Plan for the Lake Pleasant Heights Specific Area Plan identifies the need for one (1) fire station within the Planning Area based upon a standard response time analysis. Based upon the results of the response time analysis, a fire station site has been identified in the central portion of the site. It is estimated that based upon the selected location, the majority of the Planning Area would be within the desired four minute response time coverage area. It is estimated, based upon the results of the standard response time analysis that the outer-edges of the community would fall with a five to six minute response time zone based upon the siting of a single station within the planning area (see Figure 6, Public Facilities). It should be noted that if future fire station locations are provided by surrounding projects or established by the City of Peoria, portions of the site not currently within the four minute response time radius may be accessible from other stations within the City within a four minute timeframe.

G. Police / Emergency Response

Police and law enforcement service facilities will likely be based out of the planned fire station site located within the Lake Pleasant Heights Specific Area Plan planning area. The police will share the fire station building. Support for police and fire facilities will be provided through participation in the Impact Fee Program.

H. Parks/Recreation and Open Space

The Land Use Plan for the Lake Pleasant Heights Specific Area Plan provides locations for the establishment of three park sites. The size of the recreation areas are listed as land use type REC on Table 1, Specific Area Plan, Intensity/Density Analysis.

One proposed recreation site has been located in the southern node of the site adjacent to the planned elementary school site to maximize the opportunities of a shared facility use. This neighborhood park site is located within that portion of the land use plan containing the highest concentration of population within the planning area. This site is also located adjacent to a major wash, allowing regional trail connections.

The second recreation site has been located in the central node along El Mirage Road. This park has been located in a higher density area to provide a wide variety of recreational opportunities to future residents. The site is also located near a major wash, allowing for regional trail connections.

In addition, a 10.5 Neighborhood Park is proposed in the State lands in Planning Area E-03.3. This park site has been located in an area with limited topographic constraints that allows connectivity opportunities to adjacent planned trails and open spaces. The target location also recognizes the Vistancia Planned Community recreational facilities and proposes a location that is geographically distributed from these other planned facilities within the greater region.

In addition to the three neighborhood parks, Lake Pleasant Heights provides large areas of natural open space and implementation of the City's Trails Master Plan for additional recreational opportunities throughout the master planned development.

All park improvements shall be approved by the City's Community Services staff, which includes playground equipment, amenities, hard surface courts, the type of irrigation system, restroom fixtures, plant materials, etc. The City of Peoria Community Services staff will be actively involved in the planning, design and construction of the neighborhood parks.

The dedication, reservation, or sale of parks and open space areas will be established during the zoning and site planning plat review phase and will be addressed within the revised Annexation and Development Agreement. If open space is dedicated to the City as public open space the developer must develop a trail system and trail heads to connect the open space areas. The general public shall be allowed to access the dedicated open space. The final location of the park sites will be determined by the City Parks Department. If a park site is moved, the vacated area can be developed with residential uses (Low 2-5 du/ac) provided the total approved density for the entire Lake Pleasant Heights project is not exceeded.

I. Primary Schools

The Land Use Plan for the Lake Pleasant Heights Specific Area Plan has identified a location for a primary school to address the creation of educational demand within the planning area. The elementary school site has been located within the southern portion for the planning area and has been located adjacent to the proposed neighborhood park to maximize the opportunity to share facilities. The elementary school site has been located in that portion of the site containing the highest density of residential land use and geographically located to be responsive to the anticipated population therefore promoting pedestrian accessibility to the planned facilities. An alternative school site may be located within the Specific Area Plan based on future discussions with the Peoria Unified School District, the City Engineer who will address access issues and the developer. If the school site is relocated, the vacated area can be developed at a density no greater than the underlying land use of residential (Low 2-5 du/ac) as shown on the Land Use Plan provided the total approved density for the entire Lake Pleasant Heights project is not exceeded.

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VII. FUTURE ENTITLEMENTS**A. Zoning**

The Lake Pleasant Heights Specific Area Plan has been designed to set land use, transportation and public facility policy direction for the subject property. The Applicant has submitted a Planned Community District zoning application to implement the policy set by the review and approval of the Specific Area Plan. The zoning application will set a greater level of property development entitlements on the property which will likely be supplemented by a redraft of the 1994 Annexation and Development Agreement (as applied to portions of the subject property) and with the intent of expansion to the balance of the Lake Pleasant Heights property. Applicability of a future development agreement to the inclusive acres of public lands will be determined at a later date.

B. Site Plan / Plat Approval

In support of the Specific Area Plan and future zoning request(s), this property will be developed under the guidance of the Site Plan and Subdivision Plat processes. However, to a certain extent, some "large-lot" platting could occur under the existing approved zoning on the site should the Applicant want to respond to the understanding or perception of a captive market.

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Citizen Participation Plan

For the

Lake Pleasant Heights

Specific Area Plan Amendment #12-0003

General Plan Amendment #12-0003

(Approximately 3,268 acres located in north central Peoria)

Peoria, Arizona

Formal Application Date: June 7, 2012

**Prepared by:
VA Consultants, Inc.
LVA Urban Design Studio**

Citizen Participation Plan

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A. Introduction & Intent

The objective of this Citizen Participation Plan is to support an Application for a Major Amendment to the Lake Pleasant Heights Specific Area Plan within the City of Peoria. It is the intent of this Plan to seek public input regarding the application with specific emphasis on a defined notice area affiliated with all properties within 1,320 foot (quarter mile) radius of the subject property as defined by Article 14-39-6.E.1 of the City of Peoria Zoning Ordinance and Section 14.D of the City of Peoria General Plan.

The subject property, affiliated with this Citizen Participation Plan, is located in north central Peoria generally between the Joy Ranch Road alignment on the north, the Lone Mountain Road alignment on the south, the 123rd and 131st Avenue alignments on the west and the 115th Avenue alignment on the east. The subject property is approximately 3,268 acres in land area.

It is the intent of this Plan to encourage the participation of the public in the review and comment of the intended preliminary development plan and the application filed with the City of Peoria. The Applicant intends to provide the case filing information to the targeted public (defined below) for the purposes in providing information, obtaining observations/comments, documenting public comment and refining the proposed development plan as necessary to obtain the support of the citizens that participate in the public review process.

B. City of Peoria Standards and Expectations

In accordance with Section 14.E of the General Plan, the following expectations are set by the City of Peoria to encourage public participation in the review of General Plan Amendment requests:

The purpose of the Public Participation Plan is to ensure that the community is informed of proposed changes to the General Plan and provide a forum for public involvement and resolution of concerns prior to the public hearing process. In accordance with State Statutes, the City must adopt written procedures to provide effective, early, and continuous public participation in the development and amendments of general plans. The Statutes call for the broad dissemination of information and an opportunity for public discussion and comment. Peoria's Public Participation Plan exceeds statutory requirements.

C. Notice Area

The public notice area for the subject property has been set at a distance of one thousand three hundred and twenty (1,320) feet from the perimeter of the subject site in accordance with Article 14-39-6.E.1 of the City of Peoria Zoning Ordinance and Section 14.D – Table 14.1 of the General Plan. The notice area is depicted on page 5 and the property mailing list that defines owners and mailing addresses are provided on pages 6-8.

D. Public Outreach

The following steps will be taken to solicit the review and input from the public affiliated with the proposed General Plan Amendment and Specific Area Plan Amendment:

1. The Applicant will send a mailed notice to all property owners within the notice area and listed on pages 6-8. The notice will be sent through the US Postal Service. The notice will include a letter to define the Applications files with the City of Peoria and will include a copy of the

proposed Preliminary Development Plan. The letter will invite those noticed to participate and attend a Neighborhood Meeting to be hosted by the Applicant Team. Those noticed will be provided direct contact information to the Applicant and encouraged to call and/or email to ask questions or provide comments and concerns.

3. A Neighborhood Meeting will be organized and held at least ten (10) days but no more than twenty (20) days following the mailing of the public notice. Those attending the meeting will be asked to provide contact information and will be provided comment cards and encouraged to write their observations, opinions, general or specific comments. The Applicant team will be available during the meeting to discuss the specifics related to the intended General Plan Amendment and Specific Area Plan Amendment applications.

4. Following the Neighborhood Meeting, the Applicant will evaluate all comment cards to determine the best means of addressing the public comments and concerns. All comments will be listed in a written document and the Applicant will prepare written responses to each comment. The General Plan Amendment and Specific Area Plan Amendment will be revised as appropriate to address the public comments. The written list of comments and the Applicant responses will be placed in Appendix E as an update to the Citizen Participation Process Report.

5. The Applicant will provide the Citizen Participation Plan including the community written comments and the Applicant responses to City staff.

E. Reporting and Community Involvement

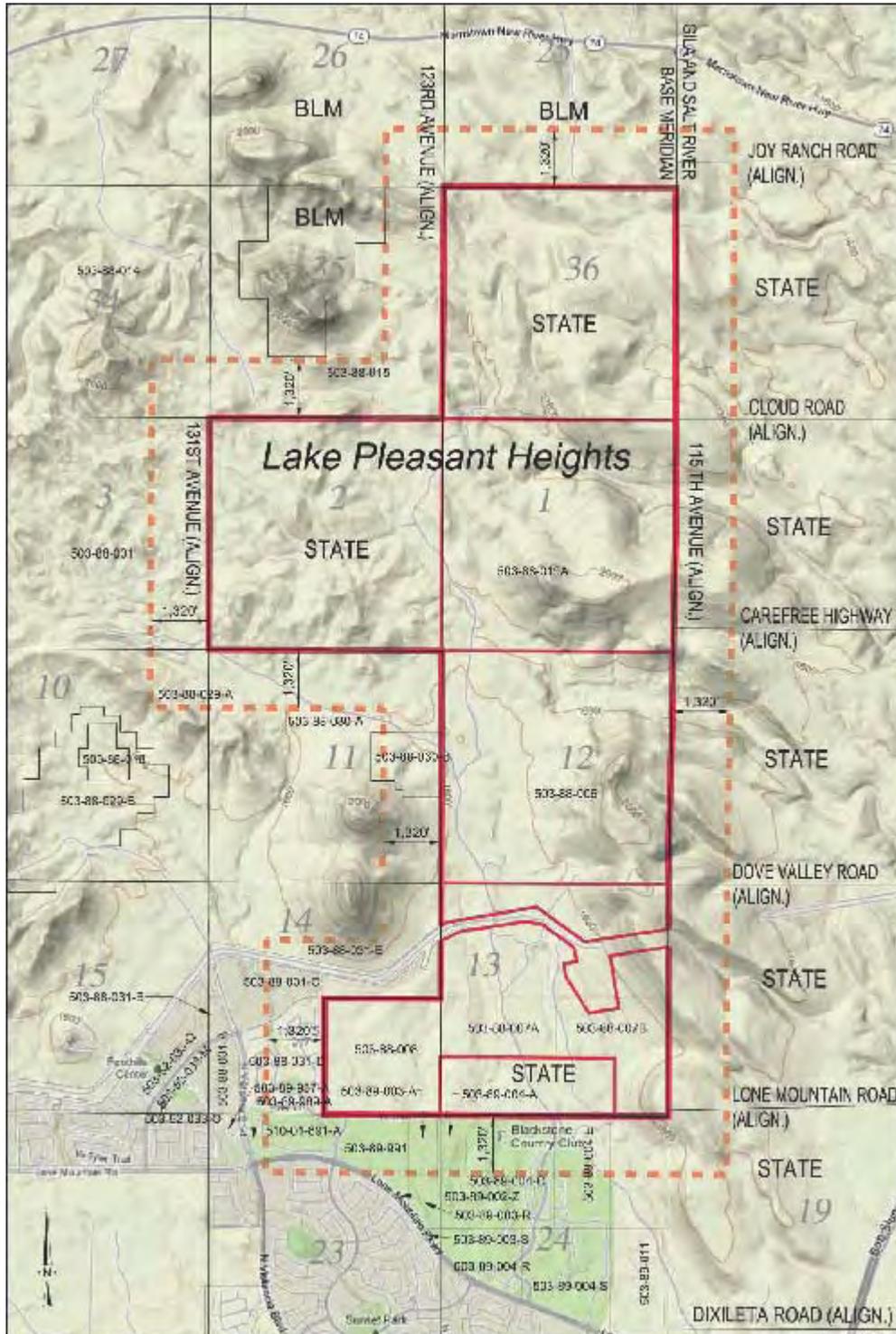
The Applicant will remain available to questions and comments throughout the public review process. Property owners will be encouraged to correspond through the use of a telephone, email, or written letter. All comments will be collected and reported within this Citizen Participation Plan. We anticipate the majority of the public comments will be collected through the Neighborhood Meeting; however we do anticipate phone calls, emails and possible mail regarding the development proposal on the subject property throughout the public hearing process. These comments will be collected and reported within this Citizen Participation Plan up through the point of submittal of the Public Hearing Draft. From that point forward, comments should be directed to the Planning Commission and/or City Council members.

F. Conclusion

This Citizen Participation Plan is intended to promote the distribution of information affiliated with applications to amend the General Plan and Specific Area Plan within the City of Peoria. This Plan represents the process intended to inform the target stakeholders within the context area of the subject property as necessary to seek public comments and concerns. This Plan will evolve to incorporate all public comment up to a point of City of Peoria submittal of the "Public Hearing Draft" for the General Plan Amendment and Specific Plan Amendment request. The Applicant intends to utilize the draft Specific Area Plan as a means of addressing the community concerns with updates and revisions as necessary and appropriate to address the public concern.

APPENDICES

APPENDIX A: MAP OF NOTICE AREA



LAKE PLEASANT HEIGHTS
SPECIFIC AREA PLAN
 PEORIA, ARIZONA

NOTICE AREA

VA Consulting, Inc.
 ENGINEERS - PLANNERS - SURVEYORS

16100 N. CENTRAL EXPRESSWAY, SUITE 117, PEORIA, ARIZONA 85382
 (907) 266-8100 FAX (907) 266-8103 FAX

APPENDIX B: NOTICE MAILING LIST

Lake Pleasant Heights Mailing List

NAME	ADDRESS	CITY	STATE	ZIP
ANDRIANO ROCCO/CATERINA	84-16 108TH AVE	OZONE PARK	NY	11417
BERTSCH JEFFREY M/AMY M	12752 W CALLE DE POMPAS	PEORIA	AZ	85383
BLACKSTONE AT VISTANCIA COMMUNITY ASSOCIATION	8360 E VIA DE VENTURA STE 100 BLDG L	SCOTTSDALE	AZ	85258
BLACKSTONE COUNTRY CLUB	12101 W BLACKSTONE DR	PEORIA	AZ	85383
BOTTERBUSCH BRUCE W/LINDA E	12906 W OYER LN	PEORIA	AZ	85383
BOUTWELL BRUCE R	12863 W OYER LN	PEORIA	AZ	85383
BOVEN TIMOTHY	12794 W PASARO DR	PEORIA	AZ	85383
BRYANT LINDA C R	27 COMMANDERS DR	WASHINGTON CROSSING	PA	18977
BUCHANAN PAUL W/GAIL R	20830 N TATUM BLVD STE 250	PHOENIX	AZ	85050
CANTRELL CHRISTOPHER R/MARIA C	12845 W OYER LN	PEORIA	AZ	85383
CARPENTER JEFFREY/ANN M	12738 W PASARO DR	PEORIA	AZ	85383
CDJ PROPERTY WORKS LLC	1805 N CARSON ST STE 311	CARSON CITY	NV	89701
CHARLSON CHRISTOPHER	31955 N 127TH LN	PEORIA	AZ	85383
CHAVARRIA ARTHUR/SUSAN ANN	12750 W CALLE DE POMPAS	PEORIA	AZ	85383
CONKLIN JOHN C/LAUREN B	12889 W OYER LN	PEORIA	AZ	85383
DAVIDSON WILLIAM R/GAIDE	32006 N 127TH DR	PEORIA	AZ	85383
DITTEMORE RONALD D TR	5385 SHOSHONE CIR	OGDEN	UT	84403
DYSART DOUGLAS M/MURGUIA-DYSART ROSALIND	32105 N 127TH DR	PEORIA	AZ	85383
EPPINGER MARY KAY TR	30897 N 126TH DR	PEORIA	AZ	85383
ESGUERRA GENTELINA D	39349 STURBRIDGE DR	STERLING HEIGHTS	MI	48310
ESPOSITO ESTELLE	32187 N 127TH DR	PEORIA	AZ	85383
FIRST AMERICAN TITLE INS CO TR 4912	1880 E RIVER RD STE 120	TUCSON	AZ	85718
GEBHART PAUL	26903 N 83TH LN	PEORIA	AZ	85383
GROUP THREE PROPERTIES	7201 E CAMELBACK RD NO 305	SCOTTSDALE	AZ	85250
GROVE KEVIN SHAUN/DAWN	31900 N 127TH LN	PEORIA	AZ	85383
HEATH DANNY L JR/JOHNSON KATHERINE K	5746 E CAMINO DEL CELADOR	TUCSON	AZ	85750
HUSTED-GAMM PENNY/GAMM TROY	32144 N 127TH DR	PEORIA	AZ	85383
IGNAZIO EILEEN J	12754 W PASARO DR	PEORIA	AZ	85383
IOTA PURPLE LLC	6900 E CAMELBACK RD STE 350	SCOTTSDALE	AZ	85251
JIURA JOHN R/SANDRA K TR	12811 W OYER LN	PEORIA	AZ	85383
JOHNSTON JANET	12706 W PASARO DR	PEORIA	AZ	85383
JUDITH A MILLER REVOCABLE TRUST	1177 BURR OAKS DR	DES MOINES	IA	50266
K HOVNIANIAN GREAT WESTERN HOMES LLC	20830 N TATUM BLVD STE 250	PHOENIX	AZ	85050

Lake Pleasant Heights Mailing List

KELLER DAVID MICHAEL/BARBARA LEE TR	12809 W OYER LN	PEORIA	AZ	85383
KIES SCOTT W/KARI	31075 N 118TH LN	PEORIA	AZ	85383
KING PAULA	12762 W PASARO DR	PEORIA	AZ	85383
LORING TIMOTHY ROY/BEVERLY ELAINE TR	4 MERLOT CT UNIT 4	CONCORD	NH	03303
MARSHALL RICHARD SCOTT	32194 N 127TH DR	PEORIA	AZ	85383
MARTIN SCOTT ALLEN/HELEN	6605 FEATHER DR	HUNTINGTON BEACH	CA	92648
MARTINELL KEITH J/RENERIA MARTINELL APRIL N	12786 W PASARO DR	PEORIA	AZ	85383
MARTINEZ REVOCABLE TRUST	12820 W OYER LN	PEORIA	AZ	85383
MATHIAS MICHAEL G/REITHER JEAN	12784 W OYER LN	PEORIA	AZ	85383
MATROSE EDWARD A/EVELYN D	29259 N 122ND DR	PEORIA	AZ	85383
MAXWELL MICHAEL/TARA	16636 N 58TH ST NO 1092	SCOTTSDALE	AZ	85254
MERRILL FAMILY TRUST UNDER TRUST	12790 W OVER LN	PEORIA	AZ	85383
MORAN RALPH/KAREN	703 WESTCHESTER CT	FOLSOM	CA	95630
MORRIS DUANE R/SUSAN D	12793 W OYER LN	PEORIA	AZ	85383
NICKELS BRADLEY H/SARA J	5442 E MURIEL DR	SCOTTSDALE	AZ	85254
NORANDA PROPERTIES INC	7201 E CAMELBACK RD NO 305	SCOTTSDALE	AZ	85251
NORCOM LLC	8581 W BENT TREE DR	PEORIA	AZ	85383
PARKER JEFFREY W/LISA J	20244 N 31ST AVE NO 1032	PHOENIX	AZ	85027
PATEL ROY S	12834 W VIA CABALLO BLANCO	PEORIA	AZ	85383
POOLE GREGORY A/PAMELA K	30981 N 127TH AVE	PEORIA	AZ	85383
PRASAD BAPU	20800 HOMESTEAD RD NO 18B	CUPERTINO	CA	95014
PUGH ROBERT L/VIRGINIA F	873 NORTHRIDGE DR	PRESCOTT	AZ	86301
SCHROEDER DENNIS ALAN/TAMMY LYNNE	12758 W CALLE DE POMPAS	PEORIA	AZ	85383
SECAUR ROBERT EUGENE	31828 N 127TH LN	PEORIA	AZ	85383
SHEA HOMES LIMITED PARTNERSHIP	8800 N GAINES CENTER DR STE 370	SCOTTSDALE	AZ	85258
SHERMAN CHARLES J/CHRISTINE M	12883 W VIA CABALLO BLANCO	PEORIA	AZ	85383
SHERWOOD DAVID J/ANGIE E	12806 W OVER LN	PEORIA	AZ	85383
SPIROU LOUIS JR/ANNE T TR	12813 W VIA CABALLO BLANCO	PEORIA	AZ	85383
STREHLE MARY LOU	30999 N 127TH AVE	PEORIA	AZ	85383
SUNSHINE OF DELTA INC	278 N MESA ST	FRUITA	CO	81521
T W LEWIS RENTAL-34 LLC	850 W ELLIOT RD STE 101	TEMPE	AZ	85284
T W LEWIS RENTAL-45 LLC	850 W ELLIOT RD STE 101	TEMPE	AZ	85284
T W LEWIS RENTALS-47 LLC	850 W ELLIOT RD STE 101	TEMPE	AZ	85284
T W LEWIS-LOT OPTION LLC	850 W ELLIOT RD STE 101	TEMPE	AZ	85284

Lake Pleasant Heights Mailing List

TABERNA MARINELLA C	32199 N 127TH DR	PHOENIX	AZ	85383
TARANTINO TRACY W	12730 W PASARO DR	PEORIA	AZ	85375
TAYLOR MORRISON/ARIZONA INC	9000 E PIMA CENTER PKWY, STE 350	SCOTTSDALE	AZ	85258
TAYLOR MORRISONARIZONA INC	9000 E PIMA CENTER PKWY STE 350	SCOTTSDALE	AZ	85258
TOUSA RECOVERY ACQUISITION LLC	333 SOUTH GRAND AVE	LOS ANGELES	CA	90071
TW LEWIS BLACKSTONE III LLC	850 W ELLIOT RD STE 101	TEMPE	AZ	85284
TW LEWIS LAND HOLDING LLC	850 W ELLIOT RD STE 101	TEMPE	AZ	85284
TW LEWIS RENTAL 60 LLC	850 W ELLIOT RD STE 101	TEMPE	AZ	85284
TW LEWIS-48 LLC	850 W ELLIOT RD STE 101	TEMPE	AZ	85284
VISTANCIA 150 COMMERCIAL LLC	6720 N SCOTTSDALE RD STE 160	SCOTTSDALE	AZ	85253
VISTANCIA LLC	8631 W UNION HILLS DR	PEORIA	AZ	85382
VISTANCIA MAINTENANCE CORPORATION	6720 N SCOTTSDALE RD STE 160	SCOTTSDALE	AZ	85253
VISTANCIA NORTH LLC	6720 N SCOTTSDALE RD	SCOTTSDALE	AZ	85253
VISTANCIA SOUTH LLC	6720 N SCOTTSDALE RD NO 160	SCOTTSDALE	AZ	85253
VISTANCIA VILLAGE A COMMUNITY ASSOCIATION	8360 E VIA DE VENTURE STE 100 BLDG L	SCOTTSDALE	AZ	85258
WACH DANIEL J/KATHY	12789 W OYER LN	PEORIA	AZ	85383
WALKER MARK L/DOREEN D	12748 W CALLE DE POMPAS	PEORIA	AZ	85383
WATKINS DALE F/DARLENE F TR	1514 E EUGIE AVE	PHOENIX	AZ	85022
WEEKLEY HOMES LP	1100 N POST OAK RD	HOUSTON	TX	77055
WINTERS KEITH D/WRIGHT KAREN D	32044 N 127TH LN	PEORIA	AZ	85383
WOODS FAMILY TRUST	12810 W OYER LN	PEORIA	AZ	85383
WOZNY DAVID L	12799 W OYER LN	PEORIA	AZ	85383

APPENDIX C: NOTICE LETTER

August 21, 2012

Dear Neighbor,

We have recently filed a General Plan Amendment request to amend the previously approved Specific Area Plan (SAP) for Lake Pleasant Heights, the 3,268 acre site located north of Lone Mountain Road, South of Joy Ranch Road and West of 155th Avenue.

We are writing to invite you to a meeting to provide our neighbors an overview of the (SAP) and our development proposal. We have included a copy of the Preliminary Land Use Plan for the proposed master-planned community.

You are welcome to attend this meeting to learn about our request and make your opinions known. The meeting has been scheduled for the evening of September 4, 2012 between the hours of 6:30 and 8:00 P.M. The meeting location is the 10111 W. Jomax Road, Peoria, AZ 85382.

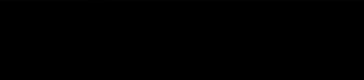
If you are not able to make the meeting, please feel free to express your comments on this case by writing to the attention of Ed Boik at the City of Peoria Planning and Community Development Department, 9875 N. 85th Avenue, Peoria, Arizona 85345, and referencing the case number which is GPA 12-0003. Your letter will be made part of the case file. The City of Peoria Planning and Community Development staff will forward a recommendation to the Planning Commission and City Council after an evaluation of the zoning application and comment from the affected parties. Ed Boik is the City Planner who will staff this SAP request, and he can be reached at (623)773-7565. You may also inquire by calling 949-474-1400 with any questions or comments about the proposal.

The following is a brief description of the General Plan Amendment application:

A Specific Area Plan (SAP) Amendment for a revised land use plan designed to provide a balanced and sustainable community with a wide range of housing and recreational opportunities. This plan provides for an adjustment of the housing types and open space to increase the amount of open space and provide additional housing choices tailored to today's market demand. The proposal provides for a more balanced distribution of single family detached homes and attached products with 548 added units in clustered neighborhoods with significant open space. Changes include the elimination of the golf course and clustered development onto less steep areas of the site.

Our project team appreciates the opportunity to present this proposal and we look forward to meeting and discussing this project with you. Again, I would be happy to answer any questions or hear any concerns that you have regarding this proposal. A PCD amendment is also planned to be filed to implement the amended SAP.

