

City Council Meeting Notice & Agenda



Tuesday, November 19, 2013
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345

Special Meeting & Study Session

5:00 P.M. Convene

Roll Call

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: (a) discussion and consultation with designated representatives of the public body pertaining to acquisition of property in and around Vistancia pursuant to A.R.S. §38-431.03.A.7; (b) discussion and consultation with legal counsel and designated representatives of the public body for legal advice pertaining to contract negotiations related to property in and around Vistancia pursuant to A.R.S. §38-431.03.A.7; and (c) discussion and consultation with legal counsel for legal advice pertaining to multiple transactions in the Vistancia Commerical Core, pursuant to A.R.S. §38-431.03.A.7.

Study Session Agenda

Subject(s) for Discussion Only

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

2. Palm Canyon Planned Area Development Amendment - Static Billboards

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

3. An Executive Session for the purpose of: (a) discussion and consultation with designated representatives of the public body pertaining to acquisition of property in and around Vistancia pursuant to A.R.S. §38-431.03.A.7; (b) discussion and consultation with legal counsel and designated representatives of the public body for legal advice pertaining to contract negotiations related to property in and around Vistancia pursuant to A.R.S. §38-431.03.A.7; and (c) discussion and consultation with legal counsel for legal advice pertaining to multiple transactions in the Vistancia Commerical Core pursuant to A.R.S. §38-431.03.A.7.

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.

Amendment #1 – November 18, 2013

Regular Meeting

7:00 P.M. Convene

Pledge of Allegiance

Roll Call

Final Call To Submit Speaker Request Forms

Presentation

4. 13th Annual Celebrate the Constitution Contest

Consent Agenda

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

Consent

5C. **Disposition of Absence**

Discussion and possible action to approve the absence of Councilmember Cathy Carlat from the Regular Meeting held at 7:00 p.m. on November 5, 2013.

6C. **Minutes**

Discussion and possible action to approve the following minutes:

- September 17, 2013 Meeting Minutes
- October 1, 2013 Meeting Minutes

7C. **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. 2013-181** appointing Brian Wiley, as a regular member, to the Municipal Development Authority, and
- Adopt **RES. 2013-182** appointing Gloria Migal, as an alternate member, to the Personnel Board.

8C. **Grant, Arizona Automobile Theft Authority, Portable License Plate Reader**

Discussion and possible action to: (a) authorize the Peoria Police Department to accept a grant in the amount of \$15,795 from the Arizona Automobile Theft Authority to purchase a portable license plate reader; and (b) approve a budget amendment from the proposed Grant Contingency account to the Arizona Automobile Theft Authority fund in the amount of \$15,795.

9C. **Contract Amendment, Dibble Engineering, 91st Avenue Street and Drainage Improvements**

Discussion and possible action to: (a) approve Contract Amendment No. 4 for Dibble Engineering to provide design engineering services for the 91st Avenue Street and Drainage Improvements; and (b) approve a budget amendment in the amount of \$32,940 from the General Fund Contingency account to the Water Operating Capital Water System account to provide appropriation for these additional project costs.

10C. **Intergovernmental Agreement Amendment, Arizona Department of Transportation, Proposed Multi-use Trail, Northern Avenue to Olive Avenue**

Discussion and possible action to adopt **RES. 2013-183** approving Amendment One to the Intergovernmental Agreement with the State of Arizona Department of Transportation for the design, construction, and maintenance obligations relating to a proposed multi-use trail path from Northern Avenue to Olive Avenue located along the west bank of the New River and an underpass at the Northern Avenue Bridge at New River.

11C. **Budget Amendment, Finance Department, Utility Billing System, Fiscal Year 2014**

Discussion and possible action to approve a budget amendment in the amount of \$74,000 from the Water Fund contingency account, \$74,000 from the Wastewater Fund contingency account and \$73,000 from the Residential Solid Waste Fund contingency account, totaling \$221,000, to the Northstar Upgrade Project-Other Professional Services account.

12C. **Settlement and Release, Hudson Insurance Company, Scotland Yard Neighborhood Park Performance Bond Claim**

Discussion and possible action to approve the settlement and release with Hudson Insurance Company in the amount of \$240,000 as it relates to the surety bonding for Simmons Construction on the Scotland Yard Neighborhood Park construction project.

13C. **Investment Report, Quarter Ending September 30, 2013**

Discussion and possible action to approve the Investment Report for quarter ending September 30, 2013.

14C. **Maintenance Improvement District No. 1139, The Meadows 4B, 93rd Avenue and Deer Valley Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2013-179** intention and ordering the formation of proposed Maintenance Improvement District No. 1139, The Meadows 4B, located at 93rd Avenue and Deer Valley Road; and adopt **RES. 2013-180** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

15C. **Street Light Improvement District No. 1078, The Meadows Parcel 4B, 93rd Avenue and Deer Valley Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2013-177** intention and ordering the formation of proposed Street Light Improvement District No. 1078, The Meadows, located at 93rd Avenue and Deer Valley Road; and adopt **RES. 2013-178** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

16C. **Deeds and Easements, Various Locations**

Discussion and possible action to adopt **RES. 2013-185** accepting Deeds and Easements for various Real Property interests acquired by the City.

17C. **Designate Roadways, Establish Right-of-Way, Various Locations**

Discussion and possible action to adopt **RES. 2013-186** designating Real Properties to be used as City roadways and authorize the establishment of Public Rights-of-Way to be opened and maintained by the City as a Public Street.

18C. **Replat, Lot 1 Avenida Estates, 79th Avenue and Avenida del Sol**

Discussion and possible action to approve the Replat of Lot 1 Avenida Estates, located at 79th Avenue and Avenida del Sol, subject to stipulations.

19C. **Replat, Vistancia North Village 1, Village 2, and Village 3 Master Final Plat, Vistancia Boulevard**

Discussion and possible action to approve the Replat of Vistancia North Village 1, Village 2, and Village 3 located at Vistancia Boulevard north of the Central Arizona Project, subject to stipulations.

Regular Agenda

New Business

20R. **Palm Canyon Planned Area Development Amendment, Static Billboards**

Discussion and possible action to adopt **RES. 2013-187** opposing the Becker Boards proposal seeking an amendment on the Palm Canyon site in Glendale for the purpose of erecting two static billboards.

21R. **PUBLIC HEARING - Liquor License, Grande Pizza, 8996 West Union Hills Road Suite #105**

PUBLIC HEARING: RE: (a) A New Restaurant Liquor License (Series 12) for Grande Pizza located at 8996 West Union Hills Road Suite #105, Sadik Ollomani, Applicant, LL#20009149; and (b) a location transfer for an On-Sale Beer and Wine Liquor License (Series 07) for Grande Pizza, located at 8996 West Union Hills Road Suite #105, Sadik Ollomani, Applicant, LL#20009149.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to recommend approval to the State Liquor Board for: (a) A New Restaurant Liquor License (Series 12) for Grande Pizza located at 8996 West Union Hills Road Suite #105, Sadik Ollomani, Applicant, LL#20009149; and (b) a location transfer for an On-Sale Beer and Wine Liquor License (Series 07) for Grande Pizza, located at 8996 West Union Hills Road Suite #105, Sadik Ollomani, Applicant, LL#20009149.

22R. **PUBLIC HEARING - Old Town Specific Area Plan Amendment, Land Use Map, Grand Manor, 88th Drive and Grand Avenue**

PUBLIC HEARING: RE: A request for a minor amendment to the Old Town Specific Area Plan Land Use Map for approximately 17.9 acres of land located at the southwest corner of 88th Drive and Grand Avenue from Old Town Medium-High Density Residential (18-25 du/ac, target 20 du/ac) to Old Town Medium Density Residential (5-18 du/ac, target 12 du/ac).

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to concur with the Planning and Zoning Commission's recommendation to adopt **RES. 2013-184**, approving an amendment to the Old Town Specific Area Plan Land Use Map for approximately 17.9 acres located at the southwest corner of 88th Drive and Grand Avenue from Old Town Medium-High Density Residential (18-25 du/ac, target 20 du/ac) to Old Town Medium Density Residential (5-18 du/ac, target 12 du/ac).

23R. **PUBLIC HEARING - Major Planned Area Development Amendment, 88th Drive and Grand Avenue**

PUBLIC HEARING: RE: A request for a major amendment to a Planned Area Development encompassing 17.9 acres located at the southwest corner of 88th Drive and Grand Avenue to decrease the allowable density and change the character of the development standards from multi-family condominiums to a detached single-family residential development.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to adopt **ORD. 2013-24** approving a major amendment to a Planned Area Development encompassing 17.9 acres located at the southwest corner of 88th Drive and Grand Avenue to decrease the allowable density and change the character of the development standards from multi-family condominiums to a detached single-family residential development.

24R. **PUBLIC HEARING - Rezoning, 107th Avenue and Happy Valley Parkway**

PUBLIC HEARING: RE: A request to consider a major amendment to the Tierra del Rio Planned Area Development rezoning three parcels of land, totaling 71.2 acres, from Commercial Planned Area Development to Single-Family Residential Planned Area Development.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to adopt **ORD.2013-25** rezoning approximately 71.2 acres of land, located on the southwest and southeast corners of 107th Avenue and Happy Valley Parkway, from Commercial Planned Area Development to Single-Family Residential Planned Area Development as proposed under zoning case number Z04-34A.7.

25R. **Grant, Arizona Sports and Tourism Authority, Fiscal Year 2014**

Discussion and possible action to: (a) approve the Arizona Sports and Tourism Authority Fiscal Year 2014 Biennial Grant Funding agreement; and (b) approve a budget amendment in the amount of \$127,008 from the proposed Grant Contingency account to the Parks and Right-of-Way Improvement account.

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

26. **Council Calendar**

27. **Reports with Presentation**

A. Valley of the Sun United Way 2013 Campaign

28. **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. 27th Annual Peoria's Oldtown Holiday 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.

29C. **Minutes**

Discussion and possible action to approve the September 3, 2013 Special Meeting minutes.

30C. **Investment Report, Quarter Ending September 30, 2013**

Discussion and possible action to approve the Investment Report for the Quarter Ending September 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**

Agenda Item: 2

Date Prepared: November 12, 2013

Council Meeting Date: November 19, 2013

TO: Carl Swenson, City Manager

FROM: Chris Jacques AICP, Planning & Community Development Director
John Schell, Intergovernmental Affairs Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: Palm Canyon PAD Amendment – Static Billboards (Glendale)
NWC Loop 101 & Bell Road
STUDY SESSION

Purpose:

This is a request for City Council to review and discuss information provided by staff pertaining to a Resolution on the Regular Agenda opposing the Becker Boards proposal seeking a PAD Amendment on the Palm Canyon site in Glendale for the purpose of erecting two (2) static billboards.

Background/Summary:

Rose Law Group, on behalf of Becker Boards, has proposed to amend the PAD zoning for the Palm Canyon site to enable the erection of two (2) eighty-five foot tall static (non-digital) billboards, each at 672 square feet (14' x 48') in area. The Palm Canyon site, located within the City of Glendale, is approximately 26 acres in size and is bounded by Loop 101 (east), Bell Road (south), New River (west) and 83rd Avenue (north). Palm Canyon is entitled as a future two-story office development. Approximately 12.7 acres of the overall site were located within the City of Peoria prior to a cooperative de-annexation/annexation action with the City of Glendale in 2007.

One of the two placements would be located within 730' of the single-family residential neighborhood of Bell Park. This case has provoked significant opposition from constituents in area neighborhoods from both Peoria and Glendale.

On September 17, 2013, the Glendale City Council held a workshop wherein they broadly discussed the location of static and digital billboards in Glendale, including the appropriateness of reopening their recently adopted Digital Billboard Ordinance at this time. The Council consensus was against re-opening the Ordinance at this time.

Separately, the Palm Canyon PAD request has continued to move forward for consideration. In response, staff prepared a technical letter opposing the request on grounds that it was inconsistent with the Digital Billboard Ordinance, Zoning Ordinance and the spirit of the 2007 cooperative de-annexation (see attached Letter). The Glendale Planning & Zoning Commission held a workshop on November 7, 2013. No testimony was received. A full public hearing before the Glendale Planning & Zoning Commission is scheduled for December 5, 2013. The Planning & Zoning Commission is charged with making a recommendation to the full City Council, wherein the decision ultimately resides.

The purpose of the Study Session is to fully apprise Council of the application and constituent and City concerns; and a proposed Resolution in opposition from the full Council, scheduled for the regular session, should the Council elect to proceed in this manner.

Previous Actions: None

Options:

- A:** Take action on the draft Resolution (as part of the regular session) opposing the Palm Canyons PAD Amendment for two (2) static billboard placements; or
- B:** Direct that no further action be taken.

Staff's Recommendation:

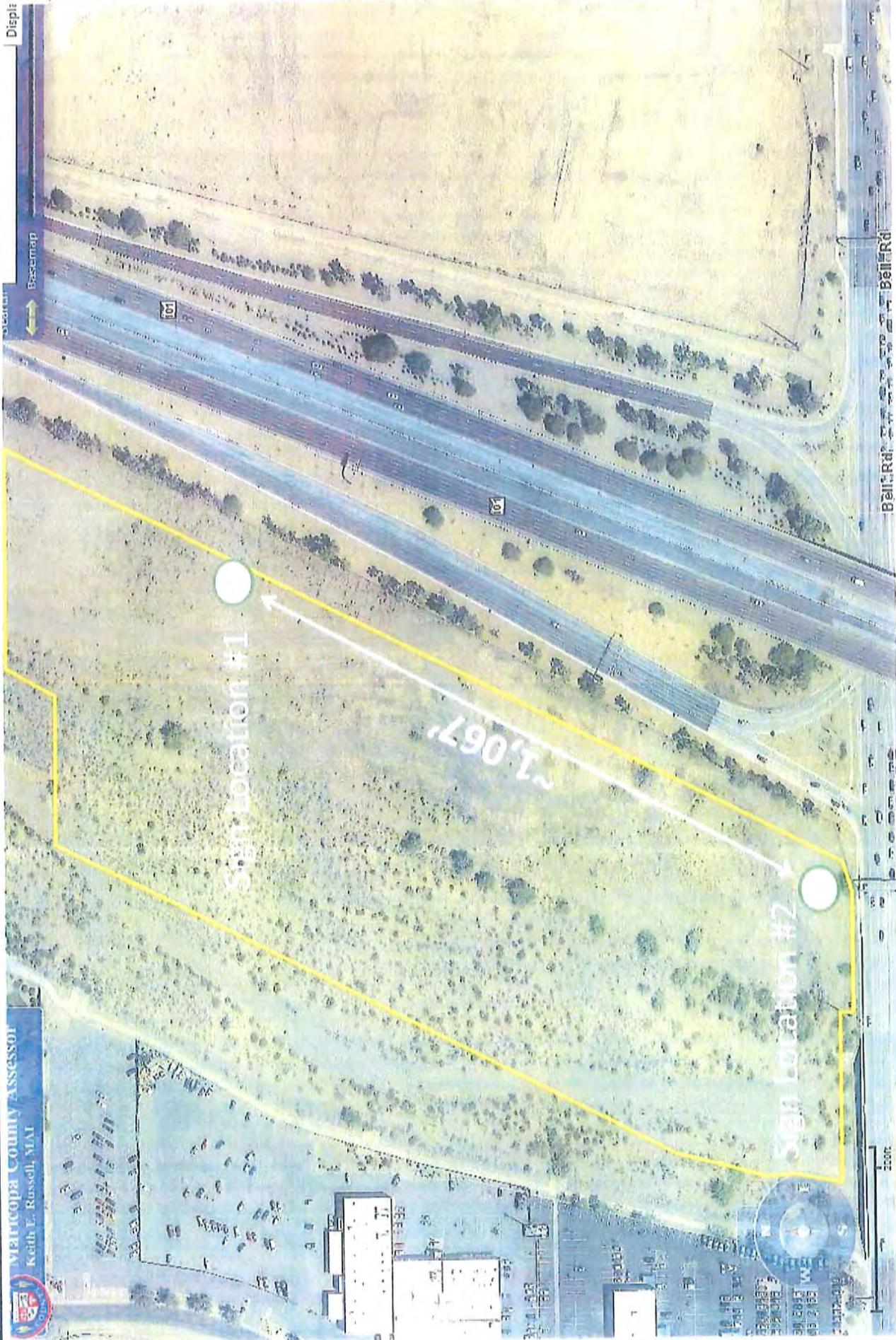
If Council desires to oppose this case, a Resolution has been prepared and placed on the Regular Agenda for due consideration.

