

City Council Meeting Notice & Agenda



Tuesday, September 03, 2013
City Council Chamber
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**

Discussion and possible action to authorize the holding of an Executive Session for the purpose of discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations pursuant to A.R.S. § 38-431.03.A.5.

Study Session Agenda

Subject(s) for Discussion Only

2. Public Art Selection Process
3. Youth Master Plan Update/Community Council on Youth

Mayor
Bob Barrett

Acacia
District
Tony Rivero,
Vice Mayor

Ironwood
District
Bill Patena

Mesquite
District
Cathy Carlat

Palo Verde
District
Ron Aames

Pine
District
Carlo Leone

Willow
District
Jon Edwards

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
Executive Room, City Council Chamber**

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

Executive Session Agenda

4. An Executive Session for the purpose of discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations pursuant to A.R.S. § 38-431.03.A.5.

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.

Arizona Open Meeting Act:

Arizona law requires that persons who are present in an executive session receive instruction regarding the confidentiality requirements of the Arizona Open Meetings Act. Minutes and discussions made during executive sessions are confidential and may not be disclosed to any party, except:

- Members of the council,
- Appointees or employees who were subject of discussion under the personnel item subsection of the Open Meetings Act,
- County Attorney or Attorney General pursuant to an investigation of a violation of the Open Meetings Act, and

- Arizona Auditor General in connection with an audit authorized by law.

Any person who violates or who knowingly aids, agrees to aid, or attempts to aid another person in violating the Arizona Open Meetings Law may be punished by fine of up to \$500.00 per violation and/or by removal from public office.

Regular Meeting

7:00 P.M. Convene

Pledge of Allegiance

Roll Call

Final Call To Submit Speaker Request Forms

Presentation

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. Appointments, Boards and Commissions

Discussion and possible action to approve the recommendations from the Council Subcommittee on Policy and Appointments pertaining to the following appointments and reappointments, and adopt the Resolutions as presented:

Adopt **RES. 2013-124** reappointing Steve Poe and appointing Eva Osuna, as regular members, to the Arts Commission,

Adopt **RES. 2013-125** reappointing Brian Greathouse, as a regular member, and appointing Michael Meek, as an alternate member, to the Board of Adjustment,

Adopt **RES. 2013-126** appointing Scott Hennecke, as a regular member, to the Building Board of Appeals,

Adopt **RES. 2013-127** appointing Brian Greathouse, as a regular member, to the Industrial Development Authority,

Adopt **RES. 2013-128** appointing Nelson Benton, as a regular member, to the Library Board,

Adopt **RES. 2013-129** appointing Michael Bailey, as a regular member, to the Planning and Zoning Commission, and

Adopt **RES. 2013-130** reappointing Emily Sarbacker and Kalima Nameth and appointing Annalee Boyle, Holden Jacobs, Matthew Marquez, Erin Madonia and Madison Mendoza, as regular members; and appointing Christopher Camacho and Michael Helt, as alternate members, to the Youth Advisory Board.

6C. **Code Amendments, Chapters 5 and 20, Floodplain Management**

Discussion and possible action to adopt **ORD. 2013-15** amending Chapter 5 and Chapter 20 of the Peoria City Code (1992 Edition) pertaining to floodplain management and providing for severability and providing for an effective date.

7C. **Grant Acceptance, Arizona State Library, Archives and Public Records**

Discussion and possible action to: a) accept a grant in the amount of \$8,008 from State Grant in Aid; and b) approve a budget amendment from the Proposed Grant Contingency account to the Books, Periodicals and Subscription account at the Main Library.

8C. **Grant, Peoria Fire Department, Arizona Department of Homeland Security, Fiscal Year 2011 Reallocated Funds**

Discussion and possible action to: a) accept the \$15,000 grant award from the Arizona Department of Homeland Security for reallocated Fiscal Year 2011 funds for chemical, biological, radiological, nuclear, explosive weapon detection, response and decontamination capabilities; and b) approve a budget amendment in the amount of \$15,000 from the Proposed Grants Contingency account to the Homeland Security Fund account.

9C. **Contract Amendment No. 3, Jacobs Engineering, Well Head Water Quality Mitigation Project**

Discussion and possible action to approve Contract Amendment No. 3 for Jacobs Engineering to provide design engineering services for the Well Head Water Quality Mitigation project.

10C. **Economic Development Agreement Termination, Genome Identification Corporation**

Discussion and possible action to authorize the City Manager to accept the termination of the Economic Development Agreement with Genome Identification Corporation.

11C. **Budget Amendment, Economic Development Department, Job Fair**

Discussion and possible action to approve a budget amendment in the amount of \$5,300 from Economic Development-Contingency account to Economic Development-Community Promotions account to be used for the annual career and opportunity fair on November 7, 2013.

12C. **Budget Amendment, Commercial Collection Division, Fiscal Year 2013**

Discussion and possible action to approve a budget amendment in the amount of \$32,071 to cover an overage in other professional services of the Solid Waste Commercial Collection Division Fiscal Year 2013 budget.

13C. **Budget Amendment, Facilities Division, Fiscal Year 2013**

Discussion and possible action to approve a budget amendment in the amount of \$52,400 to cover overages in building repair and maintenance operations of the Facilities Division Fiscal Year 2013 budget.

14C. **Sales and Sponsorship Associate Position, Peoria Sports Complex**

Discussion and possible action to: a) approve a newly created position, Sports Complex Sales and Sponsorship Associate, including a Performance Pay incentive program for the position; and b) approve an increase in full-time equivalents for the Sports Complex Division of the Community Services Department.

15C. **Investment Report for the Year Ended June 30, 2013**

Discussion and possible action to approve the Investment Report for the Year Ended June 30, 2013.

16C. **Maintenance Improvement District No. 1133, Tierra Del Rio Parcel 1, 107th Avenue and Happy Valley Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2013-118** intention and ordering the formation of proposed Maintenance Improvement District No. 1133, Tierra Del Rio Parcel 1, located at 107th Avenue and Happy Valley Road; and adopt **RES. 2013-119** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

17C. **Street Light Improvement District No. 1072, Tierra Del Rio Parcel 1, 107th Avenue and Happy Valley Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2013-116** intention and ordering the formation of proposed Street Light Improvement District No. 1072, Tierra Del Rio Parcel 1, located at 107th Avenue and Happy Valley Road; and adopt **RES. 2013-117** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

18C. **Final Plat, Sunset Ranch II - Parcel H, 102nd Avenue and Williams Road**

Discussion and possible action to approve the Final Plat of Sunset Ranch II - Parcel H, located at 102nd Avenue north of Williams Road, subject to stipulations.

19C. **Replat, Tierra Del Rio Parcel 10A, 103rd Drive and Happy Valley Road**

Discussion and possible action to approve the Replat of Tierra Del Rio Parcel 10A, located at 103rd Drive north of Happy Valley Road, subject to stipulations.

20C. **Replat, Tierra Del Rio Parcel 13A, Tierra Del Rio Boulevard and Jomax Road**

Discussion and possible action to approve the Replat of Tierra Del Rio Parcel 13A, located at Tierra Del Rio Boulevard and Jomax Road, subject to stipulations.

21C. **Replat, Tierra Del Rio Parcel 13B, Tierra Del Rio Boulevard and Jomax Road**

Discussion and possible action to approve the Replat of Tierra Del Rio Parcel 13B, located at Tierra Del Rio Boulevard and Jomax Road, subject to stipulations.

Regular Agenda

New Business

22R. **Amendment, Economic Development Agreement, Maxwell Technologies**

Discussion and possible action to authorize the City Manager to sign the Amendment to the Economic Development Agreement with Maxwell Technologies.

23R. **Council Policy, City Special Events**

Discussion and possible action to adopt Council Policy CP1-15, City Special Events Policy.

Call To The Public (Non-Agenda Items)

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

Reports from City Manager

24. **Council Calendar**

25. **Reports with Presentation**

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. Council Subcommittee Update
- B. Pioneer Community Park Grand Opening
- C. North Peoria Special Event

**Reports from City Council
Reports from the Mayor**

Adjournment

**Vistancia Community Facilities
District Board Meeting**

Convene immediately following Regular City Council Meeting

**Roll Call
Final Call To Submit Speaker Request Forms**

VCFD Consent Agenda

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

27C. **Minutes**

Discussion and possible action to approve the June 18, 2013 Special Meeting minutes.

28C. **Investment Report for the Year Ended June 30, 2013**

Discussion and possible action to approve the Investment Report for the Year Ended June 30, 2013

Call To The Public (Non-Agenda Items)

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

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: August 19, 2013

Study Session Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager

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

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Public Art Selection Process

Purpose:

To identify opportunities for citizen involvement in the public art selection process, and to test this new procedure with a pilot project targeted for the Pioneer Park public art piece.

Summary:

At the March 5, 2013 City Council meeting, staff presented a process that has been used to select large scale public art over the past several years. While the process was generally accepted, two additional actions were motioned and approved by Council:

- increase involvement of the community in the public art selection process
- provide two or more options of public art for the Council to review prior to the final selection

As a follow up to this direction, staff believes that increased community involvement and citizen feedback can be offered and achieved at several points throughout the existing process.

By utilizing the scheduled public meetings of the Arts Commission and improving the public announcements and publicity of these events along with enhanced information on the public art website, the community will have the opportunity to provide feedback on the topic pieces during the steps of the public art process as highlighted below:

PROPOSED PUBLIC ART PROCESS

➔ = Public Input Opportunities

- ➔ • **Budget Process (Council Identifies Budget Capacity for Public Art)**
- ➔ • **Arts Commission Public Meeting (location proximate to project) - Agenda Items include:**

- Create a Call to Artists
- Assemble a review panel
- Review Panel evaluates all art concepts and identifies top 3 – 5 artists
- The top 3 – 5 artists submit and present project-specific proposals to the review panel
- ➔ • **Arts Commission Public Art Website: Finalists’ art concepts are posted online. The artists’ presentations includes a 5-minute video posted online for public comment**
- ➔ • **Arts Commission Public Meeting(location proximate to project) - Agenda Items include:**
 - The Review Panel presents recommended Artist to the Arts Commission
 - Arts Commission considers Panel recommendation, scoring, personal judgment, and citizen feedback received during meetings and collected online.
 - Arts Commission takes action to recommend final and alternate art proposals to Mayor and Council.
- ➔ • **Mayor and Council Agenda – Final Decision**
 - Arts Commission recommended and alternate proposals along with detail of public meetings and all citizen feedback are provided for Council consideration.

Pioneer Park Public Art

Staff would like to test this revised process as a pilot project with the Pioneer Park public art. In this pilot project, we would begin the public involvement process by having citizens provide input to the four finalists ideas that have already be submitted for Pioneer Park. Each artist would be required to create and submit a 5-minute (or less) video that demonstrates their public art concept for Pioneer Park. The four options will be posted online and citizens would be able to provide their feedback about each option.

By considering the Pioneer Park public art as a pilot project, we could salvage the current investment of time and cost already made by the city, as well as the time given by the review committee and Arts Commission. It will also give staff an opportunity to test whether the online review process is a feasible method to seek citizen feedback.

After the online review period is complete, the Arts Commission would meet and the remaining steps would be followed all the way to City Council’s final decision.

Previous Actions:

- May 5, 2009 – City Council approved the Peoria Arts and Culture Master Plan
- January 22, 2013 – City Managers Report with Presentation by John Sefton – Pioneer Park Public Art.
- February 12, 2013 – The Arts Commission reviewed and recommended continuance of the public art process.

- March 5, 2013 - Informed City Council of the process used to select public art, and determine whether this process should continue to be used, or modified for future art projects.

Options: (2 part options)

Option 1

1. Council may support the process as presented.
2. Council may make further recommendations.

Option 2

1. Support the staff recommendation process of using the four finalists for the Pioneer Park Public Art as a pilot project. Collect feedback at the next two Arts Commission Meetings and via Public Art Website. The Arts Commission will consider citizen input and make final recommendations with alternates to Mayor and Council.
2. Direct staff to start the Pioneer Public art process by issuing a new Call to Artists. This alternative would discard the previous work completed by the review committee and Arts Commission and start the process from the first step

Staff's Recommendation:

Staff recommends increasing the opportunities for citizen feedback and using the existing Pioneer Park Public Art finalists as a pilot project.

Fiscal Analysis:

The budget of \$100,000 for the Pioneer Public art piece was approved in the FY 2013 budget cycle.

Exhibit(s): None

Contact Name and Number:

Kirk Haines, 623-773-7120

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: 3

Date Prepared: August 26, 2013

Study Session Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager
FROM: John R. Sefton Jr., Community Services Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Youth Master Plan Update/Peoria Community Council on Youth

PURPOSE:

To update City Council on Youth Master Plan progress and discuss the concept plan for the Peoria Community Council on Youth.

SUMMARY:

Youth Master Plan:

The Youth Master Plan establishes a shared vision for youth and identifies the strategies needed to achieve desired outcomes for Peoria's youth. The Community Services Department has collaborated with City Departments and external partners to address each of the six strategic goal areas identified in the Youth Master Plan.

- | | |
|---------------------------------|-----------------------------|
| 1. Education & Life Preparation | 4. Community Collaboration |
| 2. Safety | 5. Civic Engagement |
| 3. Access | 6. Out-of-School Enrichment |

Peoria Community Council on Youth:

As a recommendation under Goal #4: Community Collaboration, the Peoria Community Council on Youth (PCCY) will serve to enhance and synergize programming, highlight community strengths and challenges, and build networking opportunities. The concept is for government agencies, school systems, faith-based organizations, non-profit organizations and private entities to work collaboratively for the benefit of youth. The PCCY will be facilitated by the Community Services Department inspiring and inviting area youth-centric organizations to participate in learning forums and networking sessions. These events will be held six times a year with each one to focus on a specific strategic as goal outlined in the Youth Master Plan. Each event will feature educational speakers, learning activities, issues discussions and networking.

2014 Inaugural PCCY Timeline:

Oct-Dec, 2013 Program development, recruitment and communication.

January 15, 2014 Goal Topic: Education & Life Preparation

March 19, 2014 Goal Topic: Safety

May 21, 2014 Goal Topic: Access

July 16, 2014 Goal Topic: Community Collaboration

September 17, 2014 Goal Topic: Civic Engagement

November 19, 2014 Goal Topic: Out-of-School Enrichment

Previous Actions:

At the November 13, 2012 City Council meeting, Council approved the adoption of the Youth Master Plan.

Options:

- A. To proceed with program planning and implementation as recommended.
- B. Not to proceed with program.
- C. Modify proposed program.

Staff Recommendations:

To continue program development and implementation as presented.

Exhibit(s): None

Contact Name and Number: John Sefton, 623-773-7135

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 5C

Date Prepared: August 15, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager
FROM: Rhonda Geriminsky, CMC, City Clerk
THROUGH: Susan Daluddung, Deputy City Manager
SUBJECT: Board and Commission Appointments

Purpose:

This is a request for City Council to appoint/reappoint board and commission members as recommended by the Council Subcommittee on Policy and Appointments as follows:

New Appointments

Board/Commission	Name	Term Expiration
Arts Commission	Eva Osuna	6/2016
Board of Adjustment	Michael Meek	12/2015
Building Board of Appeals	Scott Hennecke	12/2016
Industrial Development Authority	Brian Greathouse	6/2017
Library Board	Nelson Benton	6/2017
Planning and Zoning Commission	Michael Bailey	12/2014
Youth Advisory Board	Annalee Boyle	6/2015
Youth Advisory Board	Holden Jacobs	6/2015
Youth Advisory Board	Matthew Marquez	6/2015
Youth Advisory Board	Madison Mendoza	6/2015
Youth Advisory Board	Erin Madonia	6/2014
Youth Advisory Board	Christopher Camacho	6/2015
Youth Advisory Board	Michael Helt	6/2015

Reappointments

Board/Commission	Name	Term Expiration
Arts Commission	Steve Poe	6/2017
Board of Adjustment	Brian Greathouse	12/2013
Youth Advisory Board	Emily Sarbacker	6/2014
	Kalima Nameth	6/2014

Background/Summary:

The Council Subcommittee makes recommendations for Board and Commission membership based on term expirations and vacancies from resignations or changes to member eligibility status.

Previous Actions:

On August 13, 2013, the Council Subcommittee on Policy and Appointments recommended appointments and reappointments to various boards and commissions.

On August 14, 2013, a memorandum was submitted to Mayor and Council, outlining the recommended appointments and reappointments from the August 13, 2013 Subcommittee meeting, asking for concerns to be submitted in writing to the Mayor. No comments were received.

Options:

- A.** Appoint and reappoint recommended board and commission members.
- B:** Continue recruitment efforts to fill various board and commission vacancies.

Staff's Recommendation:

This is a request for City Council to discuss and approve the recommendations from the Council Subcommittee on Policy and Appointments pertaining to the following appointments and reappointments and adopt the Resolutions as presented:

Adopt RES. 2013-124 reappointing Steve Poe, as a regular member, with a term to expire June 2017 and appointing Eva Osuna, as a regular member, with a partial term to expire June 2016 to the Arts Commission.

Adopt RES. 2013-125 reappointing Brian Greathouse, as a regular member, with a partial term to expire December 2013, and appointing Michael Meek, as an alternate member, with a partial term to expire December 2015 to the Board of Adjustment.

Adopt RES. 2013-126 appointing Scott Hennecke, as a regular member, to the Building Board of Appeals with terms to expire December 2016.

Adopt RES. 2013-127 appointing Brian Greathouse, as a regular member, to the Industrial Development Authority with a term to expire June 2017.

Adopt RES. 2013-128 appointing Nelson Benton, as a regular member, to the Library Board with a term to expire June 2017.

Adopt RES. 2013-129 appointing Michael Bailey, as a regular member, to the Planning and Zoning Commission with a partial term to expire December 2014.

Adopt RES. 2013-130 reappointing Emily Sarbacker and Kalima Nameth, as regular members, with partial terms to expire June 2014; appointing Christopher Camacho and Michael Helt, as alternate members, with terms to expire June 2015; appointing Annalee Boyle, Holden Jacobs, Matthew Marquez, and Madison Mendoza, as regular members with terms to expire June 2015; and appointing Erin Madonia, as a regular member, with a partial term to expire June 2014 to the Youth Advisory Board.

Fiscal Analysis:

There is no fiscal impact regarding this item.

Narrative:

If appointed, the newly appointed board and commission members will be invited to attend the September 17, 2013 City Council meeting to accept Certificates of Appointment.

Exhibit(s):

- Exhibit 1: Resolution No. 2013-124
- Exhibit 2: Resolution No. 2013-125
- Exhibit 3: Resolution No. 2013-126
- Exhibit 4: Resolution No. 2013-127
- Exhibit 5: Resolution No. 2013-128
- Exhibit 6: Resolution No. 2013-129
- Exhibit 7: Resolution No. 2013-130

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

RESOLUTION 2013-124

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPTING THE RESIGNATION OF LOIS GALPERT, REAPPOINTING STEVE POE AND APPOINTING EVA OSUNA TO THE ARTS COMMISSION AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, the term of appointment for Steve Poe on the Arts Commission expired in June 2013 and Lois Galpert resigned, and there exist two vacancies; and

WHEREAS Steve Poe is eligible and desires to be a member and reappointed to the Arts Commission; and

WHEREAS Eva Osuna desires to be a member and appointed to the Arts Commission; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said reappointment of Steve Poe and appointment of Eva Osuna, as regular members, to the City of Peoria Arts Commission.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Steve Poe is reappointed and Eva Osuna is appointed, as regular members, to the City of Peoria Arts Commission.

BE IT FURTHER RESOLVED that said reappointment and appointment shall expire as follows:

Steve Poe	June 2017
Eva Osuna	June 2016

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 3rd day of September 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

RESOLUTION NO. 2013-124
Page 2 of 2

ATTEST:

Rhonda Geriminsky, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2013-125

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPTING THE RESIGNATION OF KAREN MCDANIEL, REAPPOINTING BRIAN GREATHOUSE AND APPOINTING MICHAEL MEEK TO THE BOARD OF ADJUSTMENT AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, Karen McDaniel of the Board of Adjustment resigned and there exists one vacancy; and

WHEREAS Brian Greathouse, an alternate member to the Board of Adjustment desires to be reappointed as a regular member to the Board of Adjustment; and

WHEREAS Michael Meek desires to be a member and appointed to the Board of Adjustment.

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said reappointment of Brian Greathouse, as a regular member, and appointment of Michael Meek, as an alternate member, to the City of Peoria Board of Adjustment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Brian Greathouse is reappointed, as a regular member, and Michael Meek is appointed, as an alternate member, to the City of Peoria Board of Adjustment.

BE IT FURTHER RESOLVED that said reappointment and appointment shall expire as follows:

Brian Greathouse
Michael Meek

December 2013
December 2015

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 3rd day of September 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

RESOLUTION NO. 2013-125
Page 2 of 2

ATTEST:

Rhonda Geriminsky, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2013-126

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REMOVING ROY BADE FROM AND APPOINTING SCOTT HENNECKE TO THE BUILDING BOARD OF APPEALS AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, pursuant to City Code, Section 2-156 (a)(2) Roy Bade is ineligible to serve on the Building Board of Appeals and there exists one vacancy; and

WHEREAS Scott Hennecke desires to be a member of and appointed to the Building Board of Appeals; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said appointment of Scott Hennecke, as a regular member, to the City of Peoria Building Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Scott Hennecke is appointed, as a regular member, to the City of Peoria Building Board of Appeals.

BE IT FURTHER RESOLVED that said appointment shall expire as follows:

Scott Hennecke

December 2016

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 3rd day of September 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

RESOLUTION NO. 2013-126
Page 2 of 2

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2013-127

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING BRIAN GREATHOUSE TO THE INDUSTRIAL DEVELOPMENT AUTHORITY AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, the term for Jerry Gauthier of the Industrial Development Authority expired in June 2013, and there exists one vacancy; and

WHEREAS Brian Greathouse desires to be a member and appointed to the Industrial Development Authority; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said appointment of Brian Greathouse, as a regular member, to the City of Peoria Industrial Development Authority.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Brian Greathouse is appointed, as a regular member, to the City of Peoria Industrial Development Authority.

BE IT FURTHER RESOLVED that said appointment shall expire as follows:

Brian Greathouse

June 2017

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 3rd day of September 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

RESOLUTION NO. 2013-127
Page 2 of 2

ATTEST:

Rhonda Geriminsky, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2013-128

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPTING THE RESIGNATION OF KAREN MCDANIEL AND APPOINTING NELSON BENTON TO THE LIBRARY BOARD AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, Karen McDaniel of the Library Board resigned and there exists one vacancy; and

WHEREAS Nelson Benton desires to be a member of and appointed to the Library Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said appointment of Nelson Benton, as a regular member, to the City of Peoria Library Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Nelson Benton is appointed, as a regular member, to the City of Peoria Library Board.

BE IT FURTHER RESOLVED that said appointment shall expire as follows:

Nelson Benton

June 2017

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 3rd day of September 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

RESOLUTION NO. 2013-128
Page 2 of 2

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2013-129

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPTING THE RESIGNATION OF CHARLES MARR AND APPOINTING MICHAEL BAILEY TO THE PLANNING AND ZONING COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, Charles Marr resigned from the Planning and Zoning Commission, and there exists one vacancy; and

WHEREAS, Michael Bailey desires to be a member of and appointed to the Planning and Zoning Commission; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said appointment of Michael Bailey as a regular member, to the City of Peoria Planning and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Michael Bailey is appointed, as a regular member, to the City of Peoria Planning and Zoning Commission.

BE IT FURTHER RESOLVED that said appointment shall expire as follows:

Michael Bailey

December 2014

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 3rd day of September 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

RESOLUTION NO. 2013-129
Page 2 of 2

ATTEST:

Rhonda Geriminsky, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2013-130

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REMOVING TAYLER PARADISO AND KILEY PERKINS, REAPPOINTING EMILY SARBACKER AND KALIMA NAMETH, AND APPOINTING ANNALEE BOYLE, HOLDEN JACOBS, MATTHEW MARQUEZ, MADISON MENDOZA, ERIN MADONIA, CHRISTOPHER CAMACHO, AND MICHAEL HELT TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, pursuant to City Code, Section 2-154 (D) Tayler Paradiso and Kiley Perkins are being removed from the Youth Advisory Board and there exists two vacancies; and

WHEREAS, Usamma Amjad, Lincoln Crump, Victoria Garcia, Mariah Hearne, and Alec Willems graduated in May 2013 and their terms expired in June 2013; there exists five additional vacancies; and

WHEREAS, Emily Sarbacker and Kalima Nameth, alternate members, desire to be appointed as regular members to the Youth Advisory Board.

WHEREAS, Annalee Boyle, Holden Jacobs, Matthew Marquez, Madison Mendoza, Erin Madonia, Christopher Camacho, and Michael Helt desire to be members of and appointed to the Youth Advisory Board.

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said reappointments of Emily Sarbacker and Kalima Nameth, as regular members, to the City of Peoria Youth Advisory Board.

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said appointments of Annalee Boyle, Holden Jacobs, Matthew Marquez, Madison Mendoza, and Erin Madonia, as regular members, and Christopher Camacho and Michael Helt, as alternate members to the Youth Advisory Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Emily Sarbacker and Kalima Nameth are reappointed, as regular members, that Annalee Boyle, Holden Jacobs, Matthew Marquez, Madison Mendoza, and Erin Madonia are appointed, as regular members, and Christopher Camacho and Michael Helt are appointed, as alternate members, to the City of Peoria Youth Advisory Board.

BE IT FURTHER RESOLVED that said reappointments and appointments shall expire as follows:

Emily Sarbacker	June 2014
Kalima Nameth	June 2014
Annalee Boyle	June 2015
Holden Jacobs	June 2015
Matthew Marquez	June 2015
Madison Mendoza	June 2015
Erin Madonia	June 2014
Christopher Camacho	June 2015
Michael Helt	June 2015

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 3rd day of September 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 6C

Date Prepared: August 12, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager
FROM: Andrew Granger, P. E., Engineering Director
THROUGH: Susan J. Daluddung, Deputy City Manager
SUBJECT Code Amendments, Chapters 5 and 20, Floodplain Management

Purpose:

This is a request for City Council to adopt the proposed ordinance amending Chapter 5 and Chapter 20 of the Peoria City Code pertaining to floodplain management and providing for severability and providing for an effective date.

Background/Summary:

Over the past two years, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) completed a re-evaluation of flood hazards in Maricopa County, including the City of Peoria ("City"). FEMA provided the City with Preliminary copies of the Flood Insurance Study (FIS) report and Flood Insurance Rate Maps (FIRMs) that identify existing flood hazards in the City, including specifically, Base Flood Elevations (BFEs). On April 16, 2013 FEMA formally notified the City of the final flood elevation determination for the City, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). FEMA did not receive any appeals during the 90-day appeal period and therefore the BFEs will be considered final and the FIS and FIRMs will become effective on October 16, 2013.

The National Flood Insurance Act of 1968, as amended, has further requirements under Section 1361 that require the City to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the National Flood Insurance Program (NFIP) regulations (44 CFR 59, etc.) by October 16, 2013, in order for continued eligibility in the NFIP. The proposed amendments to Chapters 5 and 20 of the Peoria City Code will allow the City to meet the minimum requirements of the NFIP. The City also plans to conduct a more detailed review of our Grading and Drainage Ordinance over the next year.

The City Code pertaining to construction of buildings, Chapter 5, was last updated in 1977 and the floodplain management, Chapter 20, was last updated in 1992. For the current changes the Engineering Department has collaborated with the Arizona Department of Water Resources,

Economic Development Department and the City Attorney's Office to revise and update Chapters 5 and 20 of the City Code.

In addition to format and grammar, other relevant changes to Chapter 5 and Chapter 20 include:

- Strike Chapter 5 - sections 5-162, 5-163, 5-164, 5-165, 5-166 and 5-167 because these sections are repeated in Chapter 20 - Section 223 through 228.
- Amend Chapter 20 - Section 20-201 – Definitions, to be in accordance with the state level statutory requirements found in the State of Arizona, Floodplain Management, Model Ordinance.
- Strike Chapter 20 - Section 202 in its entirety and replace with new language complaint with NFIP and ADWR requirements.
- Amend Chapter 20 - Section 219 to include new language complaint with NFIP and ADWR requirements.
- Amend Chapter 20 - Add new Section to establish NFIP development permit requirements
- Strike Chapter 20 - Section 207 because there is redundant language in Section Chapter 20 - Section 227
- Strike Chapter 20 - Section 210 because there is redundant language in Chapter 20 - Section 223
- Amend numbering in Chapter 20 - Section 223
- Amend Chapter 20 - Section 226 to include NFIP and ADWR regulations
- Amend Chapter 20 - Section 211 and Section 228 to correct references
- Amend Chapter 20 - Section 227 to include language consistent with Arizona State model ordinance

Previous Actions:

- In 1977, Chapter 5 was adopted and no further amendments have been adopted.
- In 1992, Chapter 20 of the City Code was last updated.

Options:

A: Adopt the proposed Ordinance amendment for Chapter 5 and Chapter 20 of the City Code for Floodplain Management and providing for severability and providing for an effective date.

B: Deny the proposed Ordinance amendment for Chapter 5 and Chapter 20 of the City Code for Floodplain Management and providing for severability and providing for an effective date. Communities that fail to enact the necessary floodplain management regulations can be suspended from participation in the NFIP.

Staff's Recommendation:

Collectively and as a matter of NFIP and State of Arizona compliance, staff recommends adoption of Ordinance 2013-15 amend our existing Floodplain Regulations to incorporate additional requirements of Paragraph 60.3(d) of the NFIP regulations, by amending:

- Chapter 5 and 20 pertaining to Floodplain Management
- Chapter 20 in accordance with specific State Statutes proposed above and providing for severability and providing for an effective date.

Fiscal Analysis:

Adopting Ordinance 2013-15 amending Chapter 20 will not result in any additional costs to the City.

Narrative:

The City of Peoria Floodplain Management Ordinance has not been updated since 1992. The proposed amendments will update the ordinance as needed to comply with the mandate posed by FEMA thru the NFIP requirements.

Exhibit 1: Ordinance Amendment 2013-15

ORDINANCE NO. 2013-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 5 OF THE PEORIA CITY CODE (1992) BY REPEALING SECTIONS 5-162 PERTAINING TO SPECIAL FLOOD HAZARD AREAS; STANDARDS FOR CONSTRUCTION; SECTION 5-163 PERTAINING TO STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT; SECTION 5-164 PERTAINING TO FLOODWATERS; STANDARDS FOR UTILITIES; SECTION 5-165 PERTAINING TO FLOOD HAZARD AREAS; STANDARDS FOR SUBDIVISIONS; SECTION 5-166 PERTAINING TO FLOOD ELEVATIONS; STANDARDS FOR MANUFACTURED HOMES; SECTION 5-167 PERTAINING TO SPECIAL FLOOD HAZARD AREAS; REQUIREMENTS FOR FLOODWAYS; AND AMENDING CHAPTER 20 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 20-200 PERTAINING TO FLOODPLAIN MANAGEMENT; AUTHORITY; IMPLEMENTATION; SECTION 20-201 PERTAINING TO FLOODPLAIN MANAGEMENT; DEFINITIONS; SECTION 20-202 PERTAINING TO FLOODPLAIN MANAGEMENT; MAPS; SECTION 20-207 PERTAINING TO FLOODPLAIN MANAGEMENT: MANUFACTURED HOMES; SECTION 20-210 PERTAINING TO FLOODPLAIN MANAGEMENT; OPENINGS IN ENCLOSURES BELOW A STRUCTURE'S LOWEST FLOOR; SECTION 20-211 PERTAINING TO FLOODPLAIN MANAGEMENT; SAND AND GRAVEL OPERATIONS; SECTION 20-215 PERTAINING TO FLOODPLAIN MANAGEMENT; ESTABLISHMENT OF REQUIRED PERMIT; SECTION 20-216 PERTAINING TO FLOODPLAIN MANAGEMENT; REGULATIONS; VARIANCES; SECTION 20-219 PERTAINING TO FLOODPLAIN MANAGEMENT; DIVERSION OF WATER FLOW; SECTION 20-223 PERTAINING TO FLOODPLAIN MANAGEMENT; STANDARDS FOR CONSTRUCTION; SECTION 20-226 PERTAINING TO FLOODPLAIN MANAGEMENT; STANDARDS FOR SUBDIVISIONS; SECTION 20-227 PERTAINING TO FLOODPLAIN MANAGEMENT; STANDARDS FOR MANUFACTURED HOMES; SECTION 20-228 PERTAINING TO FLOODPLAIN MANAGEMENT; REQUIREMENTS FOR FLOODWAYS AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Chapter 5 of the Peoria City Code (1992) entitled "Building and Building Regulations" is amended by repealing Sections 5-162 through 5-167 and reserving Sections 5-162 through 5-167.

Sec. 5-162. ~~Special flood hazard areas; standards for construction.~~ Reserved.

~~In all areas of special flood hazards the following standards are required:~~

~~(1) —Anchoring.~~

- a. ~~All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.~~
- b. ~~All manufactured homes shall meet the anchoring standards of section 5-166.~~

~~(2) Construction materials and methods.~~

- a. ~~All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~
- b. ~~All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.~~

~~(3) Elevation and floodproofing.~~

- a. ~~New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the regulatory flood elevation. Nonresidential structures may meet the standards in subsection c. of this section. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified a professional engineer or surveyor and provided to the floodplain administrator.~~
- b. ~~New construction and substantial improvement of any structure in zone AD shall have the lowest floor, including basement, higher than the highest adjacent grade at least one (1) foot higher than the depth number on the FIRM, or at least two (2) feet if no depth number is specified. Nonresidential structures may meet the standards in subsection c. of this section. Upon completion of the structure a registered professional engineer shall certify to the floodplain administrator that the elevation of the structure meets these standards.~~
- c. ~~Nonresidential construction shall either be elevated in conformance with subsection (3)a. or b. of this section or together with attendant utility and sanitary facilities complies with all of the following:~~
 - 1. ~~Be floodproofed so that below the regulatory flood level the structure is watertight with walls substantially impermeable to the passage of water.~~
 - 2. ~~Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

- ~~3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.~~

- ~~d. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to meet or exceed the following minimum criteria:
 - ~~1. A minimum of two (2) openings have a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.~~

 - ~~2. The bottom of all openings shall be no higher than one (1) foot above grade.~~

 - ~~3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~~~

- ~~e. Manufactured homes shall meet the above standards and also the standards in section 5-166.~~

Sec. 5-163. Standards for storage of materials and equipment. Reserved.

~~(a) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.~~

~~(b) Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.~~

Sec. 5-164. Floodwaters; standards for utilities. Reserved.

~~(a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into flood waters.~~

~~(b) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.~~

~~(c) Waste disposal systems shall not be installed wholly or partially in a floodway. Cross reference(s) --- Water, sewers and sewage disposal, Ch. 25.~~

Sec. 5-165. Flood hazard areas; standards for subdivisions. Reserved.

~~(a) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.~~

~~(b) All final subdivision plans will provide the elevation of proposed structures and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.~~

~~(c) All subdivision proposals shall be consistent with the need to minimize flood damage. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.~~

Sec. 5-166. Flood elevations; Standards for manufactured homes. Reserved.

~~All new and replacement manufactured homes and additions to manufactured homes shall:~~

- ~~(1) Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at the regulatory flood elevation.~~
- ~~(2) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.~~

Sec. 5-167. Special flood hazard areas; requirements for floodways. Reserved.

~~Located within areas of special flood hazard established in section 5-140 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:~~

- ~~(1) Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.~~
- ~~(2) All new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this division.~~

SECTION 2. Chapter 20 of the Peoria City Code (1992) entitled "Planning and Development" is amended by amending Sections 20-200, 20-201, 20-202, 20-207, 20-210, 20-211, 20-215, 20-216, 20-219, 20-223, 20-226, 20-227, and 20-228 to read as follows:

Sec. 20-200. Floodplain management; authority; implementation.

To implement the regulation of the floodplain areas in the City of Peoria, the City Manager or his designee is designated as the Floodplain Board and ~~the Engineering Director (or his designee)~~ is designated as the Administrative Agent for these regulations.

Sec. 20-201. Floodplain management; definitions.