Sincerely,



Tim Connors, P.E.
Iota Purple, LLC

Enclosed: Preliminary Land Use Plan

APPENDIX D: ATTENDEES

PUBLIC ATTENDEES	APPLICANT ATTENDEES
<p>Ed and Diane Matrose [REDACTED] Peoria, AZ [REDACTED]</p>	<p>Tim Connors Sabal Financial 4675 MacArthur Court, Suite 1550 Newport Beach, CA 92660 1-877-900-6272 tim.connors@sabalfin.com</p>
<p>Jeremy Johnson Sunbelt Holdings 6720 N. Scottsdale Rd., Suite 160 Scottsdale, AZ 85253 jjohnson@sunbeltholdings.com</p>	<p>Max Vahid VA Consulting 6400 Oak Canyon Suite 150 Irvine CA 92618 maxvahid@vaconsultinginc.com (949) 474-1401</p>
<p>Mark Weinberg Diamond Ventures 2200 East River Rd., Suite 115 Tucson, AZ 85718 mweinberg@diamondven.com (520) 577-0200</p>	<p>Steve McCormick VA Consulting 6400 Oak Canyon Suite 150 Irvine CA 92618 smccormick@vaconsultinginc.com (949) 474-1401</p>
<p>Pastor John Ehers Cross of Glory Lutheran Church & School 10111 W. Jomax Road Peoria, AZ 85383 (623) 362-8668</p>	<p>Lynne Lagarde Earl, Curley & Lagarde 3101 North Central Ave. suite 1000 Phoenix, AZ 85012 llagarde@ecllaw.com (602) 265-0094</p>
<p>Edward Dietrich Resolution Management P.O. Box 22099 Phoenix, AZ 85028 Ewd1300@aol.com (602) 885-9441</p>	<p>Alan Beaudoin LVA Urban Design Studio 120 S. Ash Avenue Tempe, Arizona 85281 abeaudin@lvadesign.com (480) 994-0994</p>
	<p>Jeremiah Foster Resolute Commercial Services 7201 East Camelback Road Suite 250 Scottsdale, AZ 85251 jfoster@resolutecommercial.com (480) 947-3248</p>

APPENDIX E: NEIGHBORHOOD MEETING SUMMARY AND COMMENTS

General Meeting Information

The first neighborhood meeting for this General Plan and Specific Area Plan Amendment application was held on September 4, 2012 at 6:30 pm. The meeting was held at the Cross of Glory Lutheran School located at 10111 W. Jomax Road, Peoria, AZ 85383. This location was chosen because of its close proximity to the site and adjacent residents who were notified.

The letter for this meeting is located in on page 9 of this report. The letters were sent and postmarked on August 21, 2012 via the U.S. postal service. There were 89 letters sent based on the mailing list that was provided by the City. Out of the 89 letters, there were approximately 8 letters that were returned by the postal service.

A sign-in sheet was provided at the meeting for attendees to fill out as they arrived and comment cards were given to them as well. Large format boards were provided on easels showing some of the primary characteristics of the site such as a Location Map, the Proposed Land Use Plan, the Existing SAP Land Use Plan and Zoning, Public Facilities and Open Space Plan.

Comments

Ed and Diane Matrose were very interested in the plan and were primarily asking questions about the plan with respect to the land use types and phasing of development areas and roads. They own a lot in the adjacent neighborhood of Blackstone directly to the south of the site. They asked questions about the elimination of the golf course, however, did not seem to have a strong opinion about it. They were encouraged to fill out a comment card, but did not do so.

Mark Weinberg, Senior Vice President with Diamond Ventures who is developing the community of Saddleback Heights, adjacent to the site to the northwest was also in attendance. Mark reviewed the exhibits and did not give comments that would have any substantive changes to the plan. He expressed a desire to work together with the City and the Lake Pleasant Heights applicant to work out regional issues such as water and roadway networks.

Jeremy Johnson, an employee from Sunbelt Holdings, developer of the adjacent community of Vistancia, was also in attendance. Jeremy did not have any substantive comments about the plan and wanted to see how the meeting was going and introduce himself.

Pastor John Ehres was actually the host of the meeting but was in attendance for most of it. He became informed about the project but did not have substantive comments.

Edward Dietrich was in attendance and has a fair amount of knowledge and history regarding the development of the area. He was there as a citizen and not representing any of the applicants. He was sharing some history, but did not have any comments that would affect the current proposal.

Conclusion

Though everything was done with the intent to promote citizen involvement for this first neighborhood meeting, very few people were in attendance. Part of the criteria for the selection of the meeting venue was to find a facility that had ease of access and would support up to approximately 50 to 100 people with a desire that there would be input and involvement by community stakeholders. It was, however, good to get the comments described above and to have the time to discuss the project with those that attended.

Based on the results of this meeting and the input that was received, there are no modifications to the plan at this time that are foreseen by the applicant as a result of public input. Other modifications, however, are anticipated based on ongoing discussions with City staff, input from the school district and for other technical reasons as the plan evolves during this process.

This is the first step in the Citizen Participation Plan as outlined in this document. Additional public input will be sought moving forward with the subsequent steps in amending the Planned Community Development (PCD) plan and document which is underway at this time.

From: Web Master
Sent: Monday, June 18, 2012 5:45 PM
To: Adam Pruett
Cc: Kevin Miller; Beverly Parcels
Subject: 2012 GPA and Specific Plans Comments

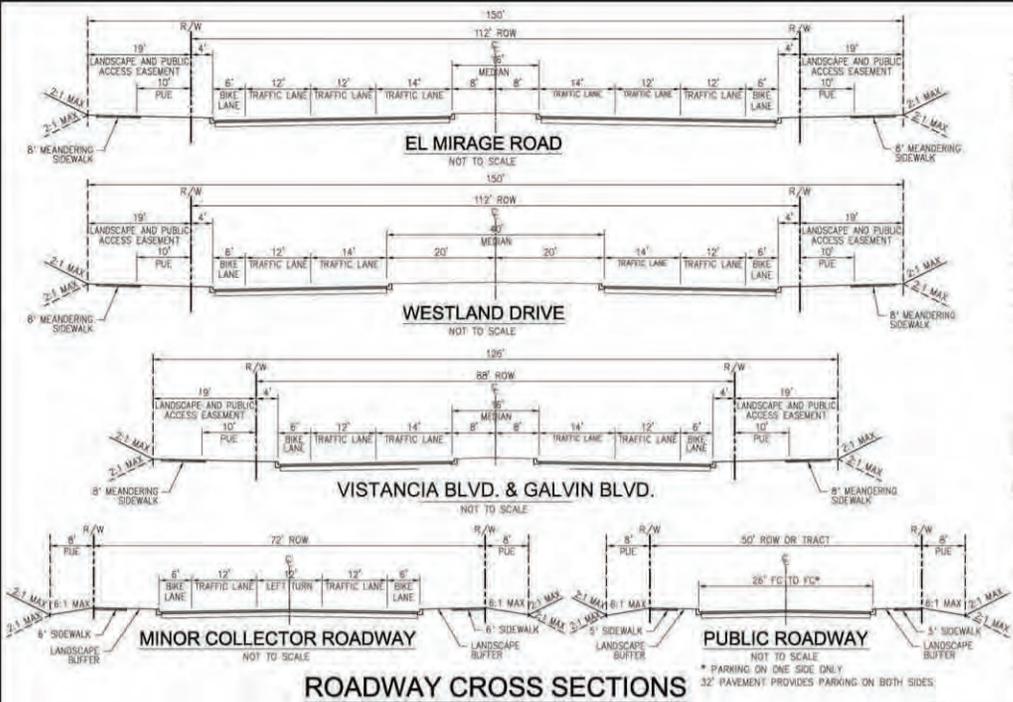
Data from form "2012 Peoria Major General Plan Amendment Cycle" was received on 6/18/2012 5:44:53 PM.

GPA12-0002:

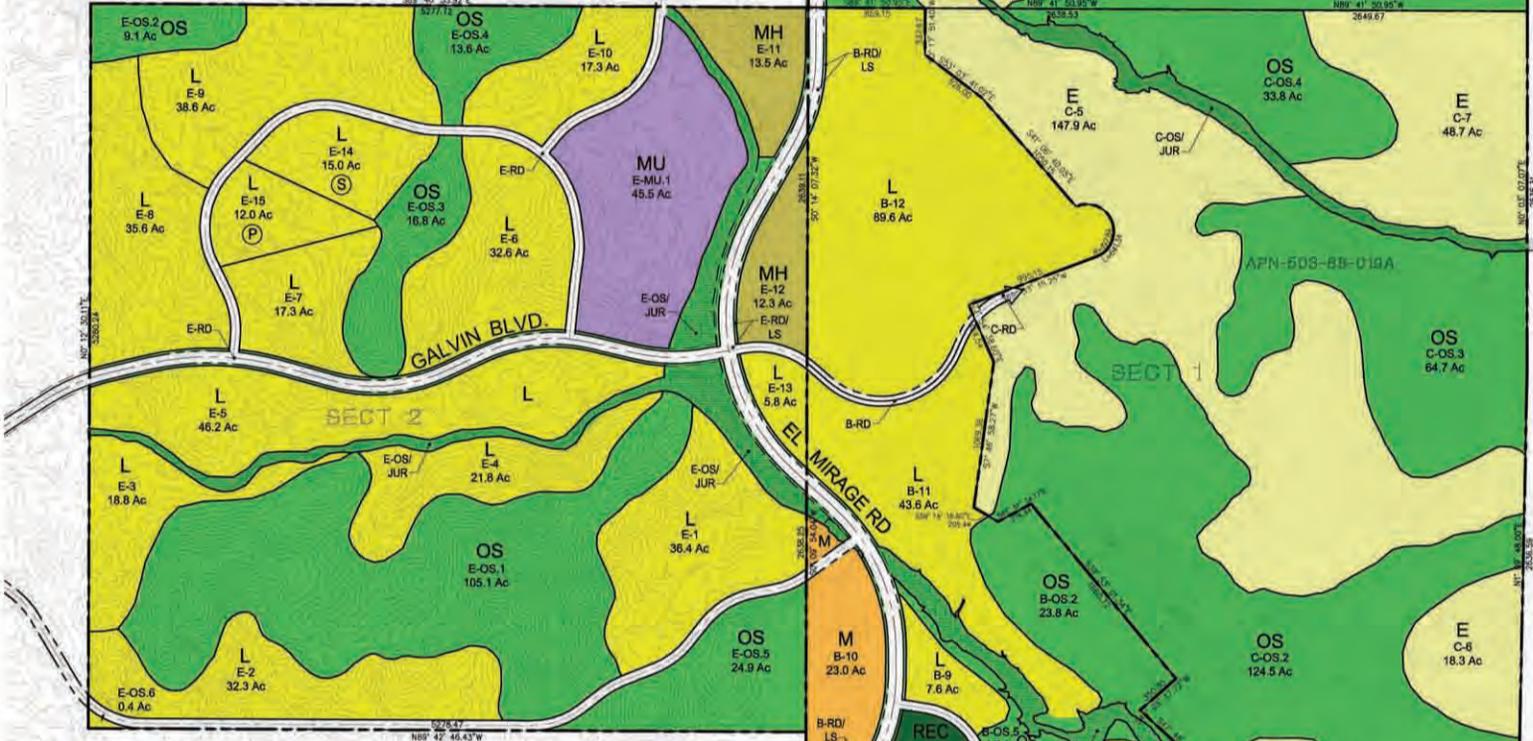
A couple of questions and comments, Has there ever been a plan submitted by any developer that wasnt revised for more density? Houses 6 feet apart when done? 16yrs ago I moved here to get away from the city. Now surrounded again. Whats the date when the resources are overwhelmed by demand? If the planning and zoning dont have an answer they shouldnt plan a picnic. Az native

GPA12-0003:

Email "2012 GPA and Specific Plans Comments" originally sent to Adam.Pruett@peoriaaz.gov from webmaster@peoriaaz.gov on 6/18/2012 5:44:53 PM. The following were also sent a copy: kevin.miller@peoriaaz.gov, beverly.parcels@peoriaaz.gov.



- LEGEND:**
- PROJECT/ OWNERSHIP BOUNDARY
 - PARCEL BOUNDARY
 - PUBLIC R.O.W.
 - STREET CENTER LINE
 - EXISTING WASHES
 - SR-33 ADJACENT PROPERTY ZONING
 - WASH CORRIDOR PRESERVATION
 - ACCESS LOCATION
 - E ESTATE
 - L LOW
 - M MEDIUM
 - MH MEDIUM HIGH
 - H HIGH
 - OS PARK/ OPEN SPACE
 - CC COMMUNITY COMMERCIAL
 - MU MIXED USE
 - PUB PUBLIC/ QUASI PUBLIC
 - REC RECREATION CENTER
 - FS FIRE STATION
 - RD ROAD
 - JUR JURISDICTIONAL WATERS
 - LS LANDSCAPE SETBACK
 - (P) POTENTIAL PARK SITE
 - (S) POTENTIAL SCHOOL SITE



LAKE PLEASANT HEIGHTS LAND USE DENSITY AND INTENSITY TABLE

Parcel Number	Land Use Category	Land Use	Land Use Density Range (DU/AC)	Approx. Gross Area (AC)	Target Density (DU/AC)	Total Target D.U.'s	Ownership
Area A	L	LOW	2.5 - 3.5	44.4	3	133	AP
Area B	E	ESTATE	2.5 - 3.5	19.2	1	19	AP
Area C	M	MEDIUM	2.5 - 3.5	28.4	2	56	AP
Area D	MH	MEDIUM HIGH	2.5 - 3.5	13.6	3	40	AP
Area E	OS	PARK/ OPEN SPACE	2.5 - 3.5	105.1	3	315	AP
Area F	MU	MIXED USE	2.5 - 3.5	45.5	3	136	AP
Area G	PUB	PUBLIC/ QUASI PUBLIC	2.5 - 3.5	15.0	3	45	AP
Area H	REC	RECREATION CENTER	2.5 - 3.5	12.0	3	36	AP
Area I	FS	FIRE STATION	2.5 - 3.5	1.0	3	3	AP
Area J	RD	ROAD	2.5 - 3.5	1.0	3	3	AP
Area K	JUR	JURISDICTIONAL WATERS	2.5 - 3.5	1.0	3	3	AP
Area L	LS	LANDSCAPE SETBACK	2.5 - 3.5	1.0	3	3	AP
Area M	MU	MIXED USE	2.5 - 3.5	31.5	3	94	AP
Area N	MH	MEDIUM HIGH	2.5 - 3.5	25.7	3	77	AP
Area O	M	MEDIUM	2.5 - 3.5	23.0	2	46	AP
Area P	L	LOW	2.5 - 3.5	32.3	3	96	AP
Area Q	OS	PARK/ OPEN SPACE	2.5 - 3.5	105.1	3	315	AP
Area R	OS	PARK/ OPEN SPACE	2.5 - 3.5	105.1	3	315	AP
Area S	OS	PARK/ OPEN SPACE	2.5 - 3.5	105.1	3	315	AP
Area T	OS	PARK/ OPEN SPACE	2.5 - 3.5	105.1	3	315	AP
Area U	OS	PARK/ OPEN SPACE	2.5 - 3.5	105.1	3	315	AP
Area V	OS	PARK/ OPEN SPACE	2.5 - 3.5	105.1	3	315	AP
Area W	OS	PARK/ OPEN SPACE	2.5 - 3.5	105.1	3	315	AP
Area X	OS	PARK/ OPEN SPACE	2.5 - 3.5	105.1	3	315	AP
Area Y	OS	PARK/ OPEN SPACE	2.5 - 3.5	105.1	3	315	AP
Area Z	OS	PARK/ OPEN SPACE	2.5 - 3.5	105.1	3	315	AP
Subtotal Area A				484.8		1392	
Subtotal Area B				911.2		1924	
Subtotal Area C				786.6		811	
Subtotal Area D				1072.8		4307	
Subtotal Area E				1298.8		2284	
Subtotal Area F				1298.8		2284	
Subtotal Area G				1298.8		2284	
Subtotal Area H				1298.8		2284	
Subtotal Area I				1298.8		2284	
Subtotal Area J				1298.8		2284	
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Subtotal Area O				1298.8		2284	
Subtotal Area P				1298.8		2284	
Subtotal Area Q				1298.8		2284	
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Subtotal Area S				1298.8		2284	
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Subtotal Area EG				1298.8		2284	
Subtotal Area EH				1298.8		2284	
Subtotal Area EI				1298.8		2284	
Subtotal Area EJ				1298.8		2284	
Subtotal Area EK				1298.8		2284	
Subtotal Area EL				1298.8		2284	
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Subtotal Area ES				1298.8		2284	
Subtotal Area ET				1298.8		2284	
Subtotal Area EU				1298.8		2284	

I. TRANSPORTATION ELEMENT

A. Introduction

The Transportation Element of the Lake Pleasant Heights Specific Area Plan establishes the basic planned circulation pattern within the planning area and includes the integration of vehicular and non-vehicular transportation modes. The transportation network is shown graphically on Figure 5, Transportation Plan. The proposed transportation network should provide for the efficient movement of traffic within and through the planning area and should adequately accommodate the projected traffic volumes resulting from the planned land use program. This portion of the Plan describes the location, type, and size of the arterial streets within the planning area and establishes the standards for the use of private streets within the planning area. The Transportation Element also establishes the conceptual locations and widths of paved and non-paved, multi-purpose trails within the planning area. Actual design and construction of all streets and trails will be as specified by the City of Peoria during the site planning / plat review process.

B. Vehicular Circulation

Vehicular circulation within the planning area will be accommodated by a network of public and private roadway facilities designed to accommodate the projected traffic volumes generated from on-site and off-site traffic projections. The proposed system of arterial streets will be designed to accommodate the projected traffic volume with the intent of being responsive to the General Plan Transportation Element and proposed land uses within proximity to the Lake Pleasant Heights property. A system of collector and local streets will provide vehicular movement and direct access within the planning area.

C. *Major Arterial Streets*

El Mirage Road is planned as the primary transportation corridor within the planning area. This roadway corridor is planned as a Major Arterial Street on the Circulation Plan of the City of Peoria and accommodated as such by the Specific Area Plan. El Mirage Road will provide three travel lanes in each direction with sufficient right of way width to meet current city roadway standards, or as modified based on the Traffic Impact Analysis and recommendation by the Project Traffic Engineer to mitigate traffic impact analysis or topographic conditions. The design intent of El Mirage Road is to provide flexibility in the road alignment and right of way configuration allowing the road to adapt and be responsive to topographical and traffic circulation conditions. This planned arterial roadway will be a major north-south transportation corridor within north Peoria promoting regional access to the Lake Pleasant Recreational Area. The proposed alignment will connect with State Route 74 to the north and extend through the proposed Vistancia Planned Community District project south of the planning area. El Mirage Road will serve both regional and sub-regional traffic. The final road alignment will be determined by the City Engineer based on additional studies completed during the Preliminary Plat process.

The existing Circulation Plan contained within the General Plan identifies the presence of a planned Arterial Street, Vistancia Boulevard, connecting into the planning area from the south, through the Vistancia Planned Community approximately a quarter mile south of the Carefree Highway alignment. Also, the existing Circulation Plan identifies the presence of a second planned Arterial Street, connecting into the planning area from the north, through the Saddleback Heights Planned Community at the Carefree Hwy. alignment. After coordination efforts and consensus with City staff and adjacent land owners, this Specific Area Plan indicates the arterial connection at Vistancia Blvd., a potential collector connection near the Carefree Highway alignment, an arterial connection through the middle of State land in Section 2 being referred to as Galvin Blvd. and a collector connection at Saddleback Peak Blvd. just north of Section 2.

Parcel Number	Land Use Category	Land Use	Land Use Density Range (DU/AC)	Approx. Gross Area (AC)	Target Density (DU/AC)	Total Target D.U.'s	Ownership
Area A							
A-1	L	LOW	2-5	4.4	3	13	IP
A-2	L	LOW	2-5	11.9	3	38	IP
A-3	L	LOW	2-5	16.6	3	50	IP
A-4	M	MEDIUM	5-8	9.9	6	59	IP
A-5	M	MEDIUM	5-8	5.1	6	31	IP
A-6	MH	MED HIGH	8-15	21.6	12	259	IP
A-7	M	MEDIUM	5-8	23.9	6	143	IP
A-8	L	LOW	2-5	3.7	3	11	IP
A-9	L	LOW	2-5	65.1	3	195	IP
A-10	L	LOW	2-5	48.4	3	145	IP
A-11	L	LOW	2-5	15.1	3	45	IP
A-12	L	LOW	2-5	24.9	3	75	IP
A-13	L	LOW	2-5	4.2	3	13	IP
A-14	MH	MED HIGH	8-15	6.0	12	72	IP
A-15	MH	MED HIGH	8-15	11.1	12	133	IP
A-16	MH	MED HIGH	8-15	10.4	12	125	IP
A-18	MH	MED HIGH	8-15	10.4	12	125	IP
A-19	MH	MED HIGH	8-15	7.8	12	94	IP
A-MU.1	MU	MIXED USE		25.5		135	
A-MU.2	MU	MIXED USE		10.7		193	
A-PUB.1	PUB	ELEMENTARY SCHOOL		15.0			IP
A-RD		RD R.O.W.		33.4			IP
A-LS		RD LS		9.1			IP
A-REC.1	REC	PARK		12.0			IP
A-OS.1	OS	OPEN SPACE		20.7			IP
A-OS.2	OS	OPEN SPACE		1.7			IP
A-OS.3	OS	OPEN SPACE		1.5			IP
A-OS.4	OS	OPEN SPACE		26.5			IP
A-OS.5	OS	OPEN SPACE		4.0			IP
A-OS/JUR	OS	JURISDICTIONAL FLOW LINE		24.2			IP
Subtotal Area A				484.8		1952	
Area B							
B-1	E	ESTATE	0-2	18.2	1	18	IP
B-2	L	LOW	2-5	63.9	3	192	IP
B-3	L	LOW	2-5	34.4	3	103	IP
B-4	L	LOW	2-5	52.0	3	156	IP
B-5	L	LOW	2-5	14.0	3	42	IP
B-6	MH	MED HIGH	8-15	25.9	12	311	IP
B-7	L	LOW	2-5	33.2	3	100	IP
B-8	L	LOW	2-5	15.3	3	46	IP
B-9	L	LOW	2-5	7.6	3	23	IP
B-10	M	MEDIUM	5-8	23.0	6	138	IP
B-11	L	LOW	2-5	56.1	3	168	IP
B-12	L	LOW	2-5	75.7	3	227	IP
B-REC.1	REC	PARK		8.0			IP
B-RD		RD R.O.W.		28.6			IP
B-LS		RD LS		7.0			IP
B-OS.1	OS	OPEN SPACE		49.2			IP
B-OS.2	OS	OPEN SPACE		23.8			IP
B-OS.3	OS	OPEN SPACE		14.6			IP
B-OS.4	OS	OPEN SPACE		15.4			IP
B-OS.5	OS	OPEN SPACE		4.7			IP
B-OS/JUR	OS	JURISDICTIONAL FLOW LINE		30.6			IP
Subtotal Area B				601.2		1524	
Area C							
C-1	E	ESTATE	0-2	27.7	1	28	G3
C-2	E	ESTATE	0-2	89.9	1	90	G3
C-3	M	MEDIUM	5-8	26.4	6	158	G3
C-4	E	ESTATE	0-2	23.5	1	24	G3
C-5	E	ESTATE	0-2	147.9	1	148	G3
C-6	E	ESTATE	0-2	18.3	1	18	G3
C-7	E	ESTATE	0-2	48.7	1	49	G3
A-17	L	LOW	2-5	3.9	3	12	G3
C-MU.1	MU	MIXED USE		31.5		304	G3
C-PUB.1	FS	FIRE STATION		1.4			G3
C-RD		ROW		9.8			G3
A-RD		RD R.O.W.		1.1			G3
C-LS		RD LS		1.0			G3
C-OS.1	OS	OPEN SPACE		118.7			G3
C-OS.2	OS	OPEN SPACE		124.5			G3
C-OS.3	OS	OPEN SPACE		64.7			G3
C-OS.4	OS	OPEN SPACE		33.8			G3
C-OS/JUR	OS	JURISDICTIONAL FLOW LINE		13.2			G3
Subtotal Area C				786.0		831	
Private Land Subtotal Areas A, B, C				1872.0		4307	

Private Land Projections		
Gross Land Area	1,872	AC
Target Project Density	2.30	DU/AC
Projected Population	12,060	People
Projected Households	4,307	Households
Projected Elementary School Children	995	Children
Projected High School Children	468	Children
Commercial/Mixed Use Land Area	67.7	AC
Projected Elementary Schools	1.0	School
Projected High School Demand	0.3	Schools

Improved Neighborhood Parks Demand	21	AC
Improved Community Parks Demand	18	AC
Open Space Demand	121	AC
Total Proposed Private Open Space	609	AC

Area D							
D-1	E	ESTATE	0-2	18.1	1	18	AZ
D-2	E	ESTATE	0-2	32.8	1	33	AZ
D-3	L	LOW	2-5	16.6	3	50	AZ
D-4	L	LOW	2-5	23.0	3	69	AZ
D-5	E	ESTATE	0-2	11.8	1	12	AZ
D-RD		RD R.O.W.		14.9			AZ
D-LS		RD LS		4.8			AZ
D-OS.1	OS	OPEN SPACE		14.6			AZ
D-OS.2	OS	OPEN SPACE		373.7			AZ
D-OS.3	OS	OPEN SPACE		6.8			AZ
D-OS.4	OS	OPEN SPACE		27.1			AZ
D-OS.5	OS	OPEN SPACE		68.5			AZ
D-OS/JUR	OS	JURISDICTIONAL FLOW LINE		26.5			AZ
Subtotal Area D				639.2		182	
Area E							
E-1	L	LOW	2-5	36.4	3	109	AZ
E-2	L	LOW	2-5	32.3	3	97	AZ
E-3	L	LOW	2-5	18.8	3	56	AZ
E-4	L	LOW	2-5	21.8	3	65	AZ
E-5	L	LOW	2-5	48.2	3	139	AZ
E-6	L	LOW	2-5	32.6	3	98	AZ
E-7	L	LOW	2-5	17.3	3	52	AZ
E-8	L	LOW	2-5	35.6	3	107	AZ
E-9	L	LOW	2-5	38.6	3	116	AZ
E-10	L	LOW	2-5	17.3	3	52	AZ
E-11	MH	MED HIGH	8-15	13.5	12	162	AZ
E-12	MH	MED HIGH	8-15	12.3	12	148	AZ
E-13	L	LOW	2-5	5.8	3	17	AZ
E-14	L-S	LOW-SCHOOL	2-5	15.0	3	45	AZ
E-15	L-P	LOW-PARK	2-5	12.0	3	36	AZ
E-RD		RD R.O.W.		39.4			AZ
E-LS		RD LS		7.1			AZ
E-MU.1	MU	MIXED USE		45.5		370	AZ
E-OS.1	OS	OPEN SPACE		105.1			AZ
E-OS.2	OS	OPEN SPACE		9.1			AZ
E-OS.3	OS	OPEN SPACE		16.8			AZ
E-OS4	OS	OPEN SPACE		13.6			AZ
E-OS5	OS	OPEN SPACE		24.9			AZ
E-OS/JUR	OS	JURISDICTIONAL FLOW LINE		20.4			AZ
Subtotal Area E				637.4		1669	
Area F							
F-1	M	MEDIUM	5-8	23.6	6	142	AZ
F-2	M	MEDIUM	5-8	5.5	6	33	AZ
F-3	L	LOW	2-5	46.2	3	139	AZ
F-4	L	LOW	2-5	29.5	3	89	AZ
F-RD		RD R.O.W.		5.1			AZ
F-LS		RD LS		1.8			AZ
F-OS.1	OS	OPEN SPACE		1.0			AZ
F-OS.2	OS	OPEN SPACE		0.5			AZ
F-OS.3	OS	OPEN SPACE		1.3			AZ
F-OS/JUR	OS	JURISDICTIONAL FLOW LINE		4.9			AZ
Subtotal Area F				119.4		403	
State Land Subtotal Areas D, E, F				1396.0		2254	

State Land Projections		
Gross Land Area	1,396	AC
Target Project Density	1.61	DUI/AC
Projected Population	6,311	People
Projected Households	2,254	Households
Projected Elementary School Children	620	Children
Projected High School Children	279	Children
Commercial Land Area		
Projected Elementary Schools	0.7	School
Projected High School Demand	0.2	Schools
Improved Neighborhood Parks Demand	11.0	AC
Improved Community Parks Demand	9	AC
Open Space Demand	63	AC
Total Proposed State Open Space	741	AC

Project Total Areas A,B,C, D, E, F	3268.0	6561
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Project Projections (Combined Lands)		
Gross Land Area	3,268	AC
Target Project Density	2.01	DUI/AC
Projected Population	18,371	People
Projected Households	6,561	Households
Projected Elementary School Children	1,615	Children
Projected High School Children	747	Children
Commercial/Mixed Use Land Area		
Projected Elementary Schools	1.7	School
Projected High School Demand	0.4	Schools
Improved Neighborhood Parks Demand	32	AC
Improved Community Parks Demand	28	AC
Open Space Demand	184	AC
Total Proposed Open Space	1,349	AC

DIAMOND VENTURES

November 1, 2012

Chris M. Jacques, AICP
Planning Director
Planning & Community Development Dept.
City of Peoria
9875 N. 85th Avenue
Peoria, AZ 85345

Re: Lake Pleasant Heights Specific Area Plan

Dear Chris,

On behalf of the Saddleback Heights property, I am writing this letter to support the Option C3 version of the Lake Pleasant Heights Specific Area Plan Amendment. The C3 version incorporates the transportation and circulation corridors that are envisioned for Saddleback Heights and the surrounding area and is far superior than the previous plan for Section 2.