Fiscal Analysis:

None.

Exhibit(s):

- Exhibit 1:** Proposed placements and sign elevations
- Exhibit 2:** Letter from Chris Jacques, Planning & Community Development Director, dated October 28, 2013.

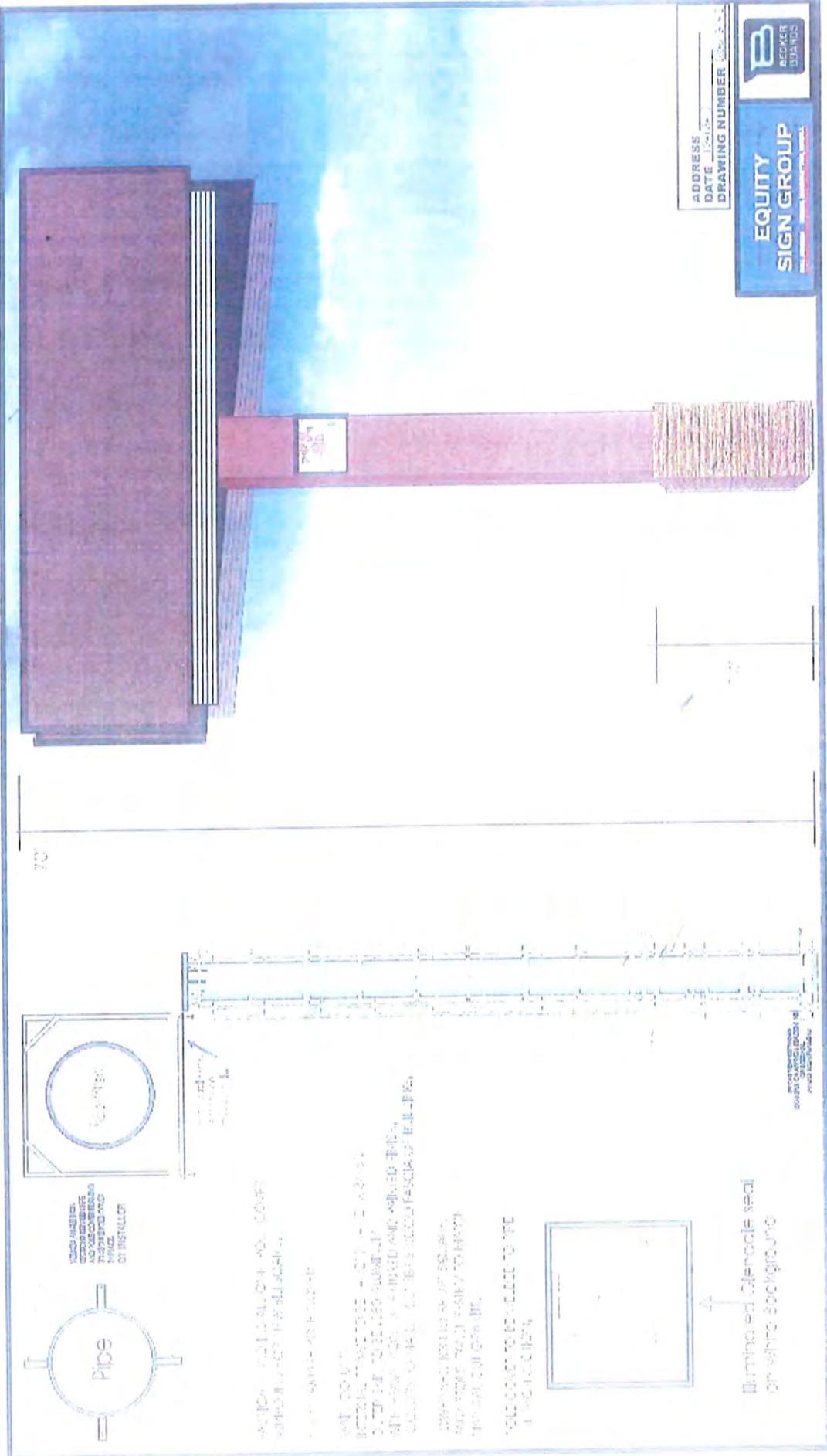


February 2013
ROSE LAW GROUP
PC

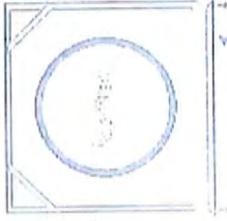
Palm Canyon Business Park PAD Amendment

Exhibit D - Conceptual Sign Location Map

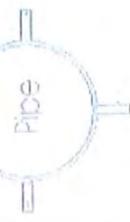




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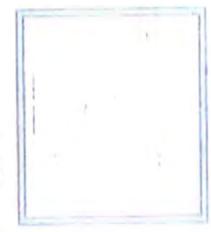
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 DATE 12-1-13
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Palm Canyon Business Park PAD Amendment
 Exhibit E – Rendering of the Proposed Billboard Design

February 2013

ROSE LAW GROUP
 PC



Palm Canyon Business Park PAD Amendment
 Exhibit F – Palm Canyon Conceptual Site Plan

February 2013

ROSE LAW GROUP
PC





City of Peoria

**PLANNING AND COMMUNITY
DEVELOPMENT**

9875 North 85th Avenue
Peoria, Arizona 85345
MAIL 8401 West Monroe Street
T 623.773.7209
F 623.773.7233
planning@peoriaaz.gov

October 28, 2013

Glendale Planning Department
c/o Jon Froke, AICP, Planning Director
5850 West Glendale Avenue,
Suite 212
Glendale, Arizona 85301-2599

RE: Case ZON13-04 Opposition to Palm Canyon PAD Amendment – static billboards
NWC Loop 101 & Bell Road

Mr. Froke:

This letter pertains to the request by Becker Boards through Rose Law Group to amend the Palm Canyon PAD to permit two (2) static billboards. As you know, on September 17, 2013, the Glendale City Council held a workshop wherein they broadly discussed the location of static and digital billboards in the City and provided guidance to the appropriateness of reopening the recently adopted Digital Billboard Ordinance (ZTA 11-01). In its report to the Council, staff found the "existing ordinance appropriate and well founded." In that session, Council agreed with staff with a consensus against reopening the Ordinance at this time.

Quite frankly, with that discussion in mind -- and the significant opposition expressed hereto on this case from area Peoria and Glendale residents alike, including Councilmembers Edwards and Martinez from the affected districts -- we were surprised to learn that the applicant has continued its pursuit of a PAD Amendment. Accordingly, the City of Peoria desires to be formally on record opposing this PAD Amendment.

While the request here is for *static billboard* placements, we believe last year's ordinance established billboard policy along the Loop 101 in Glendale. This request is inconsistent with the spirit and intent of that action; it also circumvents and trivializes the extensive staff effort and public outreach process. This case has provoked overwhelming opposition from the onset from constituents in both communities. Whether it is digital or static, the proposed placements are visually intrusive and negatively impact surrounding neighborhoods.

We understand the nature of PAD's and the inherent flexibility that they carry. Nonetheless, requests for deviations through the PAD vehicle should not be considered outside the prism of public policy and/or the regular directives provided through the

Zoning Ordinance. From a technical standpoint, the City of Peoria believes the request is not only *not* in conformance with the Digital Billboard Ordinance – but also *not* in conformance with the regulatory structure provided through the Zoning Ordinance. Finally, we believe the request is inconsistent with the cooperative spirit of the 2007 de-annexation effort.

Request is inconsistent with the 2007 De-Annexation

As you know, the parcels where the billboards are proposed to be located was in the City of Peoria until June 5, 2007. At that time, the City of Peoria agreed to cede jurisdiction of the parcel to the City of Glendale as part of a broad effort to create a more logical boundary between Glendale and Peoria in this area. Moreover, when the parcel was ceded to Glendale, it was understood that it would be developed under Glendale's PAD for a proposed two-story condominium office project. Given the site and access constraints and proximity to residential uses, Peoria was in full support of the office project. As we had understood, the project would not have any signage along Bell Road or the Loop 101 and the PAD zoning/NVSAP would permit signage at the entry at 83rd Avenue. The signage would identify on-site center/businesses with a character and standards befitting a nice transitional office project.

In contrast, the 85 foot high billboards are visually dominant and out-of-scale to the future office development. *Moreover, the billboards functionally provide off-site advertising and are not intended to serve the on-site office development needs.* This request was certainly not contemplated when the cooperative de-annexation occurred.

Request is inconsistent with the Digital Billboard Ordinance (ZTA11-01)

After an extensive public process, the Glendale City Council adopted an Ordinance constraining new digital billboard placements to appropriately qualifying locations along the Loop 101 between Camelback Road and Northern, generally within its 'Sports and Entertainment District.' In that regard, we believe that Glendale developed a strong ordinance with standards in place to protect neighborhoods, maximize safety and balance economic development with quality of life.

While the Becker request is for *static* billboards, the request is inconsistent with the spirit and intent of that Ordinance, and if approved, weakens and dilutes the good work that was performed. More specifically, this request violates several key provisions:

- Palm Canyon site is not a qualifying site along the Loop 101; and
- The proposed height allowance of 85 feet is well beyond the 60 feet permitted in the DB Ordinance; and
- The northern placement is located within 730 feet of a single-family residentially zoned property. The Bell Park neighborhood is zoned PAD-Single-Family Residential; and
- The placements are spaced within 1,067 feet of another, well short of the minimum 1,760 foot spacing required by the Ordinance.

Incidentally, as you know, over the last few years, the City of Peoria has been engaged in a public process exploring community preferences and attitudes on the digital billboard ordinance. To be clear, at this time, the City has not made any decision to proceed forward with a DB Ordinance. Should the city elect to move forward, we would certainly look to Glendale as an model example with a strong ordinance in place.

Request violates the Glendale Zoning Ordinance

We believe static billboards are an aging technology that over time and through weatherization further degrades the visual appeal. In the September 17 Council Work Session, a councilmember in support of reopening the Ordinance, even remarked that "static billboards were a step backwards." Moreover, we believe your Zoning Ordinance implicitly recognizes this value with provisions designed to check the proliferation of such signs by relegating new placements to industrial districts and requiring a comensurate removal of an existing static billboard. Even if we set aside the spirit and intent of the DB Ordinance and review the request against current requirements, it violates several key provisions in the Zoning Ordinance:

- Per Section 7.106(A), billboards are only permitted in the M-1 and M-2 Zoning districts (Light/Heavy Industrial), This site is zoned (PAD Office) and designated as General Office on the NVSAP; and
- The proposed billboard height allowance of 85 feet is well beyond the 25 feet permitted for static billboards per 7.106(D)(5) or 8' permitted for GO Freestanding Signs per 7.104(B); and
- The sign area of 672 SF is well beyond the 300 SF permitted for static billboards or more appropriately the 48 SF permitted for an office freestanding sign; and
- Section 7.106(C) prohibits the construction of new billboards unless evidence has been furnished supporting the corresponding removal of an existing static billboard in the City. We are unaware of any such action or commitment.

In closing, we appreciate the opportunity to comment on this proposal and look forward to the continuation of a productive dialogue between our communities on issues of mutual importance. As always, thank you for your assistance and your attention to this matter.

Sincerely,



Chris M. Jacques, AICP
Planning & Community Development Director

Cc: Carl Swenson, City Manager
Susan J. Daluddung, Deputy City Manager
Jeff Tyne, Deputy City Manager
Bo Larsen, Public Information Director

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 4

Date Prepared: September 16, 2013

Council Meeting Date: November 19, 2013

TO: Carl Swenson, City Manager

FROM: Briana Decker, Council Assistant

THROUGH: Tammy Shreeve, Council Office and Grant Program Manager

SUBJECT: 13th Annual Celebrate the Constitution Contest

Purpose:

This is a request for City Council to acknowledge the students who won the 13th Annual Celebrate the Constitution Contest.

Background/Summary:

For the past 13 years, the City of Peoria has organized a Constitution Contest for Peoria students as a way to celebrate the U.S. Constitution.

The purpose of the contest is to promote an understanding of the United States Constitution to school aged children. Councilmember Cathy Carlat and Peoria resident Joan Evans have aligned the grade appropriate topics to the State Social Studies Standards. Students in kindergarten must create a poster illustrating what America means to them. Students in first through fourth grades must illustrate on a poster and include one to four sentences on what America means to them. Fifth through eighth grade students must write an essay on which of the Bill of Rights is most important in their daily life, and why. Students in the ninth through twelfth grades must write an essay on which of the Bill of Rights is most important in their daily life, and why.

The entries were collected and judged by individual teachers as well as select City of Peoria representatives. The City Council will recognize the students that won first, second, and third place in each category, during the November 19, 2013 Council meeting. The winners will receive Target gift certificates. A \$1,500 college scholarship will be presented to a high school junior or senior as a grand prize for the event.

Previous Actions:

No previous actions taken or required.

Staff's Recommendation:

Staff recommendation is to announce the winners of the U.S. Constitution Contest at the Council Meeting on November 19, 2013.

Fiscal Analysis:

NA

Narrative:

NA

Exhibit(s):

NA

Contact Name and Number: Briana Decker (623) 773-5133

The City of Peoria's Thirteenth Annual Celebrate the Constitution Contest

Winners will receive a Target gift certificate – to be awarded at the Peoria City Council meeting and seen live on Peoria's Channel 11 on Tuesday, November 19th at 7 p.m.

Kindergarten

Create a poster: "What does America mean to me?"

First place: \$100 gift certificate

Second place: \$50 gift certificate

Third place: \$25 gift certificate

- ★ Illustrate your response on an 11" x 17" poster – no glitter please – any 3-D effects should be child created
- ★ Place your name, home address, phone number, grade, teacher's name, and school name on the back of the poster.

First through Fourth

Using 1 to 4 sentences, describe: "What does America mean to me?"

First, second, and third place prizes will be awarded for two groups – grades 1 & 2 and grades 3 & 4.*

First place: \$200 gift certificate

Second place: \$100 gift certificate

Third place: \$50 gift certificate

- ★ Illustrate your response on an 11" X 17" poster and describe using 1-4 sentences – no glitter please – any 3-D effects should be child created
- ★ Place your name, home address, phone number, grade, teacher's name, and school name on the back of the poster.

Fifth through Eighth

Essay subject: "Which of the Bill of Rights is most important in my daily life and why?"

First, second, and third place prizes will be awarded for two groups – grades 5 & 6 and grades 7 & 8.*

First place: \$200 gift certificate

Second place: \$100 gift certificate

Third place: \$50 gift certificate

- ★ Essays with supporting claims must be typed on 2 pages or less (8.5" x 11" sheet, 1 side only, 1" margins, 12 point type).
- ★ Place your name, home address, phone number, grade, teacher's name, and school name at the top of each page.

Win
A
Target
Gift
Certificate!

ATTENTION STUDENTS

SUBMIT YOUR ENTRY TO YOUR TEACHER, FOR FORWARDING TO THE SCHOOL DISTRICT'S PUBLIC RELATION'S OFFICE BY THURSDAY, OCTOBER 17TH!

*TO BE ELIGIBLE TO WIN YOU MUST BE A CITY OF PEORIA RESIDENT.

The City of Peoria's

Thirteenth Annual

Celebrate the Constitution Contest

Winners will receive a Target gift certificate - to be awarded at the Peoria City Council meeting and seen live on Peoria's Channel 11 on Tuesday, November 19th at 7 p.m.

Ninth through Twelfth

ESSAY SUBJECT: "Which of the Bill of Rights is most important in my daily life and why?"

- ★ First Amendment responses will not be considered.
- ★ Essays with supporting claims, logical reasoning, and evidence must be typed on 2 pages or less. (8.5" x 11" sheet, 1 side only, 1" margins, 12 point type.)
- ★ Place your name, home address, phone number, grade, teacher's name, and school name at the top of each page.

First, second, and third place prizes will be awarded for two groups - grades 9 & 10 and grades 11 & 12.*

First place: \$200 gift certificate

Second place: \$100 gift certificate

Third place: \$50 gift certificate

Grand Prize -

\$1,500 College Scholarship

The author of the 11th or 12th grade essay selected as the "best of the bunch" will receive a \$1,500 scholarship to the college of their choice!

ATTENTION STUDENTS

SUBMIT YOUR ENTRY TO YOUR TEACHER, FOR FORWARDING TO THE SCHOOL DISTRICT'S PUBLIC RELATION'S OFFICE BY THURSDAY, OCTOBER 17TH!