For the purpose of this Chapter, the following words, terms and phrases shall have the following meaning ascribed to them, except where the context clearly indicates a different meaning:

Area of shallow flooding - means a designated AH or AO Zone ~~zone~~ in which the base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and high velocity flow may be evident.

Area of special flood hazard - means the land within a floodplain which is subject to inundation by the base flood. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. These areas are designated as Zone A, AE, AO, AH, AR and A1-30 on the FIRM and other areas determined by the criteria adopted by the Director of the Arizona Department of Water Resources. (See "Special flood hazard area")

Base flood - means the flood having a one percent chance of being equaled or exceeded in any given year, i.e., the 100 year flood.

Base Flood Elevation - (BFE). means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, AR, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Development - means any man-made change to improved or unimproved real estate, including, but not limited to, buildings and other structures, utilities, pipelines, mining, dredging, filling, grading, paving, berms, fences, walls, or excavation located within the area of special flood hazard.

Dwelling unit - means any structure usable for residential purposes and which may be located in a single or multiple-dwelling building, which includes working,

sleeping, eating, recreation facilities, or a combination thereof; except a structure used only for storage purposes.

Flood or flood waters - means a temporary overflow of water on land not normally covered by water.

Flood boundary and Floodway Maps (FBFM) - means the official map for the community on which the Federal Insurance Administration (FIA) or Federal Emergency Management Agency (FEMA) has delineated the area of special flood hazard and the selected floodway.

Flood Insurance Rate Maps (FIRM) - means the official map on which the Federal Insurance Administration (FIA) or Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium insurance rates applicable to the community.

Flood insurance study - means the official report provided by the Federal Insurance Administration (FIA) or Federal Emergency Management Agency (FEMA) that includes flood profiles, the Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and the water surface elevations of the base flood.

Floodplain - means the relatively flat area adjoining the channel of a watercourse, or areas where drainage is or may be restricted by natural or man-made structures which may have been or may be covered partially or wholly by floodwater from a base flood.

Floodplain Administrator - means the community official designated by title to administer and enforce the floodplain management regulations. For the purposes of this ordinance, the City Manager or his designee will serve as the Floodplain Administrator.

Floodplain Board or Board - means the City Manager or his designee acting as the Floodplain Board.

Floodplain management regulations - means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as ~~floodplain ordinance~~, grading and drainage ordinance) and other applications of police power which control development in flood-prone areas. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of ~~flood damage~~ prevention and reduction of flood loss and damage.

Flood proofing - means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway – means the area of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Floodway fringe area - means that portion of the area of special flood hazard that is not included in the selected floodway.

Functionally dependent use - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic structure - means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers or other similar vehicles.

Manufactured home park or subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction - means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Obstruction - means including, but not limited to, any dam, wall, wharf, embankment, levee, dike, berm, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Person - means any individual or his agent, firm, partnership, association, corporation, or any agent of the aforementioned groups, or a federal, state, county or municipal government agency or political subdivision thereof.

Reasonable alteration or repair - means any modification or improvement to existing facilities in which the total cost does not exceed fifty percent of the real cash value assessed at the commencement of construction. A reasonable alteration, however, should not be construed to mean any improvement which would increase the flood hazard to that property or the properties of surrounding homes.

Recreational vehicle - means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory flood elevation - means the elevation which is one foot above the "base flood" elevation for a "watercourse" for which the "base flood" elevation has been determined and shall be as determined by the criteria developed by the Public Works Floodplain Administrator for all other watercourses.

Regulatory floodway – means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. See Selected Floodway.

Selected floodway - means the limits, as determined by the Public Works Floodplain Administrator, where the permitted encroachment in the floodplain will allow passage of the 100 year flood without increasing the flood heights more than one foot. Additional hydraulic criteria such as maximum flow velocities of five feet per second at the limits of the selected floodway, smooth transitions around developments, and equal conveyance removal from each side will be used in computing the lines of the selected floodway.

Special flood hazard area (SFHA)- means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on a Flood Boundary and Floodway Map or Flood Insurance Rate Map as Zone A, AO, AR, A1-A30, AE, A99, or, AH.

Start of construction – means and includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/ or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - means a walled and roofed building or "manufactured home" that may or may not be habitable, may or may not be constructed on a permanent foundation, and was man-made and that is principally above ground. This includes a gas or liquid storage tank or a manufactured home.

Substantial damage – means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement - means any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either before the improvement or if the structure was damaged and is being restored, before the damage occurred. A substantial improvement will not be permitted nor should it be construed to mean any modification which will increase flood hazard risk. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Violation - means the failure of a structure or other development to be fully compliant with the city's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this chapter is presumed to be in violation until such time as that documentation is provided.

Watercourse - means any lake, river, creek, stream, wash, arroyo, channel, or other body of water having banks and bed through which waters flow at least periodically. The term may include specifically designated areas in which flood damage may occur.

Sec. 20-202. Floodplain management; ~~maps~~ basis for establishing the areas of special flood hazard.

~~The areas of special flood hazard and the selected floodway for designated floodplains are shown on the current maps labeled firm and floodway, or as they may subsequently be amended, on file with the Engineering Director, which maps are incorporated herein by reference. The maps are consistent with the criteria established by the Arizona Department of Water Resources and Federal Emergency Management Agency. New or additional engineering data may be considered for re-evaluation of floodplain and floodway delineations if circumstances indicate such action is in the public interest. Any such scientific or technical data will be submitted to the office of the Engineering Director for review and conformance with established policy.~~

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Maricopa County, Arizona and Incorporated Areas dated September 30, 2005, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs) dated September 30, 2005, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Floodplain Board by the Floodplain Administrator. The Floodplain Board, within its area of jurisdiction, shall delineate (or may, by rule, require developers of land to delineate) for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the Federal Emergency Management Agency and the Director of the Arizona Department of Water Resources. The FIS and FIRM panels are on file at City of Peoria, Engineering Department, Peoria, Arizona.

~~Sec. 20-207. Floodplain management; manufactured homes.~~ Reserved.

~~Any manufactured home placed within the floodplain shall be elevated so that the bottom of the structural frame or the lowest point of any associated or attached appliances, whichever is lower, is at or above the "regulatory flood elevation" and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state requirements.~~

~~Sec. 20-210. Floodplain management; openings in enclosures below a structure's lowest floor.~~ Reserved.

~~For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:~~

~~A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.~~

~~Sec. 20-211. Floodplain management; sand and gravel operations.~~

~~Sand and gravel operations are permitted within the floodplain subject to the following conditions:~~

(a) Within the Selected Floodway, sand and gravel operations may be conducted upon a permit issued by the Engineering Director or his designee. The permit may contain such conditions as deemed appropriate by the Engineering or his designee to ensure compatibility of the sand and gravel operation with adjacent uses and developments and to ensure restoration of the floodway upon termination of the sand and gravel operation. Operations within the Selected Floodway may be permitted provided that:

(1) The operations are restricted to extraction of sand and gravel for commercial purposes; and

(2) Excavations are not so located nor of such depth as to present a hazard to other development, including, but not limited to roads, bridges, culverts, and utilities.

(3) No stockpiling, within the Selected Floodway, of material or tailings that may obstruct, divert, or retard the flow of floodwaters will be permitted except as reviewed and approved by the Public Works Director, on an individual permit basis.

(4) Stockpiling of sand and gravel products within the Floodway Fringe Area may be done without permit provided that the operator furnishes the Engineering Director satisfactory evidence that such stockpiling is within the Floodway Fringe Area rather than in the Selected Floodway.

(b) Excavations for sand and gravel for commercial purposes within the Floodway Fringe Area which exceed the definitions contained in the Section, paragraph (Grading and Drainage)- Ordinance of the City Code will be permitted subject to review and approval by the Engineering Director, on an individual permit basis. The permit may contain such conditions as deemed appropriate by the Engineering Director or his designee to ensure compatibility of the sand and gravel operation with adjacent uses and developments and to ensure restoration of the floodway upon termination of the sand and gravel operation.

Sec 20-215. Reserved. Floodplain management; establishment of required permit.

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in this ordinance. Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, berms, fences, walls, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

- (a) Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures. In Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all structures;
- (b) Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
- (c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in this ordinance;
- (d) Base flood elevation data for subdivision proposals or other development greater than 50 lots or 5 acres; and
- (e) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Sec. 20-216. Floodplain management; regulations; variances.

(a) The Engineering Director may authorize variances from the terms of this Chapter when a literal enforcement of any provisions of this ordinance would result in an unnecessary property hardship and when evidence is presented demonstrating to the satisfaction of the Engineering Director that all of the following conditions are fulfilled:

- (1) That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures within the same general area such as a new structure to be erected on a lot of one-half acre or less, contiguous to and surrounded by lots with existing structures built below the level of the base flood; and
- (2) That the alleged hardship caused by literal interpretation of the provisions of this Chapter are property hardships which include more than personal inconvenience and financial hardships, and do not result from the action of the owner or the applicant; and
- (3) That the variances will not be detrimental ~~determined~~ to persons residing or working in the vicinity and to adjacent property, to the neighborhood and to the public welfare in general; and
- (4) That the variance will not cause increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public; and
- (5) That the variance is the minimum variance necessary that will make possible the reasonable use of the land or structure; and
- (6) That appropriate and specific conditions have been stipulated by the Engineering Director in connection with the variances as may be deemed

necessary in order to fully carry out the intent of the Floodplain Ordinance. The stipulation may include, among other things, a requirement that the applicant insert a note on any future deed or other conveyance of the property stating that the property is located in a flood prone area. The notice will include the number of feet that the lowest non-floodproofed floor of the proposed structure is below the base flood level and a statement that the actuarial flood insurance rates increase as the first floor elevation decreases. A violation of any condition shall be considered a violation of the Floodplain Ordinance and such violation shall render the variance null and void; and

(7) That the burden of proof in all matters heard by the Engineering Director shall rest with the applicant. The granting of a variance is a matter of grace, resting on the discretion of the Engineering Director and a refusal is not a denial of a right, conditional or otherwise.

(b) A variance will be issued for the reconstruction, rehabilitation, or restoration of all structures listed on the national or state register of historic places or the state inventory of historic places, without regard to conflicting procedures and provisions set forth in this section.

Sec. 20-219. Floodplain management; diversion of water flow.

(a) It is unlawful for any person to engage in any development or to divert, retard, reduce the capacity or obstruct the flow of waters in any watercourse in the City of Peoria whenever such action creates a hazard to life or property without securing the written authorization required by ~~the preceding regulations~~. A.R.S. § 48-3613. Where the watercourse is a delineated floodplain, it is unlawful to engage in any development affecting the flow of waters without securing written authorization required by A.R.S. § 48-3613.

(b) Any person found guilty of violating the provisions of this section shall be guilty of a class one misdemeanor.

Sec. 20-223. Floodplain management; standards for construction.

In all areas of special flood hazards the following standards are required:

(a) *Anchoring.*

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes shall meet the anchoring standards of section 20-227.

(b) *Construction materials and methods.*

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) *Elevation and Flood proofing.*

(1) New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the regulatory flood elevation. Nonresidential structures may meet the standards in subsection c. of this section. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a professional engineer or surveyor and provided to the Public Works Director

(2) New construction and substantial improvement of any structure shall have the lowest floor, including the basement, higher than the highest adjacent grade at least one (1) foot higher than the depth number on the FIRM, or at least two (2) feet if no depth number is specified. Nonresidential structures may meet the standards on subsection c. of this section. Upon completion of the structure a registered professional engineer shall certify to the floodplain administrator that the elevation of the structure meets these standards.

(3) Nonresidential construction shall either be elevated in conformance with subsection (c)(1) or (2) of this section or together with attendant utility and sanitary facilities complies with all of the following:

a. Be flood proofed so that below the regulatory flood level the structure is watertight with walls substantially impermeable to the passage of water.

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Engineering Director.

(4) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect to meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings have a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one (1) foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(54) Manufactured homes shall meet the above standards and also the standards in section 20-227.

Sec. 20-226. Floodplain management; standards for subdivisions.

All new subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions), greater than 50 lots or 5 acres, whichever is the lesser, shall:

(a) ~~All preliminary subdivision proposals shall identify~~ the special flood hazard area and the elevation of the base flood.

(b) ~~All final subdivision plans will provide~~ Identify on the final plans the elevation(s) of the proposed structure(s) and pads. If the site is filled above the base flood elevation, the final lowest floor and grade pad elevations shall be certified by a registered professional engineer or surveyor and provided to the ~~Engineering Director~~ Floodplain Administrator.

(c) All subdivision proposals shall be consistent with the need to minimize flood damage. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

Sec. 20-227. Floodplain management; standards for manufactured homes.

All new and replacement manufactured homes and additions to manufactured homes shall:

- (1) Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at the regulatory flood elevation.
- (2) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.

This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

Sec. 20-228 Floodplain management; requirements for floodways.

Located within areas of special flood hazard established in this Chapter section 5-140 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) All new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this division.

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

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 3rd day of September, 2013

CITY OF PEORIA, Arizona, an Arizona municipal corporation

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: The Peoria Times

Pub. Dates: September 13 & 20, 2013

Effective Date: _____

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 7C

Date Prepared: August 16, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager
FROM: John Sefton, Community Services Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Main/SML Library - State Grants in Aid

Purpose:

This is a request for City Council to accept a grant in the amount of \$8,008 and to authorize the appropriate budget amendment. These funds will update and expand the adult fiction collection in the Library system benefitting patrons.

Background/Summary:

The state grants-in-aid program was developed in 1981 through legislative appropriations to help Arizona libraries meet the information needs for Arizona residents.

County library districts and the eight cities with populations of 100,000 or more in Arizona qualify for an annual award from the state library system.

The general grants are used to improve library collections, provide education and training opportunities, improve programming for children and adults, and to acquire computers and automation of library procedures. The state grants-in-aid is used specifically to help meet the information needs of Arizona residents. Information about these awards is sent directly to eligible libraries.

Popular adult fiction titles continue to account for a significant portion of the library circulation. In order to maintain a minimum wait time to receive a bestselling title, a holds ratio was established in 2012. For every five requests for a title, an additional book was purchased. This reduced the amount of time a patron waited for bestsellers. The grant funds, along with an equal number of matching funds will be used to purchase adult fiction books. With a floating collection, these books will be available at both branches.

Previous Actions:

There has been no previous action on this item.

Options:

A: The Council can accept the approved grant.

B: Should Council wish not to proceed, the grant funds would likely be allotted to a different agency within the state.

C: Council can request additional information from staff.

Staff's Recommendation:

Recommend action to: a) accept the State Grant in Aid; and b) and approve a budget transfer from the Proposed Grant contingency account to the books, periodicals and subscription account in the amount of \$8,008.

Fiscal Analysis:

The 100 percent matching funds required for this grant are available in the current operating budget. Staff requests a budget amendment in the amount of \$8,008 from Proposed Grant Contingency account 7990-7990-570000 to the books, periodicals and subscription program account 1000-1540-530002 to authorize the use of the funds.

Narrative:

If approved, staff will process the appropriation and purchase the appropriate materials.

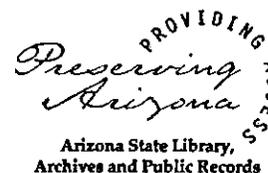
Exhibit 1: Letter of Appropriation

Contact Name and Number: Mary Roberts, Library Manager 773-7557



ARIZONA STATE
LIBRARY, ARCHIVES AND PUBLIC RECORDS

A DIVISION OF THE ARIZONA SECRETARY OF STATE



LIBRARY DEVELOPMENT

HOLLY HENLEY
Director

August 6, 2013

Mary Roberts, Library Manager
Peoria Public Library
8463 W. Monroe St.
Peoria, AZ 85345

Dear Mary,

The City of Peoria has been designated to receive \$8,008.00 to assist libraries in the 2014 fiscal year (7-1-13 through 6-30-14). The State Legislature appropriated this funding in general State Grants-in-Aid for this fiscal year. You'll find more information about the program at:
<http://azlibrary.gov/extension/grantsinaid.aspx>.

To receive these funds, submit an online application at <http://azlibrary.gov/alts/Login.aspx>. Follow these steps:

1. Login using your e-mail address and password. Unless you have previously established a password, your password has been set to the name of your county or city.
2. Select "Library Directory Admin," find your library and update your record. Press <SAVE> before exiting. This information appears in the State Library's Library Directory. A library's directory record may only be updated from the library director's login or by State Library staff.
3. Select "Grant" and begin a new SGIA grant. You will assign a password for the grant; this will allow other staff members from your library to access the grant, if you share the password. You will also need this password to complete your final report next year. Print the cover sheet, narrative and certification, sign and mail to me.

The State Library monitors compliance of State Grants-in-Aid recipients, based on the regulations you will find at the program website. A final report is due by July 31, 2014, which will be completed online. The 2013 SGIA report, which was due July 31, 2013, should also be completed online. To do so, go back to your 2013 online application, and select "Final Report." Enter your report there, and then mail a copy of the final report and signed certification to:

Jaime Ball, Grants Administrator
Arizona State Library, Archives & Public Records
1101 W. Washington St.
Phoenix, AZ 85007.

Please contact me at jball@azlibrary.gov or 602-926-3365 if you have questions.

Cordially,


Jaime Ball
Library Development

CARNEGIE CENTER

1101 West Washington St • Phoenix, Arizona 85007 • Home Page: <http://www.azlibrary.gov/extension/>
Phone: (602) 926-3604 • FAX: (602) 256-7995 • E-Mail: ldd@azlibrary.gov

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**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 8C

Date Prepared: August 19, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager

FROM: Bobby Ruiz, Fire Chief 

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Authorization to accept FY'11 reallocated grant funds from the Arizona Department of Homeland Security

Purpose:

This is a request for City Council to authorize the Fire Department to accept reallocated grant funds from the Arizona Department of Homeland Security totaling \$15,000.

Background/Summary:

The City of Peoria Fire Department has been working over the past several years to develop a Hazardous Materials emergency response program. In order to further integrate Peoria as part of the statewide disaster response program, the Peoria Fire Department has received reallocated FY '11 Homeland Security Grant funds from the Arizona Department of Homeland Security (AZDOHS) in the amount of \$15,000 to strengthen the chemical, biological, radiological, nuclear or explosive (CBRNE) weapon detection, response and decontamination capabilities.

The Fire Department received an award in the amount of \$15,000 to update the purchase supplies in the form of chemical metering equipment to help support, enhance and maintain CBRNE (Hazardous Materials) operations.

These grants are reimbursable, and provide funding available from July 1st, 2013 through June 30th, 2014.

Previous Actions:

City Council has previously accepted grants from AZDOHS.

Options:

A: Accept the grant award in the amount of \$15,000 from the Arizona Department of Homeland Security and approve a budget adjustment in the amount of \$15,000 from the

Proposed Grants Contingency Account to the Homeland Security Fund, thus providing expenditure authority.

B: Choose not to accept the grants from the Arizona Department of Homeland Security.

Staff's Recommendation:

Authorize the Fire Department to accept grant totaling \$15,000 from the Arizona Department of Homeland Security and approve a budget adjustment.

Fiscal Analysis:

Request a budget adjustment of \$15,000 from the Proposed Grants Contingency account (7990-7990-570000) to the Homeland Security Grant Fund (7545-7795-various accounts and 7670-7870-various accounts) thus providing expenditure authority.

Dept	Account #	Description	Amount	Program
Fire	7670-7870-530019	Operational Supplies/Equipment	\$15,000	CBRNE

Narrative:

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

Contact Name and Number: Christy Williams, 623-773-7916

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 9C

Date Prepared: August 13, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager

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

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Contract Amendment No. 3, Jacobs Engineering, Well Head Water Quality Mitigation Project

Purpose:

This is a request for Council to approve Contract Amendment No. 3 for Jacobs Engineering to provide design engineering services for the Well Head Water Quality Mitigation project.

Background/Summary:

This project provides for interconnecting two of the City's water production wells and installation of treatment processes as necessary to meet water quality requirements. Interconnection of the two wells allows for the water chemistry of each well to be combined, treated and monitored at one location. Both wells are currently out of service. This project will allow both wells to be put back into service adding approximately four million gallons per day of capacity to the City's water production.

The City entered into a contract with Jacobs Engineering on December 6, 2012 for design services for the Well Head Water Quality Mitigation project in the amount of \$214,046.

- Amendment No. 1 was approved on April 17, 2013 in the amount of \$26,501, for a new contract total of \$240,547 to add additional design services for supervisory control, and data acquisition (SCADA) upgrades.
- Amendment No. 2 was approved on May 15, 2012 to extend the time of completion 47 days.
- Proposed Contract Amendment No. 3 provides for additional design services for the Union Hills Booster Station Upgrade in the amount of \$66,241 and extends the contract completion date 120 calendar days.

Previous Actions:

The City Attorney's Office, Materials Management Division, and the Engineering Department administratively approved the Contract and amendments.

Options:

A: Approve Contract Amendment No. 3 for Jacobs Engineering to provide design engineering services for the Well Head Water Quality Mitigation project in the amount of \$66,241.

B: Deny Contract Amendment No. 3 for Jacobs Engineering to provide design engineering services for the Well Head Water Quality Mitigation project. This option will not allow completion of the project as currently planned.

Staff's Recommendation:

Staff recommends the approval of the Contract Amendment No. 3 for Jacobs Engineering to provide additional design engineering services for the Well Head Water Quality Mitigation project in the amount of \$66,241.

Fiscal Analysis:

Funding for this amendment is budgeted in the FY14 Capital Improvement Program, Water Expansion and Water Operating Funds. This amendment will not increase the total project budget.

Narrative:

Approval of Contract Amendment No. 3 will allow continuation and completion of the design elements of this project.

Exhibits:

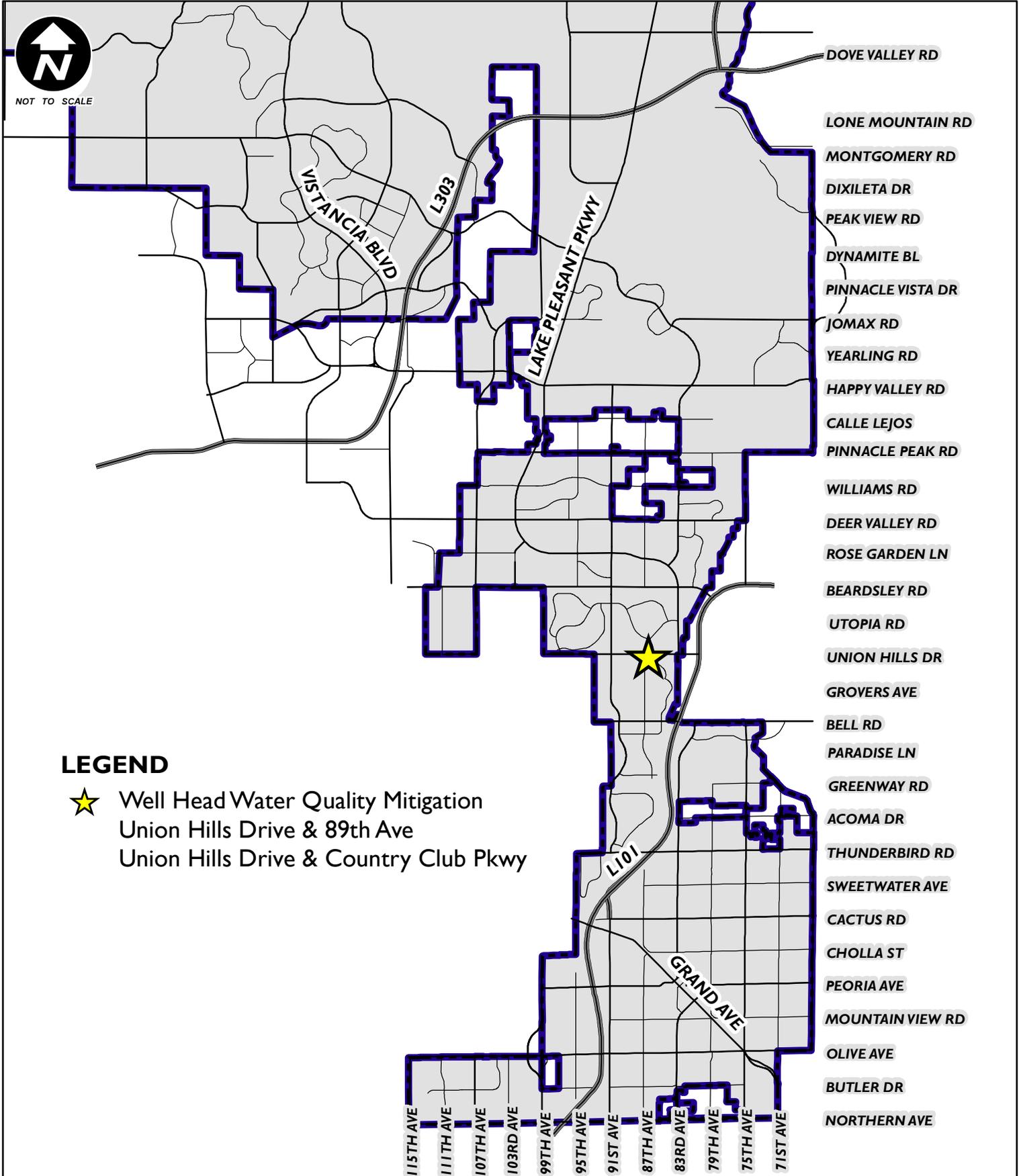
Exhibit 1: Vicinity Map

Exhibit 2: Location Map

Contact Name and Number: Joe Kurrus, P. E., Engineering Supervisor, X7753



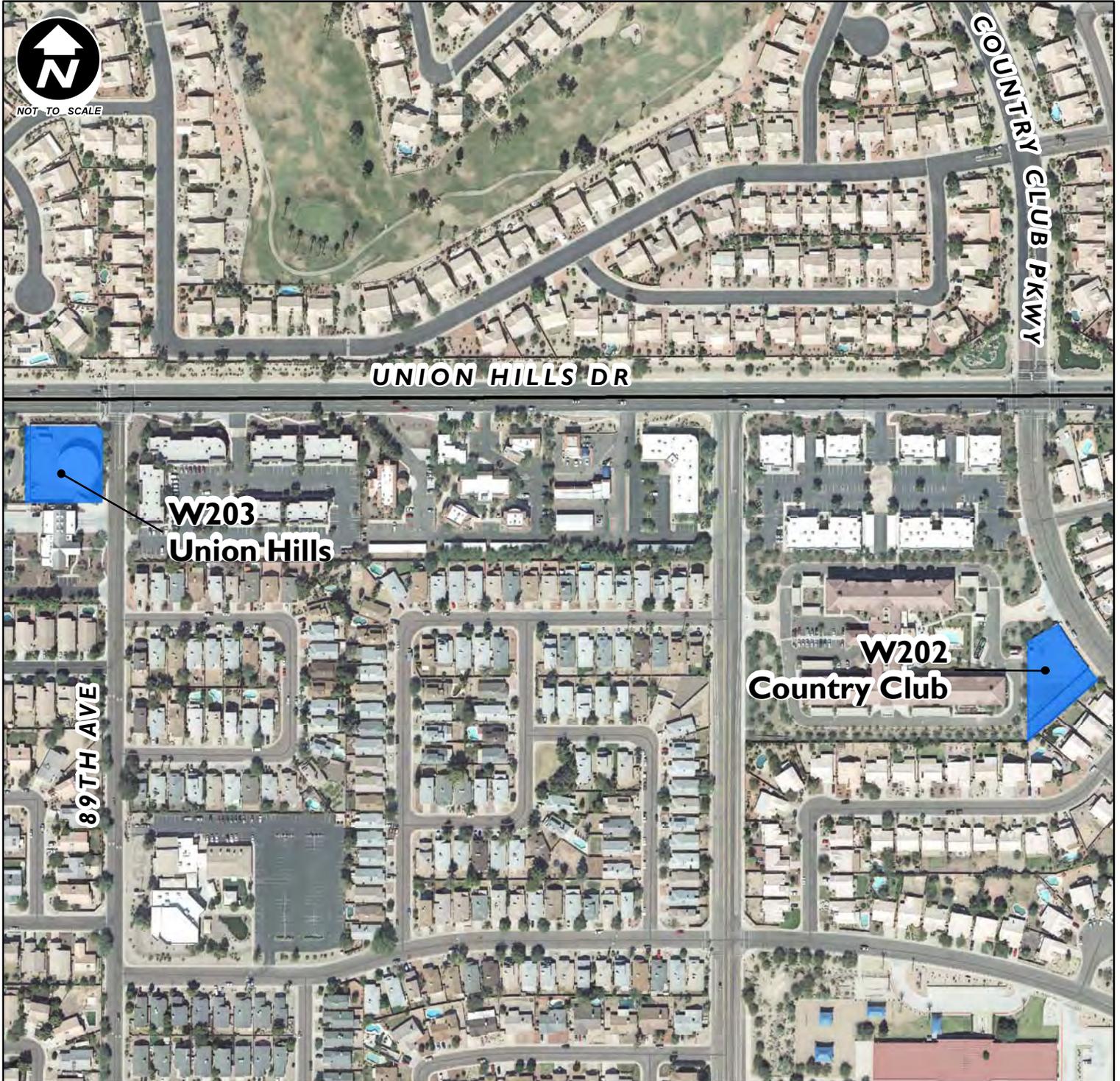
NOT TO SCALE



LEGEND

- ★ Well Head Water Quality Mitigation
Union Hills Drive & 89th Ave
Union Hills Drive & Country Club Pkwy

- DOVE VALLEY RD
- LONE MOUNTAIN RD
- MONTGOMERY RD
- DIXILETA DR
- PEAK VIEW RD
- DYNAMITE BL
- PINNACLE VISTA DR
- JOMAX RD
- YEARLING RD
- HAPPY VALLEY RD
- CALLE LEJOS
- PINNACLE PEAK RD
- WILLIAMS RD
- DEER VALLEY RD
- ROSE GARDEN LN
- BEARDSLEY RD
- UTOPIA RD
- UNION HILLS DR
- GROVERS AVE
- BELL RD
- PARADISE LN
- GREENWAY RD
- ACOMA DR
- THUNDERBIRD RD
- SWEETWATER AVE
- CACTUS RD
- CHOLLA ST
- PEORIA AVE
- MOUNTAIN VIEW RD
- OLIVE AVE
- BUTLER DR
- NORTHERN AVE



LEGEND



Well Head Water Quality Mitigation



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

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Date Prepared: July 25, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: City Council authorization to terminate an Economic Development Agreement (EDA) with Genome Identification Corp.

Purpose:

This is a request for the City Council to authorize the termination of the Economic Development Agreement (EDA) with Genome Identification Corp (GID) to locate its forensic DNA facility in Peoria.

Background on GID Project:

On October 29, 2012, the city entered into an EDA with GID, a start-up company that owns intellectual property that significantly advances the field of forensic DNA. The project was looking to establish a new company in Arizona and create 23 jobs upon successfully raising the capital necessary to launch the company. However, GID was acquired by a North Carolina investment group on April 10, 2013, and this acquisition required GID to be located in North Carolina.

Peoria's Economic Development Agreement offered an incentive that had been structured as a 3-year 0% forgivable loan of \$300,000 for the creation of 23 jobs. No funds have been disbursed under the agreement.

Previous Actions:

Executive Session held on June 19, 2012.

City Council approved the EDA on October 29, 2012.

Options:

Due to the sale of the company, GID will not be locating in Peoria. As a result, Economic Development Services ask that the Council authorize the City Manager to terminate the Economic Development Agreement.

Staff's Recommendation:

Authorize the City Manager to terminate the Economic Development Agreement with Genome Identification Corp.

Fiscal Analysis:

The city had identified funds in the Economic Development Implementation Strategy Matrix (EDIS) for this project. Staff recommended that the City Council approve the use of reserves and authorize a budget adjustment in the amount of \$300,000 from the Half Cent Sales Tax contingency account 1210-1210-570000 to a new project called Genome Identification Corp (GID) account 1210-1210-540500-CIPOF-ED00012. At this time, staff asks that these funds be unencumbered and returned to the Half Cent Sales Tax contingency account 1210-1210-570000 for use on future economic development projects.

Exhibit(s):

Exhibit 1: Notification of termination from GID.

Contact Name and Number: Dina Green 623-773-7781

From: [REDACTED]
To: [Maria Laughner](#)
Cc: [Dina Green](#)
Subject: Termination of Economic Development and Investment Agreement
Date: Tuesday, June 04, 2013 12:11:53 PM

Maria,

As you know, an investment group out of North Carolina acquired 100% of the assets of Genome Identification Corp. on April 10, 2013. A requirement of the buyout was that the company would have to be located in North Carolina.

Please consider this formal notification of the termination of the Economic Development and Investment Agreement between the City of Peoria and Genome Identification Corp, dated October 8, 2012. While my personal preference would have been to locate the business in Peoria, the buyout included replacing me as CEO since I had no interest in moving to North Carolina.

I continue to look at new opportunities to acquire another technology company that could be located in Peoria and sincerely appreciate working with you, Dina and Scott. Hope to work with you again soon!

Sincerely,

Bill Klink

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 11C

Date Prepared: July 30, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager
FROM: Scott Whyte, Economic Development Services Director
THROUGH: Susan J. Daluddung, Deputy City Manager
SUBJECT: 3rd Annual Career & Opportunity Fair

Purpose:

Approve a budget amendment in the amount of \$5,300 to the Economic Development fund, Community Promotions account, 1900-1900-522099 from the Economic Development fund, contingency account, 1900-1900-570000 to be used for Peoria's 3rd Annual Career & Opportunity Fair on November 7, 2013.

Background/Summary:

We propose that those funds be used to support the city's 3rd Annual Career & Opportunity job fair event on November 7th from 10:00 am – 3:00 pm at the Peoria Sports Complex. The event last year was extremely successful with 164 exhibitors offering over 5,000 job opportunities of all types. 1,500 attendees took advantage of this event and many of the hiring companies hired quality employees as a result. This year's event will stand out from other job fairs because it includes an employer's breakfast, informational seminars for job seekers and small business start-up counseling. Following are the event details:

- Goodwill of Central Arizona will be a primary sponsor and partner as this event will be considered one of their larger events of the year;
- The Peoria Chamber is also a primary partner as they will be hosting the employer breakfast prior to the job fair;
- Maricopa Workforce Connection (MWC) is partnering to offer their online "One Stop" skills assessment for attendees to take prior to coming to the event. This will assist job seekers in learning their strengths and narrow down the employers they would want to meet with. MWC will also post all openings that attending employers would like to have listed;
- Greater Phoenix SCORE, the Small Business Administration, Arizona Commerce Authority, and MCC Small Business Development Center will be offering information on starting a small business;
- Experts will give short presentations in the areas of how to get the most out of a job fair, using social media to land a job, and an employers panel;

Previous Actions: None

Options:

- a) Approve a budget amendment in the amount of \$5,300 to Economic Development fund 1900-1900-522099 (Community Promotions) from the Economic Development fund contingency account, 1900-1900-570000 to be used for the job fair on November 7, 2013.
- b) Reject this request.

Staff's Recommendation:

Approve a budget transfer of \$5,300 to be used for the job fair event on November 7, 2013.

Fiscal Analysis:

A budget transfer in the amount of \$5,300 is to be made from the Economic Development fund Contingency account 1900-1900-570000 to the Economic Development fund Community Promotions account, 1900-1900-522099 to be used for a job fair on November 7, 2013.

Exhibit:

None

Contact Name and Number: Debbie Pearson 623-773-5210

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 12C

Date Prepared: August 13, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager
FROM: William Mattingly, Public Works – Utilities Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Commercial Collection Division Budget Adjustment for FY2013

Purpose:

Discussion and possible action to approve a budget adjustment of \$32,071 to cover an overage in other professional services of the Solid Waste Commercial Collection Division FY2013 budget.

Background/Summary:

The Solid Waste Commercial Collection division of the Public Works – Utilities Department exceeded its other professional services FY2013 budget by \$32,071 as a result of unexpected long-term staffing absences which required temporary contract staffing assistance during the first half of the calendar year. During this time, Solid Waste Commercial also began to deliver waste loads from a commercial customer to the Northwest Regional Landfill to meet their operational changes which created a need for additional staffing. As a result of the temporary staffing assistance due to the absences and the commercial customer operational changes, the division was unable to absorb the extra expense within their budget appropriation.