Although this revision may cause a slight delay in the review and approval process for Lake Pleasant Heights, such delay is the direct result of the LPH group's willingness to work cooperatively with the neighboring Saddleback and Vistancia properties, the City and the State Land Department to produce the best regional transportation solution of the area.

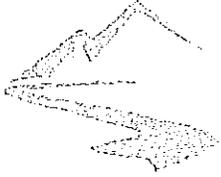
We appreciate you and your staff taking the lead to find a solution and encouraging the parties to work together on this important regional issue.

Please feel free to contact me if you have any questions or require additional information.

Sincerely,



Mark Weinberg
Senior Vice President
Diamond Ventures, Inc.



October 31, 2012

Chris M. Jacques, AICP
Planning Director
Planning & Community Development Dept.
City of Peoria
9875 N. 85th Avenue
Peoria, AZ 85345

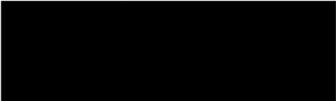
Re: Lake Pleasant Heights Specific Area Plan

Dear Chris,

Vistancia has reviewed the arterial roadway alignment exhibit identified as Saddleback Heights Carefree/ Bullard Circulation Option C3. We appreciate all of the hard work in carefully evaluating this roadway connection. We believe this is the best option and recommend that you approve with the above referenced SAP.

Please let me know if you have any questions.

Sincerely,



Mark Hammons
Vice President / General Manager
Vistancia Land Holdings LLC

RESOLUTION NO. 2012-138

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA APPROVING A MAJOR SPECIFIC AREA PLAN AMENDMENT FOR THE LAKE PLEASANT HEIGHTS MASTER PLANNED COMMUNITY (FORMERLY GPA 01-04A.1) LOCATED SOUTH OF SR 74 GENERALLY BETWEEN 115TH AVENUE AND 139TH AVENUE WITHIN THE CITY OF PEORIA, ARIZONA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Arizona Revised Statutes provides authority for cities to adopt Specific Plans; and

WHEREAS, the City of Peoria is required to follow the procedures of A.R.S. 9-461.09 in adopting a Specific Plan; and

WHEREAS, the Peoria Planning and Zoning Commission, after due and proper notice as required by law, held public hearings regarding Specific Area Plan number GPA 12-0003 on October 18, 2012 and November 15, 2012; and

WHEREAS, after such public hearing and consideration of GPA 12-0003, the Peoria Planning and Zoning Commission recommended adoption of GPA 12-0003 on November 15, 2012, a copy of which recommendation is on file with the City Clerk of the City of Peoria, Arizona, and which said case number GPA 12-0003 was transmitted to the Mayor and Council of the City of Peoria prior to the meeting of December 4, 2012; and

WHEREAS, after notice in the manner and form provided by law, a public hearing regarding case number GPA 12-0003 was held by the City Council on December 4, 2012 as required by A.R.S. 9-461.09; and

WHEREAS, after due and proper consideration of such GPA 12-0003, the Mayor and Council of the City of Peoria, Arizona have found that GPA 12-0003 will properly aid in the orderly growth and development of the City of Peoria, Arizona.

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

SECTION 1. Amendments to the General Plan

1. The City Council of the City of Peoria, Arizona, does hereby accept and adopt the Specific Area Plan amended under number GPA 12-0003, approving a plan for the Lake Pleasant Heights Master Planned Development, as shown in Exhibit A.

SECTION 2. Separability.

In the event any part, portion or paragraph of this Resolution is found to be invalid by any court of competent jurisdiction, the invalidity of such part, portion, or paragraph shall not effect any other valid part, portion, or paragraph of this Resolution and effectiveness thereof.

SECTION 3. This Resolution shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 4th day of December, 2012.

Bob Barrett, Mayor

Date Signed _____

ATTEST:

Rhonda Geriminsky, Interim City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT A
LAKE PLEASANT HEIGHTS
SPECIFIC AREA PLAN
GPA 12-0003

Lake Pleasant Heights Specific Area Plan

Proposed Major Amendment

2nd Submittal
November 13, 2012

Prepared by:

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I. INTRODUCTION

The Lake Pleasant Heights Specific Area Plan is a master development plan for a mixed-use project on approximately 3,268 acres of land located in north-central Peoria. The intent of the Specific Area Plan is to refine the land uses outlined in the City of Peoria General Plan within the planning area and to provide additional detailed planning intended to set land use, transportation and public facility expectations for the specific area. The Lake Pleasant Heights Specific Area Plan will provide an enhanced level of land use, transportation and public facilities planning within the planning area in an effort to encourage the development of an efficient, contextually appropriate, and balanced land use program for the planning area

The Lake Pleasant Heights Specific Area Plan proposes a land use distribution containing a mixture of estate, low, medium, medium high, and mixed use residential land uses as dictated by the sites topography, sub-regional commercial nodes, appropriate supportive public facility land uses such as elementary schools and neighborhood parks in addition to natural area open space. The specific plan proposes land uses that capitalize on the areas proximity to the planned El Mirage Roadway and its planned connection to State Route 74 to the north; the areas proximity to the Central Arizona Project (CAP) canal; the areas scenic location; abundant natural desert features of the land and the opportunities to encourage the development of a master planned community in this fast growing area of Peoria. The Lake Pleasant Heights Specific Area Plan seeks to lay the foundation for the development of a high-quality desert sensitive master planned community that integrates with the surrounding environment and adjacent planned development.

Section 9-461.08 of the Arizona Revised Statutes establishes the authority under which Specific Plans may be prepared within an incorporated city or town. Section 9-461.08 establishes that Specific Plans may be prepared in support of the General Plan and recommended by the planning body to assist in the systematic implementation of General Plan. It is the intent of this Specific Plan to assist in the implementation of the City of Peoria General Plan by providing an enhanced level of land use planning for the subject area and to provide a refined level of analysis in the areas of transportation and public facilities planning.

The plan area contains approximately 3,268 gross acres of land and is located approximately three-quarters of a mile south of State Route 74 in north Peoria. The general boundaries of the planning area are the Joy Ranch Road alignment on the north, the 115th Avenue Road alignment on the east, the Lone Mountain Road alignment on the south and the 123rd and 131st Road alignments on the east. The Central Arizona Project (CAP) canal bisects the southern portion of the site. In addition to providing an enhanced level of planning for the private property located within the planning area, the Plan contains land use planning guidance for three parcels of land held by the general public as State Trust Lands. The plan area is located entirely within the jurisdiction of the City of Peoria.

As indicated above, the primary purpose of the Lake Pleasant Heights Specific Area Plan is to refine and lend definition to the land use planning for the area contained within the General Plan.

The goal of this planning effort is to recommend a land use plan that will provide adequate opportunities for a diversity of housing types, supportive commercial uses and economic development opportunities, while maintaining sensitivity to the natural environment and capitalizing on the existing natural features at the site. It is envisioned that this Specific Area Plan will be the basis for future rezoning and development of the site. This Plan is divided into seven major sections:

- **Section I - Introduction:** Provides an overview of the proposed plan and outlines the purpose and authority under which it has been prepared;
- **Section II - Site Analysis:** Provides background and support information for the land within the plan area;
- **Section III - Relationship to Existing City Plans:** Provides an outline of the relationship of this plan to existing City of Peoria plans such as the General Plan, the Desert Lands Conservation Master Plan, and the Parks, Recreation, Open Space and Trails Master Plan;
- **Section IV- Land Use Element:** Provides and sets forth the proposed land use plan, the proposed land use classifications, densities and intensity of use and outlines a conceptual phasing plan for the property;
- **Section V - Transportation Element:** Provides the proposed circulation pattern for the site and discusses vehicular and non-vehicular access within and through the site;
- **Section VI - Public Facilities Element:** Provides the general strategies for the provision of the public facilities necessary to respond to the projected demands of the community based on build-out of the Plan. The Public Facilities Element discusses the provision of such items as water and wastewater service, drainage, schools, fire, police, parks and open space.
- **Section VII - Future Entitlements:** This section of the document discusses future actions on the site necessary to implement the provisions of this Specific Area Plan.

II. SITE ANALYSIS

A. Site Characteristics

The Lake Pleasant Heights property is located within the north central portion of the City of Peoria. The entire planning area is located within the corporate boundary of the City and has been included within the City of Peoria General Plan. The planning area is currently undeveloped and is surrounded by additional undeveloped desert lands. The property is located approximately $\frac{3}{4}$ of a mile south of State Route 74 and contains no existing developed roadway facilities or developed structures. The location is shown graphically on Figure 1, Regional Vicinity Map.

Lake Pleasant and the Lake Pleasant Regional Park are located approximately 1- $\frac{1}{2}$ miles north of the property. The property enjoys substantial views to the south and west. The landforms and vegetation found within the plan area are typical of those found in the upper Sonoran landform. The property contains significant stands of Saguaro cactus, various species of Cholla cactus as well as isolated groupings of mesquite and ironwood trees clustered along the wash corridors. Animal species common to the site include those animals common to the Sonoran and upper Sonoran desert environments and include such mammals as the coyote and jackrabbit, birds (species such as dove and quail), and various reptile species including the rattlesnake. Due to the limited amount of rainfall and the dispersed vegetative pattern on the site, animal densities tend to be low and isolated with few large mammals frequenting the site.

B. Existing Land Use and Zoning

The area contained within this Plan is composed of generally undisturbed desert lands. Historical uses of the property have included limited cattle grazing and limited mineral exploration activities. Today, the site is vacant, undeveloped desert with no developed structures or features on the site. Numerous un-organized dirt roads exist on and through the property. The only major developed feature is the CAP canal located in the southern portion of the site. The existing land use and zoning is shown graphically on Figure 2, Existing General Plan / Specific Area Plan / Land Use and Zoning.

The site is currently zoned Z03-05 Lake Pleasant Heights PCD.

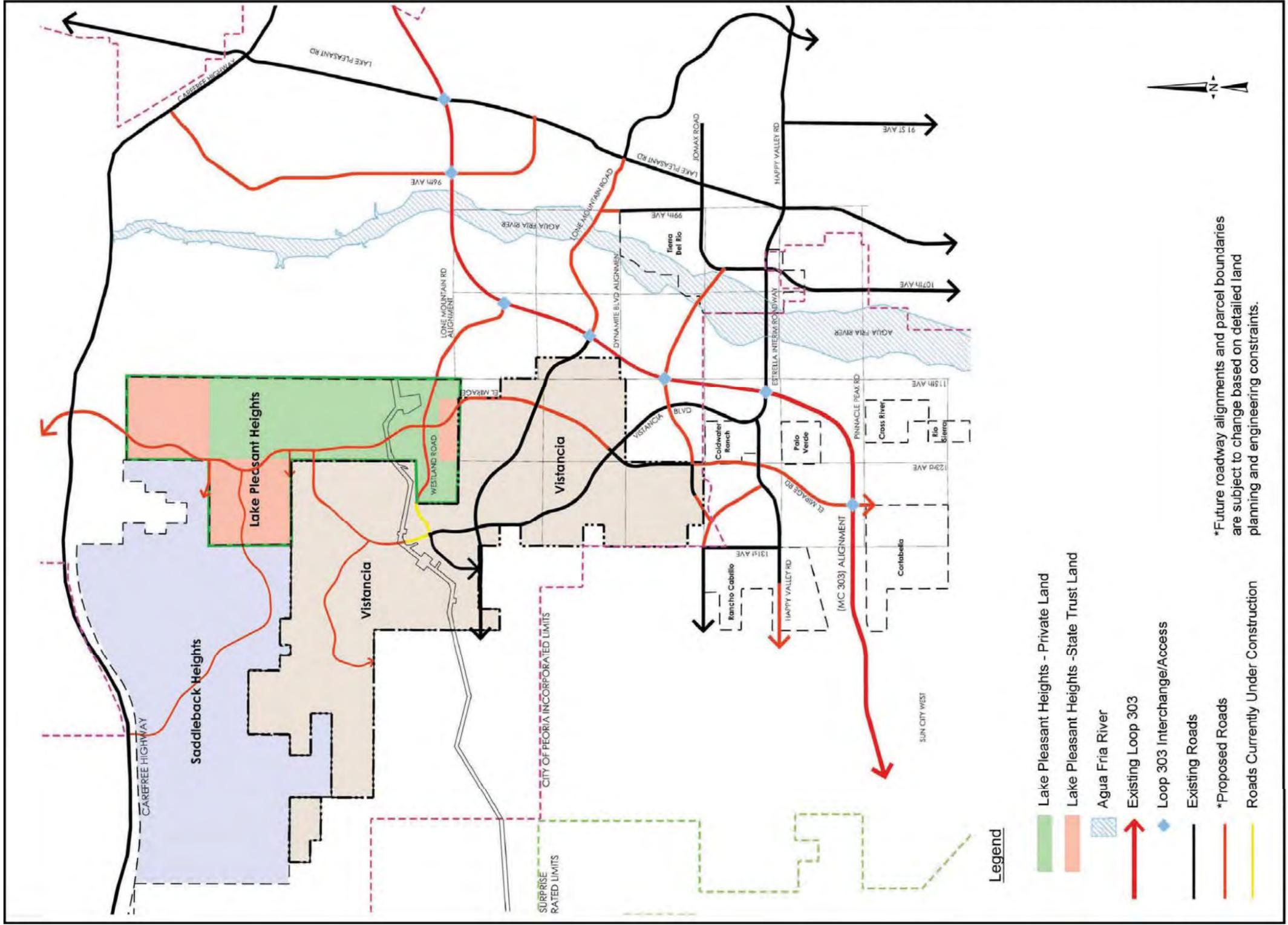
C. Site Topography and Slope

The Lake Pleasant Heights planning area contains some of the most beautiful and significant natural features within the City of Peoria. The topography of the planning area can be characterized as upper Sonoran desert containing numerous valley areas of low slope and low to moderate vegetation densities with defined ridges and landforms containing areas of moderate to high slope with moderate vegetation densities. The site contains numerous rock outcroppings and landform features and numerous wash corridors supporting moderate stands of desert riparian vegetation species. The site contains portions of the southern end of the Hieroglyphic Mountains, the Caterpillar Tank and the natural wetlands area known as Big Springs. Significant peaks within the area include Saddleback Mountain located northwest of the site and Twin Buttes located west of the site. The site does not contain any major mountain peaks but is characterized by multiple ridges within the eastern and northern portions of the site.

Figure 1 - Regional Vicinity Map

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**LAKE PLEASANT HEIGHTS
SPECIFIC AREA PLAN**

PEORIA, ARIZONA

**FIGURE 1
REGIONAL VICINITY MAP**



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Figure 2 - Existing General Plan/Specific Area Plan/Land Use and Zoning

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**LAKE PLEASANT HEIGHTS
SPECIFIC AREA PLAN**

PEORIA, ARIZONA

FIGURE 2
**EXISTING GENERAL PLAN, SPECIFIC
AREA PLAN AND LAND USE & ZONING**



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The topography of the site generally slopes from north to south and is characterized by a series of ridgelines and valleys. The site ranges in elevation from approximately 1,500 feet above sea level in the south to points of elevation approaching 2,150 feet in the northeast portion of the site. The site is dominated by a large ridgeline extension of the Hieroglyphic Mountains running in a north-south direction along the eastern edge of the property. To the east of the ridge, the Agua Fria River runs to the south from its point of outfall from Lake Pleasant to the north. The slope of the site varies from large valley floor areas of 0-10 percent slope to areas along ridgelines with slopes exceeding 40 percent. The southern portion of the site generally contains slope of less than 10 percent with higher slope areas dominating the northern and eastern portion of the site.

D. Site Development Opportunities and Constraints

The Lake Pleasant Heights Specific Area Plan provides for a refined level of land use and transportation planning for an area approximately 3,268-acres in size. The current Specific Area Plan is shown graphically on Figure 2, Existing General Plan / Specific Area Plan / Land Use and Zoning. The planning area is located south of State Route 74 roughly between the El Mirage Road and 115th Avenue road alignments. Contextually, Lake Pleasant Heights is surrounded by proposed master planned developments and the site offers an opportunity to continue the planned development pattern established by the adjacent Vistancia and Saddleback Heights projects. In addition to continuing the opportunities associated with the preparation and approval of detailed planning for the site and the regional area, this Plan will help to assure the integration of future development on the property with those properties adjacent to this planning area.

The planning area encompassed within this Specific Area Plan contains an abundance of natural and locational attributes that provide significant opportunities for the successful development of the property. Locational attributes of the planning area include the proximity of the site to the planned El Mirage Road alignment, the incredible scenery, and views of nearby landforms such as Saddleback Mountain and the Twin Buttes as well as the proximity of the planning area to Lake Pleasant and the Lake Pleasant Recreation Area. The combination of the existing attributes of the site and the thoughtful planning of land uses within the planning area will combine to offer recreational opportunities and quality of life elements for future community residents within the Lake Pleasant Heights Specific Area Plan.

The adoption of Specific Area Plans and Planned Community District zoning for sites such as the Lake Pleasant Heights Plan area offers opportunities to preserve natural site features and provides the opportunity for the establishment of public recreational opportunities and access into areas that may currently be private holdings. The Lake Pleasant Heights Specific Area Plan seeks to advance this opportunity through the establishment of land uses which complement the natural desert environment and through the establishment of policies and guidelines designed to encourage the preservation of drainage corridors, jurisdictional washes, areas of significant slope and various other open space areas. In contrast, to areas not contained within Specific Area Plans or master planned developments, scattered and unplanned development often ignores these physical opportunities thereby limiting the opportunities for public use and enjoyment of the natural landscape and potentially leading to the unmanaged deterioration of natural drainage corridors and other sensitive lands. Through the implementation of focused goals and objectives designed to provide direction for the long term organized management of public, semi-public and private lands, the public can be provided the benefit of enhanced open space, increased public recreational opportunities and reduced impacts to the natural environment. Additional opportunities presented by a planned approach to the development of the Lake Pleasant Heights planning area include the increased opportunity to achieve a balance between land use, transportation and public facilities, the opportunity to respond to land use ratio and standards provided by the Peoria General Plan and the opportunity to respond to design and development guidelines established as part of the Desert Lands Conservation Plan and the City of Peoria Parks, Recreation, Open Space and Trails Master Plan.

In addition to enhancing opportunities for the sensitive and appropriate development of the site, the adoption and implementation of a Specific Area Plan for the Lake Pleasant Heights area, increases the opportunities for the planning and development of a logical, cost-effective system of infrastructure based upon a regional approach. Within areas that have been planned as an integrated system through the combined use of master planning, specific area planning, and zoning, infrastructure can be extended and phased in a manner that recognizes economy of scale for the initial installation and ongoing maintenance of the public utility system. The system designer can take advantage of design opportunities to minimize the length of subterranean systems, therefore lessening the public burden for long-term maintenance. At the surface, the extension of the public street system can occur in a planned and logical manner while avoiding development around a system of unpaved streets, which contribute to air quality issues while supporting State and Federal Air Quality goals. To permit unplanned development across the entire planning area, as characterized by the current zoning, would be less advisable, less desirable and may have the potential to increase the cost of maintaining the public infrastructure system.

Possibly the biggest constraint to the development within the Lake Pleasant Heights planning area will be the physical extension and phasing of the public infrastructure system. Due to the isolated nature of the site, roadways and water and wastewater facilities will need to be extended into the area. To address these issues, the Applicant has proposed comprehensive plans for the startup, growth, and long term provision of these services as outlined in greater detail within this plan.

E. Development Trends

Recent development trends within the northern areas of the City of Peoria and the areas surrounding the planning area have been focused on the preparation and adoption of master planned communities and planned community districts with a mixture of residential densities, commercial land use intensities, employment nodes and community facilities. The adoption of this Specific Area Plan Amendment will continue the trend toward the development of balanced master planned communities. There are two master planned communities located adjacent to or in close proximity to the Lake Pleasant Heights planning area. These include the planned Vistancia (previously referred to as Vistancia South and Vistancia North) and Saddleback Heights projects. The re-adoption of this Specific Plan will help to assure that all of the remaining private and semi-public lands within the north-central portion of the City of Peoria will be planned, balanced communities that recognize the planning efforts that are taking place on the adjacent properties.

Other major developments within the City of Peoria have recognized the opportunities presented through the Specific Area Planning process or the planned community zoning process to assure that future development of the specific site is done in such a manner as to benefit the citizens of Peoria. These include the Westwing Mountain and Sonoran Mountain Ranch planned communities, as well as the Camino a Lago Specific Plan area.

In addition to the recent trend toward the planning and development of master planned communities in north Peoria, additional development activities continue to encourage the development in north Peoria. Recent development activities in the area include the following:

- Completion of the Loop 101 high-occupancy vehicle (HOV) lanes;
- Completion of Happy Valley Road from Terramar Blvd. to Lake Pleasant Pkwy.
- Construction of the Lake Pleasant Parkway;
- Construction of the Loop 303 from Grand Avenue to I-17;
- Connection of Lone Mountain Road to the Loop 303; and
- Expansion of the Lake Pleasant Regional Park Boundaries.

These projects have provided new employment and outdoor recreation opportunities in the North Valley and additional pressure in the Lake Pleasant Heights area for a wide variety of housing opportunities and accompanying commercial and recreational activities.

III. RELATIONSHIP TO EXISTING CITY PLANS

A. General Plan

The City of Peoria updated the City's General Plan to conform to the requirements of the Growing Smarter and Growing Smarter Plus legislation adopted by the Arizona State Legislature in 1999. As one of the first municipalities to re-adopt their General Plan, the City of Peoria General Plan has set an example for other municipalities within the State of Arizona related to the re-adoption of a municipal General Plan. The General Plan was formally adopted by the Peoria City Council in January of 2001 and was approved by the City of Peoria voters in May of 2001. The General Plan has subsequently been amended several times as provided for in the Arizona State Statutes. The current General Plan is shown graphically on Figure 2, Existing General Plan / Specific Area Plan / Land Use and Zoning.

The City of Peoria General Plan contains numerous Goals, Objectives, and Policies that establish the publicly expressed policy directions of the City related to growth and development. These Goals, Objectives, and Policies were prepared following an extensive public involvement effort and provide a foundation upon which future planning efforts should be based and future land use decision should be measured. The Lake Pleasant Heights Specific Area Plan has utilized these expressions of public policy in the development of the land use, transportation, and public facility recommendations. This Plan seeks to assist in the implementation of a number of the Goals, Objectives, and Policies outlines in the General Plan and seeks to advance those goals, objectives, and policies through the recommendation of a detailed land use program designed to implement the city's policies. Adoption of the Lake Pleasant Heights Specific Area Plan will serve as the first step in the implementation of these goals, objectives, and policies.

City of Peoria General Plan Land Use Element Goals, Objectives and Policies

Objective 1.A:

Manage and control development to facilitate orderly growth and an efficient urban form.

Policy 1.A.3:

The City shall encourage development to occur as master planned communities with an appropriate mix of land use types in areas where infrastructure is or will be adequate.

Comment: Through the adoption of detailed planning efforts such as the Lake Pleasant Heights Specific Area Plan, the City encourages responsible, orderly, and efficient growth predicated on the ideas expressed within the General Plan. Clustering of development within nodes will also provide a more efficient urban form and provide additional open space.

Objective 1.F

Promote sustainable developments that elevate community identity and convenience, reduce vehicular trips, minimize infrastructure needs, improve air quality and provide a diversity of uses.

Comment: The Lake Pleasant Heights Specific Area Plan Amendment provides for a more sustainable development by clustering complementary land uses in nodes to promote pedestrian-friendly communities.

Objective 1.M

Provide a diversity of housing types to meet the need of persons of all income levels and ages.

Policy 1.M.1:

The City shall zone an adequate supply and mix of developable residential land to accommodate future housing needs.

***Comment:** Through the adoption of detailed planning efforts such as the Lake Pleasant Heights Specific Area Plan, the City of Peoria can tailor growth and manage the use of land to ensure an adequate mix and supply of housing types. The Land Use Plan contained within this Specific Area Plan provides for a range of housing types and products that are responsive to the environment and that facilitate diversity within the community and the project.*

Objective 1.N:

Support healthy residential environments that provide for safe and convenient access, open space and recreational opportunities, access to public schools and services and protection from incompatible land uses.

Policy 1.N.1:

Require adequate buffering to protect residential neighborhoods from intrusion by incompatible land uses.

***Comment:** The Lake Pleasant Heights Specific Area Plan Amendment is a master planned development that provides a mixture of complementary land uses.*

Policy 1.N.2:

Ensure that high-density residential developments have direct access to arterial streets without traversing existing or proposed lower density residential areas.