*TO BE ELIGIBLE TO WIN YOU MUST BE A CITY OF PEORIA RESIDENT.

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
September 17, 2013

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

Members Present: Mayor Bob Barrett; Vice Mayor Tony Rivero; Councilmembers Ron Aames, Cathy Carlat, Jon Edwards, Carlo Leone and Bill Patena.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Roy Minter, Police Chief; and John Sefton, Community Services Director.

Audience: Approximately five members of the public were present.

CONSENT AGENDA

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

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

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

Authorized 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.

ADJOURNMENT:

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

A **Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:45 p.m.

Members Present: Mayor Bob Barrett; Vice Mayor Tony Rivero; Councilmembers Ron Aames, Cathy Carlat, Jon Edwards, Carlo Leone and Bill Patena.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Roy Minter, Police Chief; John Sefton, Community Services Director; and Scott Whyte, Economic Development Services Director.

Audience: Approximately ten members of the public were present.

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

STUDY SESSION AGENDA

Subject(s) for Discussion Only

2. P83 Entertainment District Streetscape Improvements Update

Scott Whyte, Economic Development Services Director, provided background regarding the P83 Entertainment District Streetscape Improvements and introduced the proposed P83 website.

Andy Granger, Engineering Director, discussed planned Phase I Improvements including:

- Monumentation at major intersections
- Wayfinding signage
- Landscaped medians
- Pedestrian crossings
- Future possibilities

Mr. Granger outlined the options and locations for monumentation and signage. Concept options included:

- Concrete
- Gabion
- Metal

Discussion ensued regarding:

- Sign visibility
- Sign distraction
- Size of proposed signage
- Cost
- Reflection of metal signs
- Signage consistency

Mr. Granger discussed the feedback received from both residents and business owners regarding signage. Mr. Granger provided the following public input results:

- 62 percent – concrete concept
- 23 percent – gabion concept
- 15 percent – metal concept

Mr. Granger presented a design concept that incorporates the concrete and gabion options.

Mr. Granger outlined the landscaping concepts and the pedestrian crossing options.

Discussion ensued regarding:

- Landscape maintenance
- Shade in the pedestrian crossing
- Budget

Mr. Granger reviewed the project schedule, next steps and funding for the project.

Mike Oliver addressed Council regarding the P83 design concept and the Skunk Creek Bridge, cautioning about the scale of the signage and avoiding monotone colors.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 6:31 p.m.

EXECUTIVE SESSION AGENDA

3. An Executive Session was convened immediately following the Special City Council Meeting pursuant to A.R.S. 38-431.03 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.

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

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

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

Members Present: Mayor Bob Barrett; Vice Mayor Tony Rivero; Councilmembers Ron Aames, Cathy Carlat, Jon Edwards, Carlo Leone and Bill Patena.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; John Imig, Information Technology Director; Stacy Irvine, Deputy Fire Chief; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Brent Mattingly, Finance and Budget Director; Roy Minter, Police Chief; John Sefton, Community Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately 150 members of the public were present.

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

Presentation:

4. Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the September 3, 2013 City Council meeting:

Mayor Barrett and Councilmember Carlat presented Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the September 3, 2013 City Council meeting:

- Eva Osuna to the Arts Commission,
- Michael Meek to the Board of Adjustment,
- Scott Hennecke to the Building Board of Appeals,
- Brian Greathouse to the Industrial Development Authority,
- Nelson Benton to the Library Board,
- Michael Bailey to the Planning and Zoning Commission,
- Annalee Boyle to the Youth Advisory Board,
- Christopher Camacho to the Youth Advisory Board,
- Michael Helt to the Youth Advisory Board,
- Holden Jacobs to the Youth Advisory Board,
- Matthew Marquez to the Youth Advisory Board,
- Madison Mendoza to the Youth Advisory Board, and
- Erin Madonia to the Youth Advisory Board.

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.

Mayor Barrett asked if any Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Councilmember Aames, seconded by Councilmember Leone, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

5C. **Disposition of Absence**

Approved the absence of Vice Mayor Tony Rivero from the Special City Council meeting held at 5:00 p.m. on September 3, 2013 and the City Council Workshop held at 8:30 a.m. on September 6, 2013.

6C. **Code Amendments, Chapters 14 and 17, Zoning**

ORDINANCE NO. 2013-16

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLE 14-2-2 “DEFINITIONS”, ARTICLE 14-3-5 “GENERAL PROVISIONS”, ARTICLE 14-23-3 “PARKING AND LOADING”, ARTICLE 14-34 “SIGNS”, ARTICLE 14-39-6 “ADMINISTRATIVE PROCEDURES”, AND 14-39-8 “ADMINISTRATIVE PROCEDURES” OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

- (a) Adopted **ORD. 2013-16** amending the Peoria Zoning Ordinance (1977 edition) by amending Chapter 14 pertaining to definitions, walls, residential parking, signs, public notifications, and rezoning stipulations, and providing for severability and an effective date; and
- (b) Adopted **ORD. 2013-17** amending Chapter 17 of the Peoria City Code (1992 edition) by amending Chapter 17 pertaining to public nuisances, and providing for severability and an effective date.

7C. **Budget Amendment, Sports Complex, Fiscal Year 2013**

- (a) Approved the use of Half-Cent Fund Reserves in the amount of \$87,000 to supplement the Sports Complex budget for Fiscal Year 2013 and use the Sports Complex Reserves of \$24,000; and

- (b) Approved a budget amendment in the amount of \$87,000 from the Half-Cent Fund Contingency account and \$24,000 from General Fund Contingency Account to the Sports Complex Electricity account.

8C. **Maintenance Improvement District No. 1138, Terramar 10B, Terramar Boulevard and Happy Valley Road**

RESOLUTION NO. 2013-122

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. 1138, TERRAMAR PARCEL 10B, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2013-123

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. 1138, TERRAMAR PARCEL 10B; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

Approved the Petition for Formation and adopted **RES. 2013-122** intention and ordering the formation of proposed Maintenance Improvement District No. 1138, Terramar Parcel 10B, located at Terramar Boulevard north of Happy Valley Road; and adopted **RES. 2013-123** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

9C. **Maintenance Improvement District No. 1136, Tierra Del Rio Parcel 10B, Tierra Del Rio Boulevard and Happy Valley Road**

RESOLUTION NO. 2013-109

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. 1136, TIERRA DEL RIO 10B, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2013-110

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. 1136, TIERRA DEL RIO 10B; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

Approved the Petition for Formation and adopted **RES. 2013-109** intention and ordering the formation of proposed Maintenance Improvement District No. 1136, Tierra Del Rio Parcel 10B, located at Tierra Del Rio Boulevard north of Happy Valley Road; and adopted **RES. 2013-110** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

10C. **Street Light Improvement District No. 1077, Terramar 10B, Terramar Boulevard and Happy Valley Road**

RESOLUTION NO. 2013-120

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. 1077, TERRAMAR PARCEL 10B; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2013-121

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. 1077, TERRAMAR PARCEL 10B PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

Approved the Petition for Formation and adopted **RES. 2013-120** intention and ordering the formation of proposed Street Light Improvement District No. 1077, Terramar Parcel 10B, located at Terramar Boulevard north of Happy Valley Road; and adopted **RES. 2013-121** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

11C. **Street Light Improvement District No. 1075, Tierra Del Rio Parcel 10B, Tierra Del Rio Boulevard and Happy Valley Road**

RESOLUTION NO. 2013-111

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. 1075, TIERRA DEL RIO PARCEL 10B; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2013-112

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. 1075, TIERRA DEL RIO PARCEL 10B PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

Approved the Petition for Formation and adopted **RES. 2013-111** intention and ordering the formation of proposed Street Light Improvement District No. 1075, Tierra Del Rio Parcel 10B, located at Tierra Del Rio Boulevard north of Happy Valley Road; and adopted **RES. 2013-112** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

REGULAR AGENDA

New Business:

- 12R. **Resolution Establishing Policies Governing Wages, Hours, and Working Conditions for American Federation of State, County and Municipal Employees**

RESOLUTION NO. 2013-131

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ESTABLISHING POLICIES AND PROCEDURES GOVERNING WAGES, HOURS AND CONDITIONS OF WORK FOR AFSCME-COVERED POSITIONS BASED ON A DETERMINATION OF THE APPROPRIATE ACTION IN THE PUBLIC INTEREST INCLUDING THAT OF THE EMPLOYEES AND DECLARING AN EMERGENCY OR ALTERNATE EFFECTIVE DATE.

Julie Ayers, Human Resources Director, provided an overview of the City's collaborative history with its bargaining units. Ms. Ayers advised Council that despite 20 joint negotiating sessions with representatives of the American Federation of State, County and Municipal Employees Local 282 (AFSCME), the negotiations were unsuccessful and an impasse was declared on August 11, 2013. Ms. Ayers noted that mediation was offered to AFSCME in accordance with Chapter 19 of the Peoria City Code, but the bargaining unit declined to participate.

Ms. Ayers reviewed the following wage adjustments outlined in the proposed Resolution for all AFSCME-covered positions:

- Establish a 3.5 percent pay increase in Fiscal Year 2014 and Fiscal Year 2015
 - Applies to all eligible members on their anniversary date
 - Increase to be effective upon Council action if the anniversary date has already passed in Fiscal Year 2014
- A one-time lump sum payment of \$850 in both Fiscal Years 2014 and 2015 for covered members at the top of their pay range

Jeff Tyne, Deputy City Manager, provided the City's financial position pertaining to the proposed wage increases.

Randy Cordero, President of AFSCME Local 382, addressed Council in opposition of the percentage increase. Mr. Cordero advised the percentage increase does not give equitable raises to all employees and provides larger increases to employees receiving a higher salary.

Motion was made by Councilmember Patena, seconded by Councilmember Carlat, to adopt **RES. 2013-131** establishing wages, hours and working conditions for American Federation of State, County and Municipal Employees and declaring an emergency or alternate effective date.

Discussion ensued regarding percentage increases, per hour increases and one-time lump sum payments.

Councilmember Aames amended the motion to establish a \$.75 per hour wage increase for all eligible AFSCME members in Fiscal Year 2014 and Fiscal Year 2015 and a one-time lump sum payment of \$850 in Fiscal Year 2014 and Fiscal Year 2015 for covered members at the top of their pay range. The amended motion was seconded by Vice Mayor Rivero.

Upon vote, the amended motion failed 5 to 2 with Mayor Barrett, Councilmember Carlat, Councilmember Edwards, Councilmember Leone and Councilmember Patena voting "no".

Councilmember Leone amended the motion to establish a \$1 per hour wage increase for all eligible AFSCME members in Fiscal Year 2014 and Fiscal Year 2015 retroactive to July 1, 2013 and a one-time lump sum payment of \$1,000 in Fiscal Year 2014 and Fiscal Year 2015 for covered members at the top of their pay range. The amended motion was seconded by Vice Mayor Rivero.

Upon vote, the amended motion failed 5 to 2 with Mayor Barrett, Councilmember Aames, Councilmember Carlat, Councilmember Edwards and Councilmember Patena voting "no".

Upon vote, the main motion to adopt **RES. 2013-131** establishing wages, hours and working conditions for American Federation of State, County and Municipal Employees and declaring an emergency or alternate effective date carried 4 to 3 with Vice Mayor Rivero, Councilmember Aames and Councilmember Leone voting "no".

13R. **PUBLIC HEARING - Annexation, Pinnacle Peak Road and 75th Avenue Alignments**

Chris Jacques, Planning and Community Development Director, provided a brief summary of a proposed annexation of a 40-ft. wide strip of land, comprised of approximately 1.17 acres, generally located at the southwest corner of Pinnacle Peak Road and the 75th Avenue alignment.

Mr. Jacques reviewed the annexation process and advised this public hearing is the first of two as required by Arizona Revised Statutes to begin proceedings to annex the subject property into the City.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the proposed annexation of approximately 1.17 acres of privately-owned property located south of the Pinnacle Peak Road alignment at the 75th Avenue alignment (ANX13-0002).

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

Council Action: No Council action required.

14R. **PUBLIC HEARING - Annexation, Pinnacle Peak Road and 107th Avenue Alignments**

Chris Jacques, Planning and Community Development Director, provided an overview of a proposed annexation of 11 parcels of privately-owned property and portions of 107th Avenue, totaling approximately 32.76 acres, located at the northeast corner of 107th Avenue and Pinnacle Peak Road.

Mr. Jacques advised this public hearing is the first of two as required by Arizona Revised Statutes to begin proceedings to annex the subject property into the City.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the proposed annexation of approximately 32.76 acres of privately-owned property located north of Pinnacle Peak Road and east of 107th Avenue (ANX13-0001).

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

Council Action: No Council action required.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager

15. **Council Calendar**

16. **Reports with Presentation**

None.

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

None.

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone commended Vice Mayor Rivero on the Second Annual "Evening of Economic Partners" featuring former President of Mexico Vicente Fox and former United States Treasurer Rosario Marin as keynote speakers.

Councilmember Carlat announced that construction is scheduled along Westwing Parkway in front of the Westwing Elementary School for the installation of speed display signs in order to slow traffic in front of the school. Councilmember Carlat encouraged residents to slow down in the area until the installation is completed by the end of October or early November.

Councilmember Aames reported on the various City of Peoria activities he attended.

Reports from the Mayor:

Mayor Barrett reported on his attendance at a dinner hosted by the "Friends of Freedom". The veterans' support group was able to supply a motorized wheelchair to a Sergeant who had lost his legs.

Mayor Barrett announced Homes for our Troops is seeking volunteers to install landscaping at the home of 1SG Mike Leonard on Sunday, September 22, 2013 beginning at 8:30 a.m.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:04 p.m.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the City Council Meetings of the City Council of Peoria, Arizona held on the 17th day of September, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19th day of November, 2013.

(Seal)

Rhonda Geriminsky, City Clerk

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
October 1, 2013

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

Members Present: Mayor Bob Barrett; Vice Mayor Tony Rivero; Councilmembers Ron Aames, Cathy Carlat, Jon Edwards, Carlo Leone, and Bill Patena.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Jeff Tyne, Deputy City Manager; Michael Wawro, Acting City Attorney; Linda Blas, Acting City Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; and John Sefton, Community Services Director.

Audience: No 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

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.

Motion was made by Councilmember Aames seconded by Councilmember Carlat, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

1C. Authorization to Hold an Executive Session

Pursuant to A.R.S. § 38-431.03: Authorized the holding of an Executive Session for the purpose of: (a) 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; (b) discussion and consultation with legal counsel for legal advice pertaining to the potential sale of land and the Lease Agreement with Arizona Broadway Theatre pursuant to A.R.S. § 38-431.03.A.7; and (c) discussion and consultation with legal counsel for legal advice pertaining to the acquisition of private water companies pursuant to A.R.S. § 38-431.03.A.7.

ADJOURNMENT:

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

STUDY SESSION AGENDA

Subject(s) for Discussion Only

2. Citywide Sustainability Update

The Study Session portion of the meeting was not held due to time constraints.

EXECUTIVE SESSION AGENDA

3. An Executive Session was convened immediately following the Special City Council Meeting pursuant to A.R.S. § 38-431.03 for the purpose of: (a) 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; (b) discussion and consultation with legal counsel for legal advice pertaining to the potential sale of land and the Lease Agreement with Arizona Broadway Theatre pursuant to A.R.S. § 38-431.03.A.7; and (c) discussion and consultation with legal counsel for legal advice pertaining to the acquisition of private water companies pursuant to A.R.S. § 38-431.03.A.7.

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

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

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

Members Present: Mayor Bob Barrett; Vice Mayor Tony Rivero; Councilmembers Ron Ames, Cathy Carlat, Jon Edwards, Carlo Leone, and Bill Patena.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Michael Wawro, Acting City Attorney; Linda Blas, Acting City Clerk; Julie Ayers, Human Resources Director; 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, Finance and Budget Director; Roy Minter, Police Chief; Bobby Ruiz, Fire Chief; John Schell, Intergovernmental Affairs Director; John Sefton, Community Services Director; Rebecca Zook, Economic Development Services Deputy Director; Corina Russo, Assistant to the City Manager; and Natalie Gilstrap, City Clerk Specialist.

Other Officials Present: Speaker of the House, Andy Tobin; House Majority Whip, Rick Gray; and House Representative, Debbie Lesko.

Audience: Approximately 50 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.

REGULAR AGENDA

New Business:

4R. **Appointments, Council Youth Liaisons**

RESOLUTION 2013-132

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING JACOB JELINEK AND THOMAS PRIOR AS YOUTH COUNCIL LIAISONS AND ESTABLISHING THE TERMS OF OFFICE.