The extended absence has been resolved in this new fiscal, and Council approved a part-time position for FY14 to accommodate the staffing need for the commercial customer operational changes which is currently under recruitment. No additional impact anticipated upon recruitment fulfillment.

Previous Actions:

No previous actions.

Options:

A: Approve a budget adjustment of \$32,071 from Commercial Solid Waste Fund Commercial Collection contingency to cover the overage in the Commercial Collection division FY2013 budget.

B: Do not approve a budget adjustment of \$32,071 from Commercial Solid Waste Fund Commercial Collection contingency. This would mean the Commercial Collection division will exceed its budget authority for Fiscal Year 2013.

Staff's Recommendation:

Staff recommends the approval of a budget adjustment of \$32,071 from Commercial Solid Waste Fund Commercial Collection contingency (2590-2720-570000) to Commercial Solid Waste Fund Commercial Collection Other Professional Services account (2590-2720-520099) to cover the FY2013 budget overage.

Fiscal Analysis:

Upon approval prepare a FY2013 budget adjustment of \$32,071 from Commercial Solid Waste Fund Commercial Collection contingency (2590-2720-570000) to Commercial Solid Waste Fund Commercial Collection Other Professional Services account (2590-2720-520099).

Contact Name and Number: William Mattingly, Public Works-Utilities Director, 623-773-5151

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 13C

Date Prepared: August 13, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager
FROM: William Mattingly, Public Works – Utilities Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Facilities Division Budget Adjustment for FY2013

Purpose:

Discussion and possible action to approve a budget adjustment of \$52,400 to cover overages in building repair and maintenance operations of the Facilities Division FY2013 budget.

Background/Summary:

The Facilities division of the Public Works – Utilities Department exceeded its Building Repair and Maintenance Budget by \$52,400 as a result of several unexpected repairs to critical and prominent systems that support various City facilities. Examples of some of these repairs include the required replacement and upgrade of gas service to the Pinnacle Peak Public Safety Facility for \$20,000; major repairs to the Information Technology and Public Safety Administration building emergency Generators for \$27,000; and the replacement of the pump for the City Hall Fountain Feature for \$8,000.

The total approved FY2013 budget for Building Repair and Maintenance is \$300,933. This approved budget allows for various minor repairs that can be expected each year however the budget does not allow for the major repair work listed above.

Previous Actions:

No previous actions.

Options:

A: Approve a budget adjustment of \$52,400 from General Fund Non-Departmental contingency to cover the overage in the Facilities division FY2013 budget.

B: Do not approve a budget adjustment of \$52,400 from General Fund Non-Departmental contingency. This would mean the Facilities Division will exceed its budget authority for Fiscal Year 2013.

Staff's Recommendation:

Staff recommends the approval of a budget adjustment of \$52,400 from General Fund Non-Departmental contingency (1000-0300-570000) to Facilities Fund Technical Operations Building Repair and Maintenance account (3250-3700-524002) to cover the FY2013 budget overage.

Fiscal Analysis:

Upon approval prepare a budget adjustment for \$52,400 from General Fund Non-Departmental contingency (1000-0300-570000) to Facilities Fund Technical Operations Building Repair and Maintenance account (3250-3700-524002).

Contact Name and Number: William Mattingly, Public Works-Utilities Director, 623-773-5151

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 14C

Date Prepared: August 13, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager

FROM: John Sefton, Community Services Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Sports Complex Sales and Sponsorship Associate Positions

Purpose:

This is a request for City Council to: a) Approve a newly created position, Sports Complex Sales and Sponsorship Associate, including a Performance Pay Incentive Program for this position, and b) Approve an increase in full-time equivalent (FTE) employee count from one (1) to two (2) for the Sports Complexes Division of the Community Services Department. This is a cost-neutral adjustment of FTE count, position classification, and job descriptions with the operational intention of increased revenue.

Background/Summary:

The Community Services Department has identified the need to revamp the sales and marketing (Marketing Coordinator) position currently operating from the Peoria Sports Complex. The Marketing Coordinator position is responsible for administering the marketing plan for the Sports Complexes Division and the department, with a focus on selling sponsorships and marketing the facility. Since the City is contractually bound by both Major League Baseball (MLB) Teams to sell sponsorships for the Spring Training season, this is where the largest job responsibility for the position lies. Secondly, the Marketing Coordinator is responsible for advertising and sponsorships sales for the many City of Peoria community events throughout the year.

In order to maximize sales and marketing success, the Sports Complexes Division is proposing the creation of a new position, Sports Complex Sales and Sponsorship Associate, whose main focus will be to identify and sell sponsorships for MLB Spring Training and City Special Events. Since this position will not be a Coordinator level, the salary difference will allow for two full-time employees to hold the same responsibility, thereby elevating a consistent sales focus to generate more leads, capture more viable contacts and sell more sponsorships, which leads to increasing revenues. In addition, with the management and direction these two employees will receive, staff feels that additional secondary sales revenue – such as Spring Training ticketing, catering, promotions and non-Spring Training event sales – will be realized.

For the two Sports Complex Sales and Sponsorship Associate positions, a Performance Pay Incentive Program is being proposed. This will allow the incumbents additional performance based monetary rewards relating directly to the amount of revenue they generate, both individually and as a sales team. The criteria for earning the incentives will be based on a four tier model, outlined below. There will be an overall cap on the total amount of the performance pay so that a definite maximum budget exists for the pay for performance incentive program. Performance pay will be made to the employees on a quarterly basis (September 30, December 31, March 31, June 30). Sports market research has confirmed that this tactic of employing multiple lower-salaried sales positions is widely used and can be beneficial in reaching new contacts and boosting sales goals.

Performance Pay Incentive Program

INDIVIDUAL INCENTIVES	
Sales total	Performance Payment
\$100,000	\$500
\$150,000	\$1,000
\$200,000	\$1,000
\$250,000	\$1,500

TEAM SALES INCENTIVES	
Sales total (combined)	Performance Payment (each)
\$400,000	\$500
\$450,000	\$500

By eliminating the currently vacant Marketing Coordinator position, the creation of two Sports Complex Sales and Sponsorship Associate positions and a Performance Pay Incentive Program for exceeding pre-defined sales related performance goals, will be cost neutral.

Previous Actions:

None

Options:

The following options are possible for the City Council to recommend:

- A. Approve the Sports Complex Sales and Sponsorship Associate position with Performance Pay Incentive Program and authorize an increase in FTE for the Sports Complexes Division so they may hire a sales team (or two Associates).

B. Deny the Sports Complex Sales and Sponsorship Associate position with sales performance incentive pay program and increase in FTE for the Sports Complexes Division.

Staff's Recommendation:

Staff recommends that City Council approve the newly created Sports Complex Sales and Sponsorship Associate position with Performance Pay Incentive Program and approve an increase in full-time equivalents for the Sports Complexes Division of the Community Services Department, allowing staff to hire a sponsorship team (of 2) to revitalize the City's marketing and sales efforts in the Arizona sporting and event market.

Fiscal Analysis:

The increase in staff full-time equivalents in the Sports Complexes Division will have no fiscal impact as elimination of the current vacant Marketing Coordinator position will offset the two Sports Complex Sales and Sponsorship Associate positions and the Performance Pay Incentive Program.

Exhibit(s): Sports Complex Sales and Sponsorship Associate Job Description

Contact Name and Number: Chris Calcaterra, Sports Facilities Manager, 623-773-8703



Title: Sports Complex Sales and Sponsorship Associate

FLSA Status: Exempt (Outside Sales)

BRIEF DESCRIPTION:

The purpose of this position is to identify, target and establish sales for the Sports Complex, with an emphasis on Spring Training, and City of Peoria special events. This is accomplished by identifying sales prospects and leads, researching and evaluating current sales strategies, establishing new sponsorship categories and inventory, boosting group ticket and catering sales, implementing promotions, drafting and overseeing sales proposals and agreements and assisting with the development of various promotional pieces. Other duties include assisting in the development and implementation of the Sports Complex and department marketing plans, and assisting with marketing of other programs and facilities.

ESSENTIAL FUNCTIONS:

Note: This information is intended to be descriptive of the key responsibilities of the position. The list of essential functions below does not identify all duties performed by any single incumbent in this position. Additionally, please be aware of the legend below when referring to the physical demands of each essential function.

(S) Sedentary	(L) Light	(M) Medium	(H) Heavy	(V) Very Heavy
Exerting up to 10 lbs. occasionally or negligible weights frequently; sitting most of the time.	Exerting up to 20 lbs. occasionally; 10 lbs. frequently; or negligible amounts constantly; OR requires walking or standing to a significant degree.	Exerting 20-50 lbs. occasionally; 10-25 lbs. frequently; or up to 10 lbs. constantly.	Exerting 50-100 lbs. occasionally; 10-25 lbs. frequently; or up to 10-20 lbs. constantly.	Exerting over 100 lbs. occasionally; 50-100 lbs. frequently; or up to 20-50 lbs. constantly.

#	Code	Essential Functions
1	L	Builds relationships by soliciting new sponsorships, maintaining current sponsorships, maintaining records, drafting and negotiating contracts, managing inventories, reporting revenues and assisting with collections. Research and identify industries and organizations to contact and solicit for partnership opportunities. Maintain and update concise weekly sales activity report of all calls, appointments and sales. Establish a high level of customer service with current and prospective sponsors.
2	S	Assists in the development and design of facility advertising, marketing and collateral materials. Assists with the coordination and supervision of stadium advertising signage placement. Assists with coordinating the production of collateral print materials, including but not limited to, game day magazine, scorecard, pocket schedule, poster, ticket sales brochure and advertising rate sheet. Performs proofreading and completes quality checks of final products. May participate in RFP drafting and vendor solicitations.
3	S	Participates in budget related activities by projecting revenues, recommending and monitoring budget expenditures, researching products and invoicing and collections.



4	S	Assists with event organization by orchestrating pregame ceremonies, developing game and PA scripts and electronic messages, game day promotions, sponsored game day elements and pre-game/in-game entertainment, working with videographers and photographers. Assists with the hiring, training and supervision of the seasonal interns to assist in sponsor fulfillment and game presentation.
5	L	Assists with administering marketing and advertising plans by communicating with the media, writing press releases, determining advertising utilization, researching venues, evaluating pricing, developing promotional pieces, recommending rates and discounts, and providing performance reports. Develop relationships with local and regional advertising/promotional agencies. Assist with development of promotional concepts and opportunities. Maintain databases, updates and maintains websites, social networking sites and email marketing databases, and performs related administrative duties.



JOB REQUIREMENTS:

-Description of Minimum Job Requirements-	
Education/Experience	Two year associates degree or diploma is required. Associates degree in sales, marketing or related is preferred. One year of experience in sales is required. Sports related sales experience is preferred. A valid Arizona Drivers License is required.
Knowledge, Skills and Abilities	Knowledge of sports sales, marketing campaigns, social media platforms and event production/presentation is preferred. The ability to communicate effectively with the public in a professional manner and to be detail oriented, organized and multi-task in fast paced environment is required. Proven written and verbal communication skills are also required. Computer skills are required.
Supervision	Job has no responsibility for the supervision of others.
Human Collaboration Skills	Work may require providing advice to others outside direct reporting relationships on specific problems or general policies. Contacts may require the consideration of different points of view to reach agreement. Elements of persuasion may be necessary to gain cooperation and acceptance of ideas.
Freedom to Act	The employee normally performs the job by following established standard operating procedures and/or policies. There is a choice of the appropriate procedure or policy to apply to duties. Performance reviewed periodically.
Technical Skills	Skilled: Work requires a comprehensive, practical knowledge of a technical field with use of analytical judgment and decision-making abilities appropriate to the work environment of the organization.
Budget Responsibility	Position has moderate fiscal responsibility . May be responsible for the billing, collection and/or accounting of funds. May be responsible for the handling and balancing of cash.
Reading	Advanced - Ability to read literature, books, reviews, scientific or technical journals, abstracts, financial reports, and/or legal documents. Ordinarily, such education is obtained in at the college level or above. However, it may be obtained from experience and self-study.
Math	Intermediate - Ability to deal with system of real numbers; practical application of fractions, percentages, ratios/proportions and measurement. Ordinarily, such education is obtained in high school up to college. However, it may be obtained from experience and self-study.
Writing	Advanced - Ability to write press releases, editorials, journals, speeches, manuals, or critiques. Ordinarily, such education is obtained in at the college level or above. However, it may be obtained from experience and self-study.



OVERALL PHYSICAL STRENGTH DEMANDS:

-Physical strength for this position is indicated below with "X"-					
Sedentary	Light	X	Medium	Heavy	Very Heavy
Exerting up to 10 lbs. occasionally or negligible weights frequently; sitting most of the time.	Exerting up to 20 lbs. occasionally, 10 lbs. frequently, or negligible amounts constantly OR requires walking or standing to a significant degree.	X	Exerting 20-50 lbs. occasionally, 10-25 lbs. frequently, or up to 10 lbs. constantly.	Exerting 50-100 lbs. occasionally, 10-25 lbs. frequently, or up to 10-20 lbs. constantly.	Exerting over 100 lbs. occasionally, 50-100 lbs. frequently, or up to 20-50 lbs. constantly.

PHYSICAL DEMANDS:

C Continuously 2/3 or more of the time.	F Frequently From 1/3 to 2/3 of the time.	O Occasionally Up to 1/3 of the time.	R Rarely Less than 1 hour per week.	N Never Never occurs.
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Note: This is intended as a description of the way the job is currently performed. It does not address the potential for accommodation.

-Physical Demand-	-Frequency-	-Brief Description-
Standing	F	Making presentations, observing work site, observing work duties, communicating with co-workers
Sitting	F	Desk work, meetings, driving
Walking	O	To other departments/offices, around work site
Lifting	O	Supplies, files
Carrying	O	Supplies, files
Pushing/Pulling	R	File drawers, tables and chairs
Reaching	R	For supplies, for files
Handling	F	Paperwork, monies
Fine Dexterity	C	Computer keyboard, telephone keypad, calculator
Kneeling	R	Filing in lower drawers, retrieving items from lower shelves/ground
Crouching	R	Filing in lower drawers, retrieving items from lower shelves/ground
Crawling	N	
Bending	R	Filing in lower drawers, retrieving items from lower shelves/ground
Twisting	O	From computer to telephone, getting inside vehicle
Climbing	R	Stairs
Balancing	N	
Vision	C	Reading, computer screen, driving, observing work site
Hearing	C	Communicating via telephone/radio, to co-workers/public
Talking	C	Communicating via telephone/radio, to co-workers/public
Foot Controls	O	Driving
Other (specified if applicable)		



MACHINES, TOOLS, EQUIPMENT, SOFTWARE, AND HARDWARE:

Computers, printers and related software, vehicle, cell phone, camera.

ENVIRONMENTAL FACTORS:

C Continuously	F Frequently	O Occasionally	R Rarely	N Never
--------------------------	------------------------	--------------------------	--------------------	-------------------

D Daily	W Several Times Per Week	M Several Times Per Month	S Seasonally	N Never
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-Health and Safety Factors-	
Mechanical Hazards	N
Chemical Hazards	N
Electrical Hazards	N
Fire Hazards	N
Explosives	N
Communicable Diseases	N
Physical Danger or Abuse	N
Other	N

-Environmental Factors-	
Respiratory Hazards	N
Extreme Temperatures	S
Noise and Vibration	N
Wetness/Humidity	N
Physical Hazards	N

PROTECTIVE EQUIPMENT REQUIRED:

None

NON-PHYSICAL DEMANDS:

F Frequently From 1/3 to 2/3 of the time	O Occasionally Up to 1/3 of the time	R Rarely Less than 1 hour per week	N Never Never occurs
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-Description of Non-Physical Demands-	-Frequency-
Time Pressure	F
Emergency Situation	N
Frequent Change of Tasks	F
Irregular Work Schedule/Overtime	R
Performing Multiple Tasks Simultaneously	F
Working Closely with Others as Part of a Team	O
Tedious or Exacting Work	O
Noisy/Distracting Environment	O
Other	N

PRIMARY WORK LOCATION:

Office Environment	X	Vehicle	
Warehouse		Outdoors	
Shop			
Recreation/Neighborhood Center			

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 15C

Date Prepared: August 7, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager
FROM: Brent D. Mattingly, Chief Financial Officer *Bme*
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Investment Report for the Year Ended June 30, 2013

Purpose:

This is a request for City Council to review and accept the Investment Report for the Year Ended June 30, 2013.

Background/Summary:

The Finance Department has prepared a quarterly report in compliance with Peoria's adopted Investment Policy. The report summarizes the City's investment activity for the period from July 1, 2012 to June 30, 2013. The City's total investment portfolio earned an average yield of 0.37% for the fiscal year and 0.33% for the 4th quarter of FY 2013. This represents investment income of \$1,138,060 for the fiscal year and \$262,396 for the 4th quarter. The average cash balance of the City's portfolio during the 4th quarter was \$320,264,062 and the ending balance for the total investment portfolio was \$298,920,125 which represents all securities and money market funds.

Previous Actions:

There are no previous actions for this item.

Options:

Council may select the following options:

- A:** Accept the Annual Investment Report as presented
- B:** Not accept the Annual Investment Report and request additional information from staff

Staff's Recommendation:

Staff recommends that Council review and accept the Investment Report for the Year Ended June 30, 2013 as presented.

Fiscal Analysis:

This item has no financial implications.

Narrative:

The annual investment report provides comparative investment yields, portfolio composition, average maturity lengths, comparisons of market value and book value, and a brief summary of the economy. An Inventory Holdings Report, which itemizes each security in the City's investment portfolio by fund, security type, and cusip number has been included as Exhibit 2. A brief glossary of security definitions has also been included as Exhibit 3.

Exhibit(s):

Exhibit 1: Investment Report for the Year Ended June 30, 2013

Exhibit 2: Inventory Holdings Report for the Year Ended June 30, 2013

Exhibit 3: Glossary of Security Definitions

Contact:

Deborah Card, Treasury Manager, X7148

CITY OF PEORIA, ARIZONA



INVESTMENT PERFORMANCE REPORT

Annual Report

Period Ended

June 30, 2013

Brent D. Mattingly, Chief Financial Officer

Finance Department

TABLE OF CONTENTS

Section	Description	Page
I.	INTRODUCTION.....	2
II.	TOTAL INVESTMENT PORTFOLIO STRUCTURE	3
III.	INVESTMENT POLICY COMPLIANCE.....	3
IV.	INVESTMENT PERFORMANCE.....	3
	A. Portfolio Composition	3
	B. Average Invested Cash Balances	4
	C. Investment Income	5
	D. Comparative Investment Yields.....	5
	E. Average Maturity of Portfolio	5
	F. Comparison of Market Value and Book Value.....	5
V.	ECONOMIC REVIEW.....	7
VI.	SUMMARY DATA.....	8

I. INTRODUCTION

This report reflects investment activity for the period of July 1, 2012 to June 30, 2013 for the City's investment management program. The City's Investment and Portfolio Policies, approved and adopted in January 1992 by the City Council, with revisions approved in June 2005, requires that the City's investment program meet the following criteria, listed in order of importance:

- Safety - *Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.*
- Liquidity - *The investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements.*
- Yield - *The investment portfolio shall be designed with the objective of obtaining a market rate of return throughout budgetary and economic cycles, while taking into account the City's strict risk constraints.*

In keeping with these principles, the Finance Department continued to invest the City's funds only in allowable, safe securities and to structure the maturity of the investment portfolio to assure liquidity. Short-term needs (6 months or less) are being met by investments in overnight repurchase agreements, commercial paper, money market funds, and the State's Investment Pool. Funds not required to meet specific short-term needs are invested primarily in Treasury Notes and U.S. Government Agency Securities.

Only after the safety and liquidity requirements are met does the Finance Department attempt to maximize earnings. For the Quarter and Year Ended June 30, 2013, the weighted average annualized yield on investments was as follows:

Table 1

AVERAGE ANNUALIZED INVESTMENT YIELD					
	FY 13 Q1	FY 13 Q2	FY 13 Q3	FY 13 Q4	Year Ended 6/30/13
General Portfolio	0.47	0.40	0.33	0.35	0.39
Bond Funds	0.30	0.28	0.24	0.19	0.25
Total Portfolio	0.45	0.39	0.32	0.33	0.37

The average annual yield of 0.37% represents a decrease of 0.15% from the total portfolio annualized yield of 0.52% experienced for the Year Ended June 30, 2012.

This quarter's average yield of 0.33% for the total portfolio represents an increase of 0.01% from the total portfolio annualized yield of 0.32% experienced for the Quarter Ended March 31, 2013.

II. TOTAL INVESTMENT PORTFOLIO STRUCTURE

The City's overall portfolio is identified by source and use of funds in accordance with the City's investment policy. The general operating funds are composed of all funds of the City with the exception of restricted capital project funds containing direct bond proceeds and escrow funds. The interest from the operating fund portfolio is allocated pro rata to the General Fund and other commingled funds making up the portfolio. Funds identified in this category are:

- General Fund
- Special Revenue Funds
- Enterprise Funds
- Internal Service Funds
- Debt Service Funds
- Trust and Agency Funds

Capital project funds are managed in unique portfolios identified by individual bond issue in order to fulfill all U.S. Government tax requirements and to simplify reporting and arbitrage calculations.

During the past quarter, the City's investment portfolio has been divided between general funds and several bond fund accounts. For purposes of this performance report, however, the operating portfolio is reported as a whole and reference to performance and strategy are directed toward the portfolio in its entirety.

III. INVESTMENT POLICY COMPLIANCE

The City's Investment Policy, as approved by City Council, applies to all the financial assets and funds held by the City of Peoria. All investments follow the provisions established in that Policy.

IV. INVESTMENT PERFORMANCE

A. Portfolio Composition. It is the policy of the City to diversify its portfolio by security type and institution to minimize market volatility risk and credit risk. The Policy stipulates maximum investment levels by market sector to insure diversification. Diversification is further accomplished through the laddering of maturities, which mirror anticipated cash flows for the various funds. If not matched to specific cash flows, the funds are invested with a priority of liquidity and safety until specific cash flow needs are identified.

The table below illustrates the diversification structured into the portfolio composition with dollar amounts and percentages by investment type (market sector). The table shows the overall conservative nature of the portfolio and its diversified structure. The fluctuation in percentages between fiscal quarters represents a shifting of value between market sectors from the varying economic conditions throughout the year. The concentration on Treasury Notes and Agency Securities illustrates the portfolio's safety priority.

Table 2

TOTAL PORTFOLIO COMPOSITION (In Millions of Dollars)								
Security Type	FY 13 – Q1		FY 13 – Q2		FY 13 – Q3		FY 13 – Q4	
	Amt	%	Amt	%	Amt	%	Amt	%
Money Market	43.4	13.4	36.0	11.4	27.7	8.6	31.3	10.5
Agency Securities	179.0	55.2	162.8	51.3	171.9	53.0	155.2	51.9
Treasury Bills	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Treasury Notes	12.1	3.7	27.3	8.6	32.3	10.0	28.2	9.4
Commercial Paper	89.9	27.7	90.9	28.7	89.9	27.8	83.9	28.1
Repurchase Agreements	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
State Pool	0.1	0.0	0.1	0.0	2.0	0.6	0.3	0.1
TOTALS:	324.5	100.0	317.1	100.0	323.8	100.0	298.9	100.0

B. Average Invested Cash Balances. The average investment cash balance of the overall portfolio for the Year Ended June 30, 2013 was \$320,264,062 as compared to \$312,071,778 for the Year Ended June 30, 2012.

The average investment cash balance of the overall portfolio for the Quarter Ended June 30, 2013 was \$315,896,123 as compared to \$320,167,493 for the Quarter Ended March 31, 2013.

Fluctuations in the quarterly balances shown in the chart below represent normal cash flows throughout the fiscal year, the addition of new bond proceeds, investment of earned interest, and the spend down of existing bond proceeds for capital projects.

C. Investment Income. Total investment income for the Year Ended June 30, 2013 was \$1,138,060, which represents a decrease of 16.2% from the \$1,357,269 earned for the Year Ended June 30, 2012.

Total investment income for the 4th Quarter of FY13 was \$262,396, which represents an increase of 3.8% from the \$252,739 earned in the 3rd Quarter of FY13.

D. Comparative Investment Yields. Since the Investment Policy of the City restricts investment primarily to the U.S. fixed income and money markets, the portfolio performance is measured directly against these markets for comparison purposes. The maximum maturity of securities purchased for the portfolio is restricted to five (5) years. The weighted average maturity should not exceed 365 days. The actual weighted average maturity for the 4th Quarter of FY13 was 356 days. The average rates of comparable benchmarks are shown in the table below.

Table 3

COMPARATIVE ANNUALIZED INVESTMENT YIELDS				
	FY 13 Q1	FY 13 Q2	FY 13 Q3	FY 13 Q4
City of Peoria (General Portfolio)	0.47	0.40	0.33	0.35
3 Month T-Bill	0.09	0.08	0.08	0.05
6 Month T- Bill	0.14	0.13	0.11	0.08
1 Year T-Bill	0.17	0.17	0.14	0.12
2 Year Treasury	0.25	0.26	0.25	0.26

E. Average Maturity of the Portfolio. For the Quarter ended June 30, 2013, the average maturity of the portfolio was 356 days as compared to 348 days on March 31, 2013. Matching maturities to known cash flows requires the maintenance of a somewhat short portfolio. This assures the City's liabilities can be met as they come due. Cash not needed to match immediate cash flow needs (within a nine month rolling horizon of liabilities) is normally extended somewhat to take advantage of higher yields. Longer maturities are used to capture yields at purchase and to capture capital gains during the period.

F. Comparison of Market Value and Book Value. The book value of the portfolio is captured on an amortized cost basis recognizing the City's position in the securities on a straight-line amortization of premiums and discounts. Book and market values do not include accrued interest on the securities. The market value reflects the *then current* market price at which these securities could be sold in the open market. A comparison of book and market reflects the changes in market rates as well as the performance of the portfolio against the market. Since the shortest portion of the portfolio is matched against anticipated cash flows, rate changes will more directly affect

their relative gain/loss positions. A summary of market and book values for the total portfolio for the Quarter are shown below.

Beginning Book Value.....	\$323,795,397
Beginning Market Value.....	\$323,950,260
Ending Book Value	\$298,920,125
Ending Market Value.....	\$298,549,115

At quarter's end, the book value of the portfolio exceeded the market value of securities resulting in an overall unrealized loss in value of \$371,010.

ECONOMIC REVIEW AS OF 6-30-13:

Gross Domestic Product (GDP): During the past 62 years, the U.S. economy has grown by an annual average of 3.2%. Since emerging from recession four years ago, annualized GDP has averaged a sluggish 2.1%; this despite a massive amount of stimulus in the system. Suddenly, the Fed seems to be at the point where it will begin reducing the amount of its monthly quantitative easing. It's important to note that the expectation is for a gradual taper, and not an abrupt end to asset purchases. Few expect the Fed to raise the overnight funds target before early-to-mid-2015. FY13 third quarter annualized growth was only 1.8%, and early indications are for fourth quarter GDP growth of around 1.5%. In theory, less Fed support means slightly higher interest rates and correspondingly, some slowing of the economy going forward.

Nonfarm Payrolls: The April employment report was one of the quarter's game changers, but primarily due to a revision that pushed February payroll gains to a hearty +332k. March and April nonfarm payrolls averaged just +145k. With a slightly better increase of 175k in May, nonfarm payrolls averaged a lackluster 155k for the three spring months. The unemployment rate continued to trend lower, although in May, it did rise slightly from a 4½-year low of 7.5% to 7.6%. Any increase in unemployment creates a negative headline, but in May, the underlying cause was positive as more people entered the workforce. The labor market participation rate is still hovering near a 30-year low of 63.5%. When the recession began, this number was closer to 66%. As the economy improves, it's likely that more and more Americans will resume the job search.

Housing: The S&P/Case-Shiller 20-City home price index rose 1.7% in April and 12% on a year-over-year basis. Through the end of 2012, the number of homeowners with negative equity had dropped from 12.1 million to 10.4, representing 21% of homeowners with mortgages. Positive equity reduces foreclosures as the homeowner can more easily modify loan terms or simply sell the property if the payment becomes unaffordable. Indeed, recent home sales have been brisk. Existing home sales jumped by 4.2% in May to an annualized unit pace to 5.18 million, the highest level since November 2009, while new home sales rose 2.1% in May to a 476k unit annual pace, the highest level in nearly five years. As homes sell, new ones are being built. Bank of America expects housing starts to average 1.25 million next year with risks to the upside.

Retail Sales: The much expected "spring swoon" did materialize in the consumer spending arena. After February's healthy 1.1% gain, shoppers apparently took a breather. In March, sales *fell* by 0.3% before rebounding by a tiny 0.1% in April. May retail sales increased by 0.6%, due in large part to a big 1.8% rise in auto sales. When the volatile auto and gasoline station components are excluded, sales rose by 0.3%, exactly meeting expectations with what analysts have referred to as the first respectable headline number since February. Auto sales were definitely a bright spot, reaching an annualized unit pace of 15.9 million in June. By comparison, annualized sales in February 2009 were a shockingly low 9 million. Even the big "cash-for-clunkers" government assistance program only managed to goose August 2009 annualized sales to 14.6 million.

SUMMARY DATA

Table 4

PORTFOLIO COMPOSITION				
General Funds				
Security Type	FY 13 – Q1 Ending 09/30/12	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 03/31/13	FY 13 – Q4 Ending 06/30/13
Money Market	\$30,865,206	\$27,198,863	\$21,715,559	\$25,342,820
Agency Securities	\$176,951,755	\$162,819,280	\$171,834,530	\$152,680,673
Treasury Notes	\$8,044,063	\$21,252,024	\$26,267,037	\$26,170,621
Treasury Bills	\$0	\$0	\$0	\$0
Commercial Paper	\$67,893,092	\$70,919,130	\$76,420,478	\$71,431,327
Repurchase Agreements	\$0	\$0	\$0	\$0
State Pool	\$90,107	\$13,204	\$2,024,410	297,072
Totals:	\$283,844,223	\$282,202,501	\$298,262,014	\$275,922,513
Avg Yield	0.47	0.40	0.33	0.35
Avg Maturity (Years)	1.08	1.09	1.02	1.03
State Pool Yield	0.15	0.14	0.10	0.04

Table 5

PORTFOLIO COMPOSITION				
G.O. Bonds 2007				
Security Type	FY 13 – Q1 Ending 09/30/12	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 03/31/13	FY 13 – Q4 Ending 06/30/13
Money Market	\$1,630,674	\$1,356,551	\$711,543	\$1,704,307
Agency Securities	\$0	\$0	\$0	\$0
Treasury Notes	\$1,007,287	\$1,004,335	\$1,001,424	\$0
Treasury Bills	\$0	\$0	\$0	\$0
Commercial Paper	\$0	\$0	\$0	\$0
Repurchase Agreements	\$0	\$0	\$0	\$0
Totals:	\$2,637,961	\$2,360,886	\$1,712,967	\$1,704,307
Avg Yield	0.08	0.09	0.12	0.05
Avg Maturity (Years)	0.27	0.19	0.12	0.01

Table 6

PORTFOLIO COMPOSITION G.O. Bonds 2009				
Security Type	FY 13 – Q1 Ending 09/30/12	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 03/31/13	FY 13 – Q4 Ending 06/30/13
Money Market	\$3,214,099	\$2,884,463	\$2,645,012	\$2,350,544
Agency Securities	\$2,000,064	\$0	\$0	\$2,500,302
Treasury Notes	\$3,021,860	\$5,046,413	\$5,030,046	\$2,018,013
Treasury Bills	\$0	\$0	\$0	\$0
Commercial Paper	\$8,990,318	\$7,995,550	\$6,493,163	\$6,492,577
Repurchase Agreements	\$0	\$0	\$0	\$0
Totals:	\$17,226,341	\$15,926,426	\$14,168,221	\$13,361,436
Avg Yield	0.33	0.29	0.23	0.21
Avg Maturity (Years)	0.29	0.24	0.32	0.38

Table 7

PORTFOLIO COMPOSITION G.O. Bonds 2010				
Security Type	FY 13 – Q1 Ending 09/30/12	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 03/31/13	FY 13 – Q4 Ending 06/30/13
Money Market	\$2,851,290	\$1,726,301	\$2,406,248	\$1,675,789
Agency Securities	\$0	\$0	\$0	\$0
Treasury Notes	\$0	\$0	\$0	\$0
Treasury Bills	\$0	\$0	\$0	\$0
Commercial Paper	\$6,986,966	\$5,992,181	\$3,998,042	\$3,995,506
Repurchase Agreements	\$0	\$0	\$0	\$0
Totals:	\$9,838,256	\$7,718,482	\$6,404,290	\$5,671,295
Avg Yield	0.44	0.39	0.33	0.18
Avg Maturity (Years)	0.22	0.27	0.14	0.25

Table 8

PORTFOLIO COMPOSITION G.O. Bonds 2012				
Security Type	FY 13 – Q1 Ending 09/30/12	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 03/31/13	FY 13 – Q4 Ending 06/30/13
Money Market	\$4,873,758	\$2,846,617	\$250,052	\$260,842
Agency Securities	\$0	\$0	\$0	\$0
Treasury Notes	\$0	\$0	\$0	\$0
Treasury Bills	\$0	\$0	\$0	\$0
Commercial Paper	\$5,993,973	\$5,998,880	\$2,997,853	\$1,999,732
Repurchase Agreements	\$0	\$0	\$0	\$0
Totals:	\$10,867,731	\$8,845,497	\$3,247,905	\$2,260,574
Avg Yield	0.18	0.22	0.16	0.21
Avg Maturity (Years)	0.22	0.10	0.26	0.13