***Comment:** The Lake Pleasant Heights Specific Area Plan Amendment clusters High Density residential uses in nodes, adjacent to El Mirage Road, and surrounding commercial and public uses.*

Policy 1.N.3:

Locate housing developments in areas that can be adequately served by police, fire and ambulance services.

***Comment:** Development within the Lake Pleasant Heights Specific Area Plan Amendment provides a fire station site that will adequately serve future residents.*

Policy 1.N.4:

Require adequate provision of open space or direct access to open space in housing developments and, in particular, medium- and high-density multiple-family housing developments.

Comment: *The Lake Pleasant Heights Specific Area Plan Amendment provides significant areas of open space that will preserve the surrounding hillsides and ridges. Higher density residential uses are clustered near public parks and a trail network is provided to access the outlying open space areas.*

Policy 1.N.6:

Encourage the development of master planned communities where large land holdings can be designed to provide a wealth of amenities to City residents.

Comment: *The Lake Pleasant Heights Specific Area Plan Amendment is the first step in the process of planning for the development of a high-quality, master planned development that advances the city's goals of increasing access to open space, planning for the development of an efficient and effective circulation pattern and planning for the development of a community that maintains an adequate balance of infrastructure and community services to support development without becoming a burden to the balance of the city.*

Objective 1.0:

Support well-designed, high-quality multifamily residential development in appropriate areas which maintains compatibility between adjacent

Policy 1.0.1:

Support alternate forms of housing, such as attached and detached townhouses and condominiums in appropriate locations.

Policy 1.0.3:

Encourage multi-family housing units adjacent to community level parks and public open space areas.

Comment: *The Lake Pleasant Heights Specific Area Plan Amendment provides for a wide variety of land uses, including Medium, Medium High, and High Density Residential uses which are designed around public open space areas and trail networks.*

Objective 3.A:

Develop programs that encourage the clustering of development in exchange for preserved natural open space area.

Policy 3.A.1:

Open space preservation and planning is equally as important to the City as all other components of development review when considering the appropriateness of development proposals.

Policy 3.A.2:

Encourage creative development patterns to ensure preservation of open spaces.

Comment: *The Lake Pleasant Heights Specific Area Plan Amendment clusters development in the flatter, more developable areas of the site, preserving natural open space.*

City of Peoria General Plan Circulation Element Goals, Objectives and Policies

Goal 1:

Provide for a multi-modal transportation system that will serve the community and region in a safe, efficient, cost effective and aesthetic manner while minimizing adverse impacts to neighborhoods, businesses and the natural environment.

Objective 1.A:

Develop a transportation system within Peoria that is compatible with, and designed to complement, the existing and proposed land uses as provided in the Land Use Plan, without diminishing the efficient movement of people, goods and services.

Comment: The Lake Pleasant Heights Specific Area Plan recognizes and accommodates the development of El Mirage Road, one of the only major north-south transportation corridors in North Peoria. El Mirage Road currently exists on the City of Peoria Land Use and Transportation Plan and will accommodate local and regional traffic within the northern portions of the City of Peoria. The adoption of this Specific Area Plan will complement the City's Transportation Plan by identifying and planning for the development of this major roadway.

City of Peoria General Plan Growth Areas Element Goals, Objectives and Policies

Goal 1:

Promote efficient development areas which support a variety of land uses, conserve natural resources, reduce automobile dependency, and exhibit a logical extension of infrastructure and service capacities.

Objective 1.A:

Direct attractive development into identified growth areas, creating dynamic urban pockets with diverse economic, housing, cultural and entertainment opportunities.

Policy 1.A.2:

Encourage a mix of land uses within each growth area, including varied housing types and densities, employment opportunities and businesses.

Comment: The Lake Pleasant Heights Specific Area Plan Amendment provides for a master planned community with a variety of sustainable uses located in a designated City growth area. Development is clustered into three nodes providing diverse employment, shopping, entertainment, and recreation opportunities, while preserving the surrounding areas in natural open space.

B. Desert Lands Conservation Master Plan

The Peoria City Council adopted the City of Peoria Desert Lands Conservation Master Plan in August of 1999. The purpose of the Plan is to provide an inventory of the existing natural conditions in north Peoria and to establish a series of Goals, Objectives and Policies to assist the City in protection of the natural desert environment. The plan outlines a series of policy options and provides a series of guidelines that may be used by the City in the evaluation of developments within the north Peoria area. The Lake Pleasant Heights Specific Area Plan recognizes and advances the implementation of the Desert Lands Conservation Master Plan through the thoughtful distribution of open space, the

preservation of major drainage corridors, encouraging development in areas containing slopes of less than 25%, and locating land uses and roadway corridors in those areas of least environmental sensitivity. Adoption of the Lake Pleasant Heights Specific Area Plan will serve as an important step in the implementation of the Desert Lands Conservation Master Plan.

Goal A:

Maintain the vitality of the unique Sonoran Desert environment by providing high quality passive and active open space areas, while encouraging development that is sustainable and supportive of the environment.

Objective A-3

Promote the establishment of large, intact areas of native vegetation by preventing fragmentation of those areas by development.

Objective A-4:

Create a meaningful open space network throughout the study area which is connected to existing and future open space systems.

Comment: The Land Use Plan contained within this Specific Area Plan Amendment provides for the preservation of the significant drainage corridors identified within the Desert Lands Conservation Master Plan and seeks to promote the establishment of a connected system of open space corridor. The areas designated for open space on the Land Use Plan have been identified based upon such characteristics as slope and wash corridors and have been located to provide the maximum level of preservation and open space continuity. The Land Use Plan identifies the majority of the open space within the planning area in the northern and eastern portions of the site. The location of large corridors and pockets of open space in this area allows for the interconnection of open space with adjacent areas such as Saddleback Mountain, the Hieroglyphic Mountains and the Agua Fria River.

Objective A-6:

Protect environmentally sensitive lands.

Objective A-9:

Balance the opportunity for recreation by the public with the habitat needs of wildlife.

Objective A-10:

Maintain the natural aesthetic qualities of the area which are visually prominent or offer unique settings.

Comment: The Lake Pleasant Heights Specific Area Plan recognizes the existing natural features on the site and has recommended land uses and transportation corridors that are responsive to the environment. Significant areas have been identified and planned as a protected open space area and the areas of highest slope have been identified as open space on the Land Use Plan. Through the use of the Estate land use category, residential densities have been kept low in areas of increased sensitivity and higher intensity land uses have been planned in those areas of lowest sensitivity. The transportation plan has tried to locate major roadways such as El Mirage Road along corridors that minimize the disturbance of the natural landscape to the maximum extent possible.

C. Parks, Recreation, Open Space and Trails Master Plan

The Peoria City Council adopted the City of Peoria Parks, Recreation, Open Space and Trails Master Plan (PROST) in 2006. The stated purpose of the Master Plan is to "...provide a balanced system of conveniently located parks, both active and passive, interconnected paths and trails system, open spaces and multipurpose recreational facilities."

The Lake Pleasant Heights Specific Area Plan supports the goals and objectives outlined in the Parks, Recreation, Open Space and Trails Master Plan. A variety of trails have been incorporated into the Lake Pleasant Heights Specific Area Plan. See Figure 5 Transportation Plan. Additional detail will be provided at the Planned Community Development (PCD) level.

D. Relationship with the existing Lake Pleasant Heights Specific Area Plan and the Annexation and Development Agreement

Changes in land ownership, new proposed planned developments, and the desire of the Arizona State Land Department to include State Trust land in a specific area plan resulted in revisions to the Lake Pleasant Specific Area Plan that was adopted in March of 1994. These revisions were incorporated into the Lake Pleasant Heights Specific Area Plan, which was re-adopted by the City Council on May 7, 2002 per Resolution 02-92.

The 1993 Lake Pleasant Heights Specific Area Plan was accompanied by an Annexation and Development Agreement that established a set of basic land use rights and entitlements for the property. The 1993 Annexation and Development Agreement provide numerous contractual development provisions related to the development of the Lake Pleasant Heights property. It is contemplated through the preparation of the revised Specific Area Plan that amendments to the existing Annexation and Development Agreement would be considered in support of the revised Lake Pleasant Heights Specific Area Plan. Concurrent with the review and final adoption of zoning within the planning area, revisions to the Development Agreement will be proposed to conform to the provisions of the Specific Area Plan.

IV. LAND USE ELEMENT**A. Introduction**

Land use planning for the Lake Pleasant Heights Specific Plan area has been undertaken with an eye towards the placement of landscape and appropriate land use designations that support the efficient and cost-effective extension of public infrastructure and public facilities. The Land Use Plan recognizes the presence of El Mirage Road, a major regional north-south transportation corridor, and seeks to minimize the impacts of major transportation facilities through recommendations that locate roadways in those areas of lowest environmental sensitivity and recommending the elimination of roadways that would have the potential to disturb substantial natural areas while a reduced level of traffic volume. The Land Use Plan looks to preserve significant on-site natural features such as the Big Spring area while capitalizing on the views of Saddleback Mountain, Twin Buttes, and the White Tank Mountains. The Plan proposes limiting development to those areas having slopes of less than twenty-five (25) percent shown graphically on Figure 3, Slope Analysis, and retaining the major natural drainage ways of the site. The land use plan incorporates a mixture of residential density ranges designed to accommodate a diverse residential community across the site

The Land Use Plan designates land within the Study Area with a set of land use classifications. These classifications are shown graphically on Figure 4, Land Use Plan, on the following page and are as described below.

B. Proposed Land Use Plan

The Proposed Land Use Plan for the Lake Pleasant Heights Specific Plan represents the assemblage and evaluation of an extensive amount of data affiliated with the Northwest Peoria region as developed over the past few years by LVA Urban Design Studio. The proposed land use plan is shown graphically on Figure 4, Land Use Plan. The Plan builds upon land planning and public facility studies within the region that have been prepared by a team of technical consultants and provided to the City of Peoria. Each of the Peoria city departments have participated in the review and evaluations of multiple master planning studies designed to address transportation, water, wastewater, drainage, parks, schools, and emergency response facilities. The proposed development plan provided by the Specific Area Plan builds upon these studies and recommended systems.

The amended Land Use Plan is designed to provide a balanced and sustainable community with a wide range of housing opportunities. Mixed-use development is clustered in three nodes located along El Mirage Road, the spine of Lake Pleasant Heights. These locations are the flatter and more developable areas of the project. Higher density residential uses surround commercial and public uses to create sustainable and walkable communities. Residents will be within walking/cycling distance of a wide variety of employment, shopping, entertainment, and recreation opportunities.

The southern node, located at the intersection of El Mirage Rd. and Westland Dr. will be the densest within Lake Pleasant Heights with a Mixed Use area including higher density residential, commercial, office, park and school uses. The park provides a central focal point for this town center area.

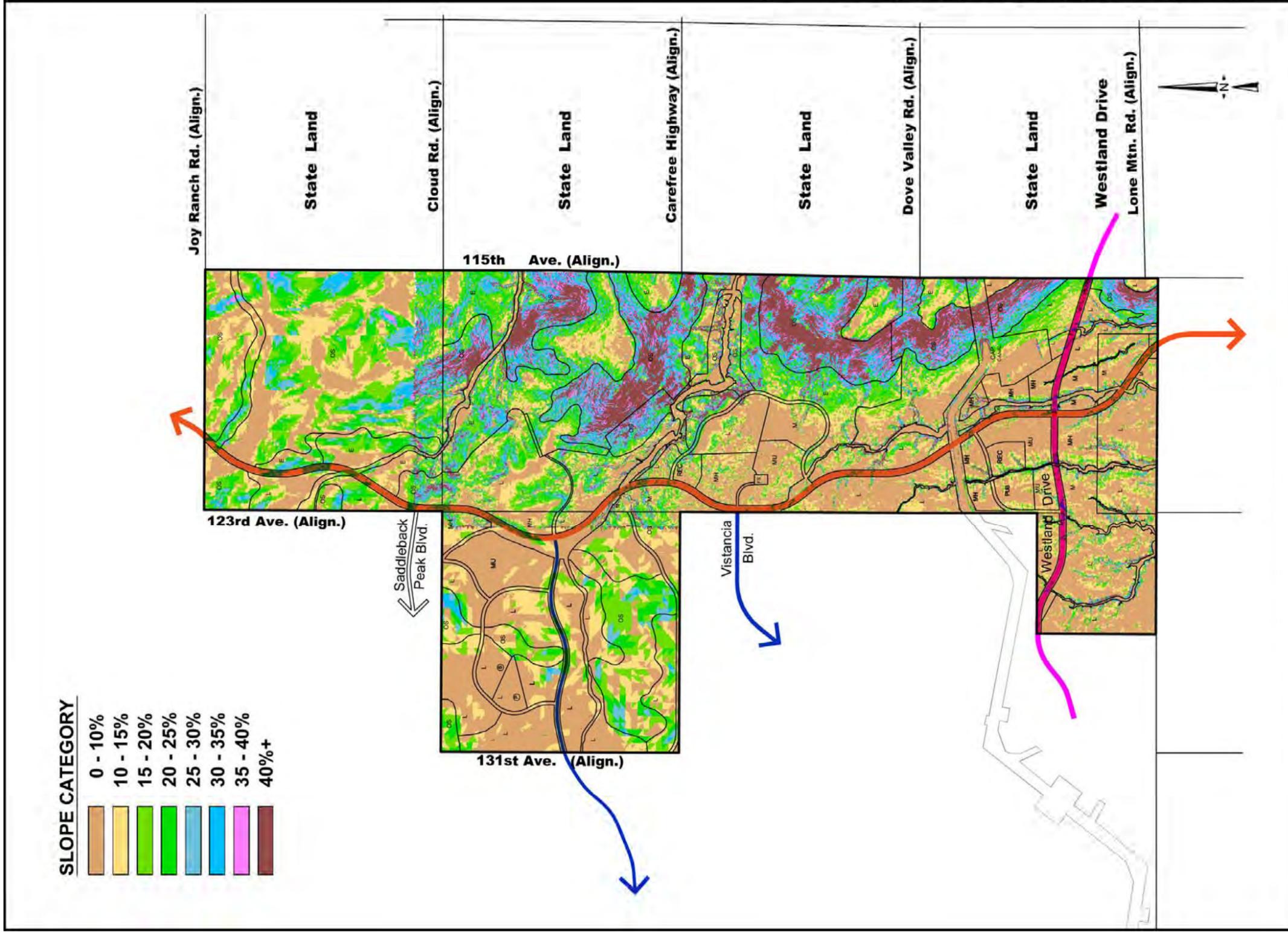
The central node, located at El Mirage Rd. and Vistancia Blvd., includes a smaller mixed use area, Fire Station site, and recreation site, surrounded by Medium, Medium High and High Density Residential Uses.

The northern node, located at El Mirage Rd. and Saddleback Peak Blvd. is the smallest of the three and contains a commercial area and Medium High Residential uses. It is also linked with a proposed trail system located along an existing wash.

Figure 3 – Scope Analysis

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**LAKE PLEASANT HEIGHTS
SPECIFIC AREA PLAN**

PEORIA, ARIZONA

**FIGURE 3
SLOPE ANALYSIS**



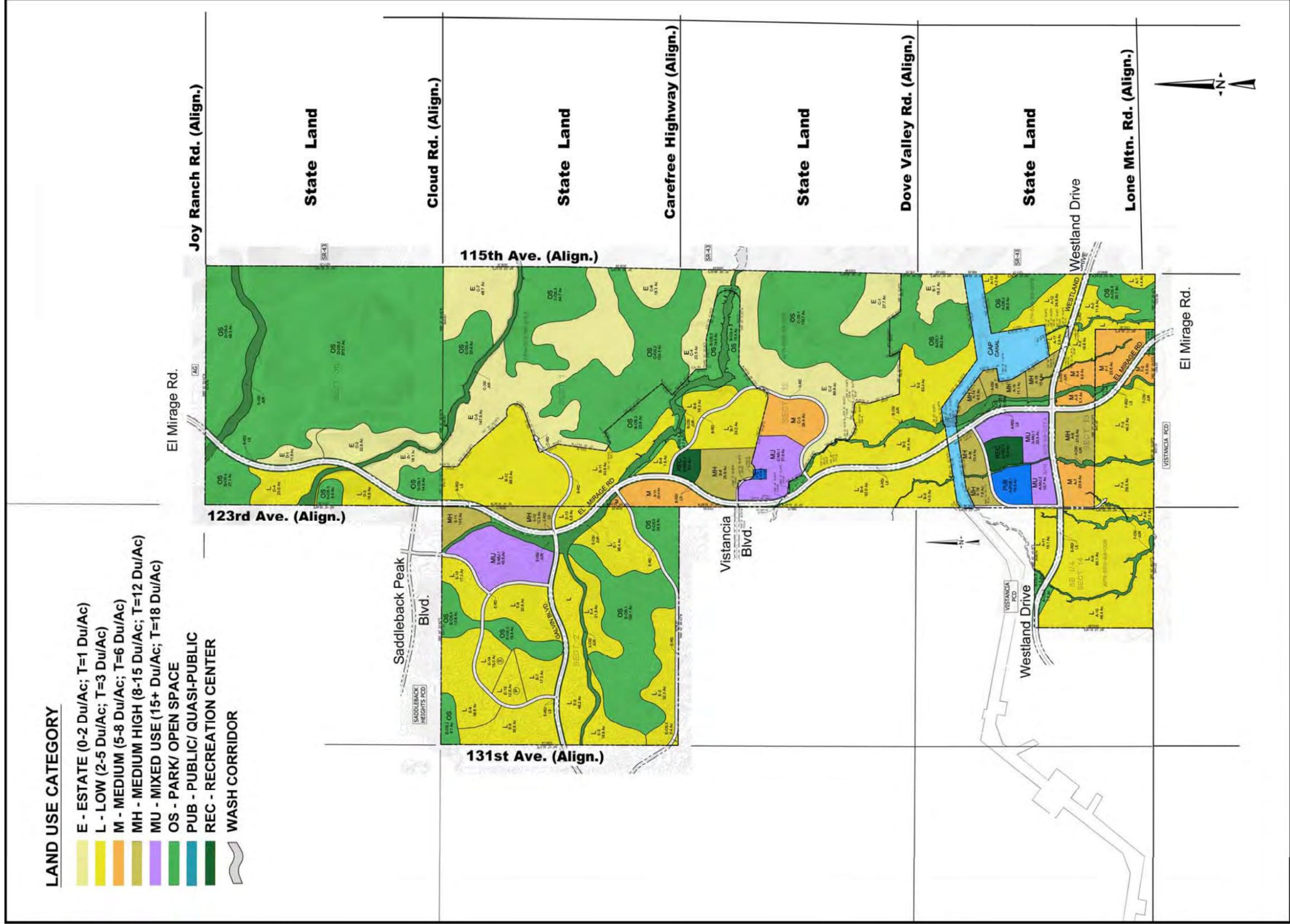
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Figure 4 - Land Use Plan

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**LAKE PLEASANT HEIGHTS
SPECIFIC AREA PLAN**
PEORIA, ARIZONA

**FIGURE 4
LAND USE PLAN**
PROPOSED GENERAL DEVELOPMENT PLAN

The clustering of development in these three nodes reduces residential development and preserves open space in the more sensitive hillsides and drainage ways.

The Lake Pleasant Heights Specific Area Plan, Intensity / Density Analysis provides the intended distribution of residential densities throughout the subject site. The Table provides the analysis and recommendations for land use intensity and density standards for both public and private lands.

A summary of land use intensity and density recommendations are provided in Section IV.D of this Plan. These recommendations are intended to set the appropriate development intensity and density standards for the subject property. Future zoning activity will utilize the defined recommendations to promote a balanced zoning approach to the development of the property.

C. Land Use Classifications

Estate (0-2.0 du/ac., target density = 1 du/ac.): Denotes areas where large-lot single-family residential development is desirable. The density range (0-2.0 dwelling units per gross acre) is intended to provide sufficient open space and lots that create an open environment. Building envelopes or cluster grading will be encouraged to minimize the disturbance of significant natural features. This category also denotes where open areas are desirable based on environmental sensitivity or the presence of cultural resources and may serve as a transitional land use buffer between areas of differing single-family densities as stated in the goals, objectives and policies of this Plan and the General Plan.

Low (2.0-5.0 du/ac., target density = 3.0 du/ac.): Denotes areas where detached moderate-sized lot, single-family residential development is desirable. The density range (2.0-5.0 dwelling units per gross acre) is intended to provide for areas of increased density while maintaining a detached single family residential character. Suitability is determined on the basis of location, access, availability of existing or proposed public facilities and utilities, existing and future land use patterns and natural or man-made constraints, as stated in the goals, objectives, and policies stated within the General Plan.

Medium (5.0-8.0 du/ac., target density = 6.0 du/ac.): Denotes areas where single-family detached and attached residential homes are desirable. The density range (5.0-8.0 dwelling units per gross acre) is intended to provide areas suitable for single family, town home, patio home, and multi-family type units. Suitability is determined on the basis of location, access, availability of existing or proposed public facilities and utilities, existing land use patterns and natural or man-made constraints, as stated in the goals, objectives and policies of this Plan and the General Plan.

Medium High (8.0-15 du/ac, target density = 12 du/ac): Denotes areas where multi-family residential development is appropriate. The density range (8.0-15.0 dwelling units per gross acre) is intended to provide for areas of attached single-family homes, apartments, condominiums and townhouses. Suitability is determined on the basis of location, access and availability of existing or proposed public facilities and utilities and existing and future land use patterns.

Community Commercial: Denotes areas where all types and intensities of commercial development and low- impact office uses may take place. Community Commercial areas typically consist of larger shopping centers and districts that have a wider variety of goods and services than the neighborhood shopping areas. Major commercial centers should be located with adequate controlled access to arterial streets.

Mixed Use (18.0-30.0+du/ac., target density= 24.0 du/ac.): Mixed Use (MU) denotes areas where developments combining a mix of land use types (residential, commercial, office) integrated with both

active and passive open spaces may take place. Its purpose is to increase the types of spaces available for living, working and the provision of community services and to encourage a mix of compatible uses in certain areas and to encourage the upgrading of certain areas with buildings designed to provide a high-quality pedestrian-oriented street environment.

Park / Recreation / Open Space: Denotes areas that are to be precluded from development for open space, recreational and public facilities. Open space areas should remain in a relatively natural state (or be restored to such). State Trust Lands or privately held lands identified as park and open space may be developed at a maximum density of one dwelling unit per acre.

Public / Quasi-Public: Denotes a use that is owned or operated by governmental, nonprofit religious or philanthropic institution and provides governmental, educational, cultural, recreation, religious, or similar service. In this case, it denotes a fire station and school sites.

D. Land Use Intensity / Density

The Specific Area Plan proposes land use intensity and density which is responsive to the General Plan, the Desert Lands Conservation Plan, the River and Trails Master Plan, Public Facility Planning ratios as well as the many opportunities and constraints affiliated with the subject site. The proposed plan is designed to respond to all these influencing policies while being responsive to the surrounding planned community development as proposed. The proposed land use type, size, density range and target density is shown on Table 1, Specific Area Plan, Intensity/Density Analysis. The total Target Units for Lake Pleasant Heights is 6,518 units. The following is a breakdown of the proposed land uses and density for the private and State Trust Land:

Private Land:

- Approximately 4,307 residential units (2.3 du/ac)
- Approximately 3,675 single family residential units (Estate, Low, Medium and Medium High Density) within subdivided properties;
- Approximately 632 multifamily residential units intended as apartments or condominiums and
- Approximately 68 acres of land for Mixed Use (residential, retail and office) space.

State Trust Land:

- Approximately 2,254 (1.6 du/ac) single family residential units (Estate, Low, and Medium and Medium High Density) within subdivided properties. No Mixed Use or High Density uses are planned on State Trust land; and
- Approximately 13.1 acres for commercial (retail and office) space. In addition to meeting all City of Peoria Zoning and Design Review standards, all development within the Lake Pleasant Heights Specific Area Plan planning area will meet the following land use standards:
- Development will be encouraged to occur below the twenty-five percent (25%) slope line;
- Development will meet or exceed the lighting standards outlined in the City of Peoria, Dark Sky Ordinance and will discourage lighting in areas of slopes above fifteen percent (15%);
- Commercial development will be planning to minimize impacts to existing natural wash and slope areas; and
- Development within the planning area will utilize colors and materials that minimize glare and light reflectivity.

E. Proposed Phasing Plan

Due to the large amount of land area within the Lake Pleasant Heights Specific Plan planning area, and the inclusion of land currently held in the public trust and managed by the Arizona State Land Department, it is anticipated that development will occur in multiple phases. The initial development strategy of course will primarily be dependent on the start-up of water and wastewater facilities in the region (as provided by area master plans) and the development of El Mirage Road (either from the north or south). The final phasing determinant will depend on the planning and development strategies as developed by the project team in coordination with City staff and other development entities within the region.

It is currently envisioned that the project may develop in response to two possible market groups. The northern portion of the property is expected to develop with low-density, single-family residential development uses being the dominant land use with a public park (on State Trust land in Section 2) and open space. The southern portion of the property is expected to develop with a range of low, medium and high-density residential development around the presence of public facilities, including a public park and a school. Commercial development is expected to be responsive to residential units being developed in the area.