Approved the recommendations from the Council Subcommittee on Policy and Appointments pertaining to the following appointments and adopted the Resolution as presented:

Motion made by Councilmember Edwards, seconded by Councilmember Carlat, to adopt **RES. 2013-132** appointing Jacob Jelinek, as a Youth Council Liaison, and Thomas Prior, as a Youth Council Liaison Alternate.

Upon vote, the motion carried unanimously 7 to 0.

SWEARING IN BY PRESIDING MUNICIPAL JUDGE GEORGE ANAGNOST AND SEATING OF NEW COUNCIL YOUTH LIAISON

Council Youth Members:

- Jacob Jelinek
- Thomas Prior

Speaker of the House Andy Tobin acknowledged Peoria's efforts to engage youth through the appointment of Council Youth Liaisons. House Speaker Tobin read a proclamation from the Arizona House of Representatives recognizing Peoria's leadership role in recognizing the importance of youth engagement to the community's future.

A short recess was called at 7:16 p.m. to allow for the seating of the Council Youth Liaisons. Council reconvened at 7:26 p.m.

Presentations:

5. **Legislative update from Arizona Speaker of the House of Representatives, Andy Tobin**

Mayor Barrett introduced Speaker of the House Andy Tobin who provided a legislative update.

6. **Christmas for the Troops**

Rachelle Barrett provided information on the upcoming 2013 Christmas for the Troops campaign sponsored by the Peoria Sunset Lions Club.

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.

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

Councilmember Edwards requested that Agenda Item 8C be removed for separate discussion.

Motion was made by Councilmember Aames, seconded by Councilmember Leone, to approve the Consent Agenda with the exception of Agenda Item 8C. Upon vote, the motion carried unanimously 7 to 0.

7C. **Appointments, Boards and Commissions**

RESOLUTION 2013-133

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPTING THE RESIGNATION OF ROBERT BENSON AND APPOINTING ROBERT PANZER TO THE ARTS COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2013-134

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

RESOLUTION 2013-135

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

RESOLUTION 2013-136

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

RESOLUTION 2013-137

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

RESOLUTION 2013-138

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING JIM CUTLER TO THE MUNICIPAL DEVELOPMENT AUTHORITY AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2013-139

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING SHAWN HUTCHINSON TO THE PLANNING AND ZONING COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2013-140

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING ANTHONY IRBY AND CHUCK STRANGE TO THE VETERANS MEMORIAL BOARD AND ESTABLISHING THE TERMS OF OFFICE.

Approved the recommendations from the Council Subcommittee on Policy and Appointments pertaining to the following appointments and reappointments, and adopted the Resolutions as presented:

Adopted **RES. 2013-133** appointing Robert Panzer, as a regular member, to the Arts Commission,

Adopted **RES. 2013-134** reappointing Brian Greathouse and Michael Meek, as regular members, to the Board of Adjustment,

Adopted **RES. 2013-135** reappointing Michael Watt, as a regular member, to the Building Board of Appeals,

Adopted **RES. 2013-136** reappointing David Eberhart, as a regular member, to the Citizens Commission on Salaries for Elected City Officials,

Adopted **RES. 2013-137** appointing Cliff Colwell, as a regular member, to the Industrial Development Authority,

Adopted **RES. 2013-138** reappointing Jim Cutler, as a regular member, to the Municipal Development Authority,

Adopted **RES. 2013-139** reappointing Shawn Hutchinson, as a regular member, to the Planning and Zoning Commission, and

Adopted **RES. 2013-140** reappointing Anthony Irby and Chuck Strange, as regular members, to the Veterans Memorial Board.

8C. **Ordinance, Community Commission on Youth**

Clerk's Note: Agenda Item 8C was removed from the Consent Agenda for separate discussion.

John Sefton provided information regarding the formation, membership, and responsibilities of the proposed Community Commission on Youth.

Motion was made by Councilmember Aames, seconded by Councilmember Patena, to assign the responsibilities as outlined in proposed Ordinance 2013-18 to the Youth Advisory Board for a period of one year.

Upon vote, the motion carried 5 to 2, with Mayor Barrett and Councilmember Carlat voting "no".

9C. **Grant Agreement, Tohono O'odham Nation, Police Surveillance Tower**

(a) Authorized the City Manager to accept a grant in the amount of \$60,000 from the Tohono O'odham Nation Proposition 202 Grant Program to purchase a surveillance tower; and

- (b) Authorized a budget amendment in the amount of \$120,000 from the Proposed Grants Division Contingency account to the Tohono O'odham Nation Grant account for \$60,000 and Police Department Asset Forfeiture account in the amount of \$60,000 in order to establish appropriation for the funds to be expended.

10C. **Grant-in-Aid, Fiscal Agent Agreement, Tohono O'odham Nation and Theater Works**

- (a) Approved the Grant-in-Aid Agreement between the Tohono O'odham Nation and the City of Peoria on behalf of Theater Works for the Completion of Technical Capabilities for the Peoria Center for the Performing Arts; and
- (b) Authorized a budget amendment in the amount of \$44,000 from the Proposed Grant Contingency account to the General Fund Non-departmental-Community Promotions account to allow for the payment to Theater Works.

11C. **Budget Amendments**

Approved budget amendments for Fiscal Year 2013 and Fiscal Year 2014, and carryovers for Fiscal Year 2013.

12C. **Maintenance Improvement District No. 1066, Tierra Del Rio Parcel 10A, 103rd Drive and Yearling Road**

RESOLUTION NO. 2013-141

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. 1066, TIERRA DEL RIO PARCEL 10A, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2013-142

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. 1066, TIERRA DEL RIO PARCEL 10A; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

Approved the Petition for Formation and adopted **RES. 2013-141** intention and ordering the formation of proposed Maintenance Improvement District No. 1066, Tierra Del Rio Parcel 10A, located at 103rd Drive and Yearling Road; and adopted **RES. 2013-142** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

13C. **Maintenance Improvement District No. 1134, Tierra Del Rio Parcel 13B, Tierra Del Rio Boulevard and Happy Valley Road**

RESOLUTION NO. 2013-145

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. 1134, TIERRA DEL RIO PARCEL 13B, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2013-146

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. 1134, TIERRA DEL RIO PARCEL 13B; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

Approved the Petition for Formation and adopt **RES. 2013-145** intention and ordering the formation of proposed Maintenance Improvement District No. 1134, Tierra Del Rio Parcel 13B, located at Tierra Del Rio Boulevard and Happy Valley Road; and adopted **RES. 2013-146** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

- 14C. **Street Light Improvement District No. 1073, Tierra Del Rio Parcel 13B, Tierra Del Rio Boulevard and Happy Valley Road**

RESOLUTION NO. 2013-145

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. 1134, TIERRA DEL RIO PARCEL 13B, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2013-146

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. 1134, TIERRA DEL RIO PARCEL 13B; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

Approved the Petition for Formation and adopted **RES. 2013-147** intention and ordering the formation of proposed Street Light Improvement District No. 1073, Tierra Del Rio Parcel 13B, located at Tierra Del Rio Boulevard and Happy Valley Road; and adopted **RES. 2013-148** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

- 15C. **Street Light Improvement District No. 1030, Tierra Del Rio Parcel 10A, 103rd Drive and Yearling Road**

RESOLUTION NO. 2013-143

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. 1030, TIERRA DEL RIO PARCEL 10A; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2013-144

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. 1030, TIERRA DEL RIO PARCEL 10A PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

Approved the Petition for Formation and adopted **RES. 2013-143** intention and ordering the formation of proposed Street Light Improvement District No. 1030, Tierra Del Rio Parcel 10A, located at 103rd Drive and Yearling Road; and adopted **RES. 2013-144** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

16C. **Land Transfer, Maricopa County Department of Transportation, 77th Avenue and Deer Valley Road Bridge**

RESOLUTION NO. 2013-149

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE ACCEPTANCE OF RIGHT OF WAY LOCATED AT 77TH AVENUE AND DEER VALLEY ROAD.

Adopted **RES. 2013-149** authorizing the acceptance of right-of-way from the Maricopa County Department of Transportation located in the vicinity of 77th Avenue and the Deer Valley Road Bridge.

17C. **Final Plat, Vistancia Parcel F3 Phase 1, Vistancia Boulevard and Westland Road**

Approved the Final Plat of Vistancia Parcel F3 Phase 1, located at Vistancia Boulevard and Westland Road, subject to stipulations.

18C. **Replat, Lake Pleasant Towne Center Parcels 17A and 19A, Happy Valley Parkway and Lake Pleasant Parkway**

Approved the Replat of Lake Pleasant Towne Center Parcels 17A and 19A, located at Happy Valley Parkway and Lake Pleasant Parkway, subject to stipulations.

19C. **Replat, Tierra Del Rio Parcel 20 and 21, 99th Avenue and Jomax Road**

Approved the Replat of Tierra Del Rio Parcel 20 and 21, located at 99th Avenue and Jomax Road, subject to stipulations.

Regular Agenda

New Business:

20R. **Arizona Broadway Theatre Land Lease**

Jeff Tyne, Deputy City Manager, provided information on the proposed temporary increase to the monthly lease amount for the Arizona Broadway Theater pending negotiation of a potential land sale with KLOS Enterprises, LLC.

Motion was made by Councilmember Edwards, seconded by Councilmember Patena, to authorize a 120-day extension of the lease with monthly payments of \$4,600 while land sale and lease negotiations are finalized for Council consideration and approval.

Upon vote, the motion carried unanimously 7 to 0.

21R. **Public Hearing-Liquor Licenses, Various Locations**

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

- (a) A New Restaurant Liquor License (Series 12) for OCarnivores, located at 9832 West Northern Avenue Suite 1650, Jeffrey J. Olson, Applicant, LL#20008330; and
- (b) A New Government Liquor License (Series 05) for Pioneer Community Park, located at 8755 North 83rd Avenue, Brenda J. Rehnke, Applicant, LL#20009043.

Mr. Mattingly advised that the properties were posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval and no comments were received from the public.

Public Hearing:

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

- (a) A New Restaurant Liquor License (Series 12) for OCarnivores, located at 9832 West Northern Avenue Suite 1650, Jeffrey J. Olson, Applicant, LL#20008330; and
- (b) A New Government Liquor License (Series 05) for Pioneer Community Park, located at 8755 North 83rd Avenue, Brenda J. Rehnke, Applicant, LL#20009043.

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

Council Action:

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

- (a) A New Restaurant Liquor License (Series 12) for OCarnivores, located at 9832 West Northern Avenue Suite 1650, Jeffrey J. Olson, Applicant, LL#20008330; and
- (b) A New Government Liquor License (Series 05) for Pioneer Community Park, located at 8755 North 83rd Avenue, Brenda J. Rehnke, Applicant, LL#20009043.

Upon vote, the motion carried unanimously 7 to 0.

22R. Public Hearing-Class A (Small Game) Bingo License, Peoria Senior Center

Brent Mattingly, Finance and Budget Director, reported on staff's recommendation to recommend approval to the Arizona Department of Revenue for a Class A (Small Game) Bingo License for the Peoria Senior Center located at 8335 West Jefferson Street, Josie Salas, Applicant, #20008815.

Mr. Mattingly advised that the properties were posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval and no comments were received from the public.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request for a Class A (Small Game) Bingo License for the Peoria Senior Center located at 8335 West Jefferson Street, Josie Salas, Applicant, #20008815.

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

Council Action:

Motion was made by Councilmember Leone, seconded by Councilmember Aames, to recommend approval to the Arizona Department of Revenue a Class A (Small Game) Bingo License for the Peoria Senior Center located at 8335 West Jefferson Street, Josie Salas, Applicant, #20008815.

Upon vote, the motion carried unanimously 7 to 0.

23R. **Public Hearing-Rezoning, 83rd Avenue and Happy Valley Road**

ORDINANCE NO 2013-19

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING CERTAIN PROPERTY FROM GENERAL AGRICULTURAL (AG) ZONING DISTRICT TO R1-18 SINGLE-FAMILY RESIDENTIAL; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Chris Jacques, Planning and Community Development Director, provided a brief overview on the rezoning request which included data related to the current and proposed zoning, the development plan, the land use designation and the citizen participation process.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request to rezone approximately 26.28 acres of property, located at the southeast corner of 83rd Avenue and Happy Valley Road east of the 81st Avenue alignment, from General Agriculture (AG) to R1-18 Single-Family Residential as proposed under zoning case number Z13-0005.

Matthew Bennett addressed Council and spoke in favor of the staff recommended proposal. Mr. Bennett indicated his opposition to the Planning and Zoning Commission's recommendation to approve Case Z13-0005 with the addition of two new stipulations.

Greg Stultz spoke in favor of the staff recommended proposal and indicated his opposition to the Planning and Zoning Commission's recommended proposal. Mr. Stultz also presented documentation of neighborhood opposition to the extension of 81st Avenue.

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

Motion was made by Councilmember Aames, seconded by Councilmember Patena, to adopt **ORD. 2013-19** rezoning approximately 26.28 acres of property, located at the southeast corner of 83rd Avenue and Happy Valley Road east of the 81st Avenue alignment, from General Agriculture (AG) to R1-18 Single-Family Residential as proposed under zoning case number Z13-0005 with full vehicular access at Happy Valley Road and median break and no extension of 81st Avenue.

Upon vote, the motion carried unanimously 7 to 0.

24R. Amended Contract Update, Theater Works

John Sefton, Community Services Director, and Brenda Rehnke, Recreation Manager, provided an update on the Theater Works amended contract requirements, including information related to financial services, board development, marketing focus and programming and rentals.

Motion was made by Councilmember Carlat, seconded by Councilmember Edwards, to approve a one-time payment in the amount of \$150,000 to Theater Works per the adopted requirements in the First Amendment to the Improved Property Lease.

Upon vote, the motion carried 6 to 1 with Vice Mayor Rivero voting “no”.

Clerk’s Note: Councilmember Aames abstained from voting. In accordance with Article II, Section 18, of the Peoria City Charter, should the Mayor or Councilmember fail to vote, his vote shall be counted with the majority vote on the issue.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager:

25. **Council Calendar**

26. **Reports with Presentation**

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

- A. Carl Swenson, City Manager, provided information to Council related to Council Subcommittee updates.
- B. Carl Swenson, City Manager, provided information on the Peoria Community Center LEED Gold Certification.
- C. John Sefton, Community Services Director, provided information on the Neighborhood ParkFest! Series.

Reports from City Council:

Councilmember Leone reported on the various activities he attended. Councilmember Leone invited citizens to attend the Parkfest! event to be held at Country Meadows Park on Saturday, October 5, 2013 from 6:00 p.m. to 9:00 p.m. Councilmember Leone encouraged citizens to participate in the November 13, 2013 Turkey Trot and the January 29, 2014 New Year's Resolution Walk sponsored by the Community Center. Councilmember Leone also expressed his congratulations to the two newly-appointed Council Youth Liaisons.

Councilmember Carlat welcomed the two newly-appointed Council Youth Liaisons. Councilmember Carlat congratulated Michelle Dionisio, President and CEO of Benevilla, who was recently voted "Woman of the Year" by the West Valley Women's Association.

Councilmember Edwards congratulated the newly-appointed Council Youth Liaisons. Councilmember Edwards reported that he recently participated in the *Homes for our Troops* event and encouraged citizens to volunteer through this organization.

Council Youth Liaison Jelinek thanked the City Council and the City Manager for the opportunity to serve as liaison to Council. Mr. Jelinek also expressed his appreciation to Councilmember Edwards and John Sefton, Community Services Director, and city staff for their efforts on behalf of the Council Youth Liaison program.

Councilmember Aames welcomed the two newly-appointed Council Youth Liaisons. Councilmember Aames reported on the various City of Peoria activities he attended.

Councilmember Patena reported on the various City of Peoria activities he attended.

Vice Mayor Rivero presented a plaque from the American Planning Association, Arizona Chapter, which recognized the City for the Old Town Commercial Rehabilitation Program. Vice Mayor Rivero reported on the various City of Peoria activities he attended. Vice Mayor Rivero thanked the citizens, city staff and sponsors for their support of the Fiesta Peoria event and recognized the elected officials in attendance including, House Representatives Grey and Lesko, Board of Supervisor Hickman, Glendale Councilmember Ian Hugh, and Peoria Councilmembers Aames, Edwards, Leone and Patena.