City of Peoria
Detail of Security Holdings
As of 06/30/2013

CUSIP	Settle Date	Sec. Type	Sec. Description	CPN	Mty Date	Next Call	Call Type	Par Value	Purch Price	Orig Cost	Book Value	Mkt Price	Market Value	Days to Mty
General Fund														
WF-ADVGOV		MMF	Wells Fargo Adv Govt MMF					25,342,819.94	100.000	25,342,819.94	25,342,819.94	100.000	25,342,819.94	1
313376GY5	01/23/12	AGCY BULET	FHLB	0.330	07/01/13			10,000,000.00	100.084	10,008,400.00	10,000,000.00	100.000	10,000,000.00	1
36959HUN5	01/23/13	CP - DISC	GE Capital Corp		07/22/13			3,000,000.00	99.885	2,996,550.00	2,999,597.49	99.994	2,999,817.00	22
3024A6V17	02/04/13	CP - DISC	FCAR Owner Trust II		08/01/13			6,000,000.00	99.852	5,991,100.02	5,998,450.02	99.980	5,998,776.00	32
3024A0V69	11/09/12	CP - DISC	FCAR Owner Trust		08/06/13			8,000,000.00	99.625	7,970,000.00	7,996,000.00	99.976	7,998,112.00	37
3135G0BR3	11/29/12	AGCY BULET	FNMA	0.500	08/09/13			7,000,000.00	100.214	7,014,980.00	7,002,277.66	100.040	7,002,800.00	40
36959HW45	03/08/13	CP - DISC	GE Capital Corp		09/04/13			8,000,000.00	99.880	7,990,400.00	7,996,533.36	99.982	7,998,536.00	66
36959HWB9	02/04/13	CP - DISC	GE Capital Corp		09/11/13			8,000,000.00	99.860	7,988,806.64	7,996,320.00	99.968	7,997,408.00	73
912828JM3	02/25/13	TREAS NOTE	U.S. Treasury	3.125	09/30/13			5,000,000.00	101.758	5,087,890.63	5,036,830.40	100.750	5,037,500.00	92
36959HX77	04/09/13	CP - DISC	GE Capital Corp		10/07/13			6,000,000.00	99.884	5,993,061.67	5,996,243.34	99.956	5,997,360.00	99
3024A0XB6	01/17/13	CP - DISC	FCAR Owner Trust		10/11/13			2,000,000.00	99.644	1,992,880.00	1,997,280.00	99.923	1,998,456.00	103
313397NG2	03/28/13	AGCY DISCO	FHLMC		10/22/13			2,000,000.00	99.922	1,998,440.00	1,999,152.50	99.980	1,999,600.00	114
89233GYN0	02/25/13	CP - DISC	Toyota Mtr Cr		11/22/13			10,000,000.00	99.805	9,980,500.00	9,989,600.00	99.907	9,990,740.00	145
3024A0Z65	03/12/13	CP - DISC	FCAR Owner Trust		12/06/13			2,500,000.00	99.701	2,492,527.78	2,495,611.10	99.859	2,496,467.50	159
912828PL8	06/29/12	TREAS NOTE	U.S. Treasury	0.750	12/15/13			8,000,000.00	100.668	8,053,437.50	8,016,704.40	100.290	8,023,200.00	168
3134G3BF6	02/09/12	AGCY BULET	FHLMC	0.625	12/23/13			10,000,000.00	100.548	10,054,820.00	10,014,022.70	100.210	10,021,000.00	176
313371UC8	03/28/13	AGCY BULET	FHLB	0.875	12/27/13			5,025,000.00	100.528	5,051,532.00	5,042,364.34	100.350	5,042,587.50	180
89233HAP9	05/08/13	CP - DISC	Toyota Mtr Cr		01/23/14			8,000,000.00	99.812	7,984,977.76	7,988,097.76	99.833	7,986,664.00	207
912828JZ4	12/13/12	TREAS NOTE	U.S. Treasury	1.750	01/31/14			13,000,000.00	101.750	13,227,500.00	13,117,085.93	100.950	13,123,500.00	215
3024A7B41	05/10/13	CP - DISC	FCAR Owner Trust II		02/04/14			10,000,000.00	99.723	9,972,250.00	9,977,594.40	99.787	9,978,710.00	219
313370LT3	09/19/12	AGCY BULET	FHLB	1.250	06/27/14			13,000,000.00	101.685	13,219,050.00	13,122,377.45	101.010	13,131,300.00	362
3135G0BJ1	09/25/12	AGCY BULET	FNMA	1.125	06/27/14			10,000,000.00	101.456	10,145,600.00	10,082,112.30	100.900	10,090,000.00	362
3133EAM70	10/25/12	AGCY BULET	FFCB	0.300	08/21/14			10,000,000.00	99.972	9,997,200.00	9,998,249.90	100.040	10,004,000.00	417
31398A3G5	03/29/12	AGCY BULET	FNMA	1.500	09/08/14			7,025,000.00	102.382	7,192,335.50	7,106,544.65	101.270	7,114,217.50	435
3134G3W71	11/26/12	AGCY CALL	FHLMC	0.350	11/26/14	11/26/13	ONE TIME	8,000,000.00	100.000	8,000,000.00	8,000,000.00	100.000	8,000,000.00	514
3134G3NL0	12/12/12	AGCY CALL	FHLMC	0.500	02/24/15	02/24/14	ONE TIME	7,190,000.00	100.239	7,207,184.10	7,199,276.61	100.100	7,197,190.00	604
3134G3NL0	04/08/13	AGCY CALL	FHLMC	0.500	02/24/15	02/24/14	ONE TIME	6,000,000.00	100.215	6,012,900.00	6,009,514.50	100.100	6,006,000.00	604
3135G0SQ7	12/24/12	AGCY CALL	FNMA	0.400	06/24/15	12/24/13	QRTLY	10,650,000.00	99.998	10,649,752.49	10,649,803.72	99.880	10,637,220.00	724
3134G3K25	09/25/12	AGCY CALL	FHLMC	0.500	09/25/15	09/25/13	QRTLY	10,000,000.00	100.000	10,000,000.00	10,000,000.00	99.830	9,983,000.00	817
3135G0RS4	11/06/12	AGCY CALL	FNMA	0.500	11/06/15	11/06/14	ONE TIME	5,000,000.00	100.000	5,000,000.00	5,000,000.00	99.720	4,986,000.00	859
3133ECG65	02/25/13	AGCY CALL	FFCB	0.500	02/25/16	02/25/14	CONT	5,000,000.00	99.936	4,996,800.00	4,997,170.90	99.510	4,975,500.00	970
3133EAUE6	07/26/12	AGCY CALL	FFCB	0.875	06/14/16	Anytime	CONT	10,000,000.00	100.150	10,015,000.00	10,000,000.00	100.000	10,000,000.00	1,080
313380S57	10/22/12	AGCY CALL	FHLB	0.700	10/11/16	Anytime	CONT	3,398,571.43	99.938	3,396,464.32	3,396,828.30	99.090	3,367,644.43	1,199
3136G1FU8	03/19/13	AGCY CALL	FNMA	1.000	12/19/17	03/19/15	ONE TIME	5,100,000.00	99.950	5,097,450.00	5,097,583.67	97.980	4,996,980.00	1,633
3135G0WJ8	05/20/13	AGCY BULET	FNMA	0.875	05/21/18			8,000,000.00	99.532	7,962,560.00	7,963,393.52	96.650	7,732,000.00	1,786

Total for General Fund 275,231,391.37 276,085,170.35 275,625,440.86 275,255,105.87 385

GO Bond - Series 2007 A

WF-ADVGOV		MMF	Wells Fargo Adv Govt MMF					1,704,306.54	100.000	1,704,306.54	1,704,306.54	100.000	1,704,306.54	1
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Total for GO Bond - Series 2007 A 1,704,306.54 1,704,306.54 1,704,306.54 1,704,306.54 1

City of Peoria
Detail of Security Holdings
As of 06/30/2013

CUSIP	Settle Date	Sec. Type	Sec. Description	CPN	Mty Date	Next Call	Call Type	Par Value	Purch Price	Orig Cost	Book Value	Mkt Price	Market Value	Days to Mty
GO Bond - Series 2009														
WF-ADVGOV		MMF	Wells Fargo Adv Govt MMF					2,350,543.78	100.000	2,350,543.78	2,350,543.78	100.000	2,350,543.78	1
36959HWB9	02/04/13	CP - DISC	GE Capital Corp		09/11/13			2,000,000.00	99.860	1,997,201.66	1,999,080.00	99.968	1,999,352.00	73
3024A0XB6	01/17/13	CP - DISC	FCAR Owner Trust		10/11/13			1,500,000.00	99.644	1,494,660.00	1,497,960.00	99.923	1,498,842.00	103
89233HAP9	05/08/13	CP - DISC	Toyota Mtr Cr		01/23/14			3,000,000.00	99.812	2,994,366.66	2,995,536.66	99.833	2,994,999.00	207
912828JZ4	12/13/12	TREAS NOTE	U.S. Treasury	1.750	01/31/14			2,000,000.00	101.750	2,035,000.00	2,018,013.22	100.950	2,019,000.00	215
3133ECMB7	05/20/13	AGCY BULET	FFCB	0.160	04/23/14			2,500,000.00	100.014	2,500,345.00	2,500,302.55	99.950	2,498,750.00	297
Total for GO Bond - Series 2009								13,350,543.78		13,372,117.10	13,361,436.21		13,361,486.78	157
GO Bond - Series 2010														
WF-ADVGOV		MMF	Wells Fargo Adv Govt MMF					1,675,789.47	100.000	1,675,789.47	1,675,789.47	100.000	1,675,789.47	1
89233GXM3	05/08/13	CP - DISC	Toyota Mtr Cr		10/21/13			2,000,000.00	99.908	1,998,155.56	1,998,755.56	99.934	1,998,682.00	113
89233HBL7	05/29/13	CP - DISC	Toyota Mtr Cr		02/20/14			2,000,000.00	99.815	1,996,291.67	1,996,750.00	99.798	1,995,952.00	235
Total for GO Bond - Series 2010								5,675,789.47		5,670,236.70	5,671,295.03		5,670,423.47	123
GO Bond - Series 2012														
WF-ADVGOV		MMF	Wells Fargo Adv Govt MMF					260,842.27	100.000	260,842.27	260,842.27	100.000	260,842.27	1
36959HUN5	01/23/13	CP - DISC	GE Capital Corp		07/22/13			2,000,000.00	99.885	1,997,700.00	1,999,731.66	99.994	1,999,878.00	22
Total for GO Bond - Series 2012								2,260,842.27		2,258,542.27	2,260,573.93		2,260,720.27	20
State Pool								297,072.00		297,072.00	297,072.00		297,072.00	1
Total for City of Peoria								298,222,873.43		299,090,372.96	298,920,124.57		298,252,042.93	365



Security Acronyms:

AGCY – DISCO	Agency Discount Note
AGCY – BULET	Agency Bullet
AGCY – CALL	Agency Callable Note
AGCY – STEP	Agency Step-Up Note
CP – DISC	Commercial Paper Discounted
FFCB	Federal Farm Credit Bank
FHLB	Federal Home Loan Bank
FNMA	Federal National Mortgage Association or “Fannie Mae”
FHLMC	Federal Home Loan Mortgage Corporation or “Freddie Mac”
FCAR Owner Trust	Ford Credit Asset Receivable
GE Capital Corp	General Electric Capital Corp
MMF	Money Market Fund

Security Definitions:

Agency Notes - A debt security issued by a federal or federally sponsored agency. These are widely considered to be among the safest types of fixed income securities, although they are not explicitly guaranteed by the Federal government, there is a market peerception that there is an implicit government guarantee. The following are Government-Related Enterprises, originally created by an act of Congress: Federal Farm Credit Bank, Federal Home Loan Bank, Federal National Mortgage Association (Fannie Mae) and Federal Home Loan Mortgage Corporation (Freddie Mac).

Federal Farm Credit Bank (FFCB) - The Federal Farm Credit Bank System is the oldest of the government sponsored enterprises, created by an act of congress in 1916. Its mission is to provide a reliable and low cost source of funds to support agriculture in the United States. FFCB debt obligations are highly liquid and its senior debt is AAA-rated. Yields on FFCB obligations are often slightly lower than yields on FHLB, FNMA or FHLMC obligations because they issue fewer bonds and are in demand as portfolio diversifiers.

Federal Home Loan Bank (FHLB) - The Federal Home Loan Bank system was created by an act of Congress in 1932 as a system of 12 regional banks that provide funds to its member banks. FHLB's primary mission is to support residential and community lending. Its membership of more than 8,000 financial institutions includes savings banks, commercial banks, credit unions and insurance companies active in housing finance. FHLB debt obligations are highly liquid and its senior debt is AAA-rated.

Federal National Mortgage Association (FNMA or "Fannie Mae") - Fannie Mae was chartered in 1938 under the Federal National Mortgage Association Act to provide a secondary market for mortgage loans in the United States, by purchasing existing home loans and pooling them together to create mortgage-backed securities that can then be sold to investors, along with a guaranty of the timely payment of principal and interest on the underlying loans. Fannie Mae was privatized in 1968, and operated as a private stockholder-owned company for 40 years before the housing market collapse forced them into federal government conservatorship in September 2008. Fannie Mae currently continues operation under government control and has been instrumental in the government's attempts to revive the housing sector. Fannie Mae debt obligations are highly liquid and its senior debt is AAA-rated.

Federal Home Loan Mortgage Corporation (FHLMC or "Freddie Mac") - Freddie Mac was created by an act of Congress in 1970 as a shareholder-owned company to further expand the secondary market for mortgage loans in the United States. Freddie Mac buys existing mortgages and pools them together to create mortgage-backed securities that can then be sold to investors, thereby providing liquidity to lenders who can then make additional loans. Along with Fannie Mae, Freddie Mac was placed into government conservatorship in September 2008, but continues full operations under government control and has been instrumental in the government's attempt to revive the housing sector. Freddie Mac securities are highly liquid and its senior debt is AAA-rated.

Agency Bullet- An agency security that matures at a single point in time and does not feature a call option. This security will earn a fixed rate of interest and the entire face value will be returned to the investor at maturity. The security does not amortize or make periodic payments of principal.

Agency Callable - An agency security where the issuer has the option to call the security away, or redeem it, prior to maturity. This allows the issuer to return principal to the investor prior to the stated maturity date.

Agency Discount Note - Similar to a Treasury Bill, an agency discount note is a zero coupon bond sold at a discount to face value. At maturity the investor will receive face value. The income earned is the difference between the cost paid for the security and its face value.

Agency Step-Up Note - An agency security that provides for the fixed rate of interest to adjust, or “step-up” at predetermined intervals based on a specific schedule. The schedule may include one or several rate adjustments over the life of the security. In most cases, the security is also callable at the step-up dates.

Commerical Paper – An unsecured short –term promissory note issued by corporations, with maturities ranging from 2 to 270 days. Examples of commercial paper include Ford Credit Asset Receivable, General Electric Capital Corporation, Johns Hopkins Health System and Toyota Motor Credit.

Treasury Bill – Short-term U.S. government non-interest bearing debt securities with maturities of no longer than one year and issued in minimum denominations of \$10,000.

Treasury Note - U.S. government debt securities with maturities of ten years or longer, and issued in minimum denominations of \$1,000.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 16C

Date Prepared: August 20, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Maintenance Improvement District No. 1133, Tierra Del Rio Parcel 1, 107th Avenue and Happy Valley Road

Purpose:

This is a request for City Council to approve a Petition for Formation, adopt the Resolution of Intention, and Resolution Ordering the Improvements for a proposed Maintenance Improvement District No. 1133, Tierra Del Rio Parcel 1, located at 107th Avenue and Happy Valley Road, as well as authorize the City Clerk to record the Maintenance Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

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

Background/Summary:

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

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

and Resolution of Intention are attached for formation of City of Peoria Maintenance Improvement District No. 1133, Tierra Del Rio Parcel 1, located at 107th Avenue and Happy Valley Road. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law, and the Council may then adopt a Resolution ordering the improvements when necessary once the Resolution of Intention is first adopted. The Resolution Ordering the improvements finalizes the formation of the Maintenance Improvement District process.

Under Arizona State law, commencing in October 2014, the residents will receive an additional charge on their property tax bill for maintenance of the landscape, irrigation and drainage improvements, located adjacent to and within the public rights-of-way and tracts. However, until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, the additional charge to the residents will be \$0.00. In accordance with State statute, an assessment diagram and map, listing each parcel of property within the district has been prepared.

Previous Actions:

The final replat for Tierra Del Rio Parcel 1 was approved by the City on June 18, 2013 and recorded with the County.

Options:

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

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

Staff's Recommendation:

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

Fiscal Analysis:

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

Narrative:

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

Exhibit(s):

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention to Create

Exhibit 3: Proposed Resolution Declaring Intention to Order

Contact Name and Number:

Traci Varland, Associate Engineer, x7612

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

[1133]
MID#

[Tierra Del Rio Parcel 1]
Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

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

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A" that is attached hereto and incorporated herein by reference. The proposed district consists of 21.1668 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated public roadways and parkways within the proposed district and drainage and retention within each proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is for the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated streets and parkways within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
 - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work; and
 - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

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

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the

8TH day of JANUARY 2013.

<p>DTR 24, LLC _____ Print Property Owner Name Jon Coulter _____ Print Name 17207 N. Perimeter Drive, Suite 200 _____ Address _____ Signature</p>	<p>Date: <u>1/8/13</u></p>	<p>Property (Tax Parcel Numbers) <u>201-17-051</u></p>
<p>_____ Print Property Owner Name _____ Print Name _____ Address _____ Signature</p>	<p>Date: _____</p>	<p>Property (Tax Parcel Numbers) _____</p>

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By _____
Mayor

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

RESOLUTION NO. 2013-118

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. 1133, TIERRA DEL RIO PARCEL 1, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

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

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

WHEREAS, the City Council declares that the maintenance of landscaping included within and adjacent to a parkway and related facilities preserves and promotes the health, safety, and welfare of those citizens of the City

Resolution No. 2013-118
MID 1133 – Tierra Del Rio Parcel 1
September 3, 2013
Page 2 of 10 Pages

of Peoria living within the District as well as preservation of the streets and parkways which may be adversely impacted by drainage and other water formations; and

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

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

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

Section 1. Definitions.

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

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

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

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

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

"Clerk" shall mean the City Clerk.

"Engineer" shall mean City Engineer.

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

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

"Plans and Specifications" shall mean the engineer's estimate for the Maintenance Improvement District No. 1133 filed with the Clerk prior to the adoption of this Resolution.

"Superintendent of Streets" shall mean the City Engineer.

Section 2. Declaration of Intention to Order an Improvement.

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

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

SEE EXHIBIT "A", LEGAL DESCRIPTION OF CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1133

The Mayor and Council of the City of Peoria, Arizona designate as parkways, those areas set forth on Exhibit "B" Assessment Diagram in accordance with Title 48, Chapter 4, Article 2, Arizona Revised Statutes. The public interest and convenience require, and it is the intention of the City Council to order the Work adjacent to the designated parkways to be performed as stated herein. All items of the Work shall be performed as prescribed by the Plans and Specifications hereby approved and adopted by the Council and on file in the Office of the City Engineer and no assessment for any lot shall exceed its proportion of the Estimate. The estimate of the cost and expenses of the work or improvements on file in the offices of the Superintendent of Streets and the Clerk of the City are hereby approved and adopted by the Mayor and Council of the City. In addition to the requirements of law, the procedures set forth in the City Code will be followed regarding acceptance of bids and setting tax levies. For purposes of this Resolution and of all resolutions, ordinances and notices pertaining to this Resolution, the improvement as herein

described is hereby designated City of Peoria Maintenance Improvement District No. 1133.

Section 3. Determination of Need.

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

Section 4. Preparation of Assessment Diagrams.

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

Section 5. Exclusion of Certain Property.

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

Section 6. Existing Maintenance Improvement District.

This proposed Maintenance Improvement District for Tierra Del Rio Parcel 1 is subject to the existing Tierra Del Rio Development Master Maintenance Improvement District #1062.

Section 7. Officers Not Liable.

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

Section 8. Annual Statement.

The City Council shall make annual statements and estimates of the expenses of the District which shall be provided for by the levy and collection of ad

Resolution No. 2013-118
MID 1133 – Tierra Del Rio Parcel 1
September 3, 2013
Page 5 of 10 Pages

valorem taxes upon the assessed value of all real and personal property in the District as provided in A.R.S. § 48-574 and amendments thereto.

Section 9. Statutory Authority.

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

Section 10. Delegation of Authority.

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 3rd day of September, 2013.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Resolution No. 2013-118
MID 1133 – Tierra Del Rio Parcel 1
September 3, 2013
Page 6 of 10 Pages

CERTIFICATION OF CITY ENGINEER

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

Andrew Granger, Engineering Director

CERTIFICATION OF CITY CLERK

I hereby certify that the above and foregoing Resolution No. 2013-118 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on _____ September 3, 2013 and that a quorum was present there and that the vote thereon was _____ ayes and _____ nays. _____ were no vote or absent.

City Clerk, City of Peoria

EXHIBIT "A"
TIERRA DEL RIO PARCEL 1
Maintenance ID # 1133 LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 5 AND THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND STONE MARKED: "1/4" ON SOUTH FACE ACCEPTED AS THE NORTH QUARTER CORNER OF SECTION 8 FROM WHICH A FOUND 2" O.D. IRON PIPE WITH 6D NAIL IN CENTER, DOWN 1' IN 3' DIA. HOLE ACCEPTED AS THE NORTHWEST CORNER OF SAID SECTION 8 BEARS NORTH 86 DEGREES 37 MINUTES 00 SECONDS WEST A DISTANCE OF 2624.42 FEET;

THENCE NORTH 86 DEGREES 37 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8 A DISTANCE OF 1312.21 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 01 DEGREES 02 MINUTES 19 SECONDS WEST A DISTANCE OF 1306.35 FEET;

THENCE NORTH 87 DEGREES 09 MINUTES 27 SECONDS WEST A DISTANCE OF 1127.60 FEET TO A POINT ON THE RIGHT-OF-WAY LINE OF 107TH AVENUE AND A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 2822.14 FEET, THE CENTER OF WHICH LIES SOUTH 70 DEGREES 07 MINUTES 23 SECONDS EAST;

(THE FOLLOWING 5 COURSES ARE ALONG THE 107TH AVENUE RIGHT-OF-WAY AS FOLLOWS)

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10 DEGREES 39 MINUTES 04 SECONDS AN ARC LENGTH OF 524.62 FEET;

THENCE NORTH 76 DEGREES 22 MINUTES 00 SECONDS EAST A DISTANCE OF 42.01 FEET;

THENCE NORTH 31 DEGREES 49 MINUTES 35 SECONDS EAST A DISTANCE OF 70.00 FEET;

THENCE NORTH 12 DEGREES 37 MINUTES 06 SECONDS WEST A DISTANCE OF 42.08 FEET TO A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 2822.14 FEET, THE CENTER OF WHICH LIES SOUTH 56 DEGREES 51 MINUTES 14 SECONDS EAST;

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03 DEGREES 07 MINUTES 05 SECONDS AN ARC LENGTH OF 153.59 FEET;

THENCE LEAVING SAID RIGHT-OF-WAY, SOUTH 62 DEGREES 26 MINUTES 44 SECONDS EAST A DISTANCE OF 195.36 FEET;

THENCE NORTH 28 DEGREES 55 MINUTES 31 SECONDS EAST A DISTANCE OF 71.52 FEET;

THENCE SOUTH 62 DEGREES 26 MINUTES 44 SECONDS EAST A DISTANCE OF 200.06 FEET;

THENCE NORTH 28 DEGREES 55 MINUTES 31 SECONDS EAST A DISTANCE OF 6.00 FEET;

THENCE SOUTH 62 DEGREES 26 MINUTES 44 SECONDS EAST A DISTANCE OF 26.85 FEET;

THENCE NORTH 16 DEGREES 32 MINUTES 13 SECONDS EAST A DISTANCE OF 89.08 FEET;

THENCE NORTH 52 DEGREES 50 MINUTES 46 SECONDS EAST A DISTANCE OF 88.03 FEET;

THENCE NORTH 73 DEGREES 28 MINUTES 05 SECONDS EAST A DISTANCE OF 45.78 FEET;

THENCE NORTH 60 DEGREES 52 MINUTES 16 SECONDS WEST A DISTANCE OF 328.76 FEET;

THENCE NORTH 47 DEGREES 20 MINUTES 06 SECONDS WEST A DISTANCE OF 86.99 FEET TO A POINT ON THE RIGHT-OF-WAY OF 107TH AVENUE AND A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 2822.14 FEET, THE CENTER OF WHICH LIES SOUTH 47 DEGREES 20 MINUTES 24 SECONDS EAST;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, NORTH 44 DEGREES 33 MINUTES 45 SECONDS EAST A DISTANCE OF 340.39 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1508.57 FEET;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 19 MINUTES 57 SECONDS AN ARC LENGTH OF 70.25 FEET;

THENCE SOUTH 55 DEGREES 42 MINUTES 03 SECONDS EAST A DISTANCE OF 210.26 FEET TO THE **POINT OF BEGINNING**.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 922,026 square feet (21.1668 acres) more or less.

Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ
Job No. 1244
February 2013



Resolution No. 2013-118

EXHIBIT "B"

IS ON FILE IN THE

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

Resolution No. 2013-118
MID 1133 – Tierra Del Rio Parcel 1
September 3, 2013
Page 9 of 10 Pages

CITY OF PEORIA, ARIZONA

NOTICE

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE MAINTENANCE OF LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITHIN APPURTENANT STRUCTURES AS SHOWN ON THE PLANS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1133, Tierra Del Rio Parcel 1.

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

On the 3rd day of September, 2013 the Mayor and Council of the City of Peoria adopted Resolution No. 2013-118; ordering the improvements of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures shown on the plans, within the corporate limits of the City and creating an Improvement District known as the City of Peoria Maintenance Improvement District No. 1133, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures, which includes a charge for the maintenance of landscaping and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice be given.

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

Further information concerning City of Peoria Maintenance Improvement District No. 1133 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

Resolution No. 2012-118
MID 1133 – Tierra Del Rio Parcel 1
September 3, 2013
Page 10 of 10 Pages

DATED AND SIGNED this _____ day of _____, 2013.

Andrew Granger
Acting Superintendent of Streets
City of Peoria, Arizona

RESOLUTION NO. 2013-119

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. 1133, TIERRA DEL RIO PARCEL I; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

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

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the maintenance of landscaping within the proposed district and that the cost of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be assessed upon a certain improvement district to be known as Peoria Maintenance Improvement District No. 1133.

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

SECTION 2. The maintenance of the landscaping, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the maintenance of the landscaping included within,

Resolution No. 2013- 119
MID 1133 – Tierra Del Rio Parcel 1
September 3, 2013
Page 2 of 5 Pages

near, and adjacent to a parkway and related facilities together with appurtenant structures be chargeable upon a district to be known and designated as the City of Peoria Maintenance Improvement District No. 1133 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures, which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1133 and if a portion of the costs and expenses for the maintenance of landscaping is for the general public benefit, the City shall assess the boundaries of the City of Peoria Maintenance Improvement District No. 1133 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1133.

SECTION 3. The costs and expense for the maintenance of landscaping shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Maintenance Improvement District No. 1133 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

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

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

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

Resolution No. 2013- 119
MID 1133 – Tierra Del Rio Parcel 1
September 3, 2013
Page 3 of 5 Pages

Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Peoria, Arizona, this 3rd day of September, 2013.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "A"
TIERRA DEL RIO PARCEL 1
Maintenance ID # 1133 LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 5 AND THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND STONE MARKED: "1/4" ON SOUTH FACE ACCEPTED AS THE NORTH QUARTER CORNER OF SECTION 8 FROM WHICH A FOUND 2" O.D. IRON PIPE WITH 6D NAIL IN CENTER, DOWN 1' IN 3' DIA. HOLE ACCEPTED AS THE NORTHWEST CORNER OF SAID SECTION 8 BEARS NORTH 86 DEGREES 37 MINUTES 00 SECONDS WEST A DISTANCE OF 2624.42 FEET;

THENCE NORTH 86 DEGREES 37 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8 A DISTANCE OF 1312.21 FEET TO THE **POINT OF BEGINNING**;

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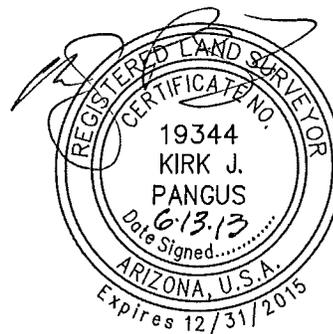
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THENCE SOUTH 55 DEGREES 42 MINUTES 03 SECONDS EAST A DISTANCE OF 210.26 FEET TO THE **POINT OF BEGINNING**.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 922,026 square feet (21.1668 acres) more or less.

Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ
Job No. 1244
February 2013



Resolution No. 2013-119

EXHIBIT "B"

IS ON FILE IN THE

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

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 17C

Date Prepared: August 20, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Street Light Improvement District No. 1072, Tierra Del Rio Parcel 1, 107TH Avenue and Happy Valley Road

Purpose:

This is a request for City Council to approve the Petition for Formation and adopt the Resolution of Intention and Resolution Ordering the Improvements for the proposed Street Light Improvement District No. 1072, Tierra Del Rio Parcel 1, located at 107th Avenue and Happy Valley Road, and authorize the City Clerk to record the Street Light Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

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

Background/Summary:

The purpose of the Streetlight Improvement District is for the purchase of electricity for lighting the streets and public parks within the proposed district.

Pursuant to the provisions of A.R.S. §48-616, et seq., Mayor and Council are empowered to adopt a resolution ordering the formation of a Street Light Improvement District. A Petition, Resolution of Intention and Resolution Ordering the Improvements are attached for formation of City of Peoria Street Light Improvement District No. 1072, Tierra Del Rio Parcel 1, located at 107th Drive and Happy Valley Road. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not

required by law, and the Council may then immediately adopt a Resolution Ordering the improvements once the Resolution of Intention is first adopted. The Resolution ordering the improvements finalizes the formation of the Street Light Improvement District process.

Under Arizona State law, commencing in October 2014, the residents will receive, on their property tax bill, an additional charge for operation of the street light system. In accordance with state statute, an assessment diagram and map listing each parcel of property within the district has been prepared.

Previous Actions:

The final replat for Tierra Del Rio Parcel 1 was approved by the Council on June 18, 2013.

Options:

A: The Street Light Improvement District has been approved through the Economic Development Services Department. An option would be to not accept the proposed Street Light Improvement District; although it should be noted that not approving the Street Light Improvement District will prevent the purchase of electricity for lighting the streets and public parks within the proposed district from being assessed on the property tax bill.

B: The other option would be to formally approve the Street Light Improvement District to allow for the taxing district to be recorded and fees assessed to the property tax bills.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Petition for Formation, Resolution of Intention, and Resolution Ordering the Improvements.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Street Light Improvement District. However, the City would incur the cost associated with the purchase of electricity for lighting the streets and public parks within the proposed district should the taxing district not be approved and recorded.

Narrative:

The acceptance of this Street Light Improvement District will allow the purchase of electricity for lighting the streets and public parks within the proposed district to be assessed on the property tax bill for the properties located within the District.

Exhibit(s):

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention

Exhibit 3: Proposed Resolution Ordering the Improvements

Contact Name and Number: Traci Varland, Engineering Technician II, x7612

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

[1072]

SLID#

[Tierra Del Rio Parcel 1]

Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

Pursuant to Arizona Revised Statutes, Section 48-617, the undersigned property owner respectfully petitions the City Council of the City of Peoria, Arizona (City Council) to order the formation of a Municipal Street Light Improvement District under Arizona Revised Statutes, Title 48, Chapter 4, Article 2. In support of this petition, the undersigned states agrees to waive certain rights under the Arizona Improvement District Law and to consent to the formation and completion of the District.

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A", which is attached hereto and incorporated herein by reference. The proposed district consists of 23.3102 acres and is entirely within the corporate boundaries of the City of Peoria.

2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.

3. Purpose. The district is proposed to be formed for the purpose of the purchase of electricity for lighting the streets and public parks within the proposed district.

4. Public Convenience and Necessity. The necessity for the proposed district is the purchase of electricity for lighting the streets and public parks within the proposed district by the levying of special assessments in the proposed district.

5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:

- (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
- (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
- (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work;
- (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

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

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the _____
day of _____ 20 13 .

<u>DTR 24, LLC</u> Print Property Owner Name <u>Jon Coulter</u> Print Name <u>17207 N. Perimeter Drive, Suite 200</u> Address <u>[REDACTED]</u> Signature	Date: <u>1/8/13</u>	Property (Tax Parcel Numbers) <u>201-17-051</u>
Print Property Owner Name Print Name Address Signature	Date: _____	Property (Tax Parcel Numbers) _____

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By _____
Mayor

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

RESOLUTION NO. 2013-116

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. 1072, TIERRA DEL RIO PARCEL 1; 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.

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

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the purchase of electricity for lighting the streets and public parks within the proposed district.

The estimate of the cost and expenses for the purchase of electricity for the operation of the streetlights on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The streetlights and the electricity, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the purchase of electricity be chargeable upon a district to be known and designated as the City of Peoria Streetlight Improvement District No. 1072 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the purchase of electricity for streetlights to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the purchase of electricity for streetlights which are for the general public benefit against the respective lots, pieces and

Resolution No. 2013-116
SLID 1072, Tierra Del Rio Parcel 1
September 3, 2013
Page 2 of 5 Pages

parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1072 and if a portion of the costs and expenses for the purchase of electricity for streetlights is for the general public benefit, the City shall assess the boundaries of the City of Peoria Streetlight Improvement District No. 1072 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1072.

SECTION 3. The costs and expense for the purchase of electricity for streetlights shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Streetlight Improvement District No. 1072 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

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

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

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

Resolution No. 2013-116
SLID 1072, Tierra Del Rio Parcel 1
September 3, 2013
Page 3 of 5 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona, this 3rd day of September, 2013.

Bob Barrett, Mayor

Date Signed : _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "A"
TIERRA DEL RIO PARCEL 1
Street Light ID # 1072 LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 5 AND THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND STONE MARKED: "1/4" ON SOUTH FACE ACCEPTED AS THE NORTH QUARTER CORNER OF SECTION 8 FROM WHICH A FOUND 2" O.D. IRON PIPE WITH 6D NAIL IN CENTER, DOWN 1' IN 3' DIA. HOLE ACCEPTED AS THE NORTHWEST CORNER OF SAID SECTION 8 BEARS NORTH 86 DEGREES 37 MINUTES 00 SECONDS WEST A DISTANCE OF 2624.42 FEET;

THENCE NORTH 86 DEGREES 37 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8 A DISTANCE OF 1312.21 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 01 DEGREES 02 MINUTES 19 SECONDS WEST A DISTANCE OF 1306.35 FEET;

THENCE NORTH 87 DEGREES 09 MINUTES 27 SECONDS WEST A DISTANCE OF 1127.60 FEET;

THENCE NORTH 70 DEGREES 08 MINUTES 39 SECONDS WEST A DISTANCE OF 65.00 FEET TO A POINT ON THE CENTER LINE OF 107TH AVENUE AND A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 2887.14 FEET, THE CENTER OF WHICH LIES SOUTH 70 DEGREES 08 MINUTES 39 SECONDS EAST;

THENCE NORTHERLY ALONG SAID CURVE AND SAID CENTER LINE THROUGH A CENTRAL ANGLE OF 16 DEGREES 24 MINUTES 31 SECONDS AN ARC LENGTH OF 826.83 FEET;

THENCE LEAVING SAID CENTER LINE SOUTH 53 DEGREES 44 MINUTES 09 SECONDS EAST A DISTANCE OF 65.00 FEET;

THENCE SOUTH 62 DEGREES 26 MINUTES 44 SECONDS EAST A DISTANCE OF 195.36 FEET;

THENCE NORTH 28 DEGREES 55 MINUTES 31 SECONDS EAST A DISTANCE OF 71.52 FEET;

THENCE SOUTH 62 DEGREES 26 MINUTES 44 SECONDS EAST A DISTANCE OF 200.06 FEET;

THENCE NORTH 28 DEGREES 55 MINUTES 31 SECONDS EAST A DISTANCE OF 6.00 FEET;

THENCE SOUTH 62 DEGREES 26 MINUTES 44 SECONDS EAST A DISTANCE OF 26.85 FEET;

THENCE NORTH 16 DEGREES 32 MINUTES 13 SECONDS EAST A DISTANCE OF 89.08 FEET;

THENCE NORTH 52 DEGREES 50 MINUTES 46 SECONDS EAST A DISTANCE OF 88.03 FEET;

THENCE NORTH 73 DEGREES 28 MINUTES 05 SECONDS EAST A DISTANCE OF 45.78 FEET;

THENCE NORTH 60 DEGREES 52 MINUTES 16 SECONDS WEST A DISTANCE OF 328.76 FEET;

THENCE NORTH 47 DEGREES 20 MINUTES 06 SECONDS WEST A DISTANCE OF 86.99 FEET;

THENCE NORTH 47 DEGREES 20 MINUTES 24 SECONDS WEST A DISTANCE OF 65.00 FEET TO A POINT ON THE CENTER LINE OF 107TH AVENUE AND A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 2887.14 FEET, THE CENTER OF WHICH LIES SOUTH 47 DEGREES 20 MINUTES 24 SECONDS EAST;

THENCE ALONG SAID CENTER LINE, NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01 DEGREES 54 MINUTES 08 SECONDS AN ARC LENGTH OF 95.86 FEET;

THENCE CONTINUING ALONG SAID CENTER LINE, NORTH 44 DEGREES 33 MINUTES 45 SECONDS EAST A DISTANCE OF 340.39 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1443.57 FEET;

THENCE CONTINUING ALONG SAID CENTER LINE, NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 19 MINUTES 57 SECONDS AN ARC LENGTH OF 134.35 FEET;

THENCE LEAVING SAID CENTER LINE, SOUTH 50 DEGREES 46 MINUTES 13 SECONDS EAST A DISTANCE OF 65.00 FEET;

THENCE SOUTH 55 DEGREES 42 MINUTES 03 SECONDS EAST A DISTANCE OF 210.26 FEET TO THE **POINT OF BEGINNING**.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 1,015,392 square feet (23.3102 acres) more or less.

Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ
Job No. 1244
February 2013



Resolution No. 2013-116

EXHIBIT "B"

IS ON FILE IN THE

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

RESOLUTION NO. 2013-117

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. 1072, TIERRA DEL RIO PARCEL 1 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.