Table 1 - Land Use Intensity/Density Analysis

Specific Area Plan
Intensity / Density Analysis

Parcel Number	Land Use Category	Land Use	Land Use Density Range (DU/AC)	Approx. Gross Area (AC)	Target Density (DU/AC)	Total Target D.U.'s	Ownership
Area A							
A-1	L	LOW	2-5	4.4	3	13	IP
A-2	L	LOW	2-5	11.9	3	36	IP
A-3	L	LOW	2-5	16.6	3	50	IP
A-4	M	MEDIUM	5-8	9.9	6	59	IP
A-5	M	MEDIUM	5-8	5.1	6	31	IP
A-6	MH	MED HIGH	8-15	21.6	12	259	IP
A-7	M	MEDIUM	5-8	23.9	6	143	IP
A-8	L	LOW	2-5	3.7	3	11	IP
A-9	L	LOW	2-5	65.1	3	195	IP
A-10	L	LOW	2-5	48.4	3	145	IP
A-11	L	LOW	2-5	15.1	3	45	IP
A-12	L	LOW	2-5	24.9	3	75	IP
A-13	L	LOW	2-5	4.2	3	13	IP
A-14	MH	MED HIGH	8-15	6.0	12	72	IP
A-15	MH	MED HIGH	8-15	11.1	12	133	IP
A-16	MH	MED HIGH	8-15	10.4	12	125	IP
A-18	MH	MED HIGH	8-15	10.4	12	125	IP
A-19	MH	MED HIGH	8-15	7.8	12	94	IP
A-MU.1	MU	MIXED USE		25.5		135	IP
A-MU.2	MU	MIXED USE		10.7		193	IP
A-PUB.1	PUB	ELEMENTARY SCHOOL		15.0			IP
A-RD		RD R.O.W.		33.4			IP
A-LS		RD LS		9.1			IP
A-REC.1	REC	PARK		12.0			IP
A-OS.1	OS	OPEN SPACE		20.7			IP
A-OS.2	OS	OPEN SPACE		1.7			IP
A-OS.3	OS	OPEN SPACE		1.5			IP
A-OS.4	OS	OPEN SPACE		26.5			IP
A-OS.5	OS	OPEN SPACE		4.0			IP
A-OS/JUR	OS	JURISDICTIONAL FLOW LINE		24.2			IP
Subtotal Area A				484.8		1952	
Area B							
B-1	E	ESTATE	0-2	18.2	1	18	IP
B-2	L	LOW	2-5	63.9	3	192	IP
B-3	L	LOW	2-5	34.4	3	103	IP
B-4	L	LOW	2-5	52.0	3	156	IP
B-5	L	LOW	2-5	14.0	3	42	IP
B-6	MH	MED HIGH	8-15	25.9	12	311	IP
B-7	L	LOW	2-5	33.2	3	100	IP
B-8	L	LOW	2-5	15.3	3	46	IP
B-9	L	LOW	2-5	7.6	3	23	IP
B-10	M	MEDIUM	5-8	22.4	6	134	IP
B-11	L	LOW	2-5	43.6	3	131	IP
B-12	L	LOW	2-5	88.3	3	265	IP
B-REC.1	REC	PARK		8.0			IP
B-RD		RD R.O.W.		29.1			IP
B-LS		RD LS		7.0			IP
B-OS.1	OS	OPEN SPACE		49.2			IP
B-OS.2	OS	OPEN SPACE		23.8			IP
B-OS.3	OS	OPEN SPACE		14.6			IP
B-OS.4	OS	OPEN SPACE		15.4			IP
B-OS.5	OS	OPEN SPACE		4.7			IP
B-OS/JUR	OS	JURISDICTIONAL FLOW LINE		30.6			IP
Subtotal Area B				601.2		1521	

Specific Area Plan
Intensity / Density Analysis

Area C							
C-1	E	ESTATE	0-2	27.7	1	28	G3
C-2	E	ESTATE	0-2	89.9	1	90	G3
C-3	M	MEDIUM	5-8	26.4	6	158	G3
C-4	E	ESTATE	0-2	23.5	1	24	G3
C-5	E	ESTATE	0-2	147.9	1	148	G3
C-6	E	ESTATE	0-2	18.3	1	18	G3
C-7	E	ESTATE	0-2	48.7	1	49	G3
A-17	L	LOW	2-5	3.9	3	12	G3
C-MU.1	MU	MIXED USE		31.5		304	G3
C-PUB.1	FS	FIRE STATION		1.4			G3
C-RD		ROW		9.8			G3
A-RD		RD R.O.W.		1.1			G3
C-LS		RD LS		1.0			G3
C-OS.1	OS	OPEN SPACE		118.7			G3
C-OS.2	OS	OPEN SPACE		124.5			G3
C-OS.3	OS	OPEN SPACE		64.7			G3
C-OS.4	OS	OPEN SPACE		33.8			G3
C-OS/JUR	OS	JURISDICTIONAL FLOW LINE		13.2			G3
Subtotal Area C				786.0		831	
Private Land Subtotal Areas A, B, C				1872.0		4304	

Private Land Projections		
Gross Land Area	1,872	AC
Target Project Density	2.30	DU/AC
Projected Population	12,051	People
Projected Households	4,304	Households
Projected Elementary School Children	995	Children
Projected High School Children	468	Children
Commercial/Mixed Use Land Area	67.7	AC
Projected Elementary Schools	1.0	School
Projected High School Demand	0.3	Schools
Improved Neighborhood Parks Demand	21	AC
Improved Community Parks Demand	18	AC
Open Space Demand	121	AC
Total Proposed Private Open Space	609	AC

Area D							
D-1	E	ESTATE	0-2	18.1	1	18	AZ
D-2	E	ESTATE	0-2	32.8	1	33	AZ
D-3	L	LOW	2-5	16.6	3	50	AZ
D-4	L	LOW	2-5	23.0	3	69	AZ
D-5	E	ESTATE	0-2	11.8	1	12	AZ
D-RD		RD R.O.W.		14.9			AZ
D-LS		RD LS		4.8			AZ
D-OS.1	OS	OPEN SPACE		14.6			AZ
D-OS.2	OS	OPEN SPACE		373.7			AZ
D-OS.3	OS	OPEN SPACE		6.8			AZ
D-OS.4	OS	OPEN SPACE		27.1			AZ
D-OS.5	OS	OPEN SPACE		68.5			AZ
D-OS/JUR	OS	JURISDICTIONAL FLOW LINE		26.5			AZ
Subtotal Area D				639.2		182	

Specific Area Plan
Intensity / Density Analysis

Area E							
E-1	L	LOW	2-5	36.4	3	109	AZ
E-2	L	LOW	2-5	32.3	3	97	AZ
E-3	L	LOW	2-5	18.8	3	56	AZ
E-4	L	LOW	2-5	21.8	3	65	AZ
E-5	L	LOW	2-5	46.2	3	139	AZ
E-6	L	LOW	2-5	32.6	3	98	AZ
E-7	L	LOW	2-5	17.3	3	52	AZ
E-8	L	LOW	2-5	35.6	3	107	AZ
E-9	L	LOW	2-5	38.6	3	116	AZ
E-10	L	LOW	2-5	17.3	3	52	AZ
E-11	MH	MED HIGH	8-15	13.5	12	162	AZ
E-12	MH	MED HIGH	8-15	12.3	12	148	AZ
E-13	L	LOW	2-5	5.8	3	17	AZ
E-14	L-S	LOW-SCHOOL	2-5	15.0	3	45	AZ
E-15	L-P	LOW-PARK	2-5	12.0	3	36	AZ
E-MU.1	MU	MIXED USE		45.5		373	AZ
E-RD		RD R.O.W.		39.0			AZ
E-LS		RD LS		7.1			AZ
E-OS.1	OS	OPEN SPACE		105.1			AZ
E-OS.2	OS	OPEN SPACE		9.1			AZ
E-OS.3	OS	OPEN SPACE		16.8			AZ
E-OS.4	OS	OPEN SPACE		13.6			AZ
E-OS.5	OS	OPEN SPACE		24.9			AZ
E-OS.6	OS	OPEN SPACE		0.4			AZ
E-OS/JUR	OS	JURISDICTIONAL FLOW LINE		20.4			AZ
Subtotal Area E				637.4		1672	
Area F							
F-1	M	MEDIUM	5-8	23.6	6	142	AZ
F-2	M	MEDIUM	5-8	5.5	6	33	AZ
F-3	L	LOW	2-5	46.2	3	139	AZ
F-4	L	LOW	2-5	29.5	3	89	AZ
F-RD		RD R.O.W.		5.1			AZ
F-LS		RD LS		1.8			AZ
F-OS.1	OS	OPEN SPACE		1.0			AZ
F-OS.2	OS	OPEN SPACE		0.5			AZ
F-OS.3	OS	OPEN SPACE		1.3			AZ
F-OS/JUR	OS	JURISDICTIONAL FLOW LINE		4.9			AZ
Subtotal Area F				119.4		403	
State Land Subtotal Areas D, E, F				1396.0		2257	

State Land Projections		
Gross Land Area	1,396	AC
Target Project Density	1.62	DU/AC
Projected Population	6,320	People
Projected Households	2,257	Households
Projected Elementary School Children	620	Children
Projected High School Children	279	Children
Mixed Use Land	45.5	AC
Projected Elementary Schools	0.7	School
Projected High School Demand	0.2	Schools
Improved Neighborhood Parks Demand	11.1	AC
Improved Community Parks Demand	9	AC
Open Space Demand	63	AC
Total Proposed State Open Space	741	AC

**Specific Area Plan
Intensity / Density Analysis**

Project Total Areas A,B,C, D, E, F	3268.0	6561	
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Project Projections (Combined Lands)		
Gross Land Area	3,268	AC
Target Project Density	2.01	DU/AC
Projected Population	18,371	People
Projected Households	6,561	Households
Projected Elementary School Children	1,615	Children
Projected High School Children	747	Children
Commercial/Mixed Use Land Area	113.2	AC
Projected Elementary Schools	1.7	School
Projected High School Demand	0.4	Schools
Improved Neighborhood Parks Demand	32	AC
Improved Community Parks Demand	28	AC
Open Space Demand	184	AC
Total Proposed Open Space	1,350	AC

TRANSPORTATION ELEMENT

A. Introduction

The Transportation Element of the Lake Pleasant Heights Specific Area Plan establishes the basic planned circulation pattern within the planning area and includes the integration of vehicular and non-vehicular transportation modes. The transportation network is shown graphically on Figure 5, Transportation Plan. The proposed transportation network should provide for the efficient movement of traffic within and through the planning area and should adequately accommodate the projected traffic volumes resulting from the planned land use program. This portion of the Plan describes the location, type, and size of the arterial streets within the planning area and establishes the standards for the use of private streets within the planning area. The Transportation Element also establishes the conceptual locations and widths of paved and non-paved, multi-purpose trails within the planning area. Actual design and construction of all streets and trails will be as specified by the City of Peoria during the site planning / plat review process.

B. Vehicular Circulation

Vehicular circulation within the planning area will be accommodated by a network of public and private roadway facilities designed to accommodate the projected traffic volumes generated from on-site and off-site traffic projections. The proposed system of arterial streets will be designed to accommodate the projected traffic volume with the intent of being responsive to the General Plan Transportation Element and proposed land uses within proximity to the Lake Pleasant Heights property. A system of collector and local streets will provide vehicular movement and direct access within the planning area.

Major Arterial Streets

El Mirage Road is planned as the primary transportation corridor within the planning area. This roadway corridor is planned as a Major Arterial Street on the Circulation Plan of the City of Peoria and accommodated as such by the Specific Area Plan. El Mirage Road will provide three travel lanes in each direction with sufficient right of way width to meet current city roadway standards, or as modified based on the Traffic Impact Analysis and recommendation by the Project Traffic Engineer to mitigate traffic impact analysis or topographic conditions. The design intent of El Mirage Road is to provide flexibility in the road alignment and right of way configuration allowing the road to adapt and be responsive to topographical and traffic circulation conditions. This planned arterial roadway will be a major north-south transportation corridor within north Peoria promoting regional access to the Lake Pleasant Recreational Area. The proposed alignment will connect with State Route 74 to the north and extend through the proposed Vistancia Planned Community District project south of the planning area. El Mirage Road will serve both regional and sub-regional traffic. The final road alignment will be determined by the City Engineer based on additional studies completed during the Preliminary Plat process.

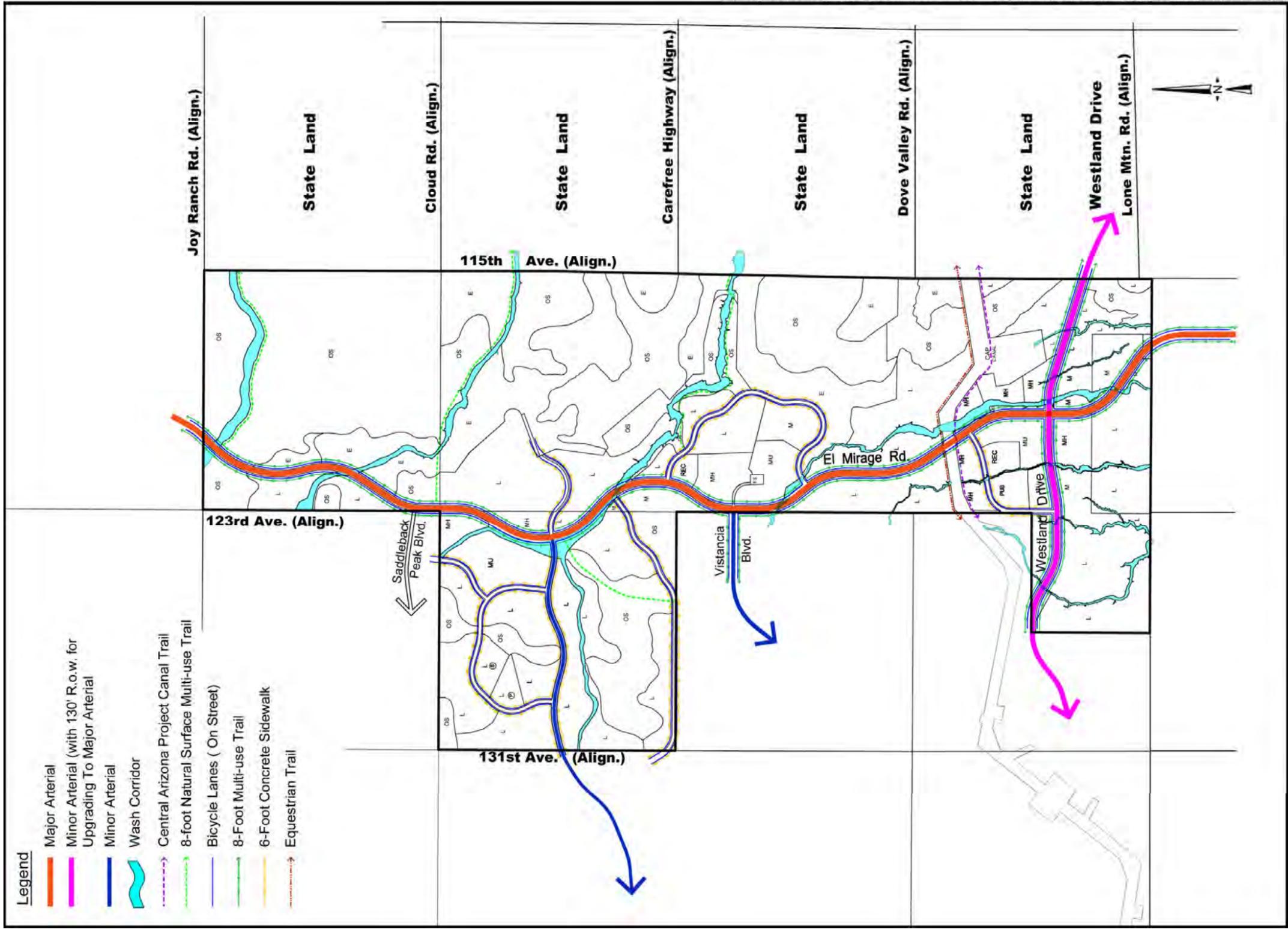
The existing Circulation Plan contained within the General Plan identifies the presence of a planned Arterial Street, Vistancia Boulevard, connecting into the planning area from the south, through the Vistancia Planned Community. Approximately a quarter mile south of the Carefree Highway alignment. Also, the existing Circulation Plan identifies the presence of a second planned arterial street at the Carefree Highway alignment. After coordination efforts and consensus with City staff and adjacent land owners, this Specific Area Plan indicates the arterial connection at Vistancia Blvd., a potential collector connection near the Carefree Highway alignment, an arterial connection through

the middle of State land in Section 2 being referred to as Galvin Blvd. and a collector connection at Saddleback Peak Blvd. just north of Section 2.

Figure 5 - Transportation Plan

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LAKE PLEASANT HEIGHTS
SPECIFIC AREA PLAN

PEORIA, ARIZONA

FIGURE 5
TRANSPORTATION PLAN



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DATE: 11/5/12

Minor Arterial Streets:

Westland Drive is planned as a minor transportation corridor in the southern portion of the planning area. This roadway alignment is designated as a Minor Arterial Street on the Circulation Plan of the City of Peoria. The facility will provide sufficient right-of-way width to support future expansion to a Major Arterial cross section, as required by the City of Peoria.

Collector and Local Streets:

A network of collector and local streets will enable local traffic to circulate within the planning area. The collector and local street pattern will be established during the detailed site planning / plat review stage of the project. It is currently anticipated that collector streets will provide adequate right-of-way width to meet current city roadway standards, or as modified by the City Engineer due to topographic conditions. Due to the topographic constraints and the property's proximity to the El Mirage Road-alignment, it is not anticipated that the project will promote an extensive collector street network. Local streets will provide adequate right-of-way width to meet current city roadway standards, or as modified by the City Engineer due to topographic conditions. A future PCD or PAD zoning application may refine the necessity and pattern for collector and local streets.

Private Streets:

Private streets may be used within the Specific Area Plan planning area in response to market demand and in response to topographic constraints. Private streets will meet existing City of Peoria street standards unless otherwise approved by the City Engineer

C. Pedestrian and Bicycle Circulation

An integrated system of non-vehicular circulation is planned within the planning area. A detailed system of on-street bicycle lanes and improved and unimproved trails has been planned as indicated on the project Circulation Plan. All bicycle lanes and trails should be developed in a manner consistent with the City's design criteria.

Bicycle Circulation:

Figure 5, Transportation Plan identifies the locations of planned on-street bicycle lanes. It is anticipated by this Plan that on-street bicycle lanes will be located within the right-of-way of all major and minor arterial streets, as well as, collector streets. On-street bicycle lanes will be a minimum of six (6) feet in width.

Pedestrian Circulation:

Figure 5, Transportation Plan, identifies the planned pedestrian circulation network within the planning area. It is anticipated by this plan that a network of sidewalks and paths will accommodate pedestrian circulation and will be located within the public rights-of-way or within dedicated pedestrian easements. Sidewalks for public streets are as follows:

- Arterial streets will be designed to accommodate an eight (8) foot sidewalk on opposite sides of the streets. These can be reduced to five (5) feet on one side if a natural surface path is also provided.
- Collector streets will be designed to accommodate six (6) foot sidewalks on opposite sides of the street.

- Local residential streets will be designed to accommodate: five (5) foot sidewalks on opposite sides of the street.

Public paths and public trails located outside of the public right-of-way in land that is dedicated as public open space will conform to the standards outlined in the City of Peoria Parks, Recreation, Open Space and Trails Master Plan. Detailed planning establishing the locations of the off-street paths and trails will occur at the time of zoning and detailed site planning / plat review.

VII PUBLIC Facilities Element

A. Introduction

The public facilities element of the Lake Pleasant Heights Specific Area Plan outlines the proposed public facilities within the planning area based upon the proposed Land Use Plan. The public facilities proposed as part of this Specific Area Plan are based upon existing City of Peoria and public service provider service ratios. The public facilities locations are shown graphically on Figure 6, Public Facilities. This section of the Plan provides conceptual public facilities planning for six service area categories:

- Water Service
- Wastewater Service
- Drainage
- Fire / Emergency Response
- Parks / Open Space
- Primary Schools

B. Existing Conditions

No public service facilities currently exist within the Planning Area. The planning area is currently natural desert containing an un-organized network of unimproved trails and roadways. The site contains a single human-made livestock watering tank, Caterpillar tank, in the southern portion of the site. The only developed infrastructure within the planning area is the CAP canal. The CAP canal enters the planning area in the southern portion of the site and flows in an easterly direction at surface grade for approximately ½ mile. The CAP canal continues across the site with flow being channeled into a tunnel structure running under the eastern portion of the site until it exits the site to the east.

C. Conceptual Water System

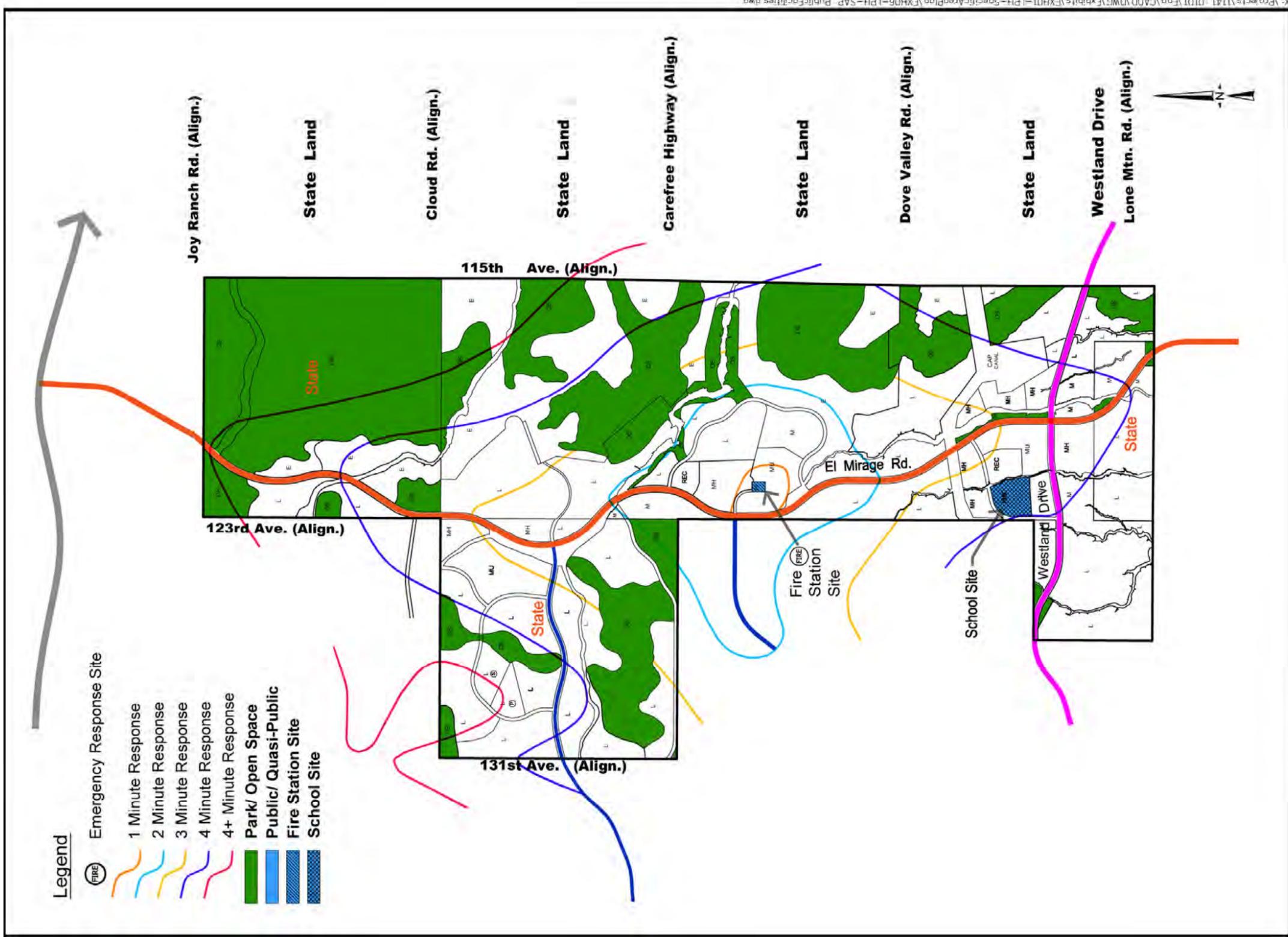
The planning area is located within the City of Peoria water service area. The City of Peoria will provide the rights to potable water supply in conformance with the existing Assured Water Supply Designation as it relates to the subject development. The Vistancia Planned Community District provides an area adjacent to the site in the southwest area to address the demands for regional water conveyance facilities. It is anticipated the required potable water supply for Lake Pleasant Heights will now be made up of the following sources:

- Groundwater Credits - The development will provide the approved 570 AFY water credits, identified as well sources in Section 10 of the Zoning Stipulations. The nearest aquifer providing adequate supply is located on the west side of the Aqua Fria River in Section 31. Development of wells in this area includes use of the 24-inch Lone Mountain Parkway waterline, which is subject to negotiation with the City and Vistancia. It is proposed to utilize this groundwater source as supply for Phase 1 of the project.
- Other City of Peoria Groundwater Sites - Lake Pleasant Heights is investigating other potential sites within the City of Peoria, on both sides of the Aqua Fria, to develop groundwater resources. Either existing and/or new wells could conceivably be developed in locations in the City underlain by a good water bearing aquifer, and the supply wheeled through the City distribution system to the 24-inch Lone Mountain Parkway waterline.

- Groundwater Recharge - Groundwater sources will be utilized on a "no net reduction" of groundwater basis to comply with "safe-yield" criteria as established by the Arizona Department of Water Resources (ADWR) for groundwater within the Phoenix Active Management Area. This requirement is part of the Groundwater Code and the Assured Water Supply rules, and is embedded in the City's Designation of Assured Water Supply. The City is no longer a member service area of the Central Arizona Groundwater replenishment District, and this option is therefore not available. The development will acquire and pay for additional recharge capacity in underground storage facilities such that the City can store sufficient water from other sources to offset potential withdrawals of groundwater for the plan area.
- City of Peoria CAP M&I Capacity - Water from the Colorado River delivered by the CAP canal operated by the Central Arizona Water Conservation District is considered a replenishable supply and thus suitable for the plan area. CAP canal water must be treated and transported to the plan area before it can be considered a reliable supply. The development will contribute to the City's ability to purchase or build CAP water treatment capacity. The amount of payments and due dates are to be determined. Two potential alternatives are identified for LPH use of CAP water:
 - ▶ The Aqua Fria East service area is supplied by Pyramid Peak Water Treatment Plant (WTP), which was expanded in 1999. Vistancia's redundancy requirements of 5.17 MGD are being met with the Aqua Fria East capacity, including upgrades to the distribution system at the Westwing and Pleasant Valley Zone 5 BPS and storage facilities. The LPH demand of 2.92 MGD would similarly be met by participation in the upgrade of the water conveyance infrastructure located on the east side of the Aqua Fria River.
 - ▶ The City is not now planning for the previously proposed 25 MGD Twin Buttes WTP in their 10-year CIP, which would have served Lake Pleasant Heights as well as surrounding communities. Current development plans in the adjoining area, including LPH, may include sufficient growth and water supply demands to warrant reconsideration of the Twin Buttes facility.
- City Water Settlements: This 630 AFY source is comprised of a share of the City's Gila River Indian Settlement, or other water settlements.
- Redundant Water Supplies – The City requires redundant water supplies (City Code Section 25-20) to ensure the reliable delivery of water to the development. Lake Pleasant Heights proposes to achieve the required redundancy by providing backup water conveyance infrastructure from the Aqua Fria well field. In addition to a new well, the development will contribute funds to construct a new booster station on the east side of the Agua Fria to ensure a reliable redundant source.
- Reclaimed water use sites within the development include a City park and school site, both located in Phase 1 south of the CAP canal. The adjoining Vistancia development has constructed a reclaimed water system, and Lake Pleasant Heights proposes to perform necessary upgrades to extend the reclaimed water to the two use sites. However, the reclaimed system constructed by Vistancia cannot yet supply sufficient amounts of reclaimed water to address the needs of the Vistancia community, and must supplement the reclaimed supply with CAP Excess water purchased annually. This situation is anticipated to continue for several years. Therefore the development will need to purchase sufficient CAP excess water annually to address the additional demand on the reclaimed system until such time as supplies of reclaimed water grow to meet the demand of both the development and Vistancia. The development will pay for the transportation of any such CAP water purchased on an annual basis.