Reports from the Mayor:

Mayor Barrett thanked everyone who participated in the recent *Homes for our Troops* event.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:36 p.m.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the City Council Meetings of the City Council of Peoria, Arizona held on the 1st day of October, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19th day of November, 2013.

(Seal)

Rhonda Geriminsky, City Clerk

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 7.C

Date Prepared: November 5, 2013

Council Meeting Date: November 19, 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 board and commission members as recommended by the Council Subcommittee on Policy and Appointments as follows:

New Appointments

Board/Commission	Name	Term Expiration
Municipal Development Authority	Brian Wiley	11/2017
Personnel Board	Gloria Migal	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 October 30, 2013, the Council Subcommittee on Policy and Appointments recommended appointments to various boards and commissions.

On October 31, 2013, a memorandum was submitted to Mayor and Council, outlining the appointment and reappointment recommendations from the October 30, 2013 Subcommittee meeting, asking for concerns to be submitted in writing to the Mayor. No comments were received.

Options:

- A.** Appoint recommended board and commission members.
- B.** Continue recruitment efforts to fill 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 adopt the Resolutions as presented:

Adopt RES. 2013-181 appointing Brian Wiley, as a regular member, to the Municipal Development Authority to a term to expire November 2017, and

Adopt RES. 2013-182 appointing Gloria Migal, as an alternate member, to the Personnel Board to a partial term to expire June 2014.

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 December 10, 2013 City Council meeting to accept Certificates of Appointment.

Exhibit(s):

Exhibit 1: Resolution No. 2013-181

Exhibit 2: Resolution No. 2013-182

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

RESOLUTION 2013-181

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

WHEREAS, the term of office for Steve Poe on the Municipal Development Authority expires in November 2013 and there exists one vacancy; and

WHEREAS Brian Wiley desires to be a member of and appointed to the Municipal Development Authority; and

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

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

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

Brian Wiley

November 2017

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 19th day of November 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

RESOLUTION NO. 2013-181
Page 2 of 2

Approved as to Form:

Stephen M. Kemp, City Attorney

RESOLUTION 2013-182

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

WHEREAS, there currently exists a vacant alternate position on the Personnel Board; and

WHEREAS Gloria Migal desires to be a member of and appointed to the Personnel Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said appointment of Gloria Migal, as an alternate member, to the City of Peoria Personnel Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Gloria Migal is appointed, as an alternate member, to the City of Peoria Personnel Board.

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

Gloria Migal

June 2014

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 19th day of November 2013.

CITY OF PEORIA, an Arizona municipal corporation

Bob Barrett, Mayor

ATTEST:

RESOLUTION NO. 2013-182
Page 2 of 2

Rhonda Geriminsky, City Clerk

Approved as to Form:

Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 8C

Date Prepared: October 29, 2013

Council Meeting Date: November 19, 2013

TO: Carl Swenson, City Manager

THROUGH: Jeff Tyne, Deputy City Manager

FROM: Roy W. Minter, Chief of Police

SUBJECT: Arizona Automobile Theft Authority (AATA) Law Enforcement Grant

Purpose:

This is a request for City Council to authorize the Peoria Police Department to accept a grant from the Arizona Automobile Theft Authority (AATA) totaling \$15,795.

Background/Summary:

The Police Department received an award in the amount of \$15,795 to purchase a portable license plate reader. A portable license plate reader will benefit the Peoria Police Department in active and fluid investigations. The unit is able to be deployed at a moments notice to most vehicles unlike the department's current license plate readers which are affixed to marked vehicles and hard wired to the car's electrical system.

This grant period will extend through June 2014.

Previous Actions:

City Council has previously accepted grants from AATA. This will be the seventh year that the City of Peoria has received grant funding from this organization.

Options:

A: Accept a grant award in the amount of \$15,795 from the Arizona Automobile Theft Authority and approve a budget adjustment in the amount of \$15,795 from the Proposed Grants Contingency Account to the Arizona Automobile Theft Authority Fund, thus providing expenditure authority.

B: Choose not to accept the grant from the Arizona Automobile Theft Authority.

Staff's Recommendation:

Authorize the Peoria Police Department to accept the grant in the amount of \$15,795 from the Arizona Automobile Theft Authority and approve a budget adjustment.

Fiscal Analysis:

Request a budget adjustment of \$15,795 from the Proposed Grants Contingency account (7990-7990-570000) to the Arizona Automobile Theft Authority Grant Fund (7310-7460-542006) thus providing expenditure authority.

Narrative:

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

Exhibit(s):

Exhibit 1: Grant Agreement

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



ARIZONA AUTOMOBILE THEFT AUTHORITY

FY 2013 LAW ENFORCEMENT

GRANT AGREEMENT

This Agreement is made this **07/01/2013**, by and between the Arizona Automobile Theft Authority, hereinafter referred to as the AATA, and the **Peoria Police Department**, hereinafter referred to as the GRANTEE. AATA and GRANTEE are referred to herein individually as a "Party" and collectively as the "Parties." The AATA enters into this Agreement pursuant to its authority under the provision of A.R.S. § 41-3451 and having satisfied itself as to the qualifications of the GRANTEE.

NOW, THEREFORE, it is agreed between the Parties as follows:

- 1 This Agreement will commence on 07/01/2013. All grant funds must be expended by 06/30/2014. This agreement is subject to cancellation pursuant to the provision of A.R.S. §38-511. This AATA grant expires at the end of the Agreement period, unless prior written approval for an extension has been obtained from the AATA. The GRANTEE agrees to return all unexpended funds to the AATA within sixty (60) days of the expiration date of this grant or within sixty (60) days of termination of this grant should termination occur prior to original expiration date.
- 2 Grant funds will not be used to supplant Federal, State, County, or local funds that would otherwise be made available to the GRANTEE for law enforcement purposes. Grant funds that are distributed pursuant to this Agreement are not to be expended for any indirect costs incurred by the GRANTEE for the administration of this grant.
- 3 The GRANTEE should to the extent possible, and practicable, share practical information with other authorized criminal justice agencies.

- 4 If equipment is valued over \$1,000, the AATA requires the GRANTEE to record and report performance data and impact on vehicle theft in its jurisdiction for five years or the useful life of the equipment, whichever is less. In addition, the GRANTEE will own the equipment awarded through the grant and will be responsible for maintaining the equipment in good working order.
- 5 The GRANTEE shall operate in a manner consistent with, and in compliance with, the provisions and stipulations of the approved AATA grant application letter and this Agreement. If the AATA finds non-compliance, the GRANTEE will receive a formal written notice that identifies the area of non-compliance and the appropriate corrective action to be taken. If the GRANTEE does not respond within thirty (30) calendar days to this notice, and does not provide sufficient information concerning the steps that are being taken to correct the problem, the AATA may suspend funding or permanently terminate the Agreement or revoke the grant. Any deviation or failure to comply with the purposes and/or conditions of this agreement without written permission from the AATA may constitute sufficient reason for the AATA to terminate the Agreement. The revocation of the grant will require the return of all unspent funds, require that an audit of expended funds be performed at GRANTEE's expense. It will also require the return of any previously expended funds that may have been spent in violation of the purposes and conditions of the grant.
- 6 Pursuant to A.R.S. § 38-511, the state, its political subdivisions or any department or agency of either may, within three (3) years after its execution, cancel any contract, without penalty or further obligation, made by the state, its political subdivisions, or any of the departments or agencies of either if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the state, its political subdivisions or any of the departments or agencies of either is, at any time while the contract or any extension of the contract is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party of the contract with respect to the subject matter of the contract. A cancellation made pursuant to this provision shall be effective when the GRANTEE receives written notice of the cancellation unless the notice specifies a later time.
- 7 This Agreement shall be governed and interpreted by the laws of the State of Arizona, including the Arizona Procurement Code (A.R.S. §§ 41-2501, *et seq.* and the administrative rules promulgated thereunder (A.A.C. R2-7-901, *et seq.*).
- 8 The Parties to this Agreement agree to resolve all disputes arising out of or relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518 except as may be required by other applicable statutes.

- 9 Requests for budget adjustments and/or reprogramming must be submitted in advance and in writing to the AATA.
- 10 Pursuant to A.R.S. §35-154, the grant availability of funds awarded under this Agreement are conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated, are reverted or otherwise unavailable for the continuance of this Agreement, the AATA may terminate this Agreement at the end of the period for which funds are available. No liability shall accrue to the AATA in the event this provision is exercised, and the AATA shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

APPROVED FY GRANT REQUEST:

<u>Title</u>	<u>Total</u>
Equipment (>=\$5000)	\$15,795.00
Total AATA Approved	\$15,795.00

PERFORMANCE MEASURE AND FINANCIAL REPORTING REQUIREMENTS

<u>Measure Group</u>	<u>Performance Measure</u>	<u>Reporting Period</u>
Bait Car System Brand (if applicable)	Number of BSM Systems	Quarterly
	Number of Other Systems	Quarterly
Bait Vehicle Program Data (if applicable)	Number of Bait Cars (operational & non-op)	Quarterly
	Number of AATA Funded Bait Car Systems	Quarterly
	Number of Activations	Quarterly
	Number of Arrests	Quarterly
FTE Positions	Dedicated Auto Theft Unit Members	Quarterly
	Number of FTE's Assigned to Auto Theft Unit	Quarterly
	Number of Crime Prevention FTE's	Quarterly
	Number of FTE's Assigned to AZ Vehicle Theft TF	Quarterly

License Plate Reader (LPR) Data (if applicable)	Number of Fixed LPR Systems	Quarterly
	Number of AATA Funded LPR Systems	Quarterly
	Number of Mobile LPR Systems	Quarterly
	Number of Shifts LPR's Deployed	Quarterly
	Number of Scans/Shift	Quarterly
	Number of Stolen Vehicles Recovered	Quarterly
	Number of Stolen License Plates	Quarterly
	Number of Stolen License Plates Recovered	Quarterly
	Number of Arrests	Quarterly
License Plate Reader (LPR) System Brand (if applicable)	Value of Vehicles Recovered	Quarterly
	Number of ELSAG Systems	Quarterly
Mobile Spike Systems (if applicable)	Number of Other Systems	Quarterly
	Number of Active Mobile Spike Systems	Quarterly
	Number of Deployments	Quarterly
Vehicle Theft Data	Number of Arrests, or Outcomes	Quarterly
	Number of Vehicles Stolen	Quarterly
	Number of Vehicles Recovered	Quarterly
	Number of Felony Auto Theft Arrests	Quarterly
VIN Etching Program Data (if applicable)	Number of Chop Shops Investigated	Quarterly
	Number of Officer OT Hours Utilized for VIN Events	Quarterly
	Number of Vin Etching Events	Quarterly
	Number of Vehicles VIN Etched	Quarterly
	Number of Participants at Promotional Events	Quarterly

11 The GRANTEE agrees to comply with the financial, administrative, and reporting requirements set forth in this Agreement and to comply with the organizational audit requirements of OMB Circular A-128, *Audits of State and Local Governments*.

12 The GRANTEE agrees that it will provide accounting, auditing, and monitoring procedures to safeguard AATA grant funds and keep such records to assure proper fiscal controls, management, and the efficient disbursement of AATA grant funds.

- 13 Pursuant to the provisions of A.R.S §35-214 and A.R.S §35-215, GRANTEE shall retain all books, account reports, files, and other records relating to this Agreement and performance of this Agreement for a period of five (5) years after the completion of this Agreement. All such documents shall be subject to inspection and audit at reasonable times.
- 14 Quarterly performance reports are also required, (see page 3, Performance Measures) documenting the activities supported by the AATA grant funds and providing an assessment of the impact of those activities on the criminal justice system.
- 15 This Agreement may be modified only by a written amendment signed by persons duly authorized to enter into agreements on behalf of the AATA and GRANTEE. Any notice given pursuant to this Agreement shall be in writing and shall be considered to have been given when actually received by the following addresses or their agents or employees.

If to the AATA:

AUTOMOBILE THEFT AUTHORITY
1400 W. Washington Street, Suite 270
Phoenix, Arizona 85007
Attn: Brian R. Salata, Executive Director

If to the GRANTEE:

Peoria Police Department
8351 W. Cinnabar Ave
Peoria, AZ 85345
Attn: Roy Minter

- 16 The GRANTEE agrees that it will comply with applicable nondiscrimination requirements of A.R.S. §41-1463, applicable State and Federal civil rights laws, and Executive Order 2009-9 which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation shall have equal access to employment opportunities, and all other applicable State and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. The GRANTEE shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability.

- 17 The GRANTEE agrees that in the event that a Federal or State court, or Federal or State administrative agency, after a due process hearing, makes a finding of discrimination on the grounds of race, color, religion, national origin, sex, age, or handicap against the GRANTEE regarding the program or activities supported by this grant, the GRANTEE will forward a copy of such findings to the AATA.
- 18 The GRANTEE certifies to report annual crime statistics to the Arizona Department of Public Safety.
- 19 The GRANTEE certifies it will comply with the Drug-Free Workplace Act of 1988 as delineated in 28 CFR Part 67, Subpart F, for grantees, as defined in 28 CFR Part 67 Sections 67.615 and 67.620.
- 20 The GRANTEE warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with A.R.S. §41-4401 and A.R.S. § 23-214, Subsection A. (That subsection reads: "After December 31, 2007, every employer, after hiring an employee shall verify the employment eligibility if the employee through the E-Verify program.)

A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the contract and the GRANTEE may be subject to penalties up to and including termination of the contract.

Failure to comply with a State audit process to randomly verify the employment records of contractors and subcontractors shall be deemed a material breach of the contract and the GRANTEE may be subject to penalties up to and including termination of the contract.

The AATA retains the legal right to inspect the papers of any employee who works on the contract to ensure that the GRANTEE or subcontractor is complying with the warranty under paragraph 1.

- 21 The GRANTEE agrees that it is acting as an independent contractor and agrees to hold the AATA harmless from the actions of the GRANTEE AND GRANTEE'S employees.
- 22 No right or interest in this Agreement shall be assigned by GRANTEE without prior written approval of the AATA. No delegation of any duty of GRANTEE shall be made without the prior written approval of the AATA.
- 23 GRANTEE assigns to the State any claim for overcharges resulting from antitrust violations to the extent that such violations concern materials or services supplied by third parties to the GRANTEE toward fulfillment of this agreement.

IN WITNESS WHEREOF, the parties have made and executed this agreement the day and year first above written.

FOR THE GRANTEE:

_____ **Date:** _____

Roy Minter

Peoria Police Department

_____ **Date:** _____

FOR THE AUTOMOBILE THEFT AUTHORITY:

_____ **Date:** _____

Brian R. Salata, Executive Director

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 9C

Date Prepared: October 28, 2013

Council Meeting Date: November 19, 2013

TO: Carl Swenson, City Manager

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

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Contract Amendment No. 4, Dibble Engineering, 91st Avenue Street and Drainage Improvements

Purpose:

This is a request for Council to approve Contract Amendment No. 4 for Dibble Engineering to provide design engineering services for the 91st Avenue Street and Drainage Improvements. Staff also requests a \$32,940 budget adjustment to provide appropriation for these additional project costs.

Background/Summary:

This contract amendment provides engineering design services for replacing an existing aged 12" asbestos concrete pipe located within the project limits of the 91st Avenue Street and Drainage capital improvement project.

The City entered into a contract with Dibble Engineering on December 6, 2012 for engineering design services for the 91st Avenue Street and Drainage Improvements in the amount of \$534,739.27. This contract has since been amended three times as outlined herein.

- Amendment No. 1 was approved on February 26, 2013 in the amount of \$3,850, to include additional underground utility locating (potholes).
- Amendment No. 2 was approved on July 15, 2013 in the amount of \$8,970 to include additional engineering design services for preparing legal descriptions, developer coordination, and field survey tasks.
- Amendment No. 3 was approved on October 23, 2013 in the amount of \$38,690 to include additional engineering design services for utility coordination, city requested plan revisions, and traffic signal design tasks.

The proposed Amendment No. 4 and corresponding budget adjustment will provide for the aforementioned design and replacement of approximately 4,000 lineal feet of existing sub-standard water pipe.

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. 4 for Dibble Engineering to provide design engineering services for the 91st Avenue Street & Drainage Improvements in the amount of \$32,940 and approve a \$32,940 budget adjustment to provide appropriation for these additional project costs.

B: Deny Contract Amendment No. 4 for Dibble Engineering to provide design engineering services for the 91st Avenue Street & Drainage Improvements project. This option would keep the existing waterline currently in service as it is today, with the continued city goal of replacing it at a later date.