WHEREAS on the 3rd day of September 2013, the Mayor and Council of the City of Peoria, Arizona, passed and adopted Resolution No. 2013-117, 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. 1072; 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; and

WHEREAS, a copy of Resolution No. 2013-117 has been published in the Peoria Times, a newspaper published and generally circulated in the City, as required by law or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, the Superintendent of Streets of the City caused to be posted along the streets of the District, no more than three hundred (300) feet apart, notices of the passage of Resolution No. 2013-117, said notices being headed "Notice of Proposed Improvement", each heading in letters at least one (1) inch in height. Said notices stated the fact of the passage of said Resolution of Intention No. 2013-117 or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of said Resolution of Intention No. 2013-117 and since the completion of

Resolution No. 2013-117
SLID 1072 – Tierra Del Rio 1
September 3, 2013
Page 2 of 6 Pages

the posting of said notices or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, no protests against the proposed improvement and no objections to the extent of the District were filed with the Clerk of the City during the time prescribed by law; and

WHEREAS, the Mayor and Council of the City having acquired jurisdiction to order the improvements as described in Resolution No. 2013-117; and

WHEREAS, the City Engineer acting as District Engineer has prepared and presented to the Mayor and Council of the City duplicate diagrams of the property contained within the District ("the Diagram") and legal description copies of which are attached and incorporated as Exhibits A and B.

NOW THEREFORE IT IS RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, as follows:

Section 1. By virtue of the authority vested in the Mayor and Council of the City by Title 48, Chapter 4, Article 2, Arizona Revised Statutes and all amendments thereto, the Mayor and Council of the City orders the work or improvement done as described in Resolution No. 2013-117 and in accordance with the Plans and Specifications approved and adopted by the Mayor and Council of the City of Peoria, Arizona.

Section 2. The Superintendent of Streets of the City is authorized and directed to prepare and execute the notice of the passage of this Resolution, which is attached as Exhibit B. Such notice shall be posted and published as provided by law.

Section 3. That the Diagram, as prepared and presented to the Mayor and Council of the City is approved by the Mayor and Council of the City.

Section 4. That the Clerk of the City is authorized and directed to certify that the Diagram was approved by the Mayor and Council of the City on the 20th day of August 2013, and after such certification, the Clerk of the City is authorized and directed to deliver the Diagram to the Superintendent of Streets of the City.

Resolution No. 2013-117
SLID 1072 – Tierra Del Rio 1
September 3, 2013
Page 3 of 6 Pages

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona on the 3rd day of September, 2013.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "A"
TIERRA DEL RIO PARCEL 1
Street Light ID # 1072 LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 5 AND THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND STONE MARKED: "1/4" ON SOUTH FACE ACCEPTED AS THE NORTH QUARTER CORNER OF SECTION 8 FROM WHICH A FOUND 2" O.D. IRON PIPE WITH 6D NAIL IN CENTER, DOWN 1' IN 3' DIA. HOLE ACCEPTED AS THE NORTHWEST CORNER OF SAID SECTION 8 BEARS NORTH 86 DEGREES 37 MINUTES 00 SECONDS WEST A DISTANCE OF 2624.42 FEET;

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THENCE ALONG SAID CENTER LINE, NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01 DEGREES 54 MINUTES 08 SECONDS AN ARC LENGTH OF 95.86 FEET;

Resolution No. 2013-117
SLID 1072, Tierra Del Rio Parcel 1
September 3, 2013
Page 4 of 6 cont.

THENCE CONTINUING ALONG SAID CENTER LINE, NORTH 44 DEGREES 33 MINUTES 45 SECONDS EAST A DISTANCE OF 340.39 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1443.57 FEET;

THENCE CONTINUING ALONG SAID CENTER LINE, NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05 DEGREES 19 MINUTES 57 SECONDS AN ARC LENGTH OF 134.35 FEET;

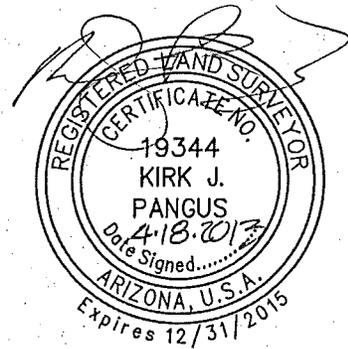
THENCE LEAVING SAID CENTER LINE, SOUTH 50 DEGREES 46 MINUTES 13 SECONDS EAST A DISTANCE OF 65.00 FEET;

THENCE SOUTH 55 DEGREES 42 MINUTES 03 SECONDS EAST A DISTANCE OF 210.26 FEET TO THE **POINT OF BEGINNING**.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 1,015,392 square feet (23.3102 acres) more or less.

Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ
Job No. 1244
February 2013



Resolution No. 2013-117

EXHIBIT "B"

IS ON FILE IN THE

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

ASSESSMENT DIAGRAM STREET LIGHT IMPROVEMENT DISTRICT #1072 TIERRA DEL RIO, PARCEL 1

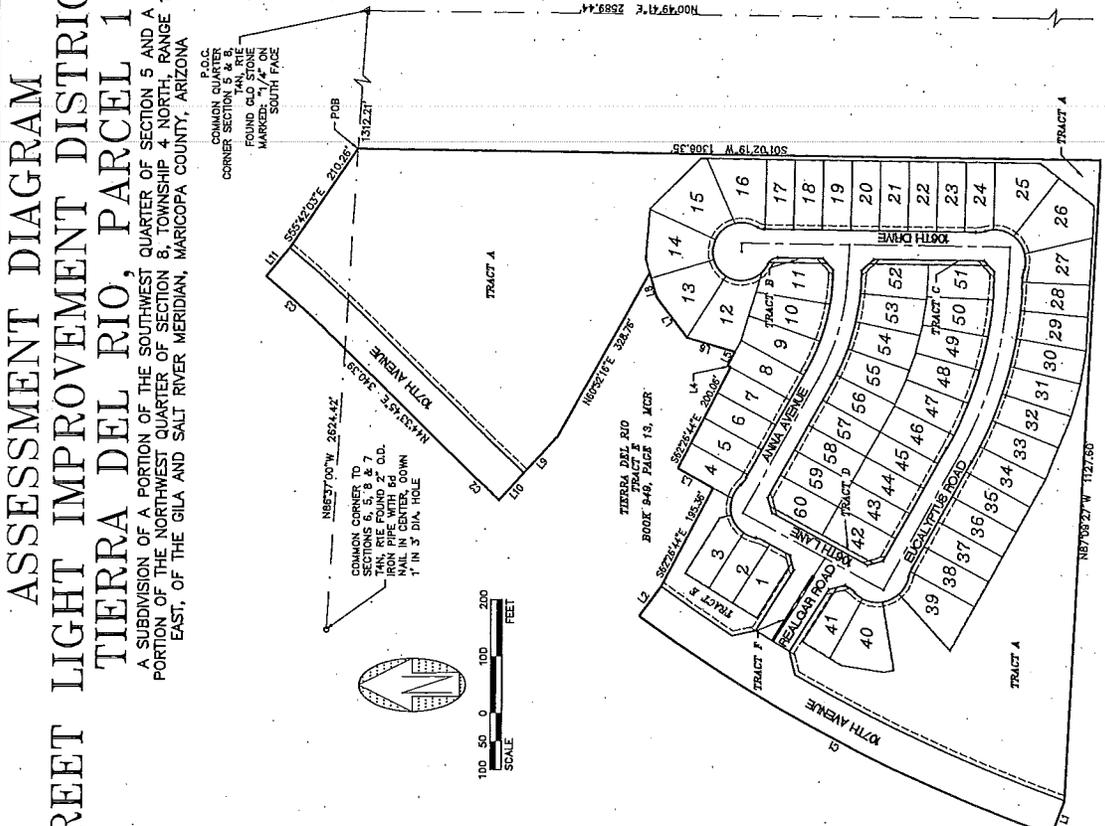
A SUBDIVISION OF A PORTION OF THE SOUTHWEST QUARTER OF SECTION 5 AND A PORTION OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

LEGAL DESCRIPTION

SECTION 5 AND THE NORTHWEST QUARTER OF SECTION 8, AND THE NORTHWEST QUARTER OF SECTION 8, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND STONE MARKED: "1/2" ON SOUTH FACE ASCERTAIN AS THE POINT OF BEGINNING OF SECTION 5 FROM WHICH A FOUND "2" O.D. IRON PIPE WITH WALL IN CENTER, DOWN 1" IN 3" DIA. HOLE ASCERTAIN AS THE NORTHWEST CORNER OF SECTION 8, WAS NORTH 86 DEGREES 37 MINUTES 00 SECONDS WEST A DISTANCE OF 130.33 FEET; THENCE NORTH 83 DEGREES 02 MINUTES 19 SECONDS WEST ALONG THE NORTH LINE OF NORTHWEST QUARTER OF SECTION 8 A DISTANCE OF 132.21 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01 DEGREES 02 MINUTES 19 SECONDS WEST A DISTANCE OF 1106.33 FEET; THENCE NORTH 07 DEGREES 09 MINUTES 27 SECONDS WEST A DISTANCE OF 1127.60 FEET; THENCE NORTH 70 DEGREES 08 MINUTES 39 SECONDS WEST A DISTANCE OF 65.00 FEET TO A POINT ON THE CENTER LINE OF 107TH AVENUE AND A NON-TANGENT CURVE TO THE SOUTH 70 DEGREES 08 MINUTES 39 SECONDS WEST; THENCE SOUTH 70 DEGREES 08 MINUTES 39 SECONDS WEST; THENCE NORTHERLY ALONG SAID CURVE A DISTANCE OF 200.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE A DISTANCE OF 200.00 FEET; THENCE SOUTH 70 DEGREES 08 MINUTES 39 SECONDS WEST; THENCE LEAVING SAID CENTER LINE SOUTH 53 DEGREES 44 MINUTES 09 SECONDS EAST A DISTANCE OF 19.36 FEET; THENCE SOUTH 02 DEGREES 28 MINUTES 44 SECONDS EAST A DISTANCE OF 71.52 FEET; THENCE SOUTH 02 DEGREES 28 MINUTES 44 SECONDS EAST A DISTANCE OF 200.00 FEET; THENCE NORTH 20 DEGREES 05 MINUTES 31 SECONDS EAST A DISTANCE OF 6.00 FEET; THENCE SOUTH 02 DEGREES 28 MINUTES 44 SECONDS EAST A DISTANCE OF 26.86 FEET; THENCE NORTH 16 DEGREES 32 MINUTES 13 SECONDS EAST A DISTANCE OF 86.00 FEET; THENCE NORTH 02 DEGREES 50 MINUTES 46 SECONDS EAST A DISTANCE OF 86.00 FEET; THENCE NORTH 73 DEGREES 28 MINUTES 16 SECONDS WEST A DISTANCE OF 457.8 FEET; THENCE NORTH 40 DEGREES 52 MINUTES 16 SECONDS WEST A DISTANCE OF 324.76 FEET; THENCE NORTH 47 DEGREES 08 MINUTES 08 SECONDS WEST A DISTANCE OF 68.00 FEET; THENCE NORTH 47 DEGREES 08 MINUTES 08 SECONDS WEST A DISTANCE OF 68.00 FEET TO A POINT ON THE CENTER LINE OF 107TH AVENUE AND A NON-TANGENT CURVE TO THE SOUTH 47 DEGREES 08 MINUTES 08 SECONDS WEST; THENCE SOUTHERLY ALONG SAID CENTER LINE, NORTHEASTERLY ALONG SAID CURVE THROUGH A 90 DEGREE CENTRAL ANGLE OF 01 DEGREES 08 MINUTES 08 SECONDS AN ARC LENGTH OF 24.86 FEET; THENCE CONTINUING ALONG SAID CENTER LINE, NORTH 44 DEGREES 33 MINUTES 45 SECONDS EAST A DISTANCE OF 240.39 FEET TO THE BEGINNING OF A CURVE CENTRALLY HAVING A RADIUS OF 1443.57 FEET; THENCE CONTINUING ALONG SAID CENTER LINE, NORTHEASTERLY ALONG SAID CURVE THROUGH A 90 DEGREE CENTRAL ANGLE OF 05 DEGREES 19 MINUTES 57 SECONDS AN ARC LENGTH OF 106.50 FEET; THENCE LEAVING SAID CENTER LINE, SOUTH 50 DEGREES 44 MINUTES 13 SECONDS EAST A DISTANCE OF 66.00 FEET; THENCE SOUTH 05 DEGREES 42 MINUTES 03 SECONDS EAST A DISTANCE OF 202.26 FEET TO THE POINT OF BEGINNING.

LINE	LENGTH	BEARING
L1	65.00	N70°08'39"W
L2	71.52	N02°28'44"W
L3	6.00	N20°05'31"E
L4	26.86	N02°28'44"E
L5	86.00	S73°28'16"W
L6	86.00	N40°47'08"W
L7	86.00	N40°47'08"W
L8	457.80	N73°28'16"W
L9	324.76	N40°47'08"W
L10	66.00	N50°44'13"W
L11	66.00	S05°42'03"E

CURVE	LENGTH	RADIUS	DELTA	TANGENT
C1	698.65	2897.14	162°43'	418.06
C2	95.86	2897.14	01°54'08"	47.83
C3	106.50	1443.57	05°19'57"	67.83



NOTES
 THIS IMPROVEMENT DISTRICT IS FOR THE EXPRESS PURPOSE OF PURCHASING ELECTRICAL POWER AND ENERGY, AND FOR THE USE OF LIGHTING FACILITIES, INCLUDING THE INSTALLATION AND MAINTENANCE OF STREET LIGHTS, IN ACCORDANCE WITH TITLE 44, CHAPTER 4, ARTICLE 2, SECTION 44-571 TO 44-589, AS AMENDED.

CERTIFICATION
 I, ANDREW BRANER, ENGINEERING CERTIFICATE DIRECTOR OF THE CITY OF PEORIA, ARIZONA HEREBY CERTIFY THAT THIS IS THE ASSESSMENT DIAGRAM OF THE CITY OF PEORIA STREET LIGHT IMPROVEMENT DISTRICT NUMBER 1072, AS SHOWN ON THIS MAP, AND THAT THE DISTRICT IS IN ACCORDANCE WITH THE COUNCIL OF THE CITY OF PEORIA, AND THAT A QUIETUS WAS PRESENT.

ASSESSMENT DIAGRAM SUBMITTED THIS _____ DAY OF _____ 2013
 BY _____ DISTRICT ENGINEER

OWNER:
 DESERT TROON COMPANIES
 1841 EAST DANKERBACK RD SUITE #775
 SCOTTSDALE, AZ 85255
 PHONE: (480) 535-5247
 CONTACT: DON COULTER

ENGINEER:
 HILGART & ASSOCIATES
 1841 EAST DANKERBACK RD SUITE #775
 SCOTTSDALE, AZ 85255
 PHONE: (480) 535-5247
 CONTACT: ZACH HILGART

LEGEND
 DISTRICT BOUNDARY LINES
 LOT NUMBERS
 POC POINT OF COMMENCEMENT
 POB POINT OF BEGINNING

STREET LIGHT ID #1072

REGISTERED PROFESSIONAL ENGINEER (CIVIL)
 CERTIFICATE NO. 53637
 ZACH HILGART
 Date Signed 9/12/13
 ARIZONA STATE BOARD OF ENGINEERS
 Expires 6/30/2015

Scale: 1" = 100'
 Sheet 1 of 1

Resolution No. 2013-117
SLID 1072, Tierra Del Rio 1
September 3, 2013
Page 6 of 6 Pages

CITY OF PEORIA, ARIZONA

NOTICE

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1072, TIERRA DEL RIO PARCEL 1

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

On the 3rd day of September 2013, the Mayor and Council of the City of Peoria adopted Resolution No. 2013-117; 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. 1072, 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 directing that this notice been given.

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

Further information concerning City of Peoria Streetlight Improvement District No. 1072 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

DATED AND SIGNED this _____ day of _____, 2013.

Andrew Granger, P.E.
Superintendent of Streets
City of Peoria, Arizona

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 18C

Date Prepared: July 31, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

**SUBJECT: Final Plat, Sunset Ranch II- Parcel H, 102nd Avenue north of Williams Road
(Project No. R130011)**

Purpose:

This is a request for City Council to approve a Final Plat of Sunset Ranch II – Parcel H, located at 102nd Avenue north of Williams Road, 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 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 15 new lots. 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 May 2013 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.

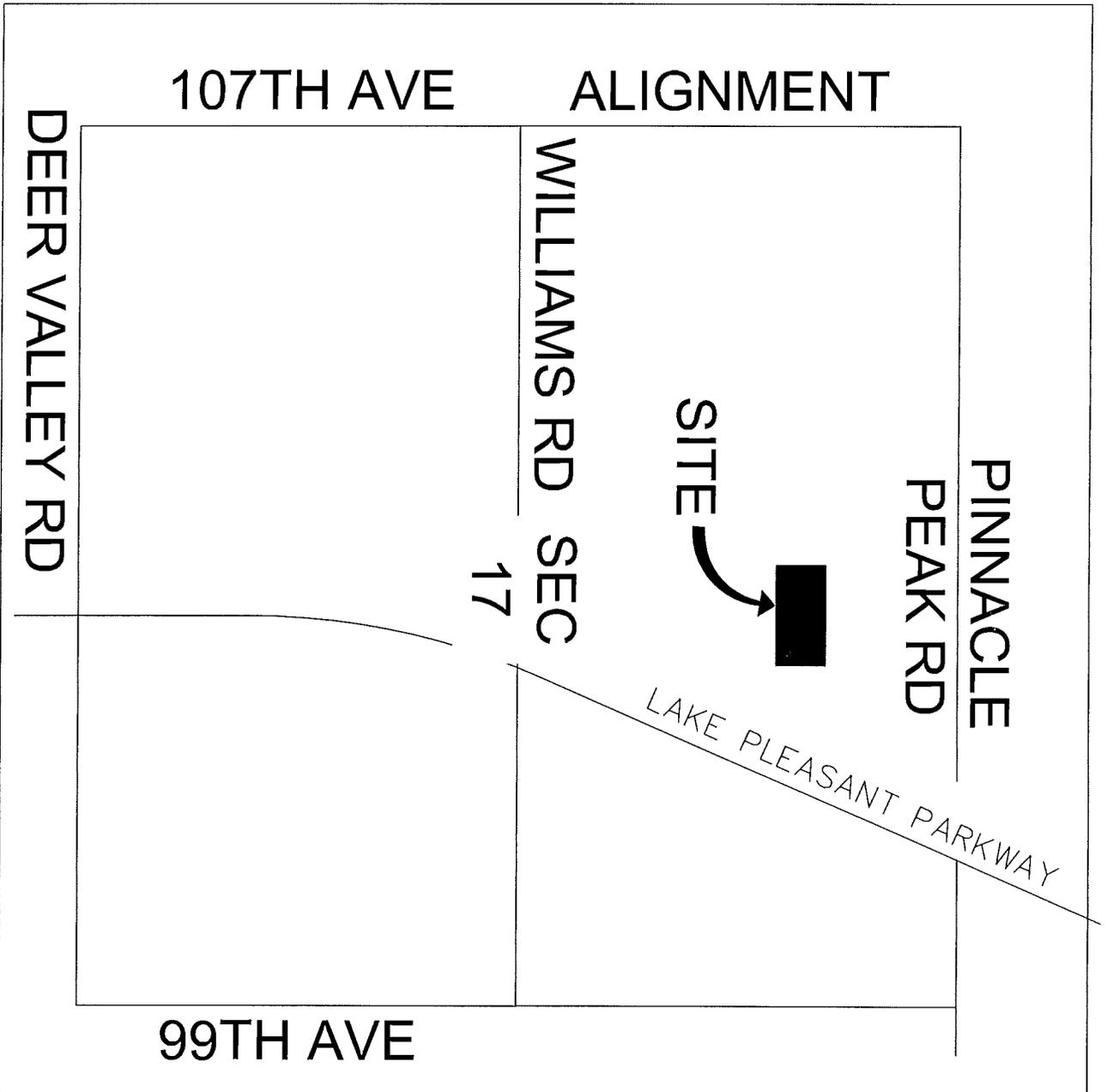
Exhibit(s):

Exhibit 1: Final Plat

Exhibit 2: Vicinity Map

Contact Name and Number:

Jodi Breyfogle, PE, 623-773-7577



VICINITY MAP

NTS

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 19C

Date Prepared: July 17, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Replat, Tierra Del Rio Parcel 10A, 103rd Drive north of Happy Valley Road (Project No. R060064)

Purpose:

This is a request for City Council to approve a Replat of Tierra Del Rio Parcel 10A, located on 103rd Drive north of Happy Valley Road, and authorize the Mayor and City Clerk to sign and record the Replat 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 Replat.
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 Replat.
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 Replat.
4. In the event that the Replat is not recorded within 60 days of Council approval, the 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 purpose of the Replat is to plat a subdivision for residential use. This development is within the City's sewer service area and Epcor's water service area. This Replat creates a total of 23

new lots within the Tierra Del Rio Community. All internal roadways are public and will be maintained by the City.

In 2007, the City Council approved the Master Final Plat for Tierra Del Rio (Book 906, Page 18), creating all of the individual parcels and the rights-of-way for the master subdivision. The Replats are necessary to further subdivide each parcel into individual lots, tracts, and internal roadways for development.

Previous Actions:

The Replat of Tierra Del Rio Parcel 10A is in general conformance with the Land Use Map as depicted in the PAD for Tierra Del Rio approved in 2004. In the Land Use Map, Parcel 10 was proposed as one parcel; it is now being developed in two phases, Parcel 10B and Parcel 10A. Parcel 10B was approved by Council in August 2013.

Options:

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

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

Staff's Recommendation:

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

Fiscal Analysis:

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

Narrative:

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

Exhibit(s):

Exhibit 1: Replat

Exhibit 2: Vicinity Map

Exhibit 3: Land Use Map

Contact Name and Number:

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

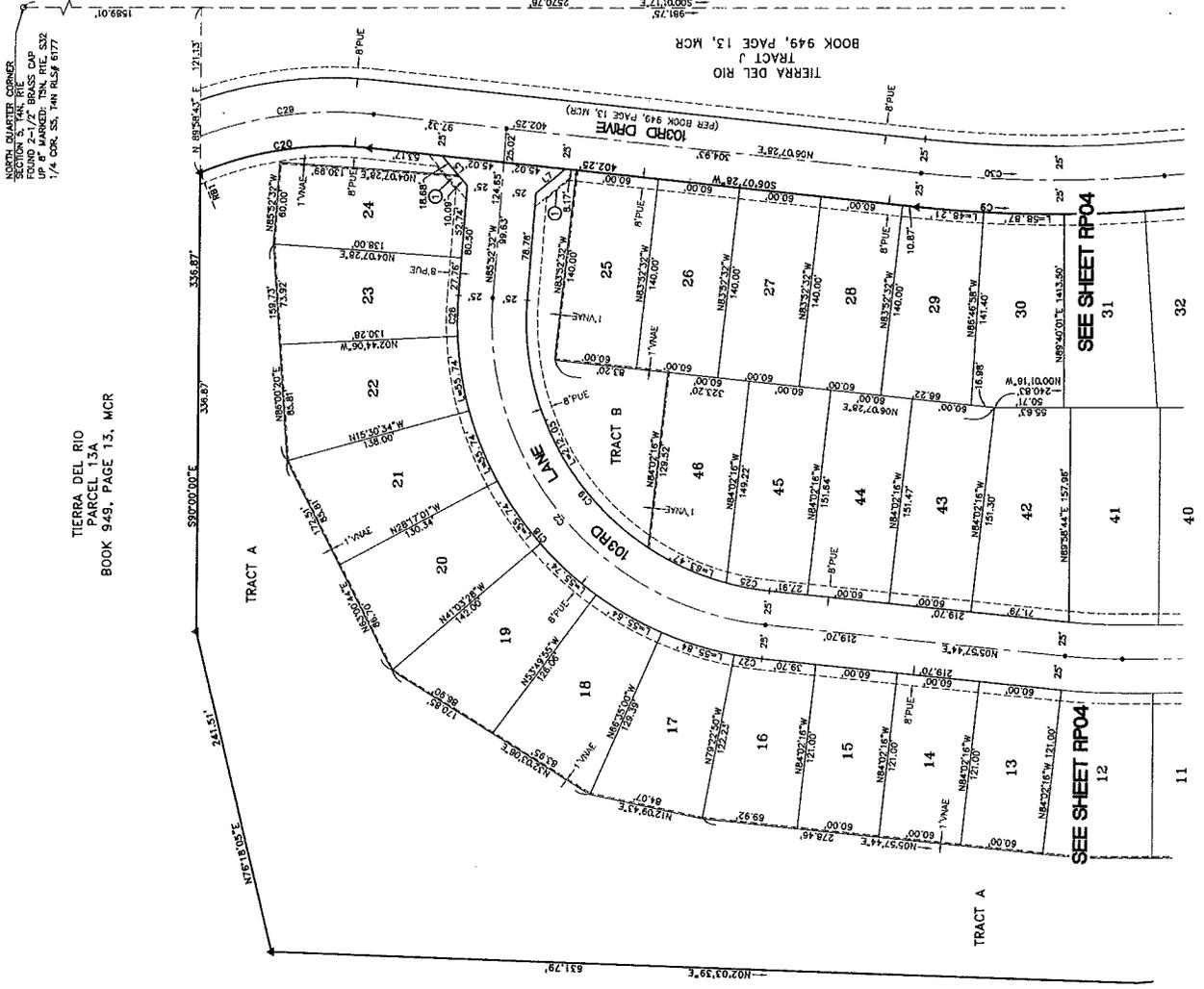
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NO. R0600064
 COUNTY RECORDER

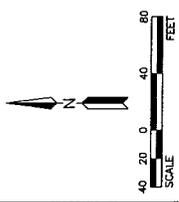


LEGEND

- ▲ SET CORNER OF THIS PLAT WITH 1/2" REBAR W/ CAP. RLS #19344 OR AS NOTED
- EXISTING BRASS CAP
- FOUND MONUMENT AS NOTED
- SET BRASS CAP FLUSH PER MAG
- SHD. DUL. 100-1 TYPE 'B'
- LINE TABLE NUMBER
- CURVE TABLE NUMBER
- EASEMENT LINE TABLE NUMBER
- ELI
- VISIBILITY TRIANGLE EASEMENT
- BUILDING SETBACK LINE
- RIGHT OF WAY
- POINT OF BEGINNING
- PUBLIC UTILITY EASEMENT
- PRIVATE UTILITY EASEMENT
- IRREGULAR NON-ACCESS EASEMENT
- PLAT BOUNDARY
- RIGHT-OF-WAY LINE
- LOT/TRACT LINE
- CENTER LINE
- EASEMENT LINE
- SECTION LINE
- EXISTING RIGHT-OF-WAY LINE
- FLOODPLAIN LINE



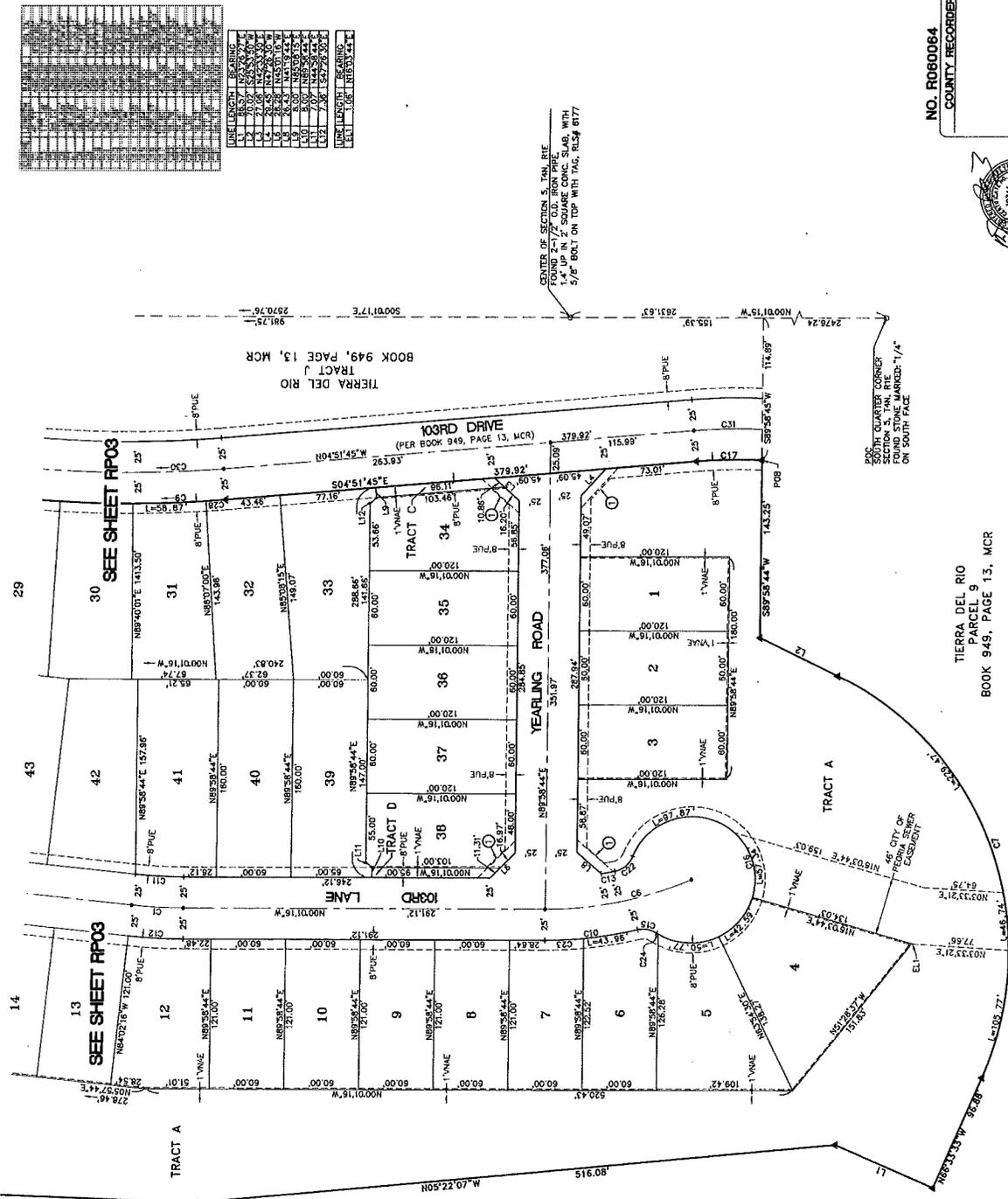
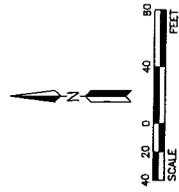
LINE LENGTH	BEARING
15.85	N85°27'16"W
21.76	N85°27'16"W
185.00	S87°02'23"W



LEGEND

- ▲ SET CORNER OF THIS PLAT WITH 1/2" REBAR W/ CAP, RLS #10344 OR AS NOTED.
- EXISTING BRASS CAP
- FOUND MONUMENT AS NOTED
- SET BRASS CAP FLUSH PER MAG
- STD. DTL. 120-1 TYPE "B"
- LI LINE TABLE NUMBER
- CI CURVE TABLE NUMBER
- ELI EASEMENT LINE TABLE NUMBER
- ⊙ VISIBILITY TRIANGLE EASEMENT
- B.S.L. BUILDING SETBACK LINE
- R/W RIGHT OF WAY
- POC POINT OF COMMENCEMENT
- R/W RIGHT OF WAY
- PUE PUBLIC UTILITY EASEMENT
- VUE VEHICULAR UTILITY EASEMENT
- WAE WAREHOUSE NON-ACCESS EASEMENT
- PLAT BOUNDARY
- RIGHT-OF-WAY LINE
- LOT/TRACT LINE
- CENTER LINE
- EASEMENT LINE
- SECTION LINE
- EXISTING RIGHT-OF-WAY LINE
- FLOODPLAIN LINE

TERRA DEL RIO
PARCEL 10B
BOOK 949, PAGE 13, MCR



LINE NUMBER	BEARING	LENGTH
1	N 85° 57' 15.42\"	118.67
2	S 89° 00' 00.00\"	118.67
3	S 89° 00' 00.00\"	118.67
4	S 89° 00' 00.00\"	118.67
5	S 89° 00' 00.00\"	118.67
6	S 89° 00' 00.00\"	118.67
7	S 89° 00' 00.00\"	118.67
8	S 89° 00' 00.00\"	118.67
9	S 89° 00' 00.00\"	118.67
10	S 89° 00' 00.00\"	118.67
11	S 89° 00' 00.00\"	118.67
12	S 89° 00' 00.00\"	118.67
13	S 89° 00' 00.00\"	118.67
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33	S 89° 00' 00.00\"	118.67
34	S 89° 00' 00.00\"	118.67
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38	S 89° 00' 00.00\"	118.67
39	S 89° 00' 00.00\"	118.67
40	S 89° 00' 00.00\"	118.67
41	S 89° 00' 00.00\"	118.67
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59	S 89° 00' 00.00\"	118.67
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64	S 89° 00' 00.00\"	118.67
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90	S 89° 00' 00.00\"	118.67
91	S 89° 00' 00.00\"	118.67
92	S 89° 00' 00.00\"	118.67
93	S 89° 00' 00.00\"	118.67
94	S 89° 00' 00.00\"	118.67
95	S 89° 00' 00.00\"	118.67
96	S 89° 00' 00.00\"	118.67
97	S 89° 00' 00.00\"	118.67
98	S 89° 00' 00.00\"	118.67
99	S 89° 00' 00.00\"	118.67
100	S 89° 00' 00.00\"	118.67

CENTER OF SECTION 5, T4N, R1E
1.4' UP IN 2' SQUARE CONC. SLAB, WITH
5/8\"



NO. R080064
COUNTY RECORDER

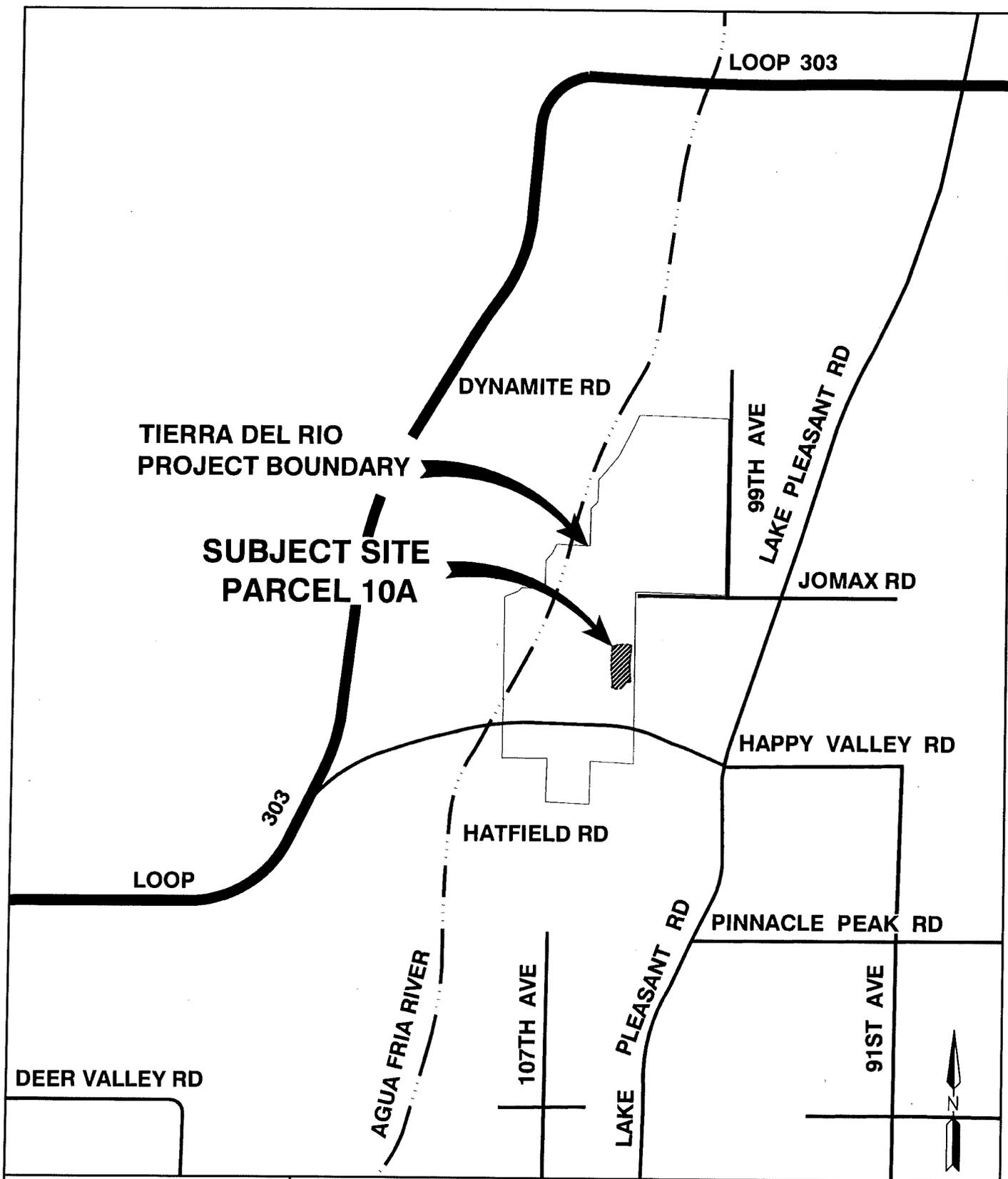
TERRA DEL RIO
PARCEL 9
BOOK 949, PAGE 13, MCR

hilgartwilson
ENGINEERS-PLANNERS-SURVEYORS
1811 E. CHANDLER ROAD, SUITE 210 / PHOENIX, AZ 85024
PH: 602.998.0500 / FAX: 602.998.0501
www.hilgartwilson.com