Figure 6 - Public Facilities

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**LAKE PLEASANT HEIGHTS
SPECIFIC AREA PLAN**

PEORIA, ARIZONA

**FIGURE 6
PUBLIC FACILITIES**



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DATE: 11/5/12

D. Wastewater System

The planning area is located within the City of Peoria Northwest Service Area for wastewater. It is currently anticipated that the wastewater generated within the planning area will be served by the Jomax Water Reclamation Facility ("WRF") located in to the south portion of Vistancia. Lake Pleasant Heights will provide applicable impact fees to purchase, or expand, capacity within this plant, as well as in the trunk sewers downstream of the development, consistent with the wastewater generated by the project. As defined in the Annexation and Development Agreement supporting the Lake Pleasant Heights Specific Area Plan, the development will have rights to the proportionate share of reclaimed water generated by the plant.

E. Drainage System

The drainage system proposed within the Planning Area is based upon the Desert Lands Conservation Ordinance and the North Peoria Drainage Master Plan and will incorporate the use and preservation of the existing Jurisdictional (The US Army Corps of Engineers) washes within the Planning Area. Development within the planning area is envisioned as being environmentally sensitive with the proposed drainage concept is based upon the maintenance of the natural environment. Development within the planning area will integrate ecological resources with transportation and open space. The following general drainage concepts will be carried forward within the planning area:

- Off-site drainage flows will enter and depart the Planning Area in substantially the same manner as under pre-development conditions;
- Onsite detention facilities should be designed to be as unobtrusive as possible and the use of large detention basins shall be limited to the use of basins only to reduce the post-development peak flow to a level equal to or below the existing peak flow rate;
- The use of conventional 100 year, 2 hour, storm water retention standards may be modified only if approved by the City Engineer due to terrain; however, modifications to the storm water standards shall not exceed the minimum standards of pre versus post for both volume and peak flow. Additionally, there should be no direct discharge to any wash without a first flush treatment (defined as the first one inch of rainfall).
- Where the use of detention and retention basin facilities are required, they should be designed as flow through systems to sustain existing habitat areas and channel flow and sedimentation characteristics;
- Drainage channels should utilize existing natural wash alignments where possible and natural channel flow should be maintained;
- All National Pollution Discharge Elimination System (NPDES) standards will be adhered to and all applicable City of Peoria drainage requirements should be followed.
- Prior to the development of individual parcels within the Planning Area, a detailed drainage master plan shall be prepared and approved by the City of Peoria.

F. Fire / Emergency Response

The Land Use Plan for the Lake Pleasant Heights Specific Area Plan identifies the need for one (1) fire station within the Planning Area based upon a standard response time analysis. Based upon the results of the response time analysis, a fire station site has been identified in the central portion of the site. It is estimated that based upon the selected location, the majority of the Planning Area would be within the desired four minute response time coverage area. It is estimated, based upon the results of the standard response time analysis that the outer-edges of the community would fall with a five to six minute response time zone based upon the siting of a single station within the planning area (see Figure 6, Public Facilities). It should be noted that if future fire station locations are provided by surrounding projects or established by the City of Peoria, portions of the site not currently within the four minute response time radius may be accessible from other stations within the City within a four minute timeframe.

G. Police / Emergency Response

Police and law enforcement service facilities will likely be based out of the planned fire station site located within the Lake Pleasant Heights Specific Area Plan planning area. The police will share the fire station building. Support for police and fire facilities will be provided through participation in the Impact Fee Program.

H. Parks/Recreation and Open Space

The Land Use Plan for the Lake Pleasant Heights Specific Area Plan provides locations for the establishment of three park sites. The size of the recreation areas are listed as land use type REC on Table 1, Specific Area Plan, Intensity/Density Analysis.

One proposed recreation site has been located in the southern node of the site adjacent to the planned elementary school site to maximize the opportunities of a shared facility use. This neighborhood park site is located within that portion of the land use plan containing the highest concentration of population within the planning area.

The second recreation site has been located in the central node along El Mirage Road. This park has been located in a higher density area to provide a wide variety of recreational opportunities to future residents. The site is also located near a major wash, allowing for regional trail connections.

In addition, a Neighborhood Park is proposed in Section 2 of the State lands area. The exact location of this park will be determined at a later date and is currently identified on the land use plan as a symbol in a potential approximate target location. In addition to the three neighborhood parks, Lake Pleasant Heights provides large areas of natural open space and implementation of the Parks, Recreation, Open Space, & Trails Master Plan for additional recreational opportunities throughout the master planned development.

All park improvements shall be approved by the City's Community Services staff, which includes playground equipment, amenities, hard surface courts, the type of irrigation system, restroom fixtures, plant materials, etc. The City of Peoria Community Services staff will be actively involved in the planning, design and construction of the neighborhood parks.

The dedication, reservation, or sale of parks and open space areas will be established during the zoning and site planning plat review phase and will be addressed within the revised Annexation and Development Agreement. If open space is dedicated to the City as public open space the developer

must develop a trail system and trail heads to connect the open space areas. The general public shall be allowed to access the dedicated open space. The final location of the park sites will be determined by the City Parks Department. If a park site is moved, the vacated area can be developed with residential uses provided the total approved density for the entire Lake Pleasant Heights project is not exceeded.

I. Primary Schools

The Land Use Plan for the Lake Pleasant Heights Specific Area Plan has identified a location for a primary school to address the creation of educational demand within the planning area. The elementary school site has been located within the southern portion for the planning area and has been located adjacent to the proposed neighborhood park to maximize the opportunity to share facilities. The elementary school site has been located in that portion of the site containing the highest density of residential land use and geographically located to be responsive to the anticipated population therefore promoting pedestrian accessibility to the planned facilities. An additional school site may be located within the Specific Area Plan to the north based on future need and discussions with the Peoria Unified School District and the developer. If a school site is relocated, the vacated area can be developed with residential uses provided the total approved density for the entire Lake Pleasant Heights project is not exceeded.

V. FUTURE ENTITLEMENTS

A. Zoning

The Lake Pleasant Heights Specific Area Plan has been designed to set land use, transportation and public facility policy direction for the subject property. The Applicant will soon submit a Planned Community District amendment to implement the policy set by the review and approval of the Specific Area Plan. The zoning application will set a greater level of property development entitlements on the property which will be supplemented by a redraft of the 2005 Development Agreement. Applicability of a future development agreement to the inclusive acres of public lands will be determined at a later date.

B. Site Plan / Plat Approval

In support of the Specific Area Plan and future zoning request(s), this property will be developed under the guidance of the Site Plan and Subdivision Plat processes. However, to a certain extent, some "large-lot" platting could occur under the existing approved zoning on the site should the Applicant want to respond to the understanding or perception of a captive market.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 23R

Date Prepared: October 29, 2012

Council Meeting Date: December 4, 2012

TO: Honorable Mayor and Council

FROM: Stephen M. Kemp, City Attorney

THROUGH: Melinda A. Bird, Assistant City Attorney

SUBJECT: *FFF, L.L.C. v. City of Peoria and Larry & Jeff Limited Partnership,
7823 N. 27th Avenue, Inc. v. City of Peoria and FNF Construction, Inc.*

Purpose:

This is a request for City Council to approve the Second Amended Settlement Agreement in the Maricopa County Superior Court cases identified as *City of Peoria v. Larry & Jeff Limited Partnership, et al.*, CV2008-070442; *Larry & Jeff Limited Partnership, 7823 N. 27th Avenue, Inc. v. City of Peoria and FNF Construction, Inc.*, CV2009-031728, and *FFF, L.L.C. v. City of Peoria, et al.*, CV2010-003935. This action will resolve these cases and any outstanding dispute between the City and the various parties related to the Thunderbird Road Improvement Project.

Background/Summary:

The City and Larry and Jeff LP have been involved in extensive litigation as part of the Thunderbird Road Improvement Project ("Project"). The City filed an eminent domain action against Larry & Jeff LP in order to acquire the property needed for the Project, and Larry & Jeff LP (and related entities) filed claims against the City for inverse condemnation, trespass, conversion and destruction of property relating to the Project and the construction work thereon.

The parties have participated in mediation, as well as subsequent negotiations on their own, and have reached the Second Amended Settlement Agreement that is now presented to the City Council for approval. This Second Amended Settlement Agreement will resolve all outstanding disputes between the City and the other parties pertaining to the Project, including the land acquisition needed for the Project.

It is my recommendation that the Mayor and Council approve the proposed Second Amended Settlement Agreement in this matter.

Previous Actions:

The parties participated in mediation in an attempt to resolve the above matters, and an initial Mediation Settlement Agreement was reached between the parties that was presented to and passed by the City Council at its February 15, 2011 Council Meeting. The parties had a subsequent dispute regarding certain terms set forth in that initial Mediation Settlement Agreement, and thereafter the parties participated in a second mediation and further negotiations in an attempt to resolve those disputes. That second mediation and further negotiations between the parties have resulted in the parties' approval of the Second Amended Settlement Agreement now being presented to the City Council for approval.

Options:

A: Approve the Second Amended Settlement Agreement and the City's eminent domain action and the related lawsuits against the City will be resolved and dismissed.

B: Disapprove the Second Amended Settlement Agreement and the City's eminent domain action and the related lawsuits against the City will continue in litigation.

Staff's Recommendation:

Approve the Second Amended Settlement Agreement.

Fiscal Analysis:

All costs associated with the Second Amended Settlement Agreement shall be from the Thunderbird Road Widening Rehab; L101-95th project. Payment will be from the 2007 G.O. Bond Fund Street System Account 4210-4210-543001-CIPST-EN00011, in the amount of \$280,000.00.

Narrative:

The Second Amended Settlement Agreement is the result of a long-term successful mediation process that limited the exposure of the City to damages and very costly litigation.

Exhibit(s):

Exhibit 1: Second Amended Settlement Agreement

Exhibit 2: Exhibit A Map depicting areas described in Second Amended Settlement Agreement

Contact Name and Number:

Stephen M. Kemp, City Attorney (623) 773-7331

Second Amended Settlement Agreement

1. Defendants shall retain the funds previously withdrawn from the Clerk of the Court.
2. Upon completion of the construction obligations the City has agreed to assume herein, the City shall convey Lot 3, Mack Arrowhead, to Defendants by means of special warranty deed. Prior to commencing construction, the City shall obtain and provide to Defendants an ALTA survey of Lot 3.
3. After preparation and approval of the required plans and specifications for the work to be completed by the City and for the Lot 3 construction work to be completed by Defendants, the City, as illustrated in green on the attached Exhibit A, shall construct an underground piping system that will convey all of Mack's drainage from its current discharge point(s) on the north side of Lot 3 to the SRP Structure (the "City's Underground Storm Water Drainage Facilities"). The City shall ensure that the City's Underground Storm Water Drainage Facilities are designed to accommodate the storm water from the Lot 3 storm water collection system, which system is depicted in blue on Exhibit A and is to be designed and constructed by Defendants. Each party to this Agreement shall provide the other with a copy of the final and approved plans and specifications for its respective portion of the construction work prior to the City's commencement of construction of the City's Underground Storm Water Drainage Facilities. The City's Underground Storm Water Drainage Facilities shall be located in the far north end of Lot 3 and the far west end of Lot 3, as can be accommodated without conflicting with existing utilities, within an easement the City shall retain over and under those portions of Lot 3 that are needed to enable the City to maintain and/or replace the City's Underground Storm Water Drainage Facilities. The City shall remain directly obligated to Mack for Mack's drainage, and shall obtain an amendment to the existing Mack Drainage Easement so as to allow for the construction and maintenance of the City's Underground Storm Water Drainage Facilities. The City shall complete construction of the City's Underground Storm Water Drainage Facilities described in preceding sentence within 45 weeks after the City's approval of the plans that will be submitted by Defendants for construction of the parking on and within Lot 3.
4. Upon completion of construction of the City's Storm Water Drainage Facilities, the City shall fill, compact and grade Lot 3 in accordance with plans and specifications to be provided by Defendants, but approved by the City. The City and Defendants will equally share (50/50) the cost for a 3rd party engineer (Speedie & Associates) who will confirm that the grading and compaction as undertaken by the City has been completed as per the approved plans and specifications. Prior to the City's commencement of the filling, compacting and grading work, each party will deposit 50% of estimated fee for the 3rd party engineer into an escrow account that will be established in order to ensure payment to said engineer. FNF Construction has paid Defendants \$5,000 as its share of compensation for the costs associated with construction of the proposed parking lot on Lot 3.
5. The City is a licensee under a License Agreement with SRP, pursuant to which the City obtained the rights to use the property described therein. In conjunction with this

settlement, the City shall partially assign its rights under the License Agreement to Defendants, so that Defendants and their invitees may use the land subject the License. The City will provide Notice to SRP of this partial assignment. In conjunction with this assignment, the City will lower the grade of the manhole (identified on Exhibit A as “MH to be Adjusted”) that currently interferes with access to Lot 3.

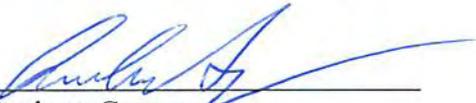
6. In conjunction with the City’s conveyance of Lot 3 pursuant to paragraph no. 2 above, the City shall also convey an access easement to Defendants over the 30 foot north/south easement (the “Ludlow Connector”) that the City obtained from Mack in conjunction with Mack’s dedication of Lot 3 to the City, subject to the provisions on the plat. Defendants will be responsible for construction and maintenance of any improvements needed with regard to the Ludlow Connector.
7. In order to facilitate the Defendants’ use of the access easement described in the preceding paragraph, SRP shall design the relocation and physically move the existing switching box currently located at the north end of the easement. The City shall pay to SRP, upon receipt of an invoice, one half of the costs, (\$23,000) in connection with the switching box relocation; and in addition, the City shall obtain the easement needed from Mack in order to allow for the relocation. Defendants shall pay the balance (\$23,000) of the costs required to accomplish the switching box relocation and SRP shall be responsible for relocating the switching box to a suitable location that will be provided by Mack. All of the design and relocation work shall be completed by SRP, with the aggregate maximum monetary contribution of the parties capped at \$46,000. Neither the City nor the Defendants shall be liable for the other party’s monetary contribution. In the event Defendants undertake to utilize the 30 foot wide Ludlow Connector as a secondary access route, Defendants will be responsible for designing, obtaining City approval of their plans and specifications, and constructing the driveway improvements thereon.
8. As consideration for the obligations of the parties described hereinabove, Defendants shall dismiss with prejudice the lawsuits currently pending in Maricopa County Superior Court and identified as FFF, LLC v. City of Peoria; FNF Construction, Inc., CV2010-003935; and Larry & Jeff Limited Partnership and 7823 N. 27th Avenue, Inc. v. City of Peoria and FNF Construction, Inc., CV2009-031728. In addition, the Defendants shall release, waive and discharge the City, Mack, SRP and FNF Construction from any and all claims related to the condemnation action, the use of Defendants’ property during construction of Thunderbird Road Improvement Project and all damages related to past flooding or storm water drainage problems, and any other claims that the Defendants may have against the other parties to this Agreement. Providing the Agreement is approved by SRP and the City Council, the City shall withdraw its pending Motion for Partial Summary Judgment and Application for Fees. Pending final approval the parties shall enter into a stipulation pursuant to which they request that Judge Padilla extend the deadlines required for Defendants’ responses to the City’s pending Motion of Partial Summary Judgment and Application for Attorneys’ Fees.
9. The defendants proposed parking lot plans for Lot #3 are for a “stand-alone” project., The City shall process said plans for Lot #3 without requiring any modifications to the existing improvements on defendants’ adjacent (Dillon’s) property.

10. This entire agreement including the partial assignment of the SRP license agreement and the Ludlow easement is transferable in the event of a sale of Lot #3 by the defendants.
11. This agreement is not binding upon the parties until approved by the City Council of the City of Peoria.

DATED this _____ day of November, 2012.

**MARISCAL WEEKS MCINTYRE
& FRIEDLANDER, P.A.**

By: _____
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ZEITLIN & ZEITLIN

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By: _____
Larry Fait, Partner

THE DOYLE FIRM

By: _____
D. Andrew Bell
Attorneys for Defendants FNF Construction and City of
Peoria

JENNINGS STROUSS & SALMON

By: _____
Eric Gere
Attorneys for Defendant Salt River Project



City Council Calendar

Color Key:
City Council
No Category
Planning and Zoning

< November	December 2012						January >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
						1	
2	3	4  Regular City Council Meeting  Special City Council Meeting & Study Session	5	6	7	8	
9	10	11  City Council Subcommittee on Policy & Appointments	12	13	14	15	
16	17	18	19	20  City Council Subcommittee on Community Culture & Public Safety	21	22	
23	24	25 Christmas Day Holiday Celebrated - City Hall Closed  Christmas Day Holiday Celebrated - City Hall Closed	26	27	28	29	
30	31						



City Council Calendar

Color Key:
City Council

< December	January 2013					February >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8  Special Meeting and Study  Regular City Council Meeting	9	10	11	12
13	14	15	16	17	18	19
20	21	22  TENTATIVE - Regular City Council Meeting  TENTATIVE - Special Meeting and Study	23	24	25	26
27	28	29	30	31		

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: 25A

Date Prepared: November 19, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Update on Building Development Initiatives

Summary:

The Economic Development Services (EDS) Department is currently undertaking various building development initiatives in an effort to improve customer service and facilitate quicker turn around times for building plan review, permitting, and inspection. Such initiatives include modification to building inspection work hours, contracting for additional building plan review and inspection capacity through the use of a consulting firm specializing in such services, assessment of improvements to the building permit and approval process, and implementation of new building codes.

Work Schedule

When the City transitioned to the 4/10 work schedule, building inspection staff was able to work with city clients by providing the option of two inspection stops in one day. With the dramatic surge in permitting and inspection activity that has occurred over the past year, staff is no longer able to provide that type of service. Therefore, to improve customer service building inspection staff will be returning to a 5/8 work schedule, effective the week of November 5, 2012. The change in inspection work hours is being communicated to current permit holders in the field and at the permit counter, as well as city telephone messages have been updated to include the work hour change and that information has also been posted on the EDS website. We expect the change to be a seamless transition.

Contract for Building Plan Review and Inspection Services

EDS and Materials Management have completed a scope of services for the Request for Proposal (RFP) process previously approved by the City Council. The RFP will solicit proposals for establishing a service contract for temporary building plan review and inspection services until June 2013. EDS will evaluate any additional needs beyond June 2013, and make recommendations through the normal budget process for FY 2014. Staff anticipates bringing a consultant contract to the City Council for its consideration at the January 8, 2013 Council meeting.

'Self Certification' permitting review

Peoria's Development divisions are currently investigating the implementation of a self certification plan review and permitting program similar to the one that is in place in the City of Phoenix. As part of this, a comprehensive review and assessment of Peoria's development processes will be completed using consultant services to evaluate the implementation in Peoria of the City of Phoenix self certification model. Attached is the scope of work that the consultant will complete and report back to Council in a

future study session targeted for January 2013. We are targeting the 1/8/2013 council meeting to bring a budget amendment requesting the use of General Fund reserves for council approval for a self certification consultant.

Implementing New Building Codes

In May 2012, the City Council adopted the 2012 International Building Codes with an effective date of May 1, 2013. EDS has been hosting meetings with the residential development community for the purpose of developing best practices for the implementation of the changes in residential construction. Representatives from SRP and APS have also been active participants in helping the building staff and development community understand the adopted energy requirements for new construction. On October 29th, at the invitation of SRP, Building Development participated in a Testing Protocol Summit. The intent of the summit is to develop a standardized procedure for compliance with the 2012 energy provisions.

Exhibits:

Exhibit 1: Schedule Change Memo

Exhibit 2: Self Certification Consultant Scope of Work

Contact Name and Number: Dennis Marks, Building Development Manager, 623-773-7232



**Economic Development Services Department
Building Development Division
Memorandum**

Date: October 2, 2012

To: Susan J. Daluddung, Deputy City Manager

From: Dennis Marks, Building Development Manager

Through: Scott Whyte, Economic Development Services Director

Subject: Request for work schedule change for building inspection staff

As permitting has accelerated in recent months, developer concerns regarding their inability to obtain inspections on Fridays has resulted in a customer service problem that we believe needs to be addressed. As a result, EDS is seeking to improve the service we provide Peoria's development community by having the building inspection staff return to a five-day work schedule. We have met with Human Resources to discuss and they fully support this effort.

In returning to a five-day work week, the building inspection staff and the Inspection Supervisor will maintain a work schedule of 6:30-3:00 Monday to Friday. Their work is off-site, although they will be in their offices for a short amount of time each day. The schedule change has been discussed with the inspectors and a majority agree with the change. The change will be effective November 5, 2012.

Before the implementation date of November 5th, this change will be communicated in the following ways:

- Staff will communicate the schedule change to all active permit holders
- Messages will be put on our Citizens Access permitting site notifying users of the change
- We will post notices on our website and at the permit counter.
- All staff telephone messages will indicate the change of inspection days and hours.

Further points of consideration in support of this change:

- Inspections will continue to be scheduled by permit holders through our automated phone voice system and our Citizen Access website. Both options allow the permit holder to leave messages for the inspectors so there will be no decrease in inspector accessibility.

- The inspection division of the Fire Department will provide inspection support on Fridays. They inspect only the commercial fire suppression systems; the Building Department inspects all residential systems.
- The Utility Department already works a 5/8 schedule. No change will be required. They inspect commercial grease interceptors and backflow devices.
- Site Development inspection will continue to work the 4/10 schedule. Their responsibility during new commercial construction is the landscaping. Those inspections are infrequent and are not considered life safety.
- The option of keeping the 4/10 schedule but splitting the staff so that days off would vary thus having staff available on Fridays was considered. However, after analysis it was determined that such a schedule would more directly inhibit our ability to perform an inspection within 24 hours of being requested, which is our current customer service goal.
- The Development office staff will remain on the 4/10 work schedule. Utility clearances to APS, SWG and SRP will be handled by the inspection staff.

We are projecting that the change in work schedule will not solve the current problem we are experiencing in meeting the goal of performing an inspection within 24 hours of the request. This situation can only be corrected by increasing the number of inspectors on staff. To that end we are continuing with the RFP process for inspection help, as recently granted by City Council. The staff source and funding should be available by the first of the calendar year.

SELF-CERTIFICATION CONSULTANT

SCOPE OF SERVICES

The City of Peoria is evaluating the establishment of a building plan review self-certification program for development services, based on the City of Phoenix self-certification model. The chosen consultant will be required to do the following as they analyze how such a program can be successfully implemented in Peoria:

1. Thoroughly evaluate and review the existing City of Phoenix self-certification program
2. Determine staffing considerations and analyze workloads of existing staff:
 - a. Counter staff to process the plans
 - b. Plan review staff for self-certified plans
 - c. Building inspection staff considerations:
 - i. Building inspectors currently do not have the technical skills to conduct plan review in the field
 - ii. Would building inspections take longer to perform in the field
 - iii. Impact to inspection schedules and workload
 - iv. Impact to inspection turn around times
3. Identify how the self-certification process could include these divisions that currently receive building plans for review when they are routed
 - a. Site development
 - b. Addressing
 - c. Industrial users
 - d. Fire
 - e. Planning
4. Interview stakeholders and property owners to ensure that this program will meet their expectations for customer service
5. Consider the impact that a loss of revenue in development fees would have on the city
6. Develop an implementation focused self-certification process that works for Peoria considering the following items:
 - a. ISO considerations
 - b. Anticipated participation volume
 - c. City liability
 - d. Registrant liability
 - e. Phasing the program over time
 - f. Inspectors unable to define structural issues in the field
 - g. Inspectors stopping projects under construction when RFI or revisions are needed

SUBMITTAL REQUIREMENTS

Proposals shall be submitted in one (1) original and three (3) copies on the forms and in the format as contained in the Request for Proposal. Proposals shall be on 8 1/2" & 11" paper with the text on one side only. All submittal information must contain data for only the office(s) which will be performing the work. The proposals should be submitted in the maximum length of 15 pages. DO NOT BIND THE ORIGINAL COPY.

Proposal Content

The following items shall be addressed in the proposal submission:

- i. Plan and Method of Approach to accomplish the required services.
 - Include details on methodology, proposed tasks, timelines, procedures, research, existing contacts and any other pertinent information as it relates to this scope.
 - Include a work plan and task schedule related to all activities, deliverables and execution of the scope.
- ii. Overall Firm and Staff Experience and Similar Project Experience.
 - Include examples of similar work conducted.
 - Include resumes of individuals who will perform the work outlined in this proposal, including their capacities and experience conducting similar projects. It is preferred that this project be conducted entirely in-house.
- iii. Fee Schedule.
 - Include a detailed project budget of tasks and hours that include professional fees, direct costs, and payment schedule. If applicable, include any associated travel or reimbursable costs.
- iv. References.
 - Include references from at least three (3) clients for whom similar projects were conducted. A contact name and phone number must be provided related to your references.

Please submit your proposal for this contract by November 29, 2012.

City Deliverables

1. Draft report due within 30 days of execution of contract.
2. Attendance at (1) Council Study Session and (1) Regular Council Meeting – targeted for January timeframe.
3. Modifications of draft report following feedback from council meetings.
4. Final Report due within 60 days of Council Study Session.

TIMELINE FOR PROJECT COMPLETION

Economic Development Services is looking to present this program at a City Council Study Session targeted for January 2013. A first draft of the report will be due by December 15, 2012.

CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT

Agenda Item: 25B

Date Prepared: November 19, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager
FROM: Scott Whyte, Economic Development Services Director
THROUGH: Susan J. Daluddung, Deputy City Manager
SUBJECT: November 8, 2012 Job Fair - Results

Summary:

The Economic Development Services Department hosted its second annual regional job fair event entitled "Make Your Career Happen! Job and Opportunity Fair" on November 8th from 10:00 am – 3:00 pm at the Peoria Sports Complex. The event was another success with 140 exhibitors offering over 6,000 positions with approximately 1,500 job seekers that attended. Some highlights were:

- The partnership between the City, Goodwill and Maricopa Workforce Connection (MWC) was solid and positive. We plan to partner again next year;
- The two workshops that were offered throughout the day were well attended. These were "How to Work a Job Fair" and "Interviewing Techniques";
- Goodwill of Central Arizona, our title sponsor, supplied free security through Phoenix Job Corps, offered more employer contacts and gave marketing assistance;
- We had five other sponsors:
 - Five Star Concrete
 - Charles Schwab
 - State Farm
 - Comprehensive Risk Services
 - Alliance Home Loans
- Maricopa Workforce Connection also promoted the event and supplied us with additional employer contacts;
- Greater Phoenix SCORE, the Small Business Administration, Arizona Commerce Authority, and MCC's Small Business Development Center offered information on how to start a small business;
- Promotion of the event was done utilizing all types of media, including KTAR radio, Channel 11, and Channel 10.