Staff's Recommendation:

Staff recommends approval of Contract Amendment No. 4 for Dibble Engineering to provide design engineering services for the 91st Avenue Street & Drainage Improvements in the amount of \$32,940. Staff also recommends a \$32,400 budget adjustment to provide appropriation for these additional design costs from the General Fund contingency (1000-0300-570000) to the Water Operating Capital Projects Water System Account (2050-2140-543002 -CIPWR-EN00177).

Fiscal Analysis:

Contract Amendment No. 4 is accompanied by a budget adjustment of \$32,400. A savings on the Lake Pleasant Parkway Waterline Project as well as the City's withdrawal from the Peoria/SRP Aquifer Recharge Project will allow funding for this adjustment from the Water Fund Reserve.

Narrative:

Approval of Contract Amendment No. 4 will allow continuation and completion of the design elements of this project.

Exhibits:

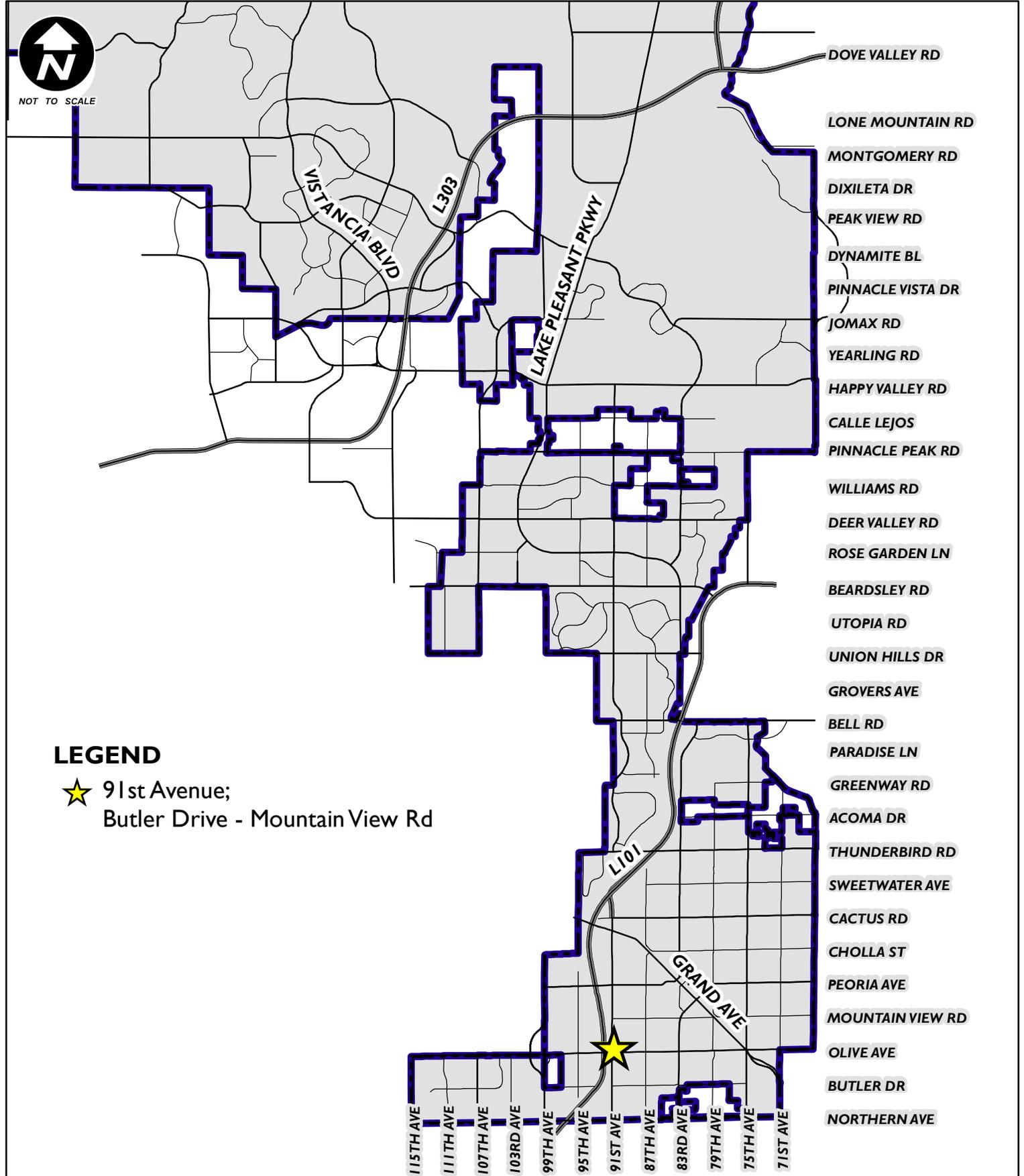
Exhibit 1: Vicinity Map

Exhibit 2: Location Map

Contact Name and Number: Richard Costa, Associate Engineer, x7951



NOT TO SCALE



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

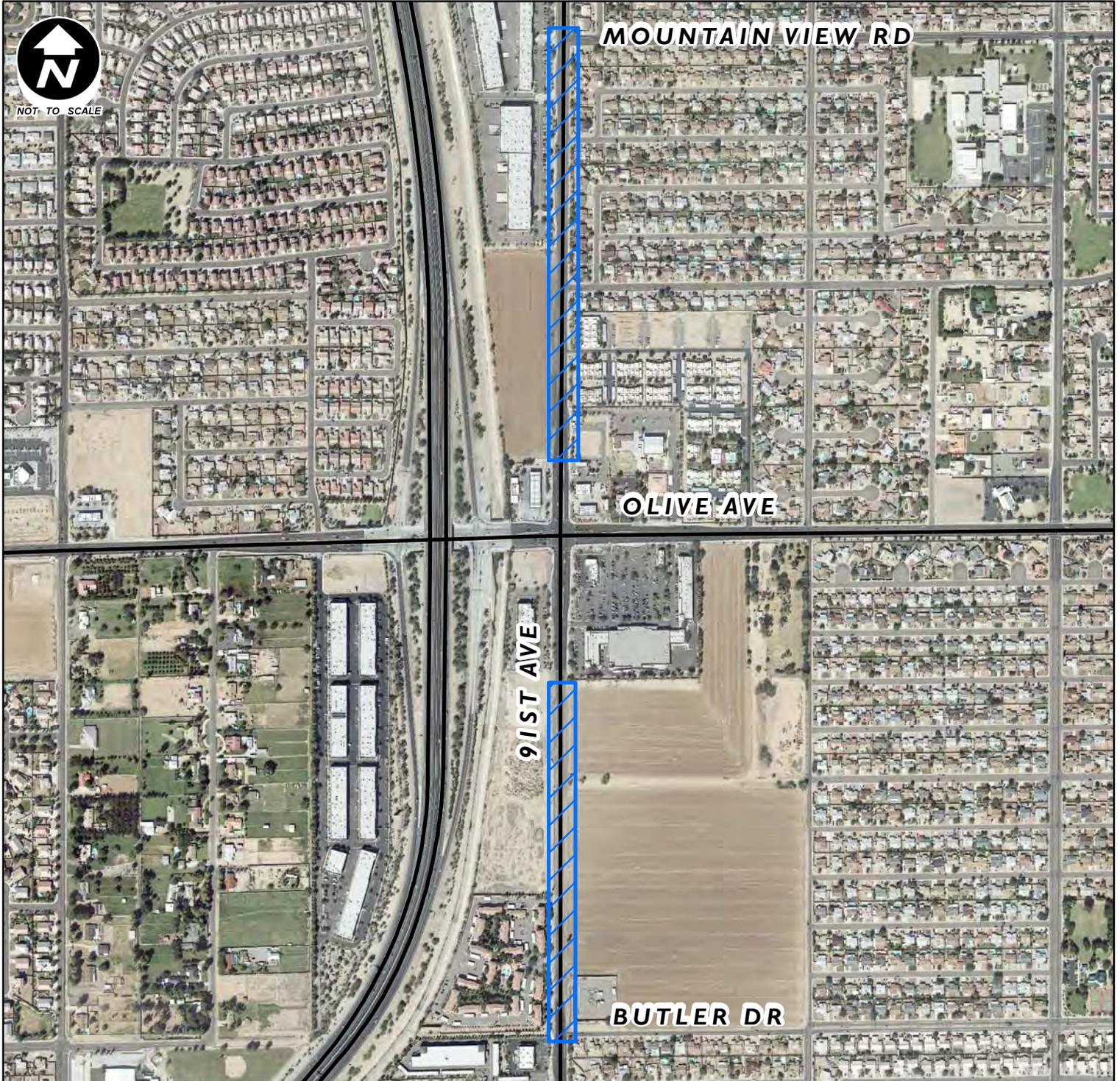
LEGEND

- ★ 91st Avenue;
Butler Drive - Mountain View Rd

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



NOT TO SCALE



LEGEND



Street and Drainage Improvements



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: October 15, 2013****Council Meeting Date: November 19, 2013**

TO: Carl Swenson, City Manager

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

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Resolution No. 2013- , Amendment One, Intergovernmental Agreement, State of Arizona, New River Trail; Northern Avenue to Olive Avenue Trail and Underpass

Purpose:

This is a request for City Council to adopt Resolution No. 2013- to approve Amendment One to the Intergovernmental Agreement (IGA) between the State of Arizona and the City of Peoria for the design, construction, and maintenance obligations relating to a proposed multi-use trail path from Northern Avenue to Olive Avenue located along the west bank of the New River and an underpass at the Northern Avenue Bridge at New River.

The project is being paid for with a combination of federal funds supplemented by City funds. The original IGA included an explanation of the funding. An opportunity for additional federal funds has been developed and this amendment increases the total construction funding by \$200,000.

Background/Summary:

In April of 2012, Council approved an Intergovernmental Agreement (IGA) between the City of Peoria and the State of Arizona through Arizona Department of Transportation (ADOT) to use a combination of federal and City dollars to complete a trail project along the west bank of New River from Northern to Olive Avenues.

The design was started in the summer of 2012 under the original IGA with ADOT. The design is now 60% complete and a much more accurate cost estimate is available. The new cost estimate shows that the original combined construction funding of \$1,184,889 may be insufficient. Therefore, the city staff, working with Maricopa Association of Governments (MAG), was able to increase the federal funding by \$200,000 of construction.

The City has been able to obtain an actual amount of \$188,600 of Transportation Enhancement Funds (TEA) through MAG. According to the IGA, this entire amount will be added to the construction portion of the project and will require a 5.7% City match of \$11,400. In

anticipation of receiving federal funding, the City budgeted its share of matching funds for the project in the 10-year CIP.

The programmed improvements within the City of Peoria include the following:

- One-mile of multi-use trail from Northern Avenue to Olive Avenue;
- One underpass ramp with a at-grade crossing in New River at the Northern Avenue Bridge;
- Landscape and rest nodes within the buffer area west of the multi-use trail.

As provided by ADOT, the project design documents will be complete by spring 2014, with construction scheduled to commence fall of 2014.

The purpose of the original IGA was to define project limits, programmed improvements, and City and State obligations with respect to design, construction, and maintenance of the proposed improvements.

This amendment to the IGA does not change any of the construction or maintenance responsibilities of the project. It does increase the amount of federal and city funding that is available to the project.

Previous Actions:

Previous Council actions taken with regards to improvements along New River Trail include:

- April 2012 – Approval of the IGA with ADOT for the Northern to Olive Trail
- January 2011 - Award Contract for NRT Grand Avenue Underpass
- November 2010 – Award Contract for Bell Road to Union Hills Multi-Use Trail
- November 2010 - IGA Approval for Olive Avenue Underpass
- June 2010 - Award Contract for Peoria Avenue Underpass
- January 2009 - Award Job Order Contract for Deer Valley Road Underpass
- April 2007 – IGA Approval for Olive Ave – Grand Avenue Multi-Use Trail

Options:

A: Approve Amendment One to the IGA with State of Arizona adding federal funds with the associated city match.

B: Deny approval of the Amendment to the IGA, which will result in the cancellation of the additional federal funding for the multi-use trail and underpass project on New River between Northern Avenue and Olive Avenue.

Staff's Recommendation:

Staff recommends that Council approve the attached Amendment One to the IGA with the State of Arizona.

Fiscal Analysis:

The fiscal impact of this amendment will not alter the original estimates pertaining to the operating and maintenance costs of the project. The only fiscal change will be the addition of \$188,600 of federal funding and the \$11,400 City match for a total of \$200,000 to be used in the construction of the project. The City has the 5.7% matching funds available in the existing Capital Improvement Program. This amendment to the IGA allows the federal dollars to be added as well.

Narrative:

Approval of this agreement will allow for the construction of these improvements to begin in the fall of 2014.

Amendment One to the IGA has been reviewed by Community Services, Public Works-Utilities, and the City Attorney's office.

Exhibits:

Exhibit 1: Vicinity Map

Exhibit 2: Location Map

Exhibit 3: Amendment One to the IGA

Exhibit 4: Original IGA

Contact Name and Number: Geoffrey Zinnecker, P. E. , Civil Engineer, x7293

RESOLUTION NO. 2013-183

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION APPROVING AMENDMENT ONE TO THE INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION AND THE CITY OF PEORIA FOR DESIGN, CONSTRUCTION, AND MAINTENANCE OF THE NEW RIVER TRAIL; NORTHERN TO OLIVE AVENUE TRAIL AND UNDERPASS

WHEREAS, the City of Peoria Mayor and City Council are authorized by Title 9, Chapter 2, Article 4, Section 9-276 (1) to lay out and establish or otherwise improve streets, alleys, avenues, sidewalks, etc. and by Title 11, Chapter 7, Section 11-951 *et seq.* to enter into intergovernmental agreements with other governing bodies for services or joint exercise of powers; and

WHEREAS, the City desires to amend the Intergovernmental Agreement with the Arizona Department of Transportation (State) for design, construction and maintenance of the New River Trail; Northern Avenue to Olive Avenue Trail and Underpass;

WHEREAS, by the City amending the Intergovernmental Agreement with the State the public interest will best be served.

THEREFORE, it is resolved by the Mayor and Council of the City of Peoria, Maricopa County, Arizona approves and adopts this Resolution to amend the Intergovernmental Agreement with the State for the construction, operation and maintenance of the Traffic Interconnect System Upgrade.