TERRA DEL RIO PARCEL 10A
JOMAX ROAD AND 99TH AVENUE
PEORIA, ARIZONA
RE-PLAT

REV: 1244
PROJECT: 1244
DATE: APRIL 2013
SCALE: 1\"=40'
DRAWN: MS
APPROVED: KJP
SHT. 4 OF 4

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PROJ.#:	1244
DATE:	APR, 2013
SCALE:	N.T.S.
DRAWN BY:	MR
CHECKED BY:	AT

TIERRA DEL RIO
 PARCEL 10A
 PEORIA, ARIZONA
FIG 1: VICINITY MAP

hilgartwilson
ENGINEERS • PLANNERS • SURVEYORS
 1661 E. CAMELBACK RD., STE. 275
 PHOENIX, AZ 85016
 PH 602.490.0535 FAX 602.325.0161

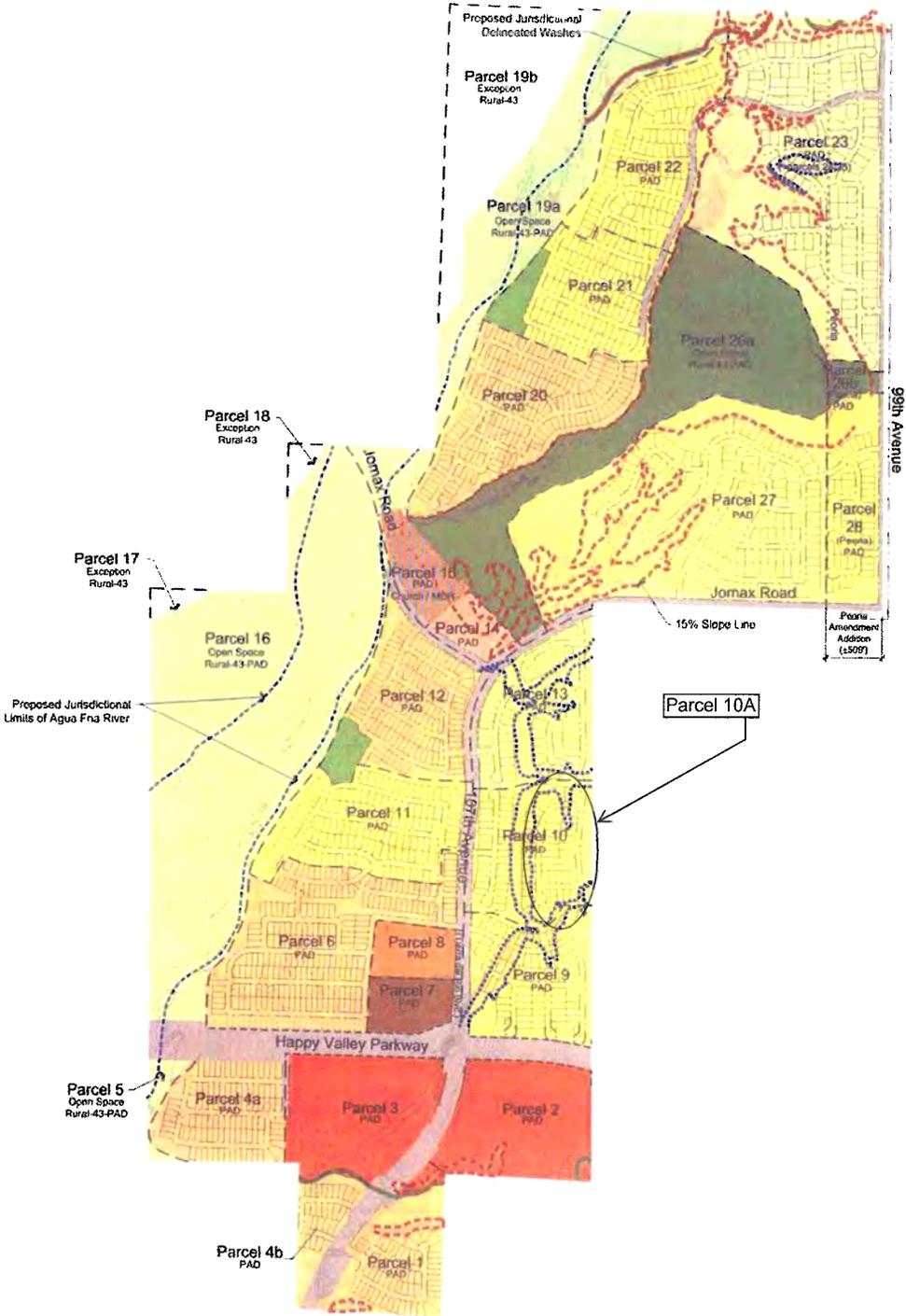


Tierra del Rio

Peoria, Arizona PAD Amendment

PAD Z 04-34.A.1 Conceptual Land Plan

Figure



NORTH SCALE: 1" = 1,000'

Legend

- Project Boundary
 - Parcel Boundary
 - Proposed JD Washes
 - Proposed JD Limits of Agua Fria River
 - Peoria Amendment
 - Add Parcels 25, 26, 28
 - Area above 15% slope line subject to hillside regulations
 - Proposed area above 15% slope line not subject to hillside regulations due to isolation and scarring (see Figure 4)
 - Single Family Residential
 - PAD (75' min lot width) Parcels 23, 24, 25
 - PAD (65' min lot width) Parcels 13, 27
 - PAD (55' min lot width) Parcels 9, 10, 11, 21, 22, 28
 - PAD (45' min lot width) Parcels 1, 4a, 4b, 6, 12, 20
 - Multi-Family Residential
 - PAD Medium Density Residential: Parcels 8, 15
 - PAD High Density Residential: Parcel 7
 - Commercial
 - PAD Neighborhood Commercial: Parcel 14
 - PAD Retail Commercial: Parcels 2, 3
 - Open Space
 - Neighborhood Parks
 - Open Space Mountain
 - Open Space Rivers / Washes
 - Church
 - Proposed Church Sites (PAD): Parcel 15
- CMX Project Number: 6893 Original Peoria Dec 2004
 Project Manager: V. Pilar P.E. / P. Newton AICP Amendment Dec 2004
 Designed By: N. Bethni / A. Pangus
 Drawn By: N. Bethni
- Updated: Planning Department Source: PAD/Z 04-34.A.1 Conceptual Land Plan Dec 10, 2004

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 20C

Date Prepared: July 17, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Replat, Tierra Del Rio Parcel 13A, Tierra Del Rio Blvd and Jomax Road (Project No. R060105)

Purpose:

This is a request for City Council to approve a Replat of Tierra Del Rio Parcel 13A, located on Tierra Del Rio Blvd and Jomax Road, and authorize the Mayor and City Clerk to sign and record the Replat 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 Replat.
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 Replat.
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 Replat.
4. In the event that the Replat is not recorded within 60 days of Council approval, the 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 purpose of the Replat is to plat a subdivision for residential use. This development is within the City's sewer service area and Epcor's water service area. This Replat creates a total of 26

new lots within the Tierra Del Rio Community. All internal roadways are public and will be maintained by the City.

In 2007, the City Council approved the Master Final Plat for Tierra Del Rio (Book 906, Page 18), creating all of the individual parcels and the rights-of-way for the master subdivision. The Replats are necessary to further subdivide each parcel into individual lots, tracts, and internal roadways for development.

Previous Actions:

The Replat of Tierra Del Rio Parcel 13A is in general conformance with the Land Use Map as depicted in the PAD for Tierra Del Rio approved in 2004. In the Land Use Map, Parcel 13 was proposed as one parcel; it is now being developed in two phases, Parcel 13A and Parcel 13B.

Options:

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

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

Staff's Recommendation:

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

Fiscal Analysis:

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

Narrative:

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

Exhibit(s):

Exhibit 1: Replat

Exhibit 2: Vicinity Map

Exhibit 3: Land Use Map

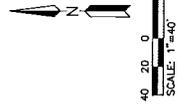
Contact Name and Number:

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

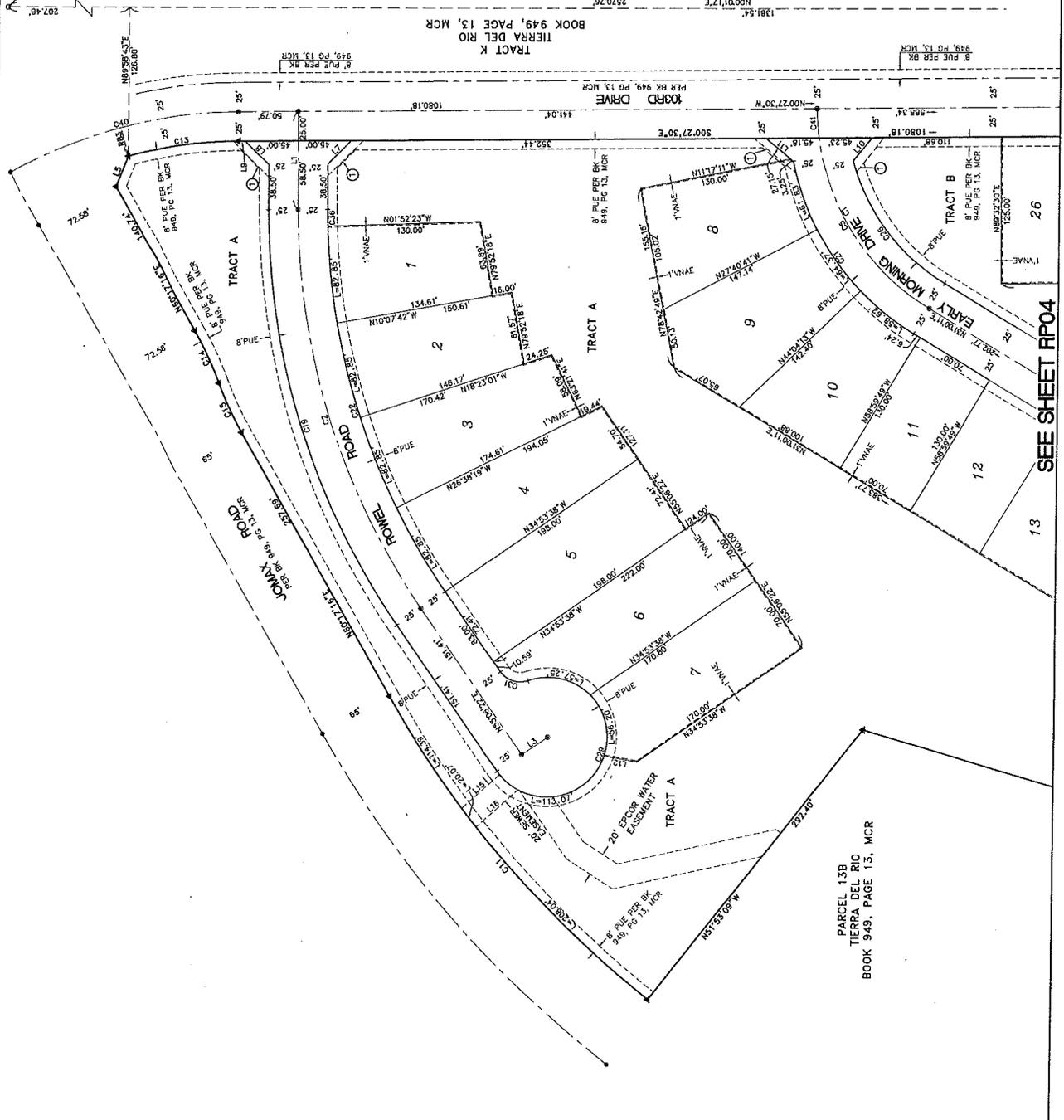
NORTH QUARTER CORNER
SECTION 13
FOUND 2-1/2" BRASS CAP, "IP" 8"
MARKED: TSN, RIE, S32
1/4 COR. SO. 1/4N, RLS# 6177

LINE	BEARING	LENGTH	AREA
L1	N45°30'00"E	63.00	1260.00
L2	S89°59'59"W	27.91	1755.00
L3	N45°30'00"E	63.00	1260.00
L4	S89°59'59"W	27.91	1755.00
L5	N45°30'00"E	63.00	1260.00
L6	S89°59'59"W	27.91	1755.00
L7	N45°30'00"E	63.00	1260.00
L8	S89°59'59"W	27.91	1755.00
L9	N45°30'00"E	63.00	1260.00
L10	S89°59'59"W	27.91	1755.00
L11	N45°30'00"E	63.00	1260.00
L12	S89°59'59"W	27.91	1755.00
L13	N45°30'00"E	63.00	1260.00
L14	S89°59'59"W	27.91	1755.00
L15	N45°30'00"E	63.00	1260.00
L16	S89°59'59"W	27.91	1755.00
L17	N45°30'00"E	63.00	1260.00
L18	S89°59'59"W	27.91	1755.00
L19	N45°30'00"E	63.00	1260.00
L20	S89°59'59"W	27.91	1755.00
L21	N45°30'00"E	63.00	1260.00
L22	S89°59'59"W	27.91	1755.00
L23	N45°30'00"E	63.00	1260.00
L24	S89°59'59"W	27.91	1755.00
L25	N45°30'00"E	63.00	1260.00
L26	S89°59'59"W	27.91	1755.00
L27	N45°30'00"E	63.00	1260.00
L28	S89°59'59"W	27.91	1755.00
L29	N45°30'00"E	63.00	1260.00
L30	S89°59'59"W	27.91	1755.00
L31	N45°30'00"E	63.00	1260.00
L32	S89°59'59"W	27.91	1755.00
L33	N45°30'00"E	63.00	1260.00
L34	S89°59'59"W	27.91	1755.00
L35	N45°30'00"E	63.00	1260.00
L36	S89°59'59"W	27.91	1755.00
L37	N45°30'00"E	63.00	1260.00
L38	S89°59'59"W	27.91	1755.00
L39	N45°30'00"E	63.00	1260.00
L40	S89°59'59"W	27.91	1755.00
L41	N45°30'00"E	63.00	1260.00
L42	S89°59'59"W	27.91	1755.00
L43	N45°30'00"E	63.00	1260.00
L44	S89°59'59"W	27.91	1755.00
L45	N45°30'00"E	63.00	1260.00
L46	S89°59'59"W	27.91	1755.00
L47	N45°30'00"E	63.00	1260.00
L48	S89°59'59"W	27.91	1755.00
L49	N45°30'00"E	63.00	1260.00
L50	S89°59'59"W	27.91	1755.00
L51	N45°30'00"E	63.00	1260.00
L52	S89°59'59"W	27.91	1755.00
L53	N45°30'00"E	63.00	1260.00
L54	S89°59'59"W	27.91	1755.00
L55	N45°30'00"E	63.00	1260.00
L56	S89°59'59"W	27.91	1755.00
L57	N45°30'00"E	63.00	1260.00
L58	S89°59'59"W	27.91	1755.00
L59	N45°30'00"E	63.00	1260.00
L60	S89°59'59"W	27.91	1755.00
L61	N45°30'00"E	63.00	1260.00
L62	S89°59'59"W	27.91	1755.00
L63	N45°30'00"E	63.00	1260.00
L64	S89°59'59"W	27.91	1755.00
L65	N45°30'00"E	63.00	1260.00
L66	S89°59'59"W	27.91	1755.00
L67	N45°30'00"E	63.00	1260.00
L68	S89°59'59"W	27.91	1755.00
L69	N45°30'00"E	63.00	1260.00
L70	S89°59'59"W	27.91	1755.00
L71	N45°30'00"E	63.00	1260.00
L72	S89°59'59"W	27.91	1755.00
L73	N45°30'00"E	63.00	1260.00
L74	S89°59'59"W	27.91	1755.00
L75	N45°30'00"E	63.00	1260.00
L76	S89°59'59"W	27.91	1755.00
L77	N45°30'00"E	63.00	1260.00
L78	S89°59'59"W	27.91	1755.00
L79	N45°30'00"E	63.00	1260.00
L80	S89°59'59"W	27.91	1755.00
L81	N45°30'00"E	63.00	1260.00
L82	S89°59'59"W	27.91	1755.00
L83	N45°30'00"E	63.00	1260.00
L84	S89°59'59"W	27.91	1755.00
L85	N45°30'00"E	63.00	1260.00
L86	S89°59'59"W	27.91	1755.00
L87	N45°30'00"E	63.00	1260.00
L88	S89°59'59"W	27.91	1755.00
L89	N45°30'00"E	63.00	1260.00
L90	S89°59'59"W	27.91	1755.00
L91	N45°30'00"E	63.00	1260.00
L92	S89°59'59"W	27.91	1755.00
L93	N45°30'00"E	63.00	1260.00
L94	S89°59'59"W	27.91	1755.00
L95	N45°30'00"E	63.00	1260.00
L96	S89°59'59"W	27.91	1755.00
L97	N45°30'00"E	63.00	1260.00
L98	S89°59'59"W	27.91	1755.00
L99	N45°30'00"E	63.00	1260.00
L100	S89°59'59"W	27.91	1755.00

- LEGEND**
- SET CORNER OF THIS PLAT PER M.A.C. DTL-120, TYPE B
 - ▲ SET CORNER OF THIS PLAT WITH 1/2" REBAR W/ CAP, ILS #10#4 OR AS NOTED
 - FOUND MONUMENT AS NOTED
 - SET BRASS CAP FLUSH PER MAG STD. DTL-120-1 TYPE 'B'
 - EXISTING BRASS CAP
 - LINE TABLE NUMBER
 - CURVE TABLE NUMBER
 - RADIAL BEARING
 - PUBLIC UTILITY EASEMENT
 - VEHICULAR NON-ACCESS EASEMENT
 - POINT OF BEGINNING
 - POINT OF COMMENCEMENT
 - VISIBILITY TRIANGLE EASEMENT
 - PARCEL BOUNDARY
 - RIGHT-OF-WAY LINE
 - LOT/TRACT LINE
 - CENTER LINE
 - EASEMENT LINE
 - SECTION LINE
 - EXISTING RIGHT-OF-WAY LINE



NO. R060105
COUNTY RECORDER

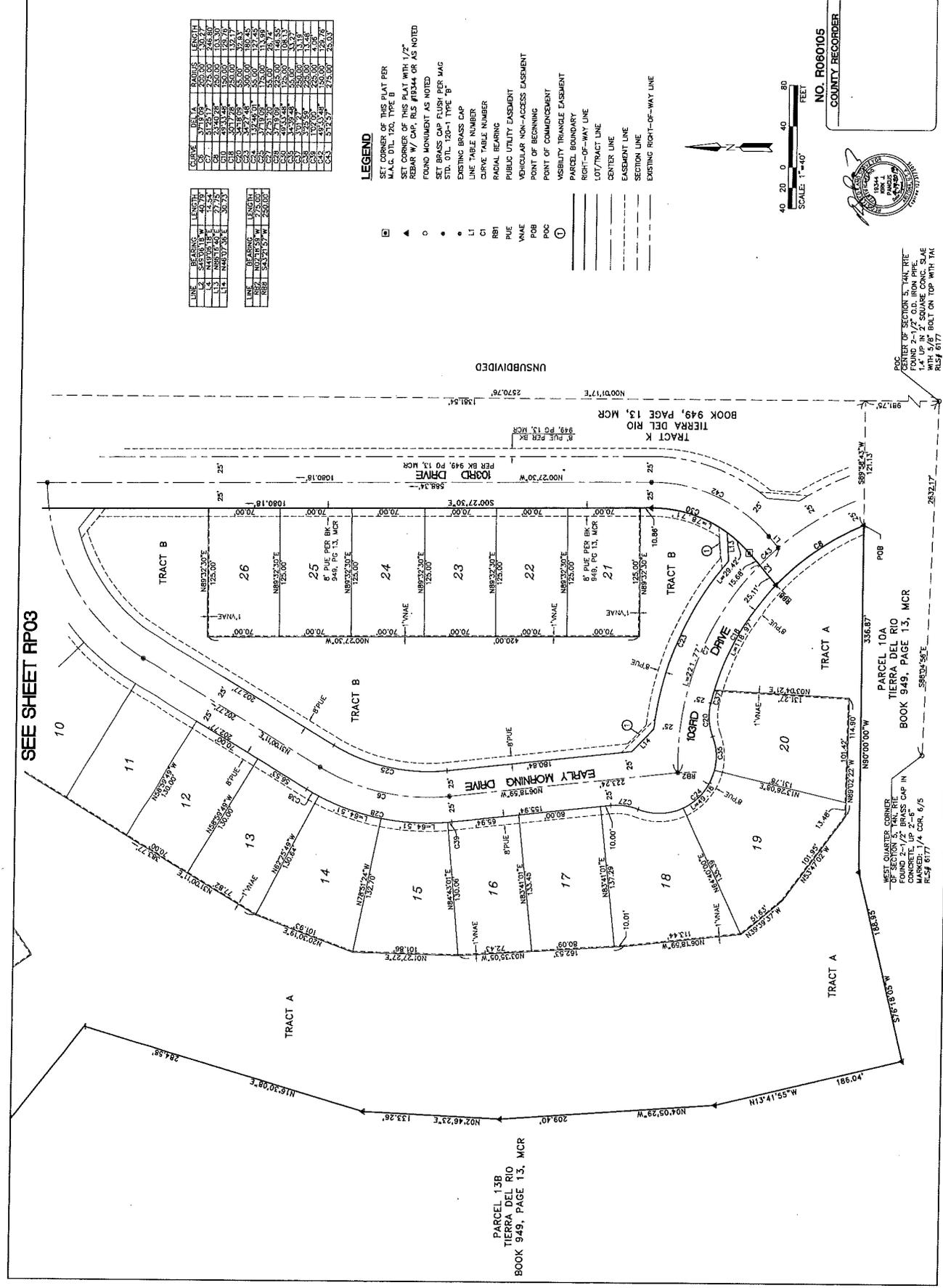


SEE SHEET RP04

PARCEL 13B
TERRA DEL RIO
BOOK 949, PAGE 13, MCR

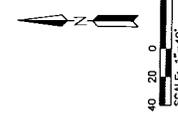
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SEE SHEET RPO3



LINE	BEARING	LENGTH	AREA	PERCENT
C1	S85°50'13"W	45.79	209.06	53.07%
C2	N89°22'30"E	70.00	243.00	61.30%
C3	N89°22'30"E	70.00	243.00	61.30%
C4	S85°50'13"W	45.79	209.06	53.07%
C5	N89°22'30"E	70.00	243.00	61.30%
C6	N89°22'30"E	70.00	243.00	61.30%
C7	S85°50'13"W	45.79	209.06	53.07%
C8	N89°22'30"E	70.00	243.00	61.30%
C9	N89°22'30"E	70.00	243.00	61.30%
C10	S85°50'13"W	45.79	209.06	53.07%
C11	N89°22'30"E	70.00	243.00	61.30%
C12	N89°22'30"E	70.00	243.00	61.30%
C13	S85°50'13"W	45.79	209.06	53.07%
C14	N89°22'30"E	70.00	243.00	61.30%
C15	N89°22'30"E	70.00	243.00	61.30%
C16	S85°50'13"W	45.79	209.06	53.07%
C17	N89°22'30"E	70.00	243.00	61.30%
C18	N89°22'30"E	70.00	243.00	61.30%
C19	S85°50'13"W	45.79	209.06	53.07%
C20	N89°22'30"E	70.00	243.00	61.30%
C21	N89°22'30"E	70.00	243.00	61.30%
C22	S85°50'13"W	45.79	209.06	53.07%
C23	N89°22'30"E	70.00	243.00	61.30%
C24	N89°22'30"E	70.00	243.00	61.30%
C25	S85°50'13"W	45.79	209.06	53.07%
C26	N89°22'30"E	70.00	243.00	61.30%
C27	N89°22'30"E	70.00	243.00	61.30%
C28	S85°50'13"W	45.79	209.06	53.07%
C29	N89°22'30"E	70.00	243.00	61.30%
C30	N89°22'30"E	70.00	243.00	61.30%
C31	S85°50'13"W	45.79	209.06	53.07%
C32	N89°22'30"E	70.00	243.00	61.30%
C33	N89°22'30"E	70.00	243.00	61.30%
C34	S85°50'13"W	45.79	209.06	53.07%
C35	N89°22'30"E	70.00	243.00	61.30%
C36	N89°22'30"E	70.00	243.00	61.30%
C37	S85°50'13"W	45.79	209.06	53.07%
C38	N89°22'30"E	70.00	243.00	61.30%
C39	N89°22'30"E	70.00	243.00	61.30%
C40	S85°50'13"W	45.79	209.06	53.07%
C41	N89°22'30"E	70.00	243.00	61.30%
C42	N89°22'30"E	70.00	243.00	61.30%
C43	S85°50'13"W	45.79	209.06	53.07%
C44	N89°22'30"E	70.00	243.00	61.30%
C45	N89°22'30"E	70.00	243.00	61.30%
C46	S85°50'13"W	45.79	209.06	53.07%
C47	N89°22'30"E	70.00	243.00	61.30%
C48	N89°22'30"E	70.00	243.00	61.30%
C49	S85°50'13"W	45.79	209.06	53.07%
C50	N89°22'30"E	70.00	243.00	61.30%

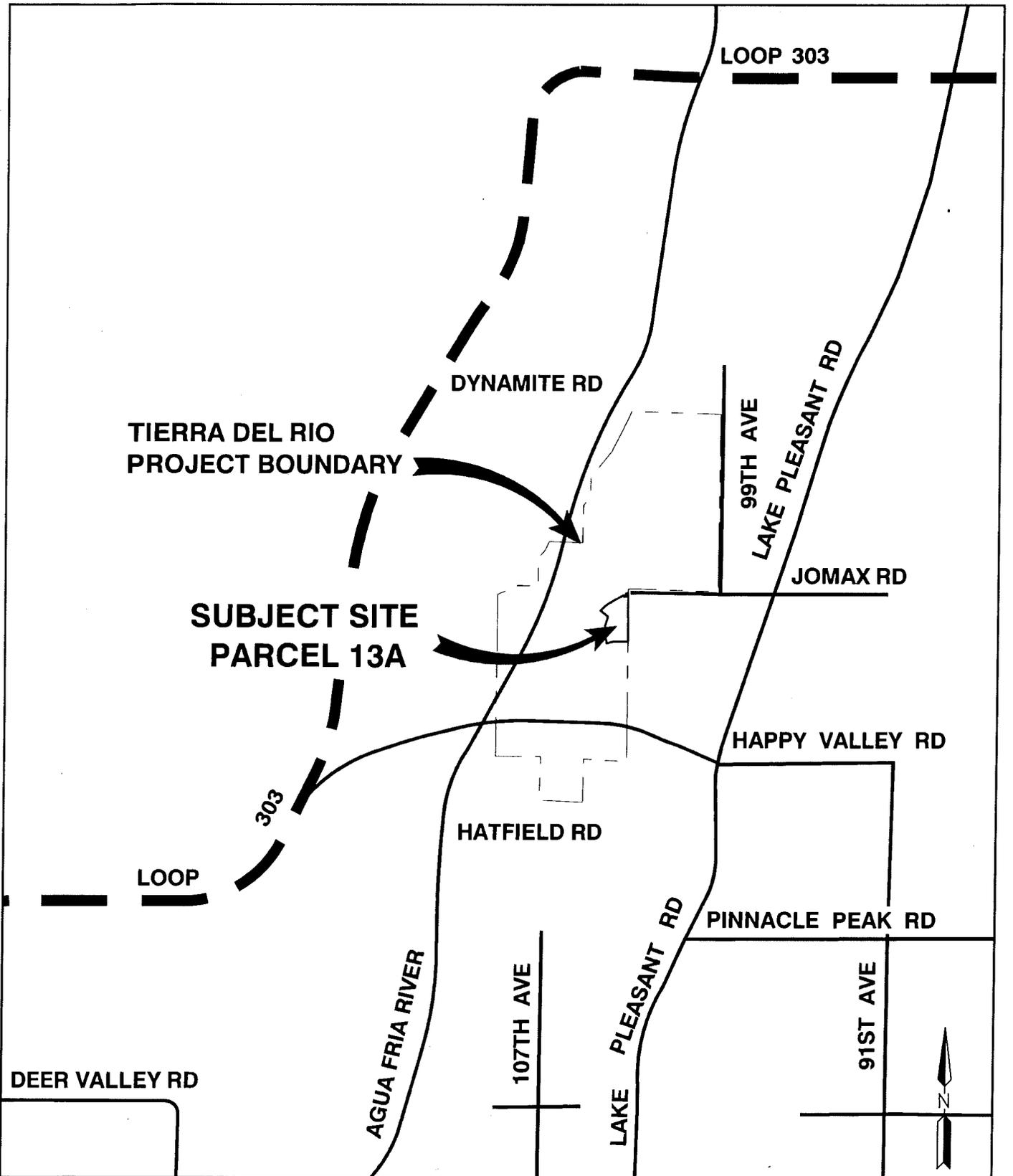
- LEGEND**
- SET CORNER OF THIS PLAT PER A.L.C. D.I.L. TAG, TYPE B
 - ▲ CORNER OF THIS PLAT WITH 1/2" REBAR W/ CAP, SEE #RPO4 OR AS NOTED
 - FOUND MONUMENT AS NOTED
 - SET BRASS CAP FLUSH PER MAG
 - SET BRASS CAP TYPE B
 - EXISTING BRASS CAP
 - LINE TABLE NUMBER
 - CURVE TABLE NUMBER
 - RADIAL BEARING
 - PUBLIC UTILITY EASEMENT
 - VEHICULAR NON-ACCESS EASEMENT
 - POINT OF BEGINNING
 - POINT OF COMMENCEMENT
 - VISIBILITY TRIANGLE EASEMENT
 - PARCEL BOUNDARY
 - RIGHT-OF-WAY LINE
 - LOT/TRACT LINE
 - CENTER LINE
 - EASEMENT LINE
 - SECTION LINE
 - EXISTING RIGHT-OF-WAY LINE



NO. R060105
COUNTY RECORDER



POC
CENTER OF SECTION 5, T44N, R1E
FOUND 2-1/2" O.D. IRON PIPE, 1/4" MARKED 1/4 COR. 6/5
WITH 5/8" BOLT ON TOP WITH TAG
RLS# 6177

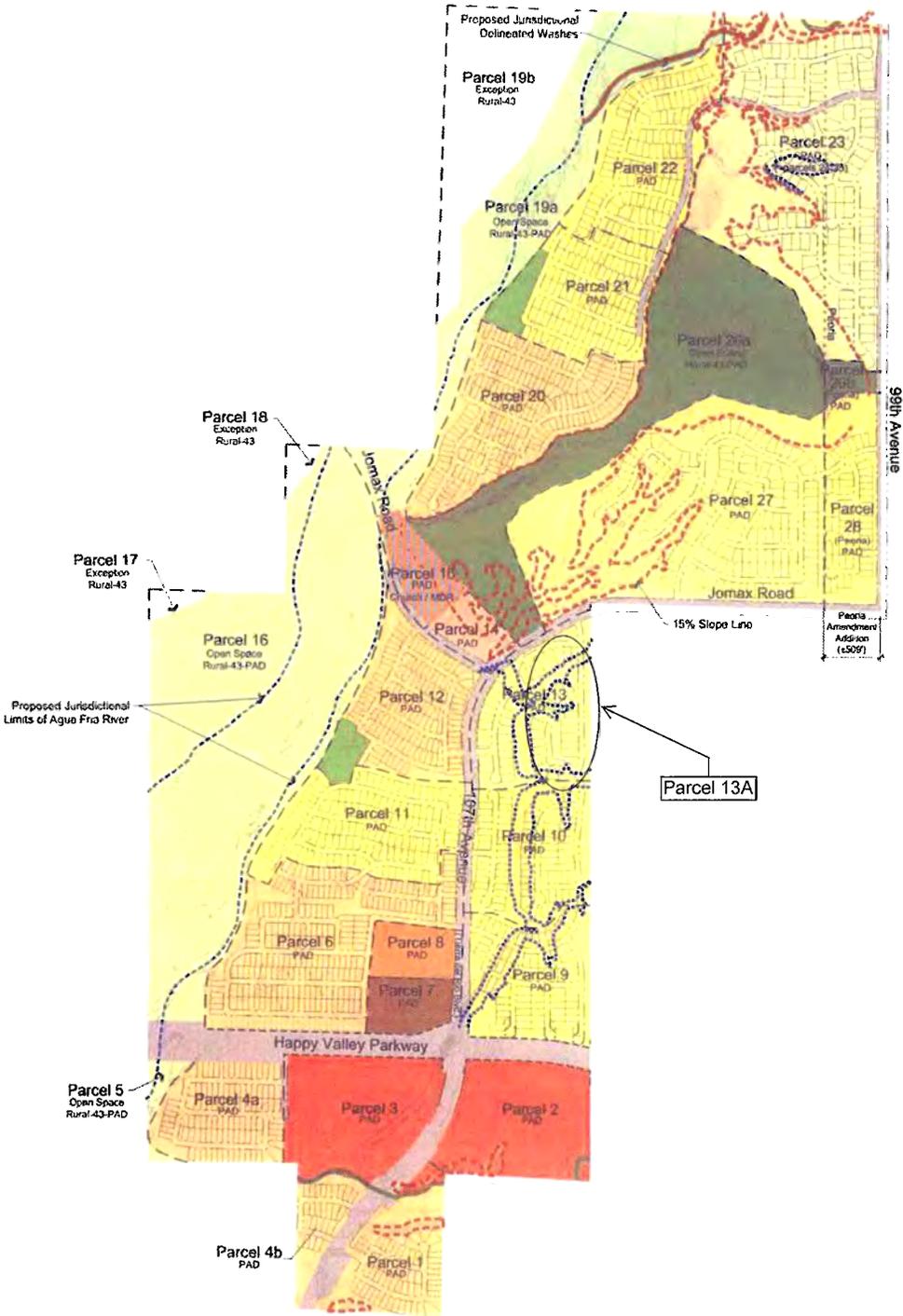
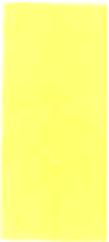


PROJ.#:	1244
DATE:	APR, 2013
SCALE:	N.T.S.
DRAWN BY:	MR
CHECKED BY:	AT

TIERRA DEL RIO
 PARCEL 13A
 PEORIA, ARIZONA

FIG 1: VICINITY MAP

hilgartwilson
 ENGINEERS-PLANNERS-SURVEYORS
 1661 E. CAMELBACK RD., STE. 275
 PHOENIX, AZ 85016
 PH 602.490.0535 FAX 602.325.0161



Tierra del Rio

Peoria, Arizona PAD Amendment

PAD Z 04-34.A.1

Conceptual Land Plan

Figure



Legend

- Project Boundary
 - Parcel Boundary
 - Proposed JD Washes
 - Proposed JD Limits of Agua Fria River
 - Peoria Amendment
 - Add Parcels 25, 26b, 28
 - Area above 15% slope line subject to hillside regulations
 - Proposed area above 15% slope line not subject to hillside regulations due to isolation and scarring (see Figure 4)
 - Single Family Residential
 - PAD (75' min lot width), Parcels 23, 24, 25
 - PAD (65' min lot width), Parcels 13, 27
 - PAD (65' min lot width), Parcels 9, 10, 11, 21, 22, 28
 - PAD (45' min lot width), Parcels 1, 4a, 4b, 6, 12, 20
 - Multi-Family Residential
 - PAD Medium Density Residential, Parcels 8, 15
 - PAD High Density Residential, Parcel 7
 - Commercial
 - PAD Neighborhood Commercial, Parcel 14
 - PAD Retail Commercial, Parcels 2, 3
 - Open Space
 - Neighborhood Parks
 - Open Space - Mountain
 - Open Space - Rivers / Washes
 - Civic
 - Proposed Church Sites (PAD), Parcel 15
- CNX Project Number: 6883 Original/Peoria Dec 2004
 Project Manager: V. Pilar P.E. / P. Newton AICP Amendment Dec 2004
 Designed By: N. Bellini / A. Pangus
 Drawn By: N. Bellini

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 21C

Date Prepared: July 17, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Replat, Tierra Del Rio Parcel 13B, Tierra Del Rio Blvd and Jomax Road (Project No. R070040)

Purpose:

This is a request for City Council to approve a Replat of Tierra Del Rio Parcel 13B, located on Tierra Del Rio Blvd and Jomax Road, and authorize the Mayor and City Clerk to sign and record the Replat 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 Replat.
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 Replat.
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 Replat.
4. In the event that the Replat is not recorded within 60 days of Council approval, the 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 purpose of the Replat is to plat a subdivision for residential use. This development is within the City's sewer service area and Epcor's water service area. This Replat creates a total of 15

new lots within the Tierra Del Rio Community. All internal roadways are public and will be maintained by the City.