We received wonderful feedback from employers, here are a few comments:

- Two of the sponsors, Charles Schwab and State Farm, stated they each had over 20 qualified applicants from the event and hope to hire by year's end
- "Have had several people apply, and interviewed a few candidates, thank you and would like to attend again next year"
- "On behalf of Right at Home, I wanted to thank you for the invitation to attend this event. We would like to be included in the event next year. It was a great time to network with other companies as well. Thanks so much for hosting a memorable event. I am in the process now of interviewing and it looks like we may have some good candidates"
- "Thank you for having us...we hope to have one or two qualified new hires as a result of this fair. It seemed to be a very well attended event"
- "Thank You for your hospitality! It's a challenge to find good job fairs anymore and this one was well planned, well publicized, and well attended. For our organization this was definitely time well spent and have already scheduled 10 individuals for follow-up interviews"
- "This was a great event! And we definitely have it on our calendar for next year. So far we have had five new hires!"
- "I thoroughly enjoyed the job fair and met a lot of job seekers who need training and are interested in meeting us at the school to find out if they may be eligible for a job training grant through Maricopa Workforce Connection"
- "I just want to let you know that I thought you did a fabulous job organizing the Peoria Job Fair! We attend a lot of career fairs and I will say that this one was the best. I'm so happy we participated and look forward to attending next year!!"
- "We hired three people, construction labor help and we are looking at two sales people whom we may bring on board early 2013."

Contact Name and Number: Debbie Pearson 623-773-5210

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: 25C

Date Prepared: November 5, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager

FROM: Chris Jacques, AICP, Planning & Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: APS Transmission Line ROW and Resource Management Plan Amendment
STATUS UPDATE

Summary:

Background

Arizona Public Service (APS) is proposing the development of approximately 38 miles of transmission line to increase the reliability of the high-voltage transmission system in the NW Phoenix metropolitan area. The project seeks to construct an overhead electric transmission system, consisting of a single series of tower structures holding two high-voltage circuits – a single-circuit 500-kilovolt (kV) transmission line and a single-circuit 230 kV line connecting the APS Sun Valley Substation near Surprise/Buckeye with the Morgan Substation in the City of Peoria (near SR-74 and Lake Pleasant Parkway). The 500 kV circuit would be installed for a proposed 2016 in-service date while the 230 kV circuit would be strung on the same structure in the future, when necessitated by load growth, projected by APS to be beyond 2021.

In March 2009, the Arizona Corporation Commission (ACC) certificated a route that within Peoria, largely extends along the north side of State Route 74 Right-of-Way (ROW). This was a change to the original proposal which extended along the Carefree alignment through the entitled master plans of Vistancia, Saddleback Heights and Lake Pleasant Heights.

Within the 38-mile certificated corridor, approximately nine (9) miles would extend over public lands managed by the Bureau of Land Management (BLM). Accordingly, APS has filed an application with the BLM for a right-of-way grant to construct the overhead transmission lines over BLM lands. Management decisions for these Federal public lands are subject to the *2010 BLM Bradshaw-Harquahala Resource Management Plan (RMP)*. It is BLM's position that the RMP currently does not identify a utility corridor for the Peoria stretch of SR-74.

Therefore, BLM has initiated a public process to make two separate decisions: (1) whether to amend its RMP to create a utility corridor in the vicinity of SR-74; and (2) whether to approve the APS application and any adjustments to the proposed transmission location or design. The process is subject to the National Environmental Policy Act (NEPA) wherein decisions are

analyzed with public input through an Environmental Impact Statement (EIS), and must include the assessment of multiple route alternatives.

Several agencies, including the City of Peoria, have been designated as a ‘cooperating agency.’ Staff from the Planning & Community Development Department have attended regular monthly meetings to participate in communications and provide information, comments and technical expertise in the preparation of the Draft EIS and Final EIS.

Draft EIS- Notice of Availability (NOA)

The BLM published the Notice of Availability (NOA) and released the Draft Environmental Impact Statement (DEIS) and Resource Management Plan Amendment on November 9, 2012. The DEIS analyzes and discloses the environmental impacts of all the alternatives – including the Proposed Action (the ACC-certificated corridor). The DEIS also discloses and outlines BLM’s Preferred Alternative, which is the Proposed Action.

Draft EIS – Preferred Alternative

For the Preferred Alternative, the BLM would designate a 200-foot wide single-use utility corridor on BLM managed lands north of SR-74 – coincident with the ACC-certificated corridor; and designate a multi-use utility corridor on 1,013 acres of BLM land south of SR-74 to address future BLM management considerations for new community needs.

BLM’s choice of the ACC-certificated corridor in the DEIS is consistent with the City Council’s long-standing position in support of a SR-74 route, dating back to 2008 and confirmed most recently in *Resolution No. 11-48*, adopted by the City Council on April 5, 2011.

Public Comment Period

The NOA and release of the DEIS initiated a 90-day public comment period. As part of the public comment period, the BLM will be hosting three (3) public hearings scheduled between December 11-13, 2012 in Peoria, Wittmann and Phoenix respectively. **The Peoria public hearing will be held on Tuesday, December 11, 2012 between 5:30-8:00 PM at Centennial High School, 14388 N. 79th Avenue, Peoria AZ 85381.** BLM will be publicizing the hearings and public comment period through email blasts, newspaper ads, legal notices, flyers and website details.

Tuesday, December 11, 2012	Wednesday, December 12, 2012	Thursday, December 13, 2012
Centennial High School 14388 N. 79 th Avenue Peoria, AZ 85381 5:30-8:00 PM	Nadaburg Elementary School 21419 W. Dove Valley Road Wittmann, AZ 85361 5:30-8:00 PM	BLM National Training Center 9828 N. 31 st Avenue Phoenix, AZ 85051 5:30-8:00 PM

The public can also register comments on the Draft EIS in other ways:

- Via email to SunValley-Morgan@blm.gov
- Call the telephone comment line at 800-578-4133.
- Send comments to:

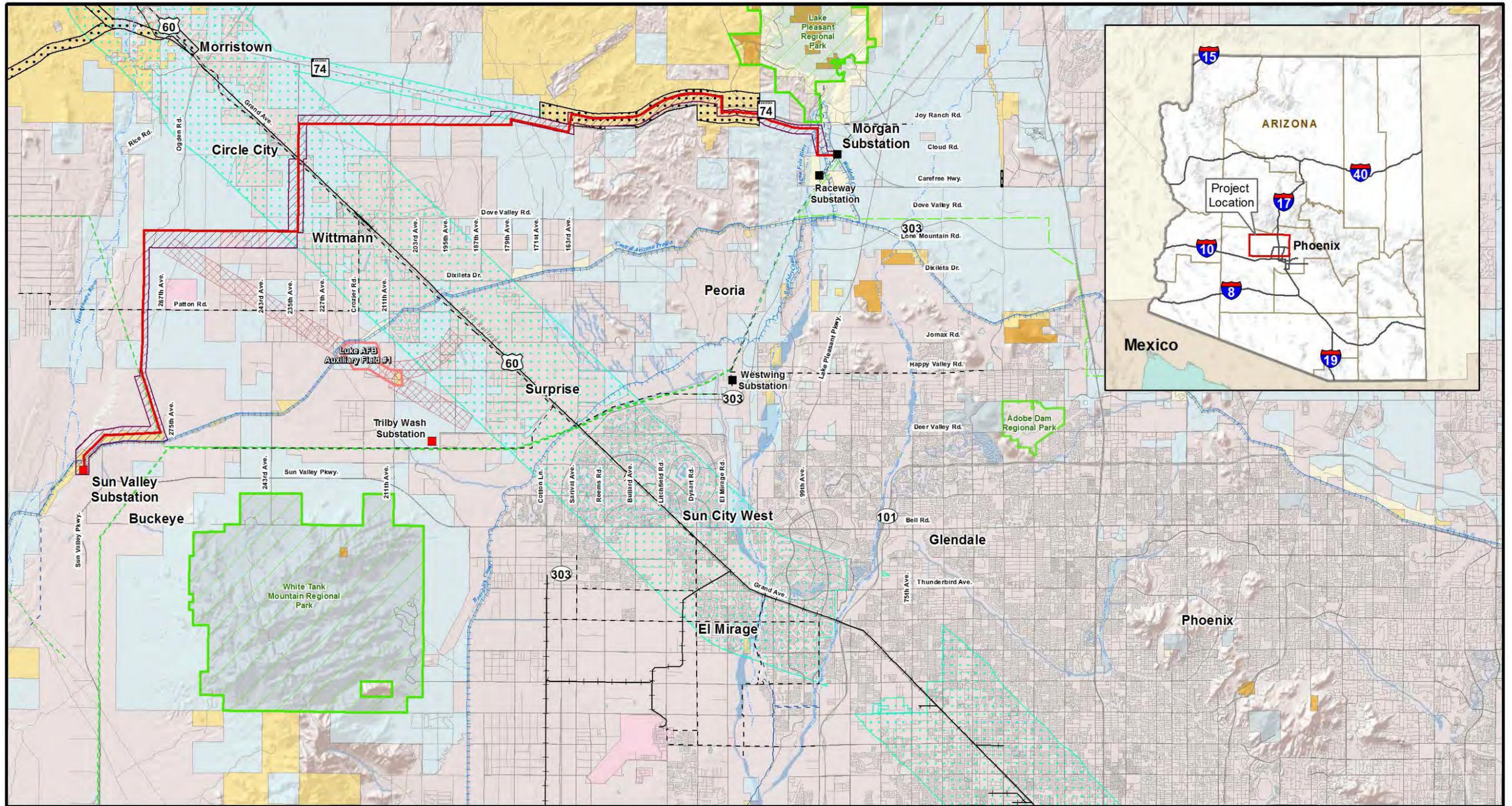
BLM Phoenix District Office
Hassayampa Field Office
APS Proposed Sun Valley to Morgan Transmission Line Project
ATTN: Kathleen Depukat
21605 North 7th Avenue
Phoenix, AZ 85027-2929

At the December 4, 2012 City Council meeting, staff will provide a brief report outlining the project, Preferred Alternative and BLM public comment period.

Exhibit(s):

- Exhibit 1:** Project Location Map (Reference BLM DEIS)
- Exhibit 2:** ACC-certificated Corridor (Reference BLM DEIS)
- Exhibit 3:** Preferred Alternative (Reference BLM DEIS)

Contact Name and Number: Chris M. Jacques, Planning Director, x 7609



Legend			
	Sun Valley to Morgan Proposed Action Right-of-Way		Existing High-Voltage Substation
	ACC Certificated Route		Approved High-Voltage Substation
	Scenic Corridor		Existing 500kV Transmission Line
	BLM Transportation Corridor		Existing 230kV Transmission Line
	Luke Air Force Base (AFB) Auxiliary Field #1		Existing 69kV Transmission Line
	Auxiliary Field #1 Accident Potential Zone		Regional Park
		Surface Land Management	
			BLM
			USBR
			County
			Military
			Local or State Parks
			State Trust Lands
			Private

Base Map: ESRI Shaded Relief accessed at ArcGISOnline.com

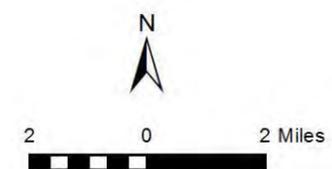
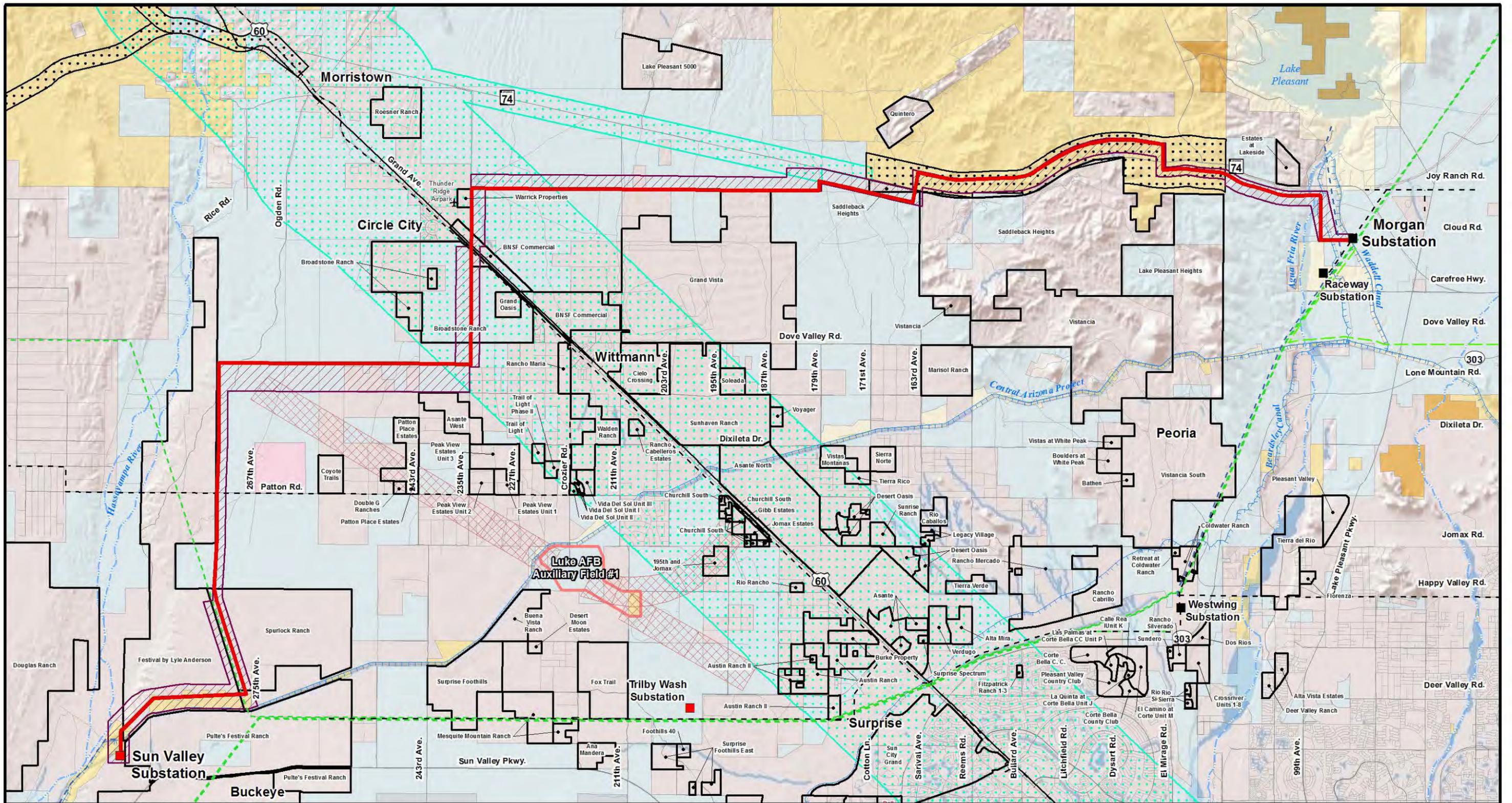
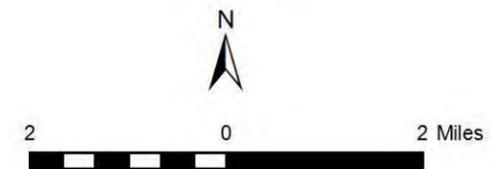


Figure 1.1-1
Project Location Map
Sun Valley to Morgan 500/230kV Transmission Line EIS Project



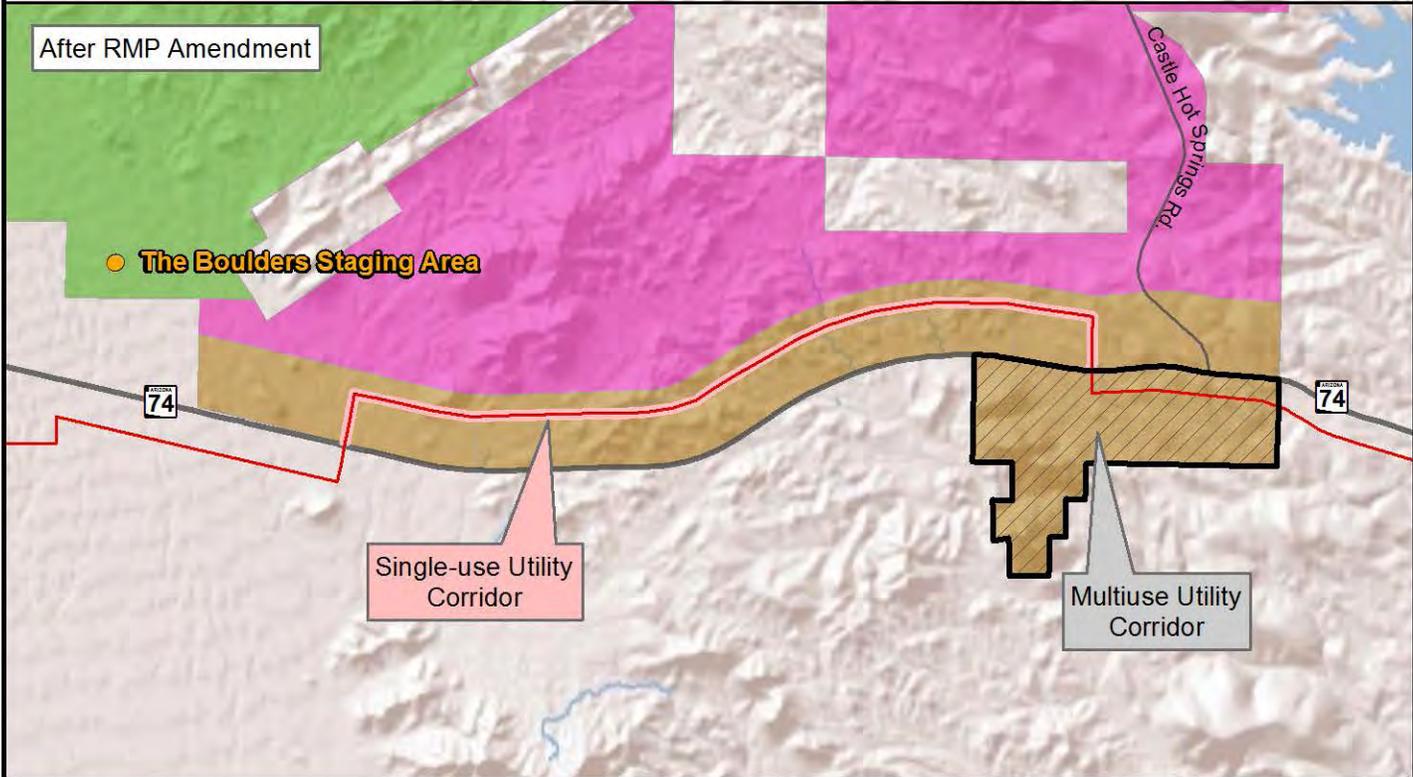
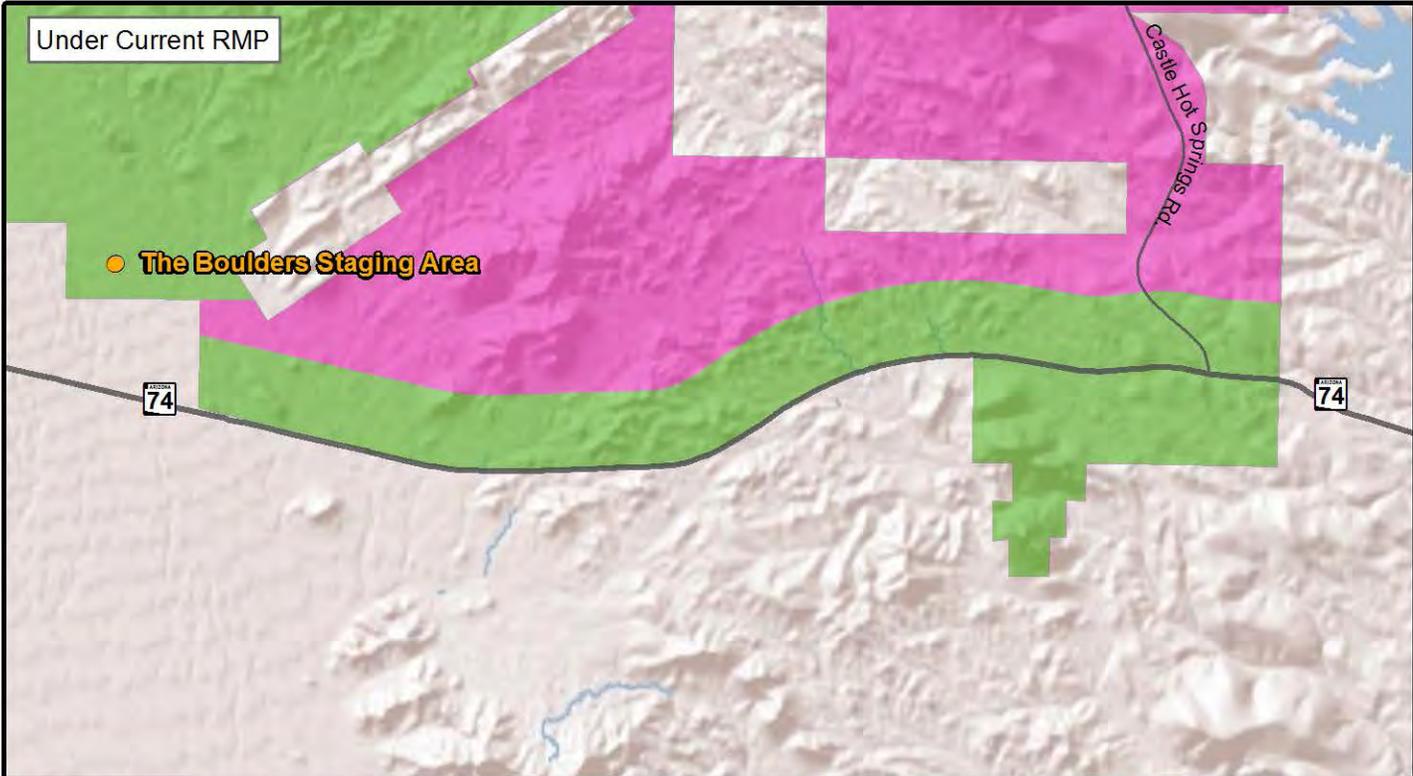
- Legend**
- Sun Valley to Morgan Proposed Action Right-of-Way
 - ACC Certificated Route
 - BLM Transportation Corridor
 - Existing High-Voltage Substation
 - Approved High-Voltage Substation
 - Existing 500kV Transmission Line
 - Existing 230kV Transmission Line
 - Existing 69kV Transmission Line
 - Luke Air Force Base (AFB) Auxiliary Field #1
 - Auxiliary Field #1 Accident Potential Zones
 - Existing and Future Development Areas
 - Scenic Corridor

- Surface Land Management**
- BLM
 - USBR
 - County
 - Military
 - Local or State Parks
 - State Trust Lands
 - Private



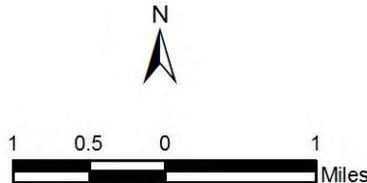
Base Map: ESRI Shaded Relief accessed at ArcGISOnline.com

Figure 2.4-1a
Proposed Action Route
Sun Valley to Morgan 500/230kV Transmission Line EIS Project



Legend

- | | |
|---|---|
|  Sun Valley to Morgan Proposed Action Route |  VRM Class II |
|  200-foot-wide ROW & Single-use Utility Corridor |  III |
|  Multiuse Utility Corridor |  IV |
|  The Boulders Staging Area | |



Base Map: ESRI Shaded Relief accessed at ArcGISOnline.com BLM 2011

Figure 2.10-1
Preferred Alternative -
RMP Amendments
Sun Valley to Morgan 500/230kV -
Transmission Line EIS Project



Center for
Public Safety
Excellence

4501 Singer Court, Suite 180
Chantilly, VA 20151
(866) 866-2324 Toll Free
(703) 691-4620 International
(703) 961-0113 Fax
www.publicsafetyexcellence.org

November 5, 2012

Chief Bobby Ruiz
Peoria Fire Department
8401 W. Monroe St.
Peoria, Arizona USA 85345

Dear Chief Bobby Ruiz:

The Statement of Findings on your Annual Compliance Report was reviewed during the semiannual commission teleconference on October 23, 2012.

It is my pleasure to inform you that the full commission voted unanimously to accept your report. You are congratulated on your efforts and those of the personnel in your department. Your continued dedication to the self-assessment process will certainly result in the continued professional development of your organization.

Once again, congratulations.

Sincerely,



R. Allen Cain
Chairman, Commission on Fire Accreditation International
RLR/DH



Commission on
Fire Accreditation



Commission on
Professional



Technical
Advisor
Program

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Date Prepared: 1 November 2012

Council Meeting Date: 4 December 2012

TO: Carl Swenson, City Manager

FROM: Tamara Shreeve, Council Office and Grant Program Manager

THROUGH: John Schell, Director, Governmental Affairs and Council Office

SUBJECT: Council Subcommittee Update

Summary:

The purpose of this report is to update the Mayor and Council on the Council Subcommittee activities. The attached spreadsheet lists the Council Subcommittees and the agenda item topics that have been assigned to each Council Subcommittee. If the item has been reviewed at a subcommittee meeting, the outcome of that discussion is also listed.