Resolution No. 2013-183
Arizona Department of Transportation
New River Trail; Northern Avenue to Olive Avenue, Project CS00125
November 19, 2013
Page 2 of 2 Pages

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Maricopa County, Arizona, this 19th day of November 2013.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney



NOT TO SCALE

DOVE VALLEY RD

LONE MOUNTAIN RD

MONTGOMERY RD

DIXILETA DR

PEAK VIEW RD

DYNAMITE BL

PINNACLE VISTA DR

JOMAX RD

YEARLING RD

HAPPY VALLEY RD

CALLE LEJOS

PINNACLE PEAK RD

WILLIAMS RD

DEER VALLEY RD

ROSE GARDEN LN

BEARDSLEY RD

UTOPIA RD

UNION HILLS DR

GROVERS AVE

BELL RD

PARADISE LN

GREENWAY RD

ACOMA DR

THUNDERBIRD RD

SWEETWATER AVE

CACTUS RD

CHOLLA ST

PEORIA AVE

MOUNTAIN VIEW RD

OLIVE AVE

BUTLER DR

NORTHERN AVE

LEGEND

-  New River Trail
Northern Ave - Olive Ave

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



VICINITY MAP

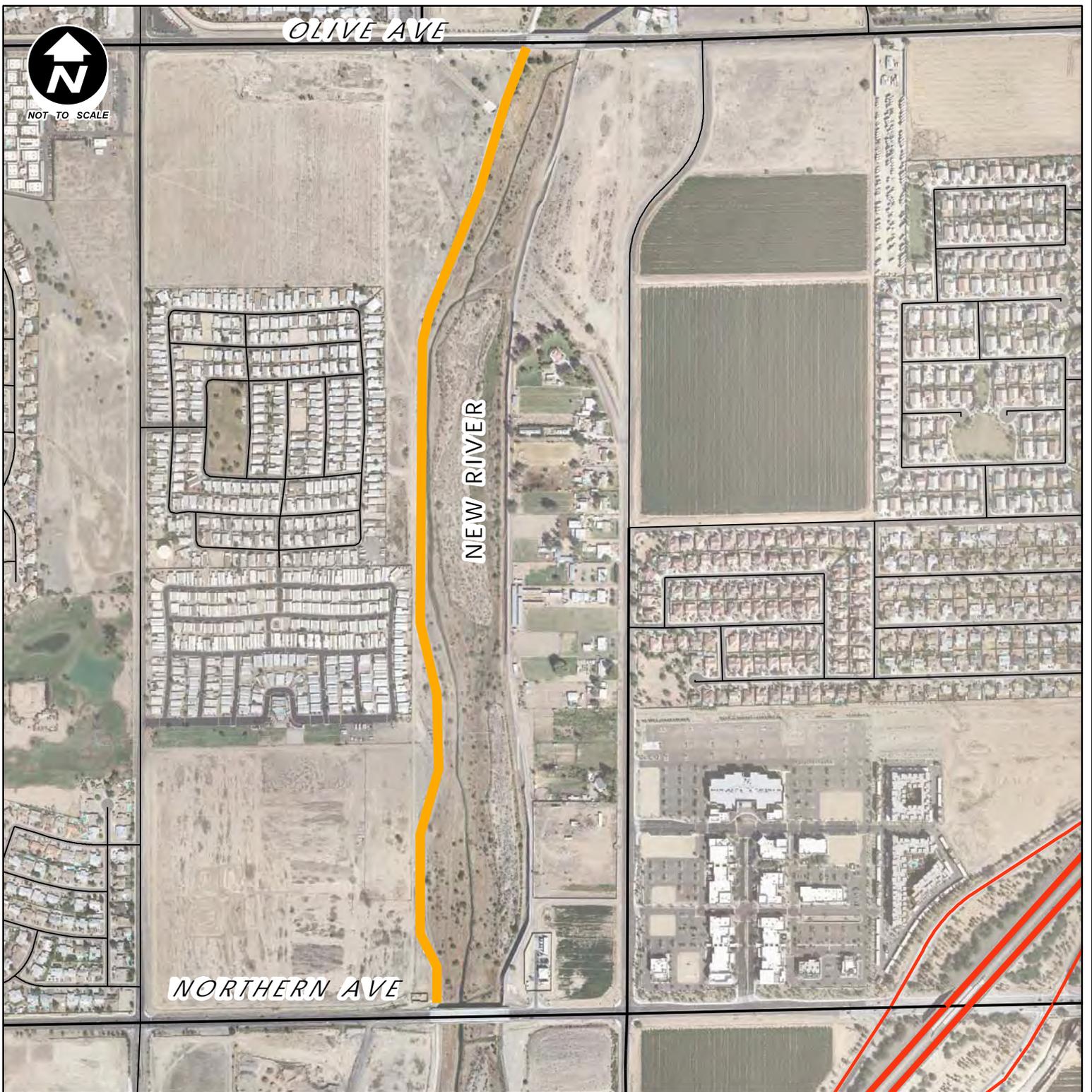
OLIVE AVE

NEW RIVER

NORTHERN AVE



NOT TO SCALE



LEGEND

— Trail

City of Peoria
New River Trail
Northern Ave to Olive Ave
Location Map



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

ADOT File No.: IGA/ JPA 11-115I
ADOT CAR No.:13-0000946-I
Amendment No. One
AG Contract No.: P001 2011 004200
Project: Multi Use Path
Section: Northern Ave to Olive Ave
ALONG THE WEST BANK OF New River
Federal-aid No.: CM-PEO-0(214)AT
ADOT Project No.: SS985 01D 03D & 01C
TIP/STIP No.: PEO13-902, PEO13-903,
PEO13-902C2, PEO13-903C2
Budget Source Item No.: N/A

**AMENDMENT NO. ONE
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PEORIA

THIS AMENDMENT NO. ONE TO THE Intergovernmental Agreement (the "Amendment") , entered into this date _____, 2013, pursuant to Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF PEORIA, acting by and through its MAYOR and CITY COUNCIL (the "City"). The City and State are collectively referred to as the "Parties."

WHEREAS, the INTERGOVERNMENTAL AGREEMENT, JPA/IGA 11-115I, A.G. Contract No. P001 2011 004200, was executed on April 25, 2012, the (Original Agreement").

NOW THEREFORE, in consideration of the mutual agreements expressed herein, the purpose of this Amendment is to increase funding for the construction costs of the project, and the Parties agree to amend the original Agreement, as follows:

I. RECITALS

1. The State is empowered by Arizona Revised Statute § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statute § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

Section I. Paragraph 7 is revised as follows:

7. The Federal funds will be used for the design and construction of the project, including the Construction Engineering and Administration cost (CE), and Project contingencies.

The current Project costs are as follows:

ADOT Project No. SS 985 01D

State design review fee	\$ 10,000.00
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ADOT Project No. SS 985 03D

TEA Funding @ 94.3%	\$ 250,000.00
City Match @ 5.7%	<u>\$ 15,112.00</u>

Total Estimated Design Costs	\$ 275,112.00
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ADOT Project No. SS 985 01C

CMAQ Federal Funds @94.3%	\$ 700,000.00
TEA Federal Funds @ 94.3%	\$ 250,000.00
New TA Federal Funds @ 94.3%	<u>\$ 188,600.00</u>

Total Federal Construction Funding	\$ 1,138,600.00
---	------------------------

City Match @ 5.7%	\$ 68,823.00
City Local Funding @ 100%	<u>\$ 177,466.00</u>
Total City Construction Funding	<u>\$ 246,289.00</u>

**TOTAL Estimated Construction Costs	\$ 1,384,889.00
---	------------------------

** (Includes 15% CE and 5% Project contingencies)

TOTAL Estimated Project Costs	\$ 1,660,001.00
--------------------------------------	------------------------

The Parties acknowledge that the final bid amount may exceed the initial estimate(s) shown above, and in such case, the City is responsible for, and agrees to pay, any and all eventual, actual costs exceeding the initial estimate. If the final bid amount is less than the initial estimate, the difference between the final bid amount and the initial estimate will be de-obligated or otherwise released from the Project. The City acknowledges it remains responsible for, and agrees to pay according to the terms of this Agreement, any and all eventual, actual costs exceeding the final bid amount.

II. SCOPE OF WORK

Section II, Paragraph 1. g. Is revised as follows:

1. The State will:

g. Upon completion of design and prior to bid advertisement, invoice the City for the City's share of the Project construction costs, currently estimated at **\$246,289.00**. Once the Project costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual costs. De-obligate or otherwise release any remaining federal funds from the scoping/design phase of the Project.

Section II, Paragraph 1.d. is revised as follows:

2. The City will:

d. Upon completion of design, within thirty (30) days of receipt of an invoice from the State and prior to bid advertisement, remit to the State, the City's Project construction costs, currently estimated at **\$246,289.00**. Once the Project costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual costs.

III. MISCELLANEOUS PROVISIONS

This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

ALL NOTICES OR DEMANDS upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax

City of Peoria
Attn: Andy Granger, P.E.
City Engineer
8401 W. Monroe Street
Peoria, Arizona 85345
(623) 773-7260
(623) 773-7211

PURSUANT TO ARIZONA REVISED STATUTE § 11-952 (D), attached hereto and incorporated herein, is the written determination of each party's legal counsel that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

CITY OF PEORIA

STATE OF ARIZONA

Department of Transportation

By _____
BOB BARRET
Mayor for the City of Peoria

By _____
DALLAS HAMMIT, P.E.
Senior Deputy State Engineer, Development

ATTEST:

By _____
BRIGITTA M. KUIPER
City Clerk

**JPA 11-115I
AMENDMENT NO. ONE**

ATTORNEY APPROVAL FORM FOR THE CITY OF PEORIA

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF PEORIA, an Agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this _____ day of _____, 2013

City Attorney

ADOT File No.: IGA/JPA 11-115-I
AG Contract No.: P001 2011 004200
Project: Multi use path
Section: Northern Ave to Olive Ave
Along the west bank of New River
Federal Project No.: CM-PEO-0(214)A
ADOT Project No.: SS 985 03D & 01C
CMAQ and TEA Funds

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
CITY OF PEORIA

THIS AGREEMENT is entered into this date April 25th, 2012 (effective date), pursuant to the Arizona Revised Statutes §§ 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF PEORIA, acting by and through its MAYOR and CITY COUNCIL (the "City"). The State and the City collectively are referred to as "Parties".

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
 2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.
 3. The City has selected such project within the boundary of the City. The survey of the project has been completed and the plans, estimates and specifications will be prepared and as required, submitted to the State and Federal Highway Administration (FHWA) for its approval.
 4. The City, in order to obtain TEA & CMAQ Federal funding, is willing to provide City funds to match Federal funds in the ratio required or as finally fixed and determined by the City and FHWA.
 5. The City's project is to design and construct a Multi-use Trail path from Northern Avenue to Olive Avenue along the west bank of New River. The State will be the City's designated agent for obtaining Federal funds and administering the construction phase of the project, hereinafter referred to as the "Project". The City has selected one of the State's On-Call Design Consultant firms to prepare necessary documents and design plans and the State shall advertise, bid and award the Project.
 6. The interest of the State in this project is the acquisition and distribution of federal funds for the use and benefit of the City and to authorize such federal funds for the project pursuant to Federal law and regulations.
-

LCON01212

7. The Federal funds will be used for the design and construction of the project, including the construction engineering and administration cost (CE).

The current Project costs are as follows:

ADOT Project No. SS 985 03D

TEA Funding @ 94.3%	\$ 250,000.00
City Match @ 5.7%	\$ 15,112.00
ADOT Review Fee	\$ <u>10,000.00</u>
Estimated Design Costs	\$ 275,112.00

ADOT Project No. SS 985 01C

CMAQ & TEA Federal Funds	\$ 950,000.00
City Match @5.7%	\$ <u>234,889.00</u>

***TOTAL Estimated Project Costs \$ 1,460,001.00**

*(Includes CE and project contingencies)

The Parties acknowledge that the final bid amount may exceed the initial estimate(s) shown above, and in such case, the City is responsible for, and agrees to pay, any and all eventual, actual costs exceeding the initial estimate. If the final bid amount is less than the initial estimate, the difference between the final bid amount and the initial estimate will be de-obligated or otherwise released from the Project. The City acknowledges it remains responsible for, and agrees to pay according to the terms of this Agreement, any and all eventual, actual costs exceeding the final bid amount.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:
 - a. Prior to performing or authorizing any work, invoice the City for ADOT's review fee.
 - b. Upon receipt of the design review fee and on behalf of the City, act as the City's designated agent.
 - c. Upon execution of this Agreement, and prior to performing or authorizing any work, invoice the City for the City's estimated design match for the amount of \$15,112.00 for the Project.
 - d. On behalf and with the consent of the Town, contract with one of the State's on-call consultants ("Consultant") to prepare all pertaining documents for the Project; review and approve documents required by FHWA to qualify certain projects for and to receive Federal funds. Such documents may consist of, but are not specifically limited to, environmental documents; the preparation of the analysis requirements for documentation of environmental categorical exclusion determinations; review of reports, design plans, maps, and specifications; geologic materials testing and analysis; right-of-way related activities and such other related tasks essential to the achievement of the objectives of this Agreement.
 - e. Submit all documentation required to the FFHWA containing the above-mentioned Project with the recommendation that funding be approved for the Project. Request the maximum Federal funds be programmed for the design and construction of this Project. Should costs be deemed ineligible or exceed

the maximum Federal funds available, it is understood and agreed that the City will be responsible for these costs.

f. Send a review set of all design plans and project documents prepared by the design consultant to the City. Review design plans and project documents for said Project and provide comments to the City, Flood Control District of Maricopa County (FCDMC) and the design consultant as appropriate.

g. Prior to performing or authorizing any construction-related work, invoice the City for the City's share of the construction costs, currently estimated at \$ 234,889.00. The State will request the maximum programmed federal funds for the construction of this Project.

h. Upon approval by the FHWA, and receipt of the City's funds, proceed to advertise for, receive and open bids. The State will enter into a contract(s) with a firm(s) to whom the award is made for the construction of the Project; administer contract(s) for the Project and make all payments to the contractor(s). Should costs exceed the maximum federal funds available, it is understood and agreed that the City will be responsible for any overage.

i. Notify the City the Project has been completed and is considered acceptable, coordinating with the City and FCDMC as appropriate and to turn over full responsibility of the Project improvements to the City.

j. Either invoice or reimburse the City for the difference between the Federal Aid and actual construction costs once the Project costs have been finalized. The State will prepare a final reconciliation upon completion of the Project.

k. Not be obligated to maintain said Project, should the City fail to budget or provide for proper and perpetual maintenance as set forth in this Agreement.

2. The City will:

a. Upon execution of this Agreement, designate the State as authorized agent for the City.

b. Remit to the State within thirty (30) days of receipt of an invoice from the State, for the State's design review costs.

c. Upon execution of this Agreement, and within thirty (30) days of receipt of an invoice from the State, remit to the State for the City's design match in the amount of \$15,112.00. Once the Project costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual costs.

d. Be responsible for any costs exceeding the maximum Federal funds available for the Project or those costs deemed ineligible for federal aid. Agree that the cost of the design activities covered by this Agreement is to be borne by FHWA and the City, each in the proportions prescribed and determined by FHWA.

e. Pursuant to 23 USC 102(b), repay all Federal funds reimbursements for preliminary engineering costs on the Project if it does not advance to right of way acquisition or construction within ten (10) years after Federal funds were first made available.

f. Enter into an agreement with the State for the use of one of the Consultants to provide services as required and requested throughout the development of the project including the construction phase of the Project.

g. Review design plans and project documents and provide review comments, within 15 working days of receipt of documents, to the design consultant and the State as appropriate.

h. Certify that all necessary rights-of-way have been or will be acquired prior to advertisement for bid and also certify that all obstructions or unauthorized encroachments of whatever nature, either above or below the surface of the Project area, shall be removed from the proposed right-of-way, or will be removed prior to the start of construction. Coordinate with the appropriate State's Right-of-Way personnel during any right-of-way process performed by the City, if applicable.

i. Not permit or allow any encroachments upon or private use of the right-of-way, except those authorized by permit. In the event of any unauthorized encroachment or improper use, the City shall take all necessary steps to remove or prevent any such encroachment or use.

j. Hereby grant the State, its agents and/or contractors, without cost, the right to enter City Rights-of-Way, as required, to conduct any and all construction and preconstruction related activities, including without limitation, temporary construction easements or temporary Rights-of-Entry to accomplish among other things, soil and foundation investigations. And FCDMC permit required for geotechnical investigation.

k. Be responsible for any and all costs attributable to any engineering change orders requested by the City not covered by federal funds. The City will also be responsible for contractor claims for additional compensation caused by Project delays attributable to the City.

l. Upon completion of the Project, agree to accept, maintain and assume full responsibility of said Project in writing.

m. Enter into an agreement with Logan Simpson for the Environmental Clearance for the Project. This scope of work will not be part Premier Engineering's scope of services.

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of said Project, except any provisions for maintenance/electrical power and/or landscaping maintenance shall be perpetual by the City. Further, this Agreement may be cancelled at any time prior to advertisement of the project construction contract, upon thirty (30) days written notice to the other party. It is understood and agreed that, in the event the City terminates this Agreement, the State shall in no way be obligated to maintain said Project and the City will reimburse the State for any costs incurred by the State as a result of the termination.

2. The State assumes no financial obligation or liability under this Agreement, or for any resulting construction Project. The City, in regard to the City's relationship with the State only, assumes full responsibility for the design, plans, specifications, reports, the engineering in connection therewith and the construction of the improvements contemplated, cost over-runs and construction claims. It is understood and agreed that the State's participation is confined solely to securing federal aid on behalf of the City and the fulfillment of any other responsibilities of the State as specifically set forth herein; that any damages arising from carrying out, in any respect, the terms of this Agreement or any modification thereof shall be the liability of the City and that to the extent permitted by law, the City hereby agrees to save and hold harmless, defend and indemnify from loss the State, any of its departments, agencies, officers or employees from any and all costs and/or damage incurred by any of the above and from any other damage to any person or property whatsoever, which is caused by any activity, condition, misrepresentation, directives, instruction or event arising out of the performance or non performance of any provisions of this Agreement by the State, any of its departments, agencies, officers and employees, or its independent contractors, the City, any of its agents, officers and employees, or its independent contractors. Costs incurred by the State, any of its departments, agencies, officers or employees shall include in the event of any action, court costs, and expenses of litigation and attorneys' fees.