In 2007, the City Council approved the Master Final Plat for Tierra Del Rio (Book 906, Page 18), creating all of the individual parcels and the rights-of-way for the master subdivision. The Replats are necessary to further subdivide each parcel into individual lots, tracts, and internal roadways for development.

Previous Actions:

The Replat of Tierra Del Rio Parcel 13B is in general conformance with the Land Use Map as depicted in the PAD for Tierra Del Rio approved in 2004. In the Land Use Map, Parcel 13 was proposed as one parcel; it is now being developed in two phases, Parcel 13A and Parcel 13B.

Options:

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

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

Staff's Recommendation:

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

Fiscal Analysis:

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

Narrative:

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

Exhibit(s):

Exhibit 1: Replat

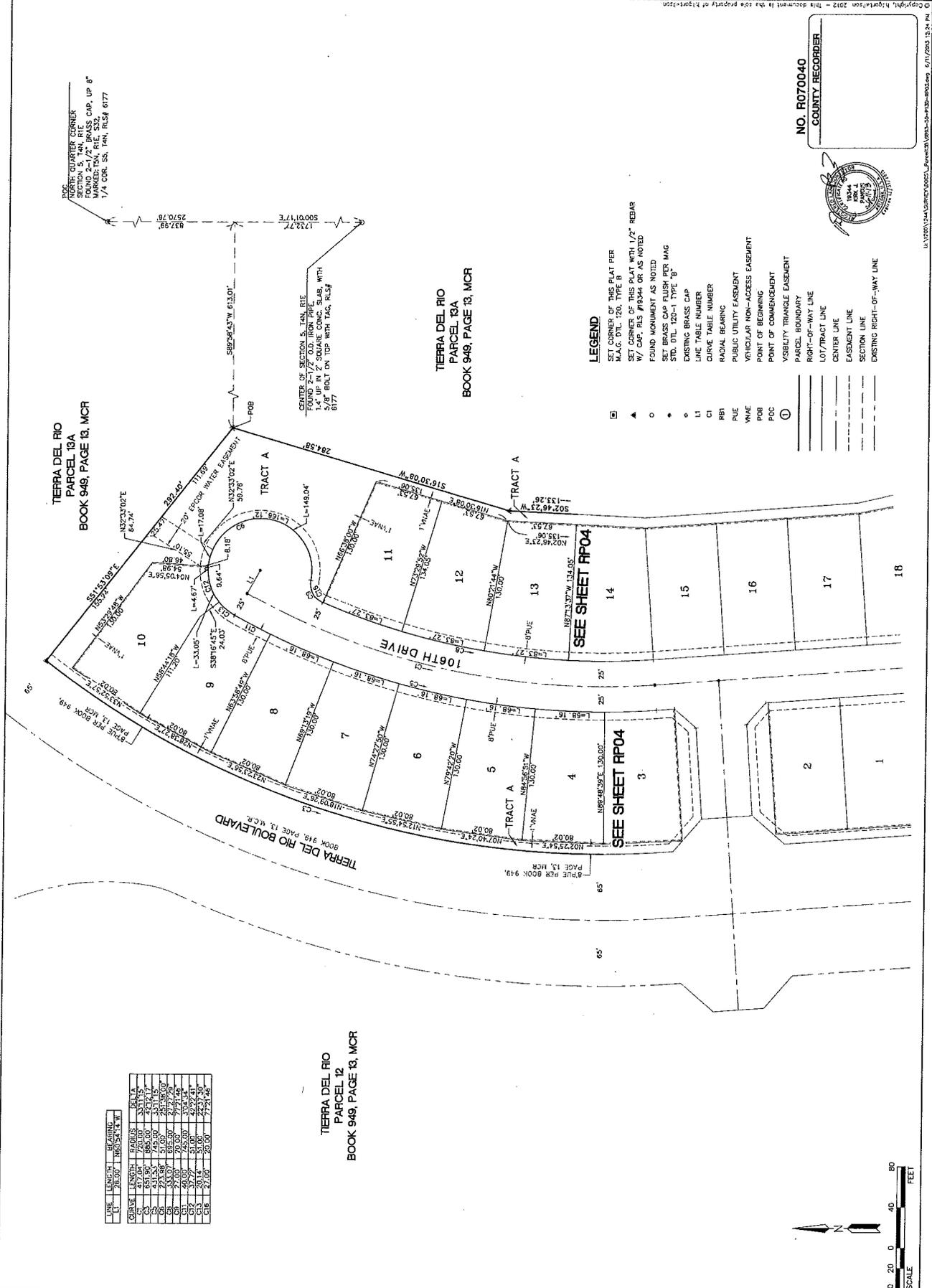
Exhibit 2: Vicinity Map

Exhibit 3: Land Use Map

Contact Name and Number:

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

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POB
 NORTH QUARTER CORNER
 FOUND 5" IRON PIPES
 MARKED: T&A, RIE, S32,
 1/4 COR. SS. T&A, RLS# 6177

2570.78
 1732.77
 500.117'E
 837.98
 589°54'37"W 613.01'
 CENTER OF SECTION 5, 14N, R1E
 FOUND 2" x 2" OLD IRON PIPE
 MARKED: T&A, RLS# 6177
 5/8" BOLT ON TOP WITH TAG, RLS# 6177

TERRA DEL RIO
 PARCEL 13A
 BOOK 949, PAGE 13, MCR

TERRA DEL RIO
 PARCEL 13A
 BOOK 949, PAGE 13, MCR

LEGEND

- SET CORNER OF THIS PLAT PER M.A.G. DTL. 120, TYPE B
- ▲ SET CORNER OF THIS PLAT WITH 1/2" REBAR W/ CAP. RLS #8344 OR AS NOTED
- FOUND MONUMENT AS NOTED
- SET BRASS CAP FLUSH PER MAG
- ◊ STD. DTL. 120-1 TYPE "B"
- ◇ EXISTING BRASS CAP
- LI LINE TABLE NUMBER
- CI CURVE TABLE NUMBER
- RBY RADIAL BEARING
- PLU PUBLIC UTILITY EASEMENT
- VNAE VEHICULAR NON-ACCESS EASEMENT
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- ① VISIBILITY TRIANGLE EASEMENT

--- PARCEL BOUNDARY
 --- RIGHT-OF-WAY LINE
 --- LOT/TRACT LINE
 --- CENTER LINE
 --- EASEMENT LINE
 --- SECTION LINE
 --- EXISTING RIGHT-OF-WAY LINE

NO. R070040
 COUNTY RECORDER

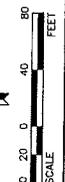


LINE	LENGTH	BEARING	DELTA
L1	20.00'	N85°54'11"W	
CURVE	LENGTH	RADIUS	DELTA
C1	47.04'	70.00'	3°11'15"
C2	43.53'	74.50'	3°17'15"
C3	27.86'	57.00'	2°51'00"
C4	22.00'	20.00'	7°21'46"
C5	20.00'	25.00'	3°28'24"
C6	20.14'	31.00'	2°23'30"
C7	27.00'	20.00'	7°21'46"

TERRA DEL RIO
 PARCEL 12
 BOOK 949, PAGE 13, MCR

SEE SHEET RP04

SEE SHEET RP04



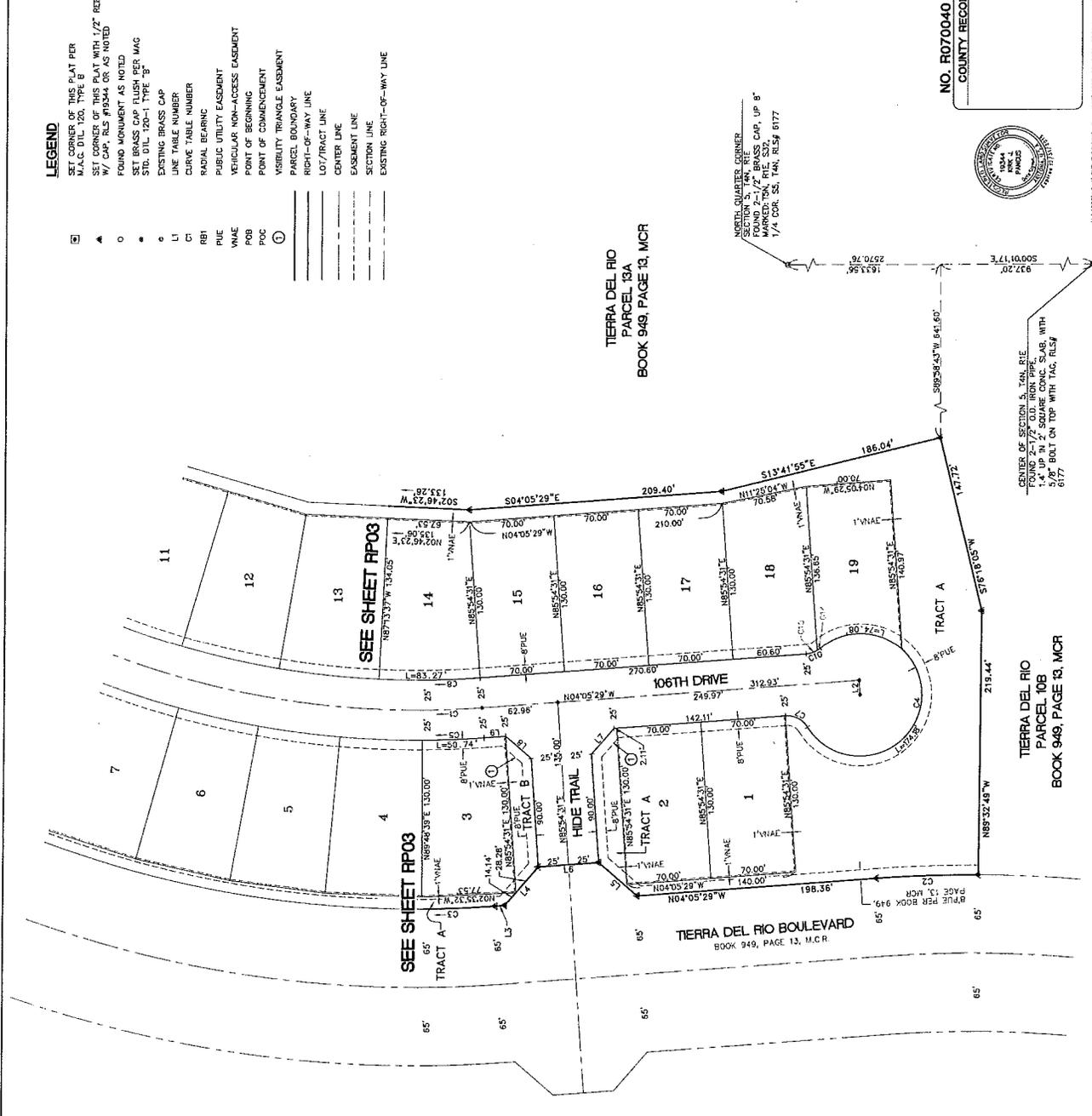
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- LEGEND**
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 - ▲ SET CORNER OF THIS PLAT WITH 1/2" REDBAR W/ CAP, N.S. #19344 OR, AS NOTED
 - FOUND MONUMENT AS NOTED
 - SET BRASS CAP FLUSH FEET MAG
 - S.R.G. D.I.L. 120-1, TYPE "B"
 - EXISTING BRASS CAP
 - LINE TABLE NUMBER
 - CURVE TABLE NUMBER
 - RADIAL BEARING
 - PUBLIC UTILITY EASEMENT
 - VEHICULAR NON-ACCESS EASEMENT
 - POINT OF BEGINNING
 - POINT OF COMMENCEMENT
 - VISIBILITY TRIANGLE EASEMENT
 - PARCEL BOUNDARY
 - RIGHT-OF-WAY LINE
 - LOT/TRACT LINE
 - CENTER LINE
 - EASEMENT LINE
 - SECTION LINE
 - EXISTING RIGHT-OF-WAY LINE

NO. R070040
 COUNTY RECORDER



CURVE LENGTH	RADIUS	DELTA
1.0	100.00	3.440205
1.5	150.00	5.160458
2.0	200.00	6.870711
2.5	250.00	8.580964
3.0	300.00	10.291217
3.5	350.00	12.001470
4.0	400.00	13.711723
4.5	450.00	15.421976
5.0	500.00	17.132229
5.5	550.00	18.842482
6.0	600.00	20.552735
6.5	650.00	22.262988
7.0	700.00	23.973241
7.5	750.00	25.683494
8.0	800.00	27.393747
8.5	850.00	29.104000
9.0	900.00	30.814253
9.5	950.00	32.524506
10.0	1000.00	34.234759



TIERRA DEL RIO
PARCEL 12
BOOK 949, PAGE 13, MCR

TIERRA DEL RIO
PARCEL 10B
BOOK 949, PAGE 13, MCR

TIERRA DEL RIO
PARCEL 13A
BOOK 949, PAGE 13, MCR

NORTH QUARTER CORNER
SECTION 5, T4N, R1E
MARKED "N" R.I.E. 522
1/4 COR. 55, T4N, R15E 8177

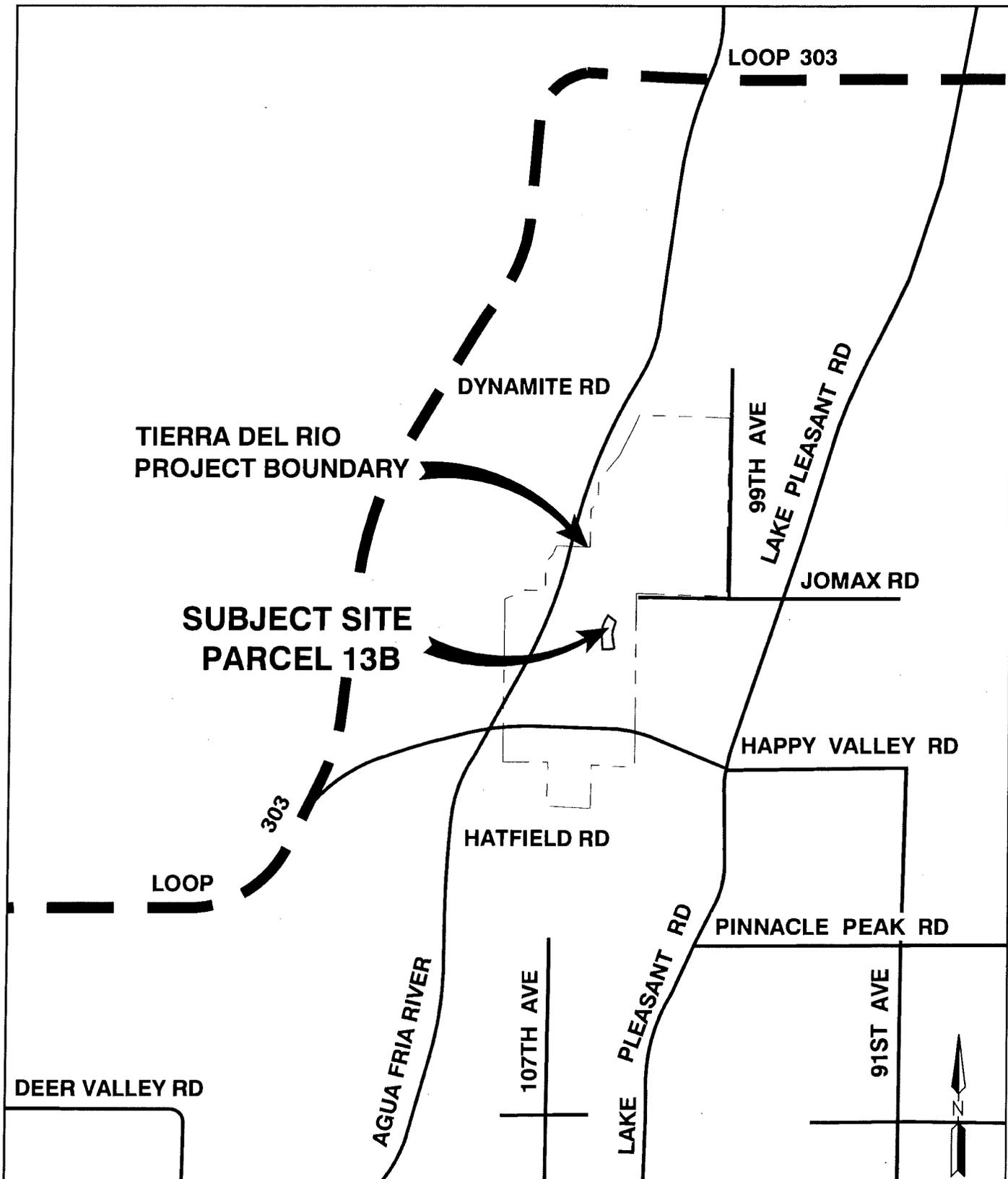
TIERRA DEL RIO BOULEVARD
BOOK 949, PAGE 13, M.C.R.

SEE SHEET RP03

SEE SHEET RP03

TIERRA DEL RIO
PARCEL 13A
BOOK 949, PAGE 13, MCR

NO. R070040
 COUNTY RECORDER



PROJ.#:	1244
DATE:	APR, 2013
SCALE:	N.T.S.
DRAWN BY:	MR
CHECKED BY:	AT

TIERRA DEL RIO
 PARCEL 13B
 PEORIA, ARIZONA

FIG 1: VICINITY MAP

hilgartwilson
 ENGINEERS • PLANNERS • SURVEYORS
 1661 E. CAMELBACK RD., STE. 275
 PHOENIX, AZ 85016
 PH 602.490.0535 FAX 602.325.0161

Date Prepared: July 23, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Amendment to Economic Development Agreement with Maxwell Technologies

Purpose:

This is a request for the City Council to authorize the City Manager to amend the Economic Development Agreement with Maxwell Technologies.

Background on the Maxwell Technologies Project:

Maxwell will be creating a new electrode, cell and module manufacturing facility in a 120,000 square foot building located at 8644 W. Ludlow Drive, in the City of Peoria. Initially, the facility will concentrate on manufacturing activities, but the company will incorporate engineering, as well as research and development functions to this site by 2014. Estimated job creation over three years is 150 total jobs with an average salary of \$48,000, and an overall capital investment estimated at \$26 million.

Amendment Summary:

The amendment provides for two additional items to the agreement (Exhibit A):

- 1) To extend the time period one year for Maxwell Technologies to submit its application for Federal Trade Sub-Zone (FTZ) Designation to June 25, 2014; and
- 2) Maxwell agrees to provide all information and/or complete all forms required by the U.S. Department of Housing and Urban Development, (HUD) as it relates to the Section 108 Loan.

Previous Actions:

The Economic Development Agreement was approved on June 19, 2012.

Options:

A: Authorize the City Manager to sign the Amendment to the Economic Development Agreement. This action identifies Maxwell's reporting requirements relative to the Section 108 Loan and will improve the city's ability to compete for foreign trade zone projects.

B: Reject this amendment. This action will adversely affect the city's ability to administer the requirements of the Section 108 Loan and reduce the city's competitiveness with respect to foreign trade zone.

Staff's Recommendation:

Authorize the City Manager to sign the Amendment to the Economic Development Agreement with Maxwell Technologies.

Fiscal Analysis:

There is no fiscal impact to the amendment.

Exhibit A: Amendment to the Economic Development Agreement

Contact: Paul Zampini x 7642

**FIRST AMENDMENT
TO THE ECONOMIC DEVELOPMENT INCENTIVE
AND INVESTMENT AGREEMENT BETWEEN THE
CITY OF PEORIA, ARIZONA AND MAXWELL TECHNOLOGIES, INC.**

The City of Peoria, Arizona, an Arizona municipal Corporation ("City") and Maxwell Technologies, Inc., a Delaware Corporation ("Maxwell") pursuant to paragraph 8(h) of that certain Economic Development Incentive and Investment Agreement ("Agreement") dated June 25, 2012, do hereby amend the Agreement as follows:

1. Paragraph 3 captioned "City Financial Incentives and Investments" at 3(d) is amended to extend for one year i.e., to June 25, 2014, the time period for Maxwell to submit its application for Federal Foreign Trade Sub-Zone (FTZ) designation.

2. Paragraph 2 captioned "Maxwell Minimum Performance Objectives – Return on Investment, Verification" at 2(d) is amended as follows (amendments are identified in bold):

Maxwell agrees to timely provide information and/or complete all forms and other documentation (the "information") required by the U.S. Department of Housing and Urban Development ("HUD") which information relates to that certain Section 108 Loan secured by the City and regarding Maxwell's operations within the City. This information includes but is not limited to: (1) Timely submission of a completed Section 3 Business Information Form as well as the information necessary for completion of the annual HUD Agency Federal Funds Summary report; (2) Timely submission of complete and accurate HUD Self Certification forms for each individual hired by Maxwell for its Peoria, Arizona, facility. Timely submission means the HUD Self Certification Form will be submitted with Maxwell's request for reimbursement pursuant to this Agreement, but in any event, all reimbursement requests shall be made within the annual calendar quarter (as that term is commonly understood) in which the individual(s) was hired. In addition, Maxwell shall also provide the City with a HUD New Hire Report at the time of any reimbursement request; and (3) Any other form(s) documentation and/or information that HUD may require from the City which information is generated by or originates with or from Maxwell's Peoria, Arizona, facility. Additionally, prior to the opening of operations and for each year thereafter until the minimum performance objectives of Maxwell have been achieved, Maxwell shall provide a listing to the City of all job positions to be established in Year 1, and each year thereafter, with salary ranges and benefits sorted first by positions filled by employees relocating to Peoria and second by positions to be filled locally. For positions that qualify

as moderate income (equal to or less than 80% of the county median **income as determined annually by HUD**), Maxwell shall also provide job descriptions to the City.

In all other respects the Agreement dated June 25, 2012, remains the same and in full force and effect.

IN WITNESS WHEREOF, the City and Maxwell have executed this Amendment to the Agreement through their representatives duly authorized to execute this document and bind their respective entities to the terms and obligations contained in this Amendment.

DATED this ____ day of _____, 2013.

MAXWELL TECHNOLOGIES, INC. :

By: _____

Its: KEVIN S. ROYAL, SR VP; CFO

THE CITY OF PEORIA:

By: _____

Carl Swenson, City Manager

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 23R

Date Prepared: July 23, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager
FROM: John R. Sefton Jr., Community Services Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: City Council Policy on City Special Events

Purpose:

This is a request for City Council to approve the City Council Policy on City Special Events (CP 1-15) which incorporates a formalized framework for special event planning and coordination in the City, by both City staff, outside promoters and other special event planners.

Background/Summary:

The City Council Policy on City Special Events, outlines procedures and processes for conducting special events in the city. These guidelines include:

- Definitions
- The primary goals for City Special Events
- Standards by which City Special Events will be organized and produced
- Classifications and characteristics of special events
- The Special Event Application Process
- Review committees for special event applications
- The process to apply for affiliate event status and request City support

Following the Study Session on July 2, 2013, changes to the City Council Policy on Special Events in Peoria include:

- Changing the definition of a Temporary Special Event or Activity to more closely resemble that in City Code Chapter 16.
- Adding the option (and definition of participants) for an Advisory Committee to handle high level event development for Signature Events.
- Additional explanation for affiliate events.
- Further defining the parameters for requests for City support, specifically removing the dollar amount for support and replacing it with the determination for the maximum request to be determined by City Council during the annual budgeting process.

- Adding the execution of a formal City of Peoria agreement for a private promoter that receives affiliate status and City support.
- Revising the evaluation process for private promoters receiving City support.

Since special events can further a sense of community in the City of Peoria, they are one important aspect of the opportunities that are afforded City residents and visitors. Having a defined process for ensuring the success of these events is imperative to continuing to offer these fun-filled activities to attendees, while strengthening relationships for planners and staff.

Previous Actions:

A draft City Council Policy on City Special Events was brought to Study Session on July 2, 2013. Discussion during the presentation of special events for the budget process of FY2014 prompted the City Council directive to develop a policy defining the procedures for special events.

The City Attorney's Office has reviewed and approved the Council Policy on City Special Events.

Options:

The following options are possible for the City Council to recommend:

- A. Authorize the approval of the City Council Policy on City Special Events.
- B. Deny the City Council Policy on City Special Events.
- C. Direct staff to modify the City Council Policy on City Special Events and include as an agenda item for a future City Council Meeting, incorporating amendments as requested.

Staff's Recommendation:

Staff recommends that City Council approve the updated City Council Policy on City Special Events which incorporates the changes requested at the Study Session on July 2, 2013.

Fiscal Analysis:

There are no anticipated costs associated with the approval of a City Council Policy on City Special Events; however, when requested, there could be financial responsibilities associated with waiving of fees for facility rentals and permits, and/or in-kind support in the form of city services. The fiscal impact of each request will be determined by City Council during the budget process for each fiscal year.

Exhibit(s):

1. City Council Policy (CP 1-15) on City Special Events
2. Request for City Support Form

Contact Name and Number: Brenda Rehnke, 623-773-7131

 <p style="text-align: center;">CITY COUNCIL POLICY</p>	<p>CP 1-15 Category: General</p>
	<p>Department: Community Services Department</p>
<p>TITLE: City Special Events Policy</p>	<p>Approved:</p>

A. Introduction

Special events have proven to be an important dimension to the overall vitality and livability of the city. Peoria’s blend of community events help to congregate citizens from across the city, enhance community awareness, and attract tourists from the state and beyond.

This City Special Events Policy supplements Peoria City Code Chapter 16 and Section 14-39-13 of the Zoning Ordinance of the City Code as it pertains to City Special Events, details the general processes for Peoria events, and aligns with the 24-month Council Policy Goals – Community Building, Enhance Our Current Services, Economic Development, and Leadership and Image.

B. Purpose

To establish definitions, criteria, and processes for conducting Special Events on City property and for events requesting City Support. Therefore, the City of Peoria is establishing a policy which will outline:

1. Definition of a Special Event
2. Key Outcomes for City Special Events
3. Special Events Standards
4. Classifications of Special Events
5. Special Events Application Process
6. Special Event Review Committee
7. Requests for Affiliate Event Status and City Support

C. Definitions

1. City Special Event

Any of the following organized activities:

- a. Any indoor or outdoor public gathering or celebration that uses City-owned property for any of the following activities:

- 1) Entertainment
 - 2) Dancing
 - 3) Music
 - 4) Dramatic productions
 - 5) Amusements, festivals or carnivals
 - 6) Sale of merchandise, food, or alcohol, including sidewalk sales
 - 7) Parades, walks, bicycle rides or runs that will not comply with the normal or usual traffic regulations or controls or are likely to impede, obstruct, impair or interfere with the free flow of traffic
 - 8) Any temporary extension of premises of an existing use
 - 9) This does not include the regularly scheduled visit of a public official of the State or Nation. (President; Vice President, U.S. Senators, Governor, U.S. Congress member)
- b. Any activity taking place on City-owned property which requires:
- 1) A State issued temporary extension of liquor licenses premises or a special event liquor license.
 - 2) The City to temporarily relinquish its liquor license for purposes of the event.
 - 3) Any activity taking place on City-owned property that is not designated as a First Amendment Public Forum Area and used as a public gathering place that involves a substantial deviation from the current legal land use, or legal nonconforming use.
- c. Any activity taking place on City-owned property which may require for its successful execution City Support provided to a degree significantly over and above that routinely provided under ordinary circumstances, as determined by the Special Events Committee.
- d. Any activity taking place on City owned property that is designated as a First Amendment Public Form Area and for which protected First Amendment activity is proposed, however in such cases, the time limits in this policy shall not apply and the City shall provide a decision on all permitting within ten (10) working days after the application is made.
2. City Support
All financial support and/or in-kind contributions of City personnel, resources, services, facilities, permitting fees, rental fees or City-owned property provided to a City Special Event.

D. Key Outcomes for City Special Events

The primary goals for the City of Peoria through this policy are to produce, facilitate, and support special events that benefit the public and are intended to meet one or more of the following:

1. Promote a sense of community
2. Create an awareness of cultural and educational opportunities
3. Promote economic development efforts for business retention and attraction

E. City Special Events Standards

City Special Events should be organized with the following standards. The City will:

1. Protect City facilities and property and minimize risk to Peoria citizens who attend or participate in Special Events
2. Produce and coordinate all budgeted City Special Events
3. Create events with specific goals, target markets, and at venues throughout the city
4. Comply with all federal, state and city laws
5. Promote Peoria as a premiere place to hold and experience special events
6. Achieve cost recovery goals as set during the annual budget process by the City Council
7. Collaborate between departments to develop and implement events
8. Complete a post-evaluation report for each special event with input from City department liaisons and planning committee
9. Provide logistical assistance to private promoters and sponsoring organizations who develop and implement special events on City property
10. Ensure the Special Event Applications submitted by private promoters and/or sponsoring organizations are treated fairly and in an equitable manner

F. Classification of City Special Events

Classification of City Events shall be recommended by the Community Services Department and reflected in the annual budget process as approved by the City Council. The examples are included only for illustration and are not established in this policy. City Special Events are categorized by the following characteristics:

1. Signature Events

Signature Events are defined as having a distinguishing theme and have community recognition by the name alone. These events are marketed and implemented to attract a target audience of many thousands from the region and typically are long-standing and funded as part of the department budget. Signature events enhance and support economic development for

surrounding businesses and entertainment districts. Signature Events can be developed in partnership with outside agencies. City Signature Events are managed by a cross-functional Special Events Planning Committee, which can include representatives from the partner agency, including a private promoter, and are guided by the Special Events Supervisor. An Advisory Committee that directs the vision and handles high level event development may be formed for specific special events. At the City Manager's discretion this committee may include an elected official, providing input through the City Manager to the Director. However, the Director is ultimately responsible for effective and efficient communication, supervision and execution of special events. *Examples: July 4th Celebration; Halloween Monster Bash; Peoria Arts and Cultural Festival – partnership with the Peoria Education Foundation & PUSD.*

2. Community Events

Community Events are smaller in size and may attract people only in a certain area of the City and are usually undertaken on an annual basis. The professional staff in the respective departments who control the budgeted funds, plans, coordinates and evaluates the event with input from the Special Events Supervisor, if requested. Should an event continue to increase in participation and the target market broadens in scope, it may be re-classified as a Signature Event. *Typical examples: Polar Plunge, G.A.I.N event and Bravo Peoria.*

3. One-Time Events

One-Time Events are produced as stand-alone activities and occur only once. Typically, they are smaller in attendance. These events are developed and implemented by the Special Events Supervisor and approved through the budget process. *Typical examples: Park or Facility Dedications.*

4. Private Promoter Events

Private Promoter Events are specified as Affiliate and Non-Affiliate.

- a. **Affiliate Events** are developed in conjunction with the City and an outside private sponsor (typically sponsored by a not for profit corporation). The City may provide City Support to the event (refer to section I for eligibility requirements for agencies to receive City Support) when specific criteria is met. Logistical support and promotional responsibilities can be shared with the sponsor. The City Council in the budget process shall identify those Private Promoter

Events which are designated Affiliate Events. *Historical examples: Fiesta Peoria, Relay for Life, Black History Celebration.*

- b. **Non-Affiliate Events** are managed solely by the private promoter and held in the City of Peoria. Logistics, promotional responsibilities, organization, implementation, etc. are fully conducted by the private promoter. Generally, the City does not include as part of its adopted budget appropriation and or/funding for financial support to private promoters producing non-affiliate events and expects to be reimbursed for all City Support associated with the activity. *Typical examples: sports tournaments and running races.*

G. Special Event Application Process (as established in Chapter 16 of the City Code)

The Special Event Application is intended to regulate uses on city owned property (i.e., streets, parks, facilities) per Chapter 16 of the City Code. The Special Event Application is completed by outside organizations to formally request use of city property to execute an event or activity of any nature.

With the exception of protected First Amendment Forum activity, the Special Events Application is submitted a minimum of sixty (60) days prior to the start of the event to ensure sufficient time for review and approval. Upon submittal of a complete application, staff will review the proposed use for conformance with Peoria codes and policies and site availability. If additional permits are required, staff will inform the applicant of additional procedures. The applicant will be contacted by the Community Services Department with the City's decision regarding the proposed use within ten (10) business days of the final submission. Additional permits may take longer (i.e., Special Events liquor license) and require a physical inspection prior to final approval. Generally, it should be recognized that a Special Events Liquor License will take a minimum of ninety (90) days after submission for approval by both the City and the Arizona Department of Liquor Licenses and Control.

Sec. 16-4 of the City Code addresses the suspension and revocation of Special Event Licenses and Permits.

H. Special Event Review Committee

The Event Review Committee, comprised of staff from various City departments, reviews all Special Event Applications, per Sec. 16-3 of the City Code. The application forms and directions are located at www.peoriaaz.gov. The objective of the Committee is to ensure the safety and well-being of all citizens who attend or are in the general event area; and compliance of all federal, state, and city

laws. Follow-up meetings may be needed for the committee members to receive detailed information on the event that supports city code and safety procedures. Private promoters will receive a written Special Event Permit upon successful completion of the Special Event Application.

I. Requests for Affiliate Event Status and City Support

The Request for a Private Promoter Event to be designated as an Affiliate Event shall be submitted to the Community Services Department on or before December 15 of the year prior to the upcoming budget year.

City Support for Private Promoter Affiliate Events will be established in accordance with this policy. This Council Policy provides procedures for private promoters to request City Support in delivering an Affiliate Event. The City Council has recognized the value and positive impacts in supporting private promoter events, but must also consider other issues associated with event execution and the provision of public safety for events.

During the annual budget process, City Council will determine the specific amount of budget appropriation for City Support of City Special Events.

Private Sponsors for designated Affiliate events shall meet the following requirements in order to be eligible for City Support:

1. Sponsoring organization is an Arizona not for profit organization
2. The event benefits the City of Peoria
3. The sponsor shall identify how the proposed Affiliate event relates to the outcomes listed above (section D)
4. The event complies with all Special Events Application requirements
 - a. Request for City Support
 - 1) A sponsoring organization may petition the City of Peoria for City Support by submitting a Request for City Support form (see appendix).
 - 2) Requests are evaluated during the budget process.
 - a) Requests for City Support must be submitted by December 15 to the Community Services Department for potential support in the following fiscal year (July 1 through June 30).
 - b) The request must outline the desired amount of City Support, the event audience, concept, and components and demonstrate how the event achieves the criteria as listed above.

- c) All requests that meet the criteria will be listed as individual items in the Special Events Budget Presentation to City Council.
- d) Budget presentations are public meetings and requestors may have the opportunity to respond to questions from City Council.