Exhibit 1: Council Subcommittee assigned agenda items

Contact Name and Number: Tamara Shreeve, x 5173

**City of Peoria
Council Subcommittees**

**Community Culture
and Public Safety
Subcommittee**

Submitter	Subject	Sub- committee agenda date	Action	Study Session
Jeff Tyne / Susan D	Trail System Lighting	1/30/2012	Forward item to study session. Completed	7/3/2012
Jeff Tyne / Susan D	Field Rental Policy	1/30/2012	Forward item to study session. Completed	7/3/2012
Jeff Tyne / Susan D	Recreation Fees Policy	11/14/2011	Forward item to study session. Completed	3/20/2012
Jeff Tyne / Susan D	Veterans Discount Program	2/27/2012	Discussed item. Taken directly to Regular Council meeting. Completed	Regular Council Meeting 5/15/12
Jeff Tyne / Susan D	Establish "Peoria Friends of the Arts"	2/27/2012	Forward item to study session. Completed	
Jeff Tyne / Susan D	Youth Master Plan	4/9/2012	Forward item to study session. Completed	9/4/2012
Jeff Tyne / Susan D	Veterans Memorial Board Sponsorship	1/30/2012	Discussed item. Taken directly to Regular Council meeting. Completed	Regular Council Meeting 5/15/12
Claudia Lujan	Structure of the Sister Cities Board	6/25/2012	Item was discussed. Forward item to Council Study Session (6/25/12). Completed	
Roy Minter	False Alarm Ordinance	11/7/2011	Forward to study session (11/7/2011). Completed	4/17/2012
Dave Pearson	Recreational Vehicle Ordinance	1/11/2012	Forward to study session with full recommendation (1/11/12). Completed	6/5/2012
Tony Rivero	Recreational Vehicles City Code Section 14-110	1/11/2012	Forward to study session with full recommendation (1/11/12). Completed	6/5/2012

**City of Peoria
Council Subcommittees**

Carlo Leone	Traffic calming agenda item	4/11/2012	Forward to study session. Completed	Regular Council Meeting 6/19/12
Carlo Leone	Traffic management agenda item	4/11/2012	Item discussed. Infomational only.	NA
Roy Minter	Park Ranger Staffing Study	12/14/2011	Informational item.	NA
Carlo Leone	Feral Cat Control	9/10/2012	Discussion only. Complete.	NA
Carlo Leone	Residential Parking	11/15/2012	Item discussed. Forward to Council Study Session.	
Carlo Leone	Dirt Ordinance	11/15/2012	Discussion only. Complete.	NA
Jamal Rahimi/Andy Grainger	Neighborhood Traffic Management Program (NTMP) Policy Change	4/11/2012	Item discussed. Infomational only. Completed	NA
Tamara Shreeve/Susan Thorpe	Community/Outside Agency Funding & Assistance Policy	6/25/2012	Item was discussed. Forward item to Council Study Session (6/25/12). Completed	11/13/2012
Ron Aames	Roadside Memorials	11/15/2012	Discussion only. Complete.	NA
Carlo Leone	Feeding Nuisance Animals	9/10/2012	Item was discussed. Staff will bring draft ordinance back to Subcommittee. (9/10/12)	
Ron Aames	Permissible Number of Animals per Residence	9/10/2012	Discussion only. Complete.	NA

**City of Peoria
Council Subcommittees**

**General Government
Subcommittee**

Submitter	Subject	Sub-committee agenda date	Action	Study Session
Brent Mattingly	Utility bill format	11/14/2011	Forward the item for full Council Study Session discussion of solid waste service options and rates. Completed	2/7/2012
Tony Rivero	Residential Development Impact Fees	11/14/2011	Consensus of the subcommittee members was to wait for the full Impact Fee Study to address policy issues identified by Council.	7/3/2012 10/23/2012
Dave Pearson	Itemizing Utility Bill	12/19/2011	Forward the item for full Council Study Session discussion of solid waste service options and rates. Completed	2/7/2012
Steve Kemp	Adoption of Resolution supporting designating certain areas of the City with Peoria addresses and zip codes	2/13/2012	Will be placed as a regular agenda item.	Regular Agenda 7/3/12
Katie Gregory	Development Service User Fees	2/13/2012	Forward to Council Study Session. Completed.	7/3/2012

**City of Peoria
Council Subcommittees**

Policy and Appointments Subcommittee				
Submitter	Subject	Sub-committee agenda date	Action	Study Session
Dave Pearson	Volunteer Appreciation	11/7/2011 1/10/2012	No further Action. Completed (11/7/11). Revisited item on 1/10/12. No further action. Completed	NA
Dave Pearson	B&C Appointment Process	11/7/2011 12/13/2011 1/10/2012	Bring back to Subcommittee for further discussion (11/7/11). Administrative action - Use the new application form. Interviews and Resumes will be at the discretion of the SC. (12/13/11). Completed. Revisited item on 1/10/12. Completed	NA
Wanda Nelson	Board and Commission Appointments & Reappointments	Ongoing	Appointments and reappointments reviewed and recommended by subcommittee. Ongoing topic.	NA
Dave Pearson	Charter Amendments	12/13/2011 1/10/12 1/24/2012	Bring back to Subcommittee for further discussion (12/13/11). Discussed seven proposed charter amendments. Forward 6 of those to Study Session. One proposed amendment was withdrawn (1/10/12). Reviewed remainder charter amendments. Forward charter amendments to study session. (1/24/2012) Completed	2/21/2012

**City of Peoria
Council Subcommittees**

Dave Pearson	Council Ethics Committee	11/7/2011 12/13/2011 1/10/2012	Bring back to Subcommittee for further discussion (11/7/11). Bring back to Subcommittee. Include a process flow chart (12/13/11). Forward to study session with consensus recommendation (1/10/12). Completed	2/7/2012
Dave Pearson	CP1-5 Appointments to Boards and Commission	11/7/2011 12/13/11	Bring back to Subcommittee for further discussion (11/7/11). Consensus recommendation to forward to study session (12/13/11). Completed	5/15/2012
Dave Pearson	CP 1-2 review. Edit Council Meeting Procedures to reflect Subcommittee Structure	12/13/2011	Bring back to subcommittee for further discussion (12/13/11).	
Dave Pearson	Council Role in review and approval of director appointments	12/13/2011	Consensus to move forward to regular council agenda/through a City Manager's report. Completed	Regular Council Meeting 1/3/2012

**City of Peoria
Council Subcommittees**

Susan Thorpe	Council Code of Ethics	2/14/2012 3/15/2012 4/10/12 5/8/12 9/11/12	Discussed item - continue discussion at the next meeting (2/14/2012). Discussed Item - continue discussion at the next meeting (3/15/2012). Discussed item - will continue discussion at the next meeting (4/10/12). Discussed item-continue discussion at the next meeting (5/8/12). Consensus to forward draft policy to Study Session (9/11/2012). Completed.	
Dave Pearson	Code of Ethics for Elected Officials and Citizen Advisory Committees	2/14/2012 3/15/2012 4/10/12 5/8/12 9/11/12	Discussed item - continue discussion at the next meeting (2/14/2012). Discussed Item - continue discussion at the next meeting (3/15/2012). Discussed item - will continue discussion at the next meeting (4/10/12). Discussed item-continue discussion at the next meeting (5/8/12). Consensus to forward draft policy to Study Session (9/11/2012). Completed.	

**City of Peoria
Council Subcommittees**

Sustainable Development and Public Services Subcommittee				
Submitter	Subject	Sub-committee agenda date	Action	Study Session
Chris Jacques	Political Signs Zoning Ordinance	11/2/2011	Forward item to Council Study Session. Completed	11/15/2011
Chris Jacques/ Susan D.	Open Space Preservation Program and Decision Support Model	2/1/2012	Start community outreach activities and forward item to Council Study Session. Completed	8/21/2012
Chris/Scott and Susan D.	Digital Billboards - Civic Engagement	11/7/2011	Forward Item to Study Session. Completed	11/15/2011
Dave Pearson	Council Not-For-Profit and Housing Subcommittee	11/8/2011 6/6/12	Bring back to subcommittee for further discussion upon completion of research and alternative identification (11/8/11). Item was discussed. Forward item to study session (6/6/12). Completed	
Cathy Carlat	Not for Profit Committee	11/8/2011 6/6/12	Bring back to subcommittee for further discussion upon completion of research and alternative identification (11/8/11). Item was discussed. Forward Item to study session (6/6/12). Completed	
Scott Whyte/ Chris Jacques/ Susan D.	Old Town Entertainment District Designation	12/7/2011 1/4/2012	Bring back to subcommittee for further discussion (12/7/11). Forward to Regular Council Meeting (1/14/2012). Completed	Regular Council Meeting 1/17/2012
Bill Mattingly	Dial-a-Ride rates	11/17/2011	Forward item to Council Study Session. Completed	4/17/2012

**City of Peoria
Council Subcommittees**

Ron Aames	Transit Jurisdictional Equity Position	11/17/2011	Informational item. Forward information, through a City Manager's report, to the Council on a Regular Council Agenda. Completed	Regular Council mtg. 1/3/2012
Susan Thorpe	Solid Waste Services	12/1/2011	Forward Item to Council Study Session. Completed	2/7/2012
Bill Mattingly/ Susan Thorpe	Commercial Solid Waste Services	12/15/2011	Forward Item to Council Study Session. Completed	2/7/2012
Dave Pearson	Change in City Ordinance regarding multi-family solid waste service	1/5/2012	Item was discussed, then withdrawn by Councilman Pearson. Completed	NA
Scott Whyte	Old Town Indicators	6/6/2012	Item was discussed. Forward item to Study Session (6/6/2012). Completed.	8/21/2012
Chris Jacques	Senate Bill 1598-Aggregate Mining	6/6/2012	Item was discussed. Forward item to Study Session (6/6/2012). Completed.	8/21/2012
Carlo Leone	Street Maintenance	11/7/2012	Item was discussed. No further action needed.	NA

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: 26C

Date Prepared: November 19, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager

FROM: Chris Jacques, AICP, Planning and Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: Extension of Electric Vehicle Charging Stations Agreement

Summary:

In October 2011, the City Council approved a license agreement with Electric Transportation Engineering Corporation (ECOTality Inc.) to install, maintain and operate a total of six electric vehicle charging stations at three sites: Development and Community Services Building; Sunrise Mountain Library; and Peoria Sports Complex.

The cost to install and operate the charging stations was funded by the United States Department of Energy (DOE). The goal was to help create a nationwide electric vehicle (EV) charging infrastructure and gather data on the effectiveness of the infrastructure.

The original licenses agreement was to expire on December 31, 2012, at which time the City could have elected to have the stations removed or have the ownership and operation transferred to the City. Peoria was recently notified that the DOE has provided additional funding to extend the operation of the EV charging stations through December 31, 2013. The extension still allows the City to elect to have the charging stations removed during this period if there is a conflict is any of our activities (such as redevelopment at the Sports Complex).

Since the EV charging stations became operational in May/June 2012, they have saved over 30 gallon of fuel and help to helped to reduce 190 pounds of CO2 emissions. A detailed summary of the of the charging station usage is attached.

Exhibit(s):

Exhibit 1 – Summary of EV charging station usage

Exhibit 2 – Location map for the Development and Community Service Building

Exhibit 3 – Location map for the Sunrise Mountain Library

Exhibit 4 - Location map for the Peoria Sports Complex

Contact Name and Number: Shawn Kreuzwiesner, Engineering Planning Manager, ext. 7643

Summary of Peoria EV Charging Station Usage

April 2012 to November 13, 2012

Location Name	EV Charger Serial No.	Event Date	Charging Time (Hr:Min:Sec)	Charge Amount (kWh)
Sports Complex EV Charging Stations				
Peoria Sports Complex	205433	4/4/2012	0:08:11	0.003
Peoria Sports Complex	205433	4/10/2012	0:06:32	0.400
Peoria Sports Complex	205433	5/6/2012	0:15:46	1.456
Peoria Sports Complex	205433	5/6/2012	0:07:03	0.321
Peoria Sports Complex	205433	5/30/2012	0:01:42	0.001
Peoria Sports Complex	205433	5/30/2012	0:00:16	0.000
Peoria Sports Complex	205433	6/14/2012	1:05:37	3.989
Peoria Sports Complex	205433	6/28/2012	2:26:04	8.829
Peoria Sports Complex	205433	7/5/2012	0:13:55	0.705
Peoria Sports Complex	205433	8/7/2012	0:01:28	0.067
Peoria Sports Complex	205433	10/13/2012	2:02:18	5.826
Subtotal of Sports Complex EV Station No. 1			6:28:52	21.596
Peoria Sports Complex	212323	4/4/2012	0:10:31	0.003
Peoria Sports Complex	212323	4/7/2012	0:16:43	1.008
Peoria Sports Complex	212323	4/8/2012	0:08:52	0.811
Peoria Sports Complex	212323	5/6/2012	0:11:20	0.544
Peoria Sports Complex	212323	5/19/2012	1:40:48	6.260
Peoria Sports Complex	212323	5/24/2012	2:00:48	11.677
Peoria Sports Complex	212323	8/4/2012	2:23:04	8.555
Peoria Sports Complex	212323	8/6/2012	2:31:33	9.195
Peoria Sports Complex	212323	8/11/2012	1:48:12	5.545
Peoria Sports Complex	212323	9/1/2012	2:00:22	7.198
Peoria Sports Complex	212323	9/2/2012	2:20:59	8.665
Peoria Sports Complex	212323	9/3/2012	2:04:19	7.851
Peoria Sports Complex	212323	9/3/2012	0:05:30	7.851
Peoria Sports Complex	212323	10/21/2012	2:01:30	6.271
Subtotal of Sports Complex EV Station No. 2			19:44:31	81.436
Subtotal of Sports Complex EV Stations			26:13:23	103.032
Sunrise Mountain Library EV Charging Stations				
Peoria Sunrise Mountain Library	212321	5/21/2012	0:05:47	0.002
Peoria Sunrise Mountain Library	212321	7/17/2012	0:01:39	0.001
Peoria Sunrise Mountain Library	212321	7/17/2012	0:00:15	0.001
Peoria Sunrise Mountain Library	212321	7/17/2012	0:00:43	0.000
Peoria Sunrise Mountain Library	212321	7/17/2012	0:00:04	0.000
Peoria Sunrise Mountain Library	212321	7/17/2012	0:00:11	0.000
Peoria Sunrise Mountain Library	212321	7/17/2012	0:00:09	0.000
Peoria Sunrise Mountain Library	212321	7/17/2012	0:00:55	0.000
Peoria Sunrise Mountain Library	212321	7/17/2012	0:00:05	0.000
Peoria Sunrise Mountain Library	212321	7/17/2012	0:00:08	0.000
Peoria Sunrise Mountain Library	212321	10/21/2012	0:47:59	2.932
Subtotal of Sunrise Mnt Library EV Station No. 1			0:57:55	2.936
Peoria Sunrise Mountain Library	212322	5/21/2012	0:06:38	0.002
Peoria Sunrise Mountain Library	212322	6/15/2012	0:56:29	2.927
Peoria Sunrise Mountain Library	212322	7/17/2012	0:02:58	0.001
Peoria Sunrise Mountain Library	212322	8/20/2012	0:59:57	3.671
Peoria Sunrise Mountain Library	212322	10/18/2012	0:45:53	2.790
Subtotal of Sunrise Mnt Library EV Station No. 2			2:51:55	9.391
Subtotal of Sunrise Mnt Library EV Stations			3:49:50	12.327

Summary of Peoria EV Charging Station Usage

April 2012 to November 13, 2012

Development and Community Services Building EV Charging Stations				
Peoria DCS Building	214216	4/14/2012	0:56:21	2.728
Peoria DCS Building	214216	4/19/2012	0:51:25	2.485
Peoria DCS Building	214216	4/27/2012	0:01:40	0.001
Peoria DCS Building	214216	4/27/2012	0:02:36	0.001
Peoria DCS Building	214216	5/8/2012	0:36:11	1.897
Peoria DCS Building	214216	5/22/2012	1:15:35	3.312
Peoria DCS Building	214216	6/16/2012	4:39:29	13.667
Peoria DCS Building	214216	7/3/2012	1:31:52	4.927
Peoria DCS Building	214216	7/6/2012	1:39:33	4.008
Peoria DCS Building	214216	7/11/2012	2:06:54	6.788
Peoria DCS Building	214216	7/12/2012	0:25:57	1.373
Peoria DCS Building	214216	8/7/2012	1:24:26	4.394
Peoria DCS Building	214216	8/7/2012	1:53:29	6.144
Peoria DCS Building	214216	8/23/2012	0:05:21	0.280
Peoria DCS Building	214216	8/23/2012	1:14:29	3.365
Peoria DCS Building	214216	9/13/2012	1:34:04	5.010
Peoria DCS Building	214216	9/20/2012	3:44:01	12.129
Peoria DCS Building	214216	9/26/2012	2:52:43	8.403
Peoria DCS Building	214216	10/4/2012	1:06:48	3.540
Peoria DCS Building	214216	10/4/2012	3:16:56	10.283
Peoria DCS Building	214216	10/25/2012	2:35:46	8.289
Peoria DCS Building	214216	11/8/2012	2:31:45	7.862
Subtotal of DCSB EV Station No. 1			36:27:21	110.886
Peoria DCS Building	214244	4/27/2012	0:02:12	0.001
Peoria DCS Building	214244	8/7/2012	1:50:26	5.579
Peoria DCS Building	214244	8/7/2012	0:00:25	0.003
Subtotal of DCSB EV Station No. 2			1:53:03	5.583
Total of DBSB EV Charging Stations			38:20:24	116.469
Total of Peoria EV Charging Stations			68:23:37	231.827

Gallons of Fuel saved =	33.36
CO2 Avoided (pounds) =	190.10

Notes

Gallons of fuel saved assumes that 1 gallon of gasoline produces the equivalent of 32.78 kWh, and that 21.2% of the energy in a gallon is used to power and move the vehicle. It is calculated by the formula: Gallons saved = total kWh used * 0.1439

The total CO2 reduced assumes that an EV's electricity from the US grid generates 1.66 pounds of CO2 per kWh, and a comparable conventional gasoline vehicle achieves 29.5 miles per gallon and emits 20.6 pounds of CO2 per gallon. It is calculated by the formula: CO2 Avoided (lbs) = total kWh used * 0.82

EXHIBIT 2

Development and Community Services Building
8401 W. Monroe Street, Peoria, AZ 85345

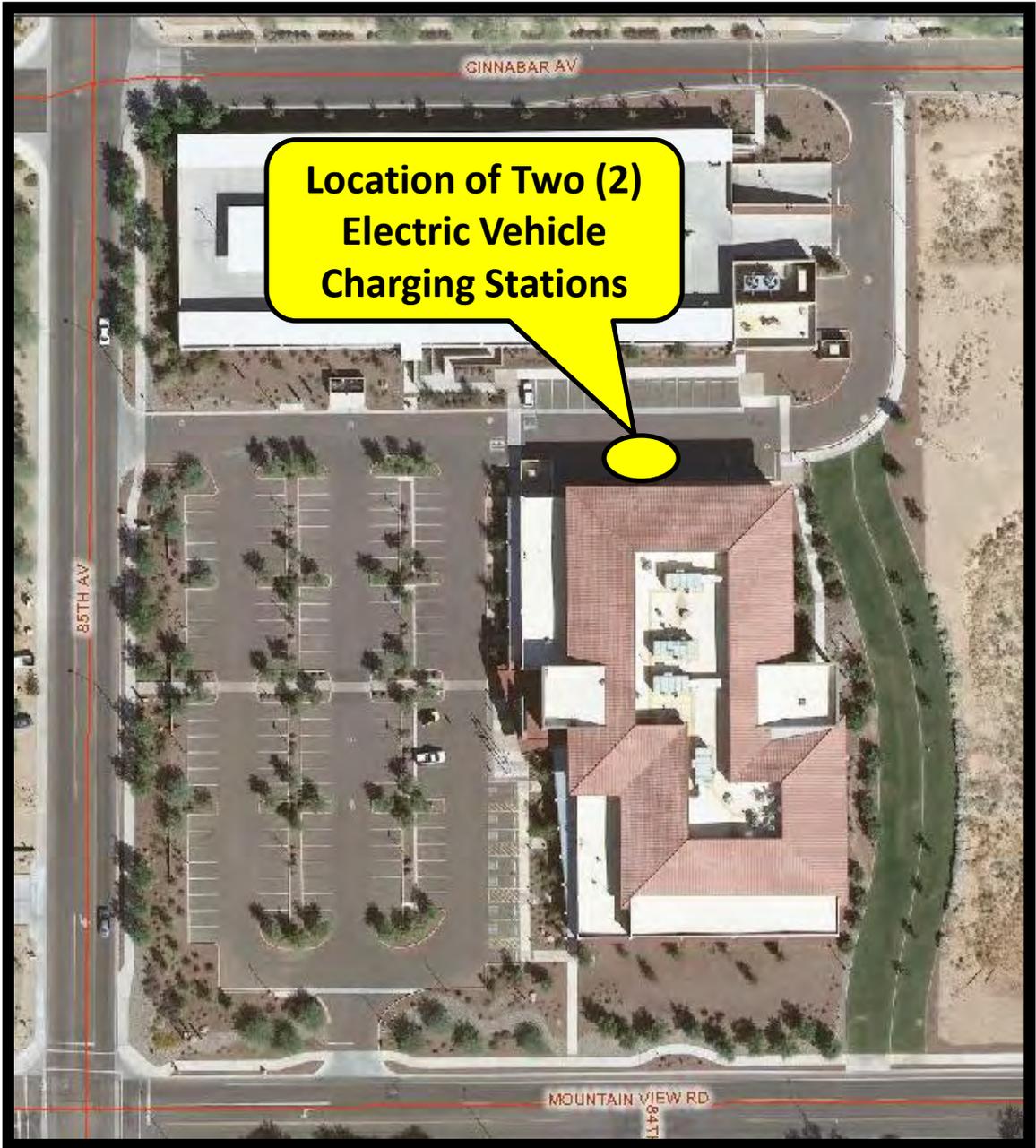


EXHIBIT 3

Sunrise Mountain Library
21109 N. 98th. Ave. Peoria, AZ 85382

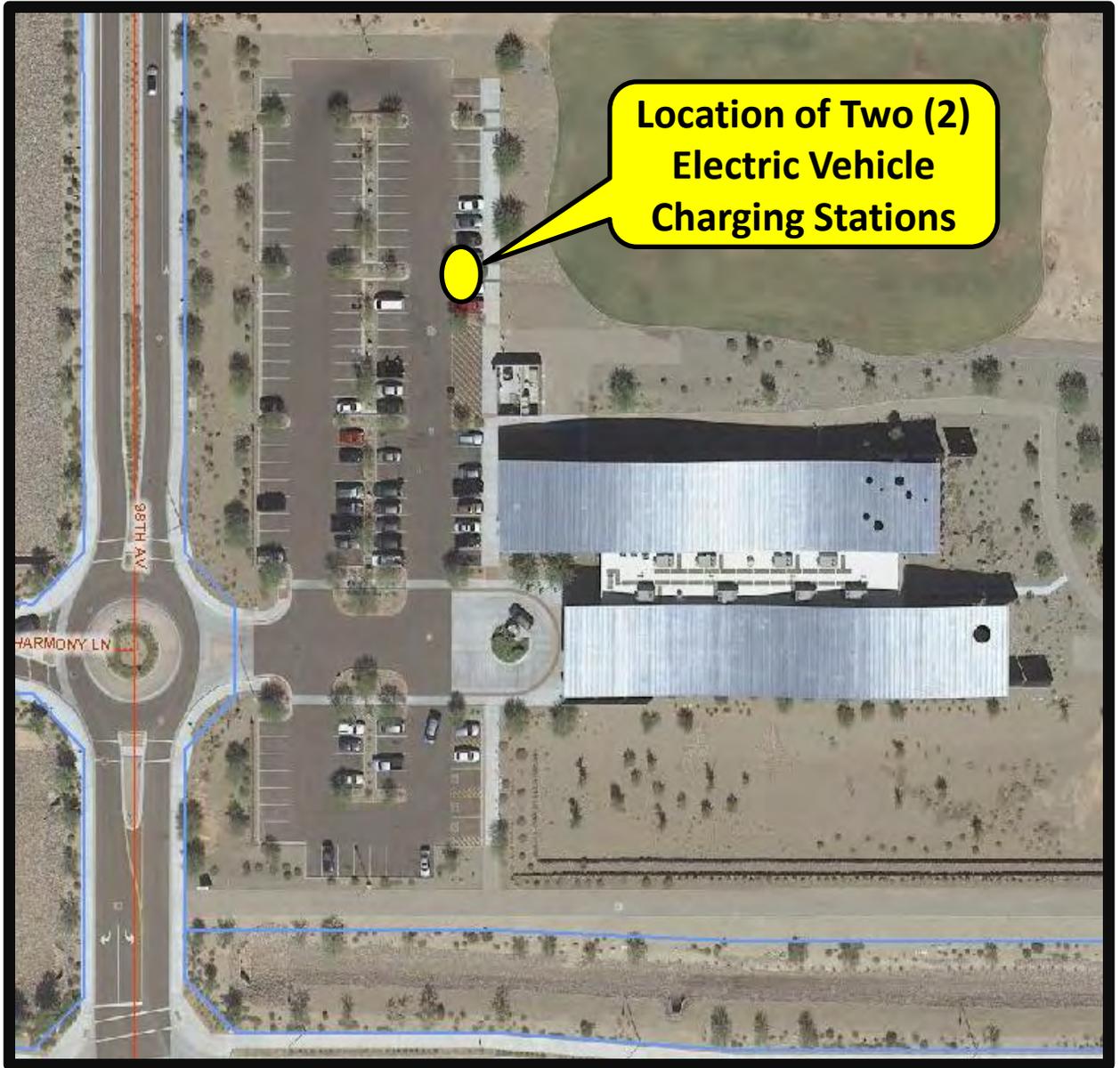


EXHIBIT 4

Peoria Sports Complex
16101 N. 83rd Avenue, Peoria, AZ 85382



**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: 26D

Date Prepared: November 15, 2012

Council Meeting Date: December 4, 2012

TO: Carl Swenson, City Manager
FROM: John R. Sefton, Jr., Community Services Director
THROUGH: Susan J. Daluddung, Deputy City Manager
SUBJECT: 2013 Winter Water Safety Day and Polar Plunge

Summary: The 5th Annual Winter Water Safety Day and Polar Plunge will be held on Saturday, January 5, 2013 starting at 8:00am at Sunrise Pool (21321 N. 86th Dr.). The event emphasizes the importance of water safety, no matter what season it is. The pool has not been heated since October and the water temperature is estimated to be in the low 40's. Those daring enough to swim across the pool will receive a free shirt marking their accomplishment. The Peoria Firefighters Charities will be cooking a hot breakfast for everyone to enjoy.

All swimmers are encouraged to contribute \$20 pledged from friends and family who want to see them take the "plunge". Donations will be used to scholarship the cost of a 2-week swim lesson for a child-in-need. **Play Peoria, Inc.**, the 501c3 organization that benefits parks, recreation and library programming in the City of Peoria coordinates this important scholarship program.

Exhibit(s): 2013 Flyer

Contact Name and Number: Stacy Beadle, 623-773-5247



C'mon in--
the water's
fr...fr...

...FREEZING!

WINTER WATER SAFETY & POLAR PLUNGE

Saturday, January 5, 2013
8:00 am-9:00 am

Sunrise Pool at 21321 North 86th Drive

Come join us for a brisk morning swim and help promote water safety. The pool isn't heated after November so the water temperature is estimated to be in the low 40's. Those daring enough to swim across will receive a **FREE** shirt marking their accomplishment.

- **ALL AGES**
- **FREE TO ENTER**
- **FREE BREAKFAST**
- **\$20 Donation** pays for a 2-week swim lesson for a child

Registration code is **71914** for "plungers"
and **71915** for donations.*

*All donations are tax deductible.
Receipts will be mailed following the event.



For more information visit