Any request for a private promoter event to obtain affiliate status may be filed at any time; however, any request for City Support of an affiliate event filed outside of the budget process set forth in this policy shall require a budget amendment to appropriate additional funding to the Special Events Budget and must be approved by the City Council. Such request shall be filed not less than One Hundred and Twenty (120) days prior to the event

b. Process/Reporting: Affiliated Events receiving City Support

Upon City Council approval in the budget process of funding for City Support, the following is the process and reporting requirements:

- 1) The sponsoring organization will be notified of approval by the Council of funding by City staff and the requirements of this section in order to receive such funding.
- 2) The sponsoring organization/private promoter submits a Special Events Application.
- 3) A formal City of Peoria agreement will be executed.
- 4) Based on the application information, the sponsoring organization/private promoter will receive a pre-event estimate of City Support.
- 5) If the sponsor of an Affiliate Event desires to request additional City Support, The Sponsor may:
 - a. Request a budget amendment be approved by the council to provide additional City Support. Such budget amendment shall be submitted not less than Ninety (90) days prior to the event. Recommendation of approval of budget amendments by City Staff is solely within staff's discretion and Approval of budget amendments by the City Council is solely within Council's discretion.
 - b. Request individual Council members support the event through the provision of District Funds. Such requests shall be made and reviewed in accordance with the City Council policy on District Funds.
- 6) City staff will prepare a post-event report within thirty (30) calendar days after the event date. The post-event report is a public record

and a copy provided to the Sponsor. The post event report shall include:

- a) Hours of City staff, exempt and hourly, directly spent planning the event
 - b) Hours/salary of City staff, exempt and hourly, who worked the event day
 - c) Itemization of City Support
- 7) Sponsoring organizations/private promoters who receive City Support will be responsible to provide the following within one month after the event date:
- a) A comprehensive event evaluation detailing successes, challenges, attendance figures, outcomes and how the City Support aided in meeting the event goals.
 - b) Payment for City services over and above the approved City Support amount.

J. Appendix

1. Request for City Support Form

APPROVED:

Bob Barrett, Mayor

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Adopted: 00/00/13, CC # _____ [Completed by CMO]



Special Event on City Property Request for City Support **PROCESS GUIDE & APPLICATION**

Request for City Support

Upon submittal of a complete application to request City support from the City of Peoria for an event on City property, staff will review the request and submit to City Council for approval. A Special Event Application must follow the Request for City Support.

Permit Renewal: City Support requests are not renewable and a new submission is required each time an event is held.

Application Checklist:

- _____ 1. Request for City Support Application (see page 2)
- _____ 2. Documentation of Arizona not for profit status for Sponsoring Organization
- _____ 3. Event complies with all Special Event Application requirements (list website location of application)

Once approval of City Support Received:

- _____ 1. Special Event Application completed and submitted
- _____ 2. City agreement submitted and executed
- CITY 3. Pre-event estimate provided by City

Post Event Requirements:

- CITY 1. Post-event report provided by City
- _____ 2. Comprehensive event evaluation (detail successes, challenges, attendance figures, outcomes, explain how City Support aided in meeting goals)
- _____ 3. Payment for City services over and above approved City support amount



City of Peoria
Request for City Support Application

FOR OFFICE USE ONLY			
Date Received: <input type="text"/>	Approval Process: <input type="checkbox"/> Through annual fiscal budget process	OR	<input type="checkbox"/> City Council Meeting
Non-profit verified <input type="text"/>	Support Award: <input type="text"/>		

APPLICANT INFORMATION	
Private Promoter Name: _____ _____	Business Phone: _____ Contact Phone: _____
Contact Name: _____	E-mail: _____
Address: _____	Fax _____
City/State/Zip: _____	Peoria Business License/Tax ID: _____

SPONSORING ORGANIZATION – ARIZONA NOT FOR PROFIT	
Sponsoring Organization: _____ _____	Business Phone: _____ Contact Phone: _____
Contact Name: _____	E-mail: _____
Address: _____	Fax _____
City/State/Zip: _____	Peoria Business License/Tax ID: _____

EVENT INFORMATION	
Name of Event: _____	Date(s) of event: _____
Address/Location of Event: _____ _____	Hours of event: _____
	Benefit to City: _____ _____

Event Description: _____

Explain how the event fulfills one or more of the following key outcomes:

- Promote a sense of community
- Create an awareness of cultural and educational opportunities
- Promote economic development efforts for business retention and attraction



City Council Calendar

Color Key:
City Council

< August	September 2013					October >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 Regular City Council Meeting Special Meeting & Study Session	4	5	6 City Council Workshop	7
8	9	10 Council Subcommittee on Policy and Appointments Meeting	11	12	13	14
15	16	17 Regular City Council Meeting Special Meeting & Study Session	18	19	20	21
22	23 City Council Subcommittee on Community Culture & Public Safety	24	25	26	27	28
29	30					



City Council Calendar

Color Key:
City Council

< September	October 2013					November >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 Regular City Council Meeting Special Meeting & Study Session	2	3	4	5
6	7	8 Council Subcommittee on Policy and Appointments Meeting	9	10	11	12
13	14	15 Regular City Council Meeting Special Meeting & Study Session	16	17	18	19
20	21	22	23	24	25	26
27	28 City Council Subcommittee on Community Culture & Public Safety	29	30	31		

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: RCM 26A

Date Prepared: 21 August 2013

Council Meeting Date: 3 September 2013

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, x5143

**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	12/4/2012
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. Informational 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. Informational 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
Rhonda Geriminsky	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). Subcommittee procedures are addressed in CP 1-6. Completed	NA
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	
Rhonda Geriminsky	Youth Master Plan Initiative	3/20/2013 6/11/2013	Item was discussed. City Attorney will draft some ideas on how youth can be involved in committees (3/20/2013). Item was discussed and forward to study session (6/11/2013). Completed.	
Rhonda Geriminsky	2013 Board and Commission Recognition Event	3/20/2013	Item was discussed. Staff will identify potential dates for the event (3/20/2013). Completed.	NA

**City of Peoria
Council Subcommittees**

Rhonda Geriminsky	2013 and 2014 Board and Commission Recognition Events	8/13/2013	Item was discussed. Staff will continue to gather options for holding the next recognition event. (8/13/2013)	
John Sefton	Youth Advisory Board Council Liaison Interviews			

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	

**City of Peoria
Council Subcommittees**

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
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
Ron Aames	Maintaining Traffic During Construction of Street Projects	5/8/2013	Item was discussed. No further action needed.	NA

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: RCM 26B

Date Prepared: August 19, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager
FROM: John R. Sefton, Jr., Community Services Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Pioneer Community Park Grand Opening

SUMMARY:

The Pioneer Community Park Grand Opening will be on Saturday, September 21 starting at 9 a.m. This is the City's second community park which is located at 8755 N. 83rd Ave. The ceremony and ribbon cutting will be at the ramadas next to the playground and splash pad by the lake.

Pioneer Community Park is 83 acres that has something for all ages. The amenities include a six diamond lighted ball field complex, four lighted multipurpose fields, playground, splash pad, urban fishing lake, dog park, picnic areas and the Heritage Court, a small event plaza. Reservations starting October 1 can be made now for the ramadas and Heritage Court. Field use, which is by request only, will be limited until January 1. The Lake will be stocked with catchable fish starting January 12, 2014

For more information visit us on the web at www.peoriaaz.gov/specialevents.

Exhibit(s): Grand Opening Flyer

Contact Name and Number: Matt Kalcevich, 623-773-7133



Let's Play in the New Park!

Join us for the Pioneer Park Dedication

Saturday, September 21st at 9:00 am
8755 N. 83rd Ave, Peoria, AZ



- Six Lighted Ball Fields
- Four Lighted Multipurpose fields
- Dog Park
- 5 acre Lake with catch-and-keep fishing
- Picnic Ramadas
- Playground/Swing sets
- Splash Pad
- Heritage Court for small events

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: RCM 26C

Date Prepared: August 26, 2013

Council Meeting Date: September 3, 2013

TO: Carl Swenson, City Manager
FROM: John R. Sefton, Jr., Community Services Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: North Peoria Special Event

The City of Peoria and R Entertainment are pleased to announce a BBQ/grilling food event on Sunday, November 3 from noon-4pm in north Peoria at the Lake Pleasant Parkway/Happy Valley Road business centers. PBS Television has chosen Peoria to host this event which will feature BBQ, grilling, fine wine/beer and entertainment. The most acclaimed BBQ Chef on TV today, Steven Raichlen, host of BBQ University, will be demonstrating and teaching his craft.



Steven Raichlen is an award-winning author, journalist, cooking teacher, and TV host. His best-selling Barbecue Bible cookbook series has been translated into 12 languages and has sold more than 4 million copies. His long-running Barbecue University show on public television followed in 2008 by the series Primal Grill with Steven Raichlen (also on public television) virtually reinvented America's relationship with barbecue.

Raichlen's own adventures with barbecue began with The Barbecue Bible, an IACP/Julia Child Award-winning encyclopedic study of global grilling chronicling his 4-year, 200,000-mile odyssey on the world's barbecue trail. This ground-breaking book was so successful that a 10th anniversary edition (revised, updated, and with color photographs) was released in May, 2008, by Workman Publishing.

The host for the event will be Barbara Fenzl. Barbara Pool Fenzl is a major figure on the American culinary stage. Her first love is teaching, but she is also a cookbook author, magazine writer, and television personality. Barbara was the host of a 13-week PBS television series, "Savor the Southwest," which aired in 1999 in approximately ninety markets coast to coast, and for the past several years she has hosted cooking-related pledge drives ("A is for Appetizers," "D is for Desserts," and so on) on the Phoenix-area PBS station.

Event details including branding, entertainment and activities will announced in the coming weeks.

Exhibit(s): None

Contact Name and Number: Matt Kalcevich (623)773-7133

MINUTES OF THE VISTANCIA COMMUNITY FACILITIES DISTRICT BOARD
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
June 18, 2013

A **Special Meeting** of the Vistancia Community Facilities District Board was convened at 8401 West Monroe Street in open and public session at 8:22 p.m.

Members Present: Board Chairperson Bob Barrett; Vice Chairperson Tony Rivero; Board Members Ron Aames, Cathy Carlat, Jon Edwards, Carlo Leone and Bill Patena.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, District Manager; Susan Daluddung, Deputy District Manager; Jeff Tyne, Deputy District Manager; Steve Kemp, District Counsel; Rhonda Geriminsky, District Clerk; Andy Granger, Engineering Director; John Imig, Information Technology Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Brent Mattingly, Chief Financial Officer; Roy Minter, Police Chief; John Sefton, Community Services Director; Corina Russo, Assistant to the District Manager; and Linda Blas, Deputy District 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: All items listed with a "C" are considered to be routine or have been previously reviewed by the District Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board Member so requests; in which event the item will be removed from the General Order of Business and considered in its normal sequence on the Agenda.

Chairperson Barrett asked if any Board Member wished to have an item removed from the Consent Agenda. Having no requests from the Board, motion was made by Vice Chairperson Rivero, seconded by Board Member Carlat, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

CONSENT – New Business:

Clerk's Note: The agenda item numbers shown below reflect the items as they were numbered on the agenda.

30C. **Minutes**

Approved the following minutes:

May 21, 2013 Meeting Minutes

REGULAR AGENDA

NEW BUSINESS

31R. PUBLIC HEARING - District Budget and Tax Levy for Fiscal Year 2014

Public Hearing:

Chairperson Barrett opened the Public Hearing and asked if any Board Member or citizen wished to comment on the District Budget and Tax Levy for Fiscal Year 2014. There being no comments from those present, Chairperson Barrett declared the Public Hearing closed.

Board Action:

No Board action required.

32R. Final Budget and Tax Levy Estimates for Fiscal Year 2014

RESOLUTION NO. VCFD 2013-02

A RESOLUTION OF THE DISTRICT BOARD OF VISTANCIA COMMUNITY FACILITIES DISTRICT (1)(A) APPROVING A FINAL BUDGET FOR FISCAL YEAR 2014 PURSUANT TO A.R.S. §48-716; (B) ORDERING THAT AN AD VALOREM TAX BE FIXED, LEVIED AND ASSESSED ON THE ASSESSED VALUE OF ALL THE REAL AND PERSONAL PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT IN AMOUNTS SPECIFIED IN FILED STATEMENTS AND ESTIMATES; AND (C) PROVIDING FOR CERTIFIED COPIES OF THIS RESOLUTION TO BE DELIVERED TO THE MARICOPA COUNTY BOARD OF SUPERVISORS AND THE ARIZONA DEPARTMENT OF REVENUE; AND (2) PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

Brent Mattingly, Chief Financial Officer, reported that the proposed Resolution establishes a Final Budget of \$28.5 million and a tax levy of \$2.10 per \$100 of secondary assessed value of all property within the District for Fiscal Year 2014.

Motion was made by Vice Chairperson Rivero, seconded by Board Member Aames, to adopt **RES. VCFD 2013-02** approving Final Budget and Tax Levy Estimates for Fiscal Year 2014.

Upon vote, the motion carried unanimously 7 to 0.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

ADJOURNMENT:

Being no further business to come before the District Board, the meeting was duly adjourned at 8:24 p.m.

Bob Barrett, Board Chairperson

ATTEST:

Rhonda Geriminsky, District Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Special Meeting of the Vistancia Community Facilities District held on the 18th day of June, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 3rd day of September, 2013.

(Seal)

Rhonda Geriminsky, District Clerk

**CITY OF PEORIA, ARIZONA
VISTANCIA COMMUNITY FACILITIES DISTRICT
DISTRICT COMMUNICATION**

Agenda Item: 28C

Date Prepared: August 7, 2013

District Meeting Date: September 3, 2013

TO: Carl Swenson, District Manager
FROM: Brent D. Mattingly, Chief Financial Officer *BDM*
THROUGH: Jeff Tyne, Deputy District Manager
SUBJECT: Investment Report for the Year Ended June 30, 2013

Purpose:

This is a request for the District Board to review and accept the Investment Report for the Year Ended June 30, 2013.

Background/Summary:

The Finance Department has prepared an annual report in compliance with Peoria's adopted Investment Policy. The report summarizes the District's investment activity for the period from July 1, 2012 to June 30, 2013. The District's total investment portfolio earned an average yield of 0.34% for the fiscal year and 0.32% for the 4th quarter of FY 2013. This represents investment income of \$60,184 for the fiscal year and \$12,036 for the 4th quarter. The average cash balance of the District's portfolio during the 4th quarter was \$17,441,860 and the ending balance for the total investment portfolio was \$15,936,147 which represents all securities and money market funds.

Previous Actions:

There are no previous actions for this item.

Options:

The District Board may select the following options:

- A:** Accept the Annual Investment Report as presented
- B:** Not accept the Annual Investment Report and request additional information from staff

Staff's Recommendation:

Staff recommends that the District Board review and accept the Investment Report for the Year ended June 30, 2013 as presented.

Fiscal Analysis:

This item has no financial implications.

Narrative:

The annual report provides comparative investment yields, portfolio composition, average maturity lengths, comparisons of market value and book value, and a brief summary of the economy. An Inventory Holdings Report, which itemizes each security in the District's investment portfolio by fund, security type, and cusip number has been included as Exhibit 2. A brief glossary of security definitions has also been included as Exhibit 3.

Exhibit(s):

Exhibit 1: Investment Report for the Year Ended June 30, 2013

Exhibit 2: Inventory Holdings Report for the Year Ended June 30, 2013

Exhibit 3: Glossary of Security Definitions

Contact:

Deborah Card, Treasury Manager, X7148

**VISTANCIA COMMUNITY FACILITIES
DISTRICT
PEORIA, ARIZONA**



INVESTMENT PERFORMANCE REPORT

Annual Report

Period Ended

June 30, 2013

Brent D. Mattingly

District Chief Financial Officer

TABLE OF CONTENTS

Section	Description	Page
I.	INTRODUCTION	2
II.	INVESTMENT POLICY COMPLIANCE	3
III.	INVESTMENT PERFORMANCE	3
	A. Portfolio Composition.....	3
	B. Average Invested Cash Balances.....	4
	C. Investment Income	4
	D. Comparative Investment Yields	4
	E. Average Maturity of Portfolio.....	5
	F. Comparison of Market Value and Book Value	5
V.	ECONOMIC REVIEW.....	6
VI.	SUMMARY DATA.....	7

I. INTRODUCTION

This report reflects investment activity for the period of July 1, 2012 to June 30, 2013 for the District's investment management program. The District's funds are invested in accordance with the City's Investment and Portfolio Policies, approved and adopted in January 1992 by the City Council, with revisions approved in June 2005. The policy requires that the investment program meet the following criteria, listed in order of importance:

- Safety - *Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.*
- Liquidity - *The investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements.*
- Yield - *The investment portfolio shall be designed with the objective of obtaining a market rate of return throughout budgetary and economic cycles, while taking into account the City's strict risk constraints.*

In keeping with these principles, staff continued to invest the District's funds only in allowable, safe securities and to structure the maturity of the investment portfolio to assure liquidity. Short-term needs (6 months or less) are being met by investments in overnight repurchase agreements, commercial paper, and money market funds. Funds not required to meet specific short-term needs are invested primarily in Treasury Notes and U.S. Government Agency Securities.

Only after the safety and liquidity requirements are met does staff attempt to maximize earnings. For the Quarter and Year Ended June 30, 2013, the weighted average annualized yield on investments was as follows:

Table 1

AVERAGE ANNUALIZED INVESTMENT YIELD					
	FY13 Q1	FY13 Q2	FY13 Q3	FY13 Q4	Year Ended 6/30/13
CFD Bonds, Series 2002 (Reserve)	0.60	0.54	0.51	0.51	0.54
CFD Bonds, Series 2005	0.69	0.64	0.61	0.46	0.60
CFD Bonds, Series 2006	0.33	0.27	0.24	0.22	0.26
Total Portfolio	0.41	0.35	0.32	0.32	0.34

The average annual yield of 0.34% for the total portfolio represents a decrease of 0.07% from the annualized yield of 0.41% experienced for the Year Ended June 30, 2012.

The quarter's average yield of 0.32% for the total portfolio remained the same as the total portfolio annualized yield for the Quarter Ended June 30, 2013.

II. INVESTMENT POLICY COMPLIANCE

The City's Investment Policy, as approved by City Council, applies to all the financial assets and funds held by the City of Peoria, including Vistancia Community Facilities District funds. All investments follow the provisions established in that Policy.

III. INVESTMENT PERFORMANCE

A. Portfolio Composition. All investment proceeds are diversified by security type and institution to minimize market volatility risk and credit risk. The Policy stipulates maximum investment levels by market sector to insure diversification. Diversification is further accomplished through the laddering of maturities, which mirror anticipated cash flows for the various funds. If not matched to specific cash flows, the funds are invested with a priority of liquidity and safety until specific cash flow needs are identified.

The table below illustrates the diversification structured into the portfolio composition with dollar amounts and percentages by investment type (market sector). The table shows the overall conservative nature of the portfolio and its diversified structure. The fluctuation in percentages between fiscal quarters represents a shifting of value between market sectors from the varying economic conditions throughout the year. The concentration on Treasury Notes and Agency Securities illustrates the portfolio's safety priority.

Table 2

TOTAL PORTFOLIO COMPOSITION (In Millions of Dollars)								
Security Type	FY 13 – Q1		FY 13 – Q2		FY 13 – Q3		FY 13 – Q4	
	Amt	%	Amt	%	Amt	%	Amt	%
Money Market	3.1	17.1	3.2	17.5	1.9	12.0	2.9	18.6
Agency Securities	10.6	58.1	10.5	57.8	10.0	62.9	10.0	62.6
Treasury Bills	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Treasury Notes	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Commercial Paper	4.5	24.8	4.5	24.7	4.0	25.1	3.0	18.8
Repurchase Agreements	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTALS:	18.2	100.0	18.2	100.0	15.9	100.0	15.9	100.0

B. Average Invested Cash Balances. The average cash balance of the portfolio for the Year Ended June 30, 2013 was \$17,441,860 as compared to \$18,559,784 for the Year Ended June 30, 2012.

The average investment cash balance for the portfolio for the Quarter Ending June 30, 2013 was \$15,934,426 as compared to \$17,432,313 for the Quarter Ended March 31, 2013.

Fluctuations in the quarterly balances shown in the chart below represent normal cash flows throughout the fiscal year, the addition of new bond proceeds, investment of earned interest, and the spend down of existing bond proceeds for capital projects.

C. Investment Income. Total investment income for the Year Ended June 30, 2013 was \$60,184 which represents a decrease of 12.0% from the \$68,374 earned for the Year Ended June 30, 2012.

Total investment income for the 4th Quarter of FY13 was \$12,036 which represents a decrease of 13.7% from the \$13,951 earned in the 3rd Quarter of FY13.

D. Comparative Investment Yields. Since the Investment Policy restricts investment primarily to the U.S. fixed income and money markets, the portfolio performance is measured directly against these markets for comparison purposes. The maximum maturity of securities purchased for the portfolio is restricted to five (5) years. The weighted average maturity cannot exceed 365 days. The actual weighted average maturity for the 4th Quarter of FY 13 was 296 days, in keeping with the investment policy requirement for liquidity and safety. The average rates of comparable benchmarks are shown in the table below.

Table 3

COMPARATIVE ANNUALIZED INVESTMENT YIELDS				
	FY 13 Q1	FY 13 Q2	FY 13 Q3	FY 13 Q4
Total Portfolio	0.41	0.35	0.32	0.32
3 Month T-Bill	0.09	0.08	0.08	0.05
Money Market Fds	0.01	0.01	0.01	0.01
6 Month T- Bill	0.14	0.13	0.11	0.08
1 Year T-Bill	0.17	0.17	0.14	0.12
2 Year Treasury	0.25	0.26	0.25	0.26

E. Average Maturity of the Portfolio. For the Quarter ended June 30, 2013, the average maturity of the portfolio was 296 days as compared to 319

days on March 31, 2013. Matching maturities to known cash flows requires the maintenance of a somewhat short portfolio. Cash not needed to match immediate cash flow needs (within a nine month rolling horizon of liabilities) is normally extended somewhat to take advantage of higher yields. Longer maturities are used to capture yields at purchase and to capture capital gains during the period.

F. Comparison of Market Value and Book Value. The book value of the portfolio is captured on an amortized cost basis recognizing the position in the securities on a straight-line amortization of premiums and discounts. Book and market values do not include accrued interest on the securities. The market value reflects the *then current* market price at which these securities could be sold in the open market. A comparison of book and market reflects the changes in market rates as well as the performance of the portfolio against the market. Since the shortest portion of the portfolio is matched against anticipated cash flows, rate changes will more directly affect their relative gain/loss positions. A summary of market and book values for the total portfolio for the Quarter are shown below.

Beginning Book Value	\$15,906,697
Beginning Market Value	\$15,915,738
Ending Book Value.....	\$15,936,147
Ending Market Value	\$15,936,756

At quarter's end, the market value of the portfolio exceeded the book value of securities resulting in an overall unrealized gain in value of \$609.

ECONOMIC REVIEW AS OF 6-30-13:

Gross Domestic Product (GDP): During the past 62 years, the U.S. economy has grown by an annual average of 3.2%. Since emerging from recession four years ago, annualized GDP has averaged a sluggish 2.1%; this despite a massive amount of stimulus in the system. Suddenly, the Fed seems to be at the point where it will begin reducing the amount of its monthly quantitative easing. It's important to note that the expectation is for a gradual taper, and not an abrupt end to asset purchases. Few expect the Fed to raise the overnight funds target before early-to-mid-2015. FY13 third quarter annualized growth was only 1.8%, and early indications are for fourth quarter GDP growth of around 1.5%. In theory, less Fed support means slightly higher interest rates and correspondingly, some slowing of the economy going forward.

Nonfarm Payrolls: The April employment report was one of the quarter's game changers, but primarily due to a revision that pushed February payroll gains to a hearty +332k. March and April nonfarm payrolls averaged just +145k. With a slightly better increase of 175k in May, nonfarm payrolls averaged a lackluster 155k for the three spring months. The unemployment rate continued to trend lower, although in May, it did rise slightly from a 4½-year low of 7.5% to 7.6%. Any increase in unemployment creates a negative headline, but in May, the underlying cause was positive as more people entered the workforce. The labor market participation rate is still hovering near a 30-year low of 63.5%. When the recession began, this number was closer to 66%. As the economy improves, it's likely that more and more Americans will resume the job search.

Housing: The S&P/Case-Shiller 20-City home price index rose 1.7% in April and 12% on a year-over-year basis. Through the end of 2012, the number of homeowners with negative equity had dropped from 12.1 million to 10.4, representing 21% of homeowners with mortgages. Positive equity reduces foreclosures as the homeowner can more easily modify loan terms or simply sell the property if the payment becomes unaffordable. Indeed, recent home sales have been brisk. Existing home sales jumped by 4.2% in May to an annualized unit pace to 5.18 million, the highest level since November 2009, while new home sales rose 2.1% in May to a 476k unit annual pace, the highest level in nearly five years. As homes sell, new ones are being built. Bank of America expects housing starts to average 1.25 million next year with risks to the upside.

Retail Sales: The much expected "spring swoon" did materialize in the consumer spending arena. After February's healthy 1.1% gain, shoppers apparently took a breather. In March, sales *fell* by 0.3% before rebounding by a tiny 0.1% in April. May retail sales increased by 0.6%, due in large part to a big 1.8% rise in auto sales. When the volatile auto and gasoline station components are excluded, sales rose by 0.3%, exactly meeting expectations with what analysts have referred to as the first respectable headline number since February. Auto sales were definitely a bright spot, reaching an annualized unit pace of 15.9 million in June. By comparison, annualized sales in February 2009 were a shockingly low 9 million. Even the big "cash-for-clunkers" government assistance program only managed to goose August 2009 annualized sales to 14.6 million.

- Scott McIntyre, First Southwest Asset Management

SUMMARY DATA

Table 4

PORTFOLIO COMPOSITION Vistancia CFD Bonds, Series 2002*				
Security Type	FY 13 – Q1 Ending 09/30/12	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 3/31/13	FY 13 – Q4 Ending 6/30/13
Money Market	\$8,742	\$10,473	\$19,410	\$21,598
Agency Securities	\$2,044,954	\$2,043,210	\$2,040,118	\$2,037,061
Treasury Notes	\$0	\$0	\$0	\$0
Treasury Bills	\$0	\$0	\$0	\$0
Commercial Paper	\$0	\$0	\$0	\$0
Repurchase Agreements	\$0	\$0	\$0	\$0
Totals:	\$2,053,696	\$2,053,683	\$2,059,528	\$2,058,659
Avg Yield	0.60	0.54	0.51	0.51
Avg Maturity (Years)	2.24	1.95	1.68	1.43

* Represents Debt Service Reserve Funds

Table 5

PORTFOLIO COMPOSITION Vistancia CFD Bonds, Series 2005*				
Security Type	FY 13 – Q1 Ending 09/30/12	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 03/31/13	FY 13 – Q4 Ending 06/30/13
Money Market	\$0	\$5,481	\$9,356	\$6,127
Agency Securities	\$2,357,189	\$2,357,086	\$2,355,637	\$2,354,039
Treasury Notes	\$0	\$0	\$0	\$0
Treasury Bills	\$0	\$0	\$0	\$0
Commercial Paper	\$0	\$0	\$0	\$0
Repurchase Agreements	\$0	\$0	\$0	\$0
Totals:	\$2,357,189	\$2,362,567	\$2,364,993	\$2,360,166
Avg Yield	0.69	0.64	0.61	0.46
Avg Maturity (Years)	2.71	2.42	2.15	1.90

* Represents Debt Service Reserve Funds

Table 6

PORTFOLIO COMPOSITION				
Vistancia CFD Bonds, Series 2006				
Security Type	FY 13 – Q1 Ending 09/30/12	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 03/31/13	FY 13 – Q4 Ending 06/30/13
Money Market	\$3,103,890	\$3,165,981	\$1,885,581	\$2,941,587
Agency Securities	\$6,153,625	\$6,129,079	\$5,603,048	\$5,578,575
Treasury Notes	\$0	\$0	\$0	\$0
Treasury Bills	\$0	\$0	\$0	\$0
Commercial Paper	\$4,493,833	\$4,493,497	\$3,993,547	\$2,997,160
Repurchase Agreements	\$0	\$0	\$0	\$0
Totals:	\$13,751,348	\$13,788,557	\$11,482,176	\$11,517,322
Avg Yield	0.33	0.27	0.24	0.22
Avg Maturity (Years)	0.59	0.61	0.52	0.48

Vistancia CFD

Detail of Security Holdings

As of 06/30/2013

CUSIP	Settle Date	Sec. Type	Sec. Description	CPN	Mty Date	Next Call	Call Type	Par Value	Purch Price	Orig Cost	Book Value	Mkt Price	Market Value	Days to Mty
Vistancia Project 2002 - Debt Service Re														
WF-ADVG0V		MMF	Wells Fargo Adv Govt MMF					21,598.27	100.000	21,598.27	21,598.27	100.000	21,598.27	1
3135G0BR3	11/29/12	AGCY BULET	FNMA	0.500	08/09/13			500,000.00	100.214	501,070.00	500,162.69	100.040	500,200.00	40
31398A3G5	03/29/12	AGCY BULET	FNMA	1.500	09/08/14			1,025,000.00	102.382	1,049,415.50	1,036,897.97	101.270	1,038,017.50	435
3133EAUE6	07/26/12	AGCY CALL	FFCB	0.875	06/14/16	Anytime	CONT	500,000.00	100.150	500,750.00	500,000.00	100.000	500,000.00	1,080
Total for Vistancia Project 2002 - Debt Service Re										2,072,833.77	2,058,658.93		2,059,815.77	491
Vistancia Project 2005 - Reserve Fund														
WF-ADVG0V		MMF	Wells Fargo Adv Govt MMF					6,127.18	100.000	6,127.18	6,127.18	100.000	6,127.18	1
3135G0BR3	11/29/12	AGCY BULET	FNMA	0.500	08/09/13			500,000.00	100.214	501,070.00	500,162.69	100.040	500,200.00	40
31398A3G5	03/29/12	AGCY BULET	FNMA	1.500	09/08/14			350,000.00	102.382	358,337.00	354,062.72	101.270	354,445.00	435
3135G0WH2	04/30/13	AGCY CALL	FNMA	0.375	10/29/15	10/29/13	ORTLY	1,000,000.00	99.980	999,800.00	999,813.52	99.590	995,900.00	851
3133EAUE6	07/26/12	AGCY CALL	FFCB	0.875	06/14/16	Anytime	CONT	500,000.00	100.150	500,750.00	500,000.00	100.000	500,000.00	1,080
Total for Vistancia Project 2005 - Reserve Fund										2,366,084.18	2,360,166.11		2,356,672.18	663
Vistancia Project 2006 - Construction														
WF-ADVG0V		MMF	Wells Fargo Adv Govt MMF					2,941,586.78	100.000	2,941,586.78	2,941,586.78	100.000	2,941,586.78	1
89233GUH7	10/23/12	CP - DISC	Toyota Mtr Cr		07/17/13			1,500,000.00	99.770	1,496,551.25	1,499,793.33	99.993	1,499,901.00	17
313397NG2	03/28/13	AGCY DISCO	FHLMC		10/22/13			1,500,000.00	99.922	1,498,830.00	1,499,364.38	99.980	1,499,700.00	114
3024A0Z65	03/12/13	CP - DISC	FCAR Owner Trust		12/06/13			1,500,000.00	99.701	1,495,516.67	1,497,366.66	99.859	1,497,880.50	159
3128X23A1	09/26/12	AGCY BULET	FHLMC	4.500	04/02/14			2,000,000.00	106.334	2,126,680.00	2,062,942.96	103.160	2,063,200.00	276
3135G0BJ1	09/26/12	AGCY BULET	FNMA	1.125	06/27/14			2,000,000.00	101.440	2,028,800.00	2,016,268.20	100.900	2,018,000.00	362
Total for Vistancia Project 2006 - Construction										11,587,964.70	11,517,322.31		11,520,268.28	151
Total for Vistancia CFD										15,844,312.23	15,936,147.35		15,936,756.23	271



Security Acronyms:

AGCY – DISCO	Agency Discount Note
AGCY – BULET	Agency Bullet
AGCY – CALL	Agency Callable Note
AGCY – STEP	Agency Step-Up Note
CP – DISC	Commercial Paper Discounted
FFCB	Federal Farm Credit Bank
FHLB	Federal Home Loan Bank
FNMA	Federal National Mortgage Association or “Fannie Mae”
FHLMC	Federal Home Loan Mortgage Corporation or “Freddie Mac”
FCAR Owner Trust	Ford Credit Asset Receivable
GE Capital Corp	General Electric Capital Corp
MMF	Money Market Fund

Security Definitions:

Agency Notes - A debt security issued by a federal or federally sponsored agency. These are widely considered to be among the safest types of fixed income securities, although they are not explicitly guaranteed by the Federal government, there is a market peerception that there is an implicit government guarantee. The following are Government-Related Enterprises, originally created by an act of Congress: Federal Farm Credit Bank, Federal Home Loan Bank, Federal National Mortgage Association (Fannie Mae) and Federal Home Loan Mortgage Corporation (Freddie Mac).

Federal Farm Credit Bank (FFCB) - The Federal Farm Credit Bank System is the oldest of the government sponsored enterprises, created by an act of congress in 1916. Its mission is to provide a reliable and low cost source of funds to support agriculture in the United States. FFCB debt obligations are highly liquid and its senior debt is AAA-rated. Yields on FFCB obligations are often slightly lower than yields on FHLB, FNMA or FHLMC obligations because they issue fewer bonds and are in demand as portfolio diversifiers.

Federal Home Loan Bank (FHLB) - The Federal Home Loan Bank system was created by an act of Congress in 1932 as a system of 12 regional banks that provide funds to its member banks. FHLB's primary mission is to support residential and community lending. Its membership of more than 8,000 financial institutions includes savings banks, commercial banks, credit unions and insurance companies active in housing finance. FHLB debt obligations are highly liquid and its senior debt is AAA-rated.

Federal National Mortgage Association (FNMA or "Fannie Mae") - Fannie Mae was chartered in 1938 under the Federal National Mortgage Association Act to provide a secondary market for mortgage loans in the United States, by purchasing existing home loans and pooling them together to create mortgage-backed securities that can then be sold to investors, along with a guaranty of the timely payment of principal and interest on the underlying loans. Fannie Mae was privatized in 1968, and operated as a private stockholder-owned company for 40 years before the housing market collapse forced them into federal government conservatorship in September 2008. Fannie Mae currently continues operation under government control and has been instrumental in the government's attempts to revive the housing sector. Fannie Mae debt obligations are highly liquid and its senior debt is AAA-rated.

Federal Home Loan Mortgage Corporation (FHLMC or "Freddie Mac") - Freddie Mac was created by an act of Congress in 1970 as a shareholder-owned company to further expand the secondary market for mortgage loans in the United States. Freddie Mac buys existing mortgages and pools them together to create mortgage-backed securities that can then be sold to investors, thereby providing liquidity to lenders who can then make additional loans. Along with Fannie Mae, Freddie Mac was placed into government conservatorship in September 2008, but continues full operations under government control and has been instrumental in the government's attempt to revive the housing sector. Freddie Mac securities are highly liquid and its senior debt is AAA-rated.

Agency Bullet- An agency security that matures at a single point in time and does not feature a call option. This security will earn a fixed rate of interest and the entire face value will be returned to the investor at maturity. The security does not amortize or make periodic payments of principal.

Agency Callable - An agency security where the issuer has the option to call the security away, or redeem it, prior to maturity. This allows the issuer to return principal to the investor prior to the stated maturity date.

Agency Discount Note - Similar to a Treasury Bill, an agency discount note is a zero coupon bond sold at a discount to face value. At maturity the investor will receive face value. The income earned is the difference between the cost paid for the security and its face value.

Agency Step-Up Note - An agency security that provides for the fixed rate of interest to adjust, or “step-up” at predetermined intervals based on a specific schedule. The schedule may include one or several rate adjustments over the life of the security. In most cases, the security is also callable at the step-up dates.

Commerical Paper – An unsecured short –term promissory note issued by corporations, with maturities ranging from 2 to 270 days. Examples of commercial paper include Ford Credit Asset Receivable, General Electric Capital Corporation, Johns Hopkins Health System and Toyota Motor Credit.

Treasury Bill – Short-term U.S. government non-interest bearing debt securities with maturities of no longer than one year and issued in minimum denominations of \$10,000.

Treasury Note - U.S. government debt securities with maturities of ten years or longer, and issued in minimum denominations of \$1,000.