3. This agreement shall remain in force and effect until completion of the work and related deposits and reimbursements.

4. The cost of design, construction and construction engineering work under this Agreement is to be covered by the federal funds set aside for this Project, up to the maximum available. The City acknowledges that the eventual actual costs may exceed the maximum available amount of federal funds, or that certain costs may not be accepted by the federal government as eligible for federal funds. Therefore, the City agrees to furnish and provide the difference between actual costs and the federal funds received.

5. The cost of the project under this Agreement includes applicable indirect costs approved by the Federal Highway Administration (FHWA).

6. The City and the State warrant compliance with the Federal Funding Accountability and Transparency Act of 2006 and associated 2008 Amendments (the "Act"). Additionally, in a timely manner, the City will provide information that is requested by the State to enable the State to comply with the requirements of the Act, as may be applicable.

7. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

8. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

9. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes § 35-214 and § 35-215 shall apply to this Agreement.

10. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable Federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 2009-09 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

11. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.

12. If the federal funding related to this Project is terminated or reduced by the federal government, or if the federal government rescinds, fails to renew, or otherwise reduces apportionments or obligation authority, the State shall in no way be obligated for funding or liable for any past, current or future expenses under this Agreement.

13. In the event of any controversy, which may arise out of this Agreement, the Parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

14. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 637E
Phoenix, Arizona 85007
(602) 712-7124
(602) 712-3132 Fax

Local Government Section
Project Manager, Robert Knighten
1615 W. Jackson Street MD 630E
Phoenix, Arizona 85007
(602) 712-7615

ADOT Financial Management Services
Attn: Project Accounting
206 17th Avenue, MD 204B
Phoenix, Arizona 85007
(602) 712-8471 Fax

Attn: Andy Granger, P.E.
City Engineer
City of Peoria
8401 W. Monroe Street
Peoria, Arizona 85345
Phone (623) 773-7260
Fax (623) 773-7211

For City Financial Matters:

Brent Mattingly, Finance Director
Phone: (623) 773-7134

15. Compliance requirements for Arizona Revised Statutes § 41-4401—immigration laws and E-Verify requirement:

a. The City warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with Arizona Revised Statutes § 23-214(A).

b. A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the Agreement, and the City may be subject to penalties up to and including termination of the Agreement.

c. The State retains the legal right to inspect the papers of any employee who works on the Project to ensure that the City or subcontractor is complying with the warranty under paragraph (a).

16. Pursuant to Arizona Revised Statutes § 35-391.06 and § 35-393.06, each Party certifies that it does not have a scrutinized business operation in Sudan or Iran. For the purpose of this Section the term "scrutinized business operations" shall have the meanings set forth in Arizona Revised Statutes § 35-391 and/or § 35-393, as applicable. If any Party determines that another Party submitted a false certification, that Party may impose remedies as provided by law including terminating this Agreement.

17. The Parties hereto shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.

18. In accordance with Arizona Revised Statutes § 11-952(D) attached hereto and incorporated herein is the written determination of each party's legal counsel and that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the Parties have executed this Agreement the day and year first above written.

CITY OF PEORIA

STATE OF ARIZONA
Department of Transportation

By [REDACTED]
BOB BARRET
Mayor for the City of Peoria

By [REDACTED]
DALLAS HAMMITT, P.E.
Deputy State Engineer, Development

ATTEST:

By [REDACTED]
WANDA NESSON
Clerk for City of Peoria



final February 1, 2012-ly

LCON01212

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Date Prepared: February 14, 2012

Council Meeting Date: March 20, 2012

TO: Carl Swenson, City Manager

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

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Intergovernmental Agreement, State of Arizona, New River Trail; Northern Avenue to Olive Avenue Trail and Underpass (Project No. CS00125)

Purpose:

This is a request for City Council to approve an Intergovernmental Agreement (IGA) between the State of Arizona and the City of Peoria for the design, construction, and maintenance obligations relating to a proposed multi-use trail path from Northern Avenue to Olive Avenue located along the west bank of the New River and an underpass at the Northern Avenue Bridge at New River.

Background/Summary:

In 1999, The City of Peoria received a Congestion Mitigation and Air Quality (CMAQ) grant to complete a Design Concept Report (DCR) for a multi-use trail between Northern Avenue and Grand Avenue (3.2 miles) along the west bank of the New River. In 2000, the City received Transportation Enhancement Funds (TEA) for construction of the trail project. During the time frame of 2000-2003 in the design phase, it was becoming apparent that escalating construction costs were causing the 3.2 mile of trail to become underfunded. The City decided to proceed with design of the trail, but construction would only include the multi-use trail from Olive Avenue to Grand Avenue.

In 2007, the City submitted an application to Maricopa Association of Governments (MAG) to obtain \$700,000 of CMAQ funds for the purpose of completing the design and construction of the one-mile section of trail between Northern Avenue and Olive Avenue. In 2008, the trail from Olive Avenue to Grand Avenue was constructed. In 2009, with still no clear direction from MAG if the CMAQ funds had been awarded, the City attempted to take advantage of MAG annual close-out funds by applying for \$500,000 of TEA funds. In 2010, the City received CMAQ and TEA funds to be applied towards the design and construction of the one-mile section of trail between Northern Avenue and Olive Avenue. However, the additional funding allowed the City to expand the scope of the project to include the design and construction of an underpass at the Northern Avenue Bridge, landscape improvements and a rest node. The Northern

Avenue underpass allows for a connection with the City of Glendale trail system extending south of Northern Avenue.

In anticipation of receiving federal funding, the City budgeted its share of matching funds for the project in the 10-year CIP. The City's matching funds (5.7%) include; \$234,889 for construction funds and \$25,112 for design and ADOT review fees.

The programmed improvements within the City of Peoria include the following:

- One-mile of multi-use trail from Northern Avenue to Olive Avenue;
- Two underpass ramps with a grade crossing in New River at the Northern Avenue Bridge;
- Landscape and rest nodes within the buffer area west of the multi-use trail.

As provided by ADOT, the project design documents will be complete by the spring of 2013, with construction scheduled to commence summer of 2013.

The purpose of this IGA is to define project limits, programmed improvements, and City and State obligations with respect to design, construction, and maintenance of the proposed improvements. A summary of each party's responsibilities is provided below.

City of Peoria

1. Be responsible for costs for any additional design changes requested by the City after the project has been awarded by ADOT;
2. Upon execution of this Agreement, and within thirty (30) days of receipt of an invoice from the State, remit to the State for the City's design match in the amount of \$15,112 and \$10,000 for ADOT review fees. Once the Project costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual costs;
3. Remit to the State within thirty (30) days of receipt of an invoice from the State, for the City's estimated construction match in the amount of \$234,889;
4. Be responsible for any costs exceeding the maximum Federal funds available for the Project or those costs deemed ineligible for Federal aid. Agree that the cost of the design activities covered by this Agreement is to be borne by FHWA and the City, each in the proportions prescribed and determined by FHWA;
5. Review design plans, project documents and review comments within 15 working days of receipt of documents;
6. Upon completion of the Project, agree to accept, maintain and assume full responsibility of said Project;
7. Enter into an agreement with Logan Simpson Design for the Environmental Clearance for the Project.

State

1. Prior to performing or authorizing any work, invoice the City for ADOT's review fee. Pay for all improvements included in the project documents.
2. Upon receipt of the design review fee and on behalf of the City, act as the City's designated agent.
3. On behalf of the City, use one of the State's On-Call Design Consultant Firms to prepare all pertaining documents for the Project; review and approve documents required by FHWA to qualify certain projects for and to receive Federal funds. Such documents may consist of, but are not specifically limited to, environmental documents; the preparation of the analysis requirements for documentation of environmental categorical exclusion determinations; review of reports, design plans, maps, and specifications; geologic materials testing and analysis; right-of-way related activities and such other related tasks essential to the achievement of the objectives of this Agreement.
4. Send a review set of all design plans and project documents prepared by the design consultant to the City. Review design plans and project documents for said Project and provide comments to the City, Flood Control District of Maricopa County (FCDMC) and the design consultant as appropriate. Invoice City for additional design changes requested by the City after the project has been awarded.
5. Notify the City the Project has been completed and is considered acceptable, coordinating with the City and FCDMC as appropriate and to turn over full responsibility of the Project improvements to the City.

Previous Actions:

Previous Council actions taken with regards to improvements along New River Trail include:

- January 2011 - Award Contract for NRT Grand Avenue Underpass
- November 2010 – Award Contract for Bell Road to Union Hills Multi-Use Trail
- November 2010 - IGA Approval for Olive Avenue Underpass
- June 2010 - Award Contract for Peoria Avenue Underpass
- January 2009 - Award Job Order Contract for Deer Valley Road Underpass
- April 2007 – IGA Approval for Olive Ave – Grand Avenue Multi-Use Trail

Options:

- A: Approve IGA with State of Arizona.
- B: Deny approval of IGA, which will result in the cancellation of the multi-use trail and underpass project on New River between Northern Avenue and Olive Avenue

Staff's Recommendation:

Staff recommends that Council approve the attached IGA with the State of Arizona.

Fiscal Analysis:

The fiscal impacts related to this IGA include both upfront capital expenditures and ongoing operating and maintenance costs.

The estimated upfront capital expenditures associated with this IGA are \$260,001. This cost is attributed to the City's local match for design and construction as required by the Federal Highway Administration (FHWA) and as outlined in the background/summary section above. These amounts will be invoiced by ADOT in two installments and adequate funding is available in the current FY 2012 and the proposed FY 2013 Capital Improvement Programs.

The estimated additional operating and maintenance costs associated with these improvements are approximately \$10,000 annually. This is attributable to Community Services to maintain trail paving, landscaping, striping, guard rail, and the rest nodes as part of this project.

Narrative:

Approval of this agreement will allow for the construction of these improvements to begin in the summer of 2013.

This IGA has been reviewed by Community Services, Public Works/Utility Division, and the City Attorney's office.

Exhibits:

- Exhibit 1: Location Map
- Exhibit 2: Vicinity Map
- Exhibit 3: Intergovernmental Agreement

Contact Name and Number:

Ed Striffler, Design & Construction Manager, 623-773-7721

ATTORNEY APPROVAL FORM FOR THE CITY OF PEORIA

I have reviewed the above-referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY, an Agreement among public agencies which, has been reviewed pursuant to Arizona Revised Statutes §§ 11-951 through 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 21st day of March, 2012.


City Attorney *[Handwritten initials]*

LCON01212



TOM HORNE
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
TRANSPORTATION SECTION

SUSAN E. DAVIS
ASSISTANT ATTORNEY GENERAL
DIRECT LINE: 602-542-8855
E-MAIL: SUSAN.DAVIS@AZAG.GOV

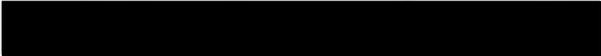
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. P0012011004200 (**IGA/JPA 11-115-I**), an Agreement between public agencies, i.e., The State of Arizona and City of Peoria, has been reviewed pursuant to A.R.S. §§ 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: April 25, 2012

TOM HORNE
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 11C

Date Prepared: November 6, 2013

Council Meeting Date: November 19, 2013

TO: Carl Swenson, City Manager

FROM: Brent Mattingly, Chief Financial Officer
John Imig, Chief Technology Officer

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Finance Department Budget Adjustment for FY2014 for Utility Billing System

Purpose:

Discussion and possible action to approve a budget adjustment in the amount of \$221,000 to cover additional costs associated with the Utility Billing System upgrade project.

Background/Summary:

The Northstar Utility Billing System (Northstar) was originally implemented in 2006. It has only received one minor upgrade since its initial implementation. A major upgrade to a newer version of the system is necessary in order for the system to be compatible with the city's Windows 7 platform. Northstar is one of the last of the city's information systems that must be updated in order for the city to convert from Windows XP to Windows 7. Microsoft will no longer support Windows XP as of April, 2014.

In addition, Northstar Version 6.4 includes technology improvements that will enhance the performance and stability of this complex meter reading and utility billing system. The vendor has self-certified that new version meets Payment Card Industry (PCI) data security standards, provides better reporting capabilities, and runs much faster thereby reducing time on customer telephone calls. PCI standards are requirements designed to ensure that all companies that process, store, or transmit credit card information maintain a secure environment. Since the city processes many credit card transactions, it is important that our utility billing system meet these standards. The Northstar system is also used by other city departments for reporting, forecasting and verifying occupancy of homes and businesses.

Previous Actions:

An initial budget of \$30,000 was approved several years ago to upgrade the Northstar system. However, that funding has been carried over each year as the vendor had not completed the release of the new version of their comprehensive system. City staff was unable to get an

updated project cost from the vendor until very recently. As such, updated project cost estimates were not available for the preparation of the FY2014 city budget. The vendor (Harris Computers) recently provided the city with an estimate that allowed staff to prepare a budget of \$251,000 to upgrade Northstar to Version 6.4. The \$221,000 of additional costs (\$251,000 less the existing \$30,000 budget) include hardware (\$88,600), Northstar software (\$82,350), professional consulting assistance (\$15,500), system interface development from other vendors (\$27,000), miscellaneous other software and hardware related to the project (\$15,600), and project contingencies (\$21,950).

The current Capital Improvement Program includes a \$3.1 million project (UT00160) in FY 2018 for the possible future replacement of the existing system. This replacement project may potentially be delayed with the completion of this upgrade. Staff recommends that the \$221,000 would be funded from the city's water, wastewater, and residential solid waste funds.

Options:

- A:** Approve the use of reserves and a budget adjustment of \$221,000 to cover the additional Northstar upgrade costs.
- B:** Do not approve a budget adjustment of \$221,000 to cover the additional Northstar upgrade costs. This would prevent the city from being able to completely migrate to Windows 7.

Staff's Recommendation:

Staff recommends approval of a budget adjustment of \$221,000 from the following accounts: \$74,000 from the Water Fund contingency (2050-2050-570000), \$74,000 from the Wastewater Fund contingency (2400-2480-570000), and \$73,000 from the Residential Solid Waste Fund contingency (2600-2750-570000) to the Northstar upgrade project - Other Professional Services account (1000-0460-520099).

Fiscal Analysis:

Approval of the proposed budget adjustment would use \$221,000 from the water, wastewater, and residential solid waste funds.

Contact Name and Number:

Brent Mattingly, Finance, Chief Financial Officer, 623-773-7134

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 12C

Date Prepared: November 5, 2013

Council Meeting Date: November 19, 2013

TO: Honorable Mayor and Council
FROM: Stephen M. Kemp, City Attorney
SUBJECT: Settlement/Release of Hudson Insurance Company Regarding Scotland Yard Neighborhood Park Performance Bond Claim

Purpose:

This is a request for City Council to approve the settlement and release with Hudson Insurance Company as it relates to the surety bonding for Simmons Construction on the Scotland Yard Neighborhood Park construction project. Approval of the settlement and release would allow for the payment from Hudson Insurance Company to the City in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00) and release Hudson from further liability as it relates to the Surety's responsibility for Simmons Construction on the Scotland Yard Park construction project.

Background/Summary:

After completing the bidding process for the construction of Scotland Yard Neighborhood Park, Simmons Construction was awarded the bid as the lowest bidder for the project. During construction of the project payments were made to Simmons for work that was believed to have been completed correctly. Upon the failure of Simmons to perform to the terms of the contract and their inability to complete the project in accordance with the contract, the City served Simmons with a Notice of Default. The City was notified by Hudson Insurance Company, the bonding company for the project to proceed with hiring a new company to complete the work. Upon hiring Valley Rain to complete the work remaining it was found that several items had been completed below acceptable standards as well as completed incorrectly. The City filed a Notice of Claim with Hudson Insurance Company on the Performance Bond for the cost of completion of Scotland Yard Neighborhood Park.

Previous Actions:

Staff has been in negotiations with Hudson Insurance Company for the coverage of the amount due to the City for the failure of Simmons since the 2nd quarter of 2013. The settlement and release agreement is the result of negotiations with representatives for the Surety.

Options:

A: Accept the settlement and release in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00).

B: Deny the settlement and release and proceed to litigation.

Staff's Recommendation:

Staff recommends approval of the settlement and release of Hudson Insurance Company on the Scotland Yard Neighborhood Park Performance Bond Claim for payment in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00) and authorization for the City Attorney to sign the Settlement Agreement and Mutual Release document.

Fiscal Analysis:

In accordance with the direction from the Surety at the time of Simmons default, the City retained all unpaid amounts to Simmons Construction. The City's net incurred cost to complete the park was \$279,182.05 more than the Simmons contract. In addition, Simmons accrued \$170,400.00 of liquidated damages for late completion. The Two Hundred Forty Thousand Dollars (\$240,000.00) settlement offer offsets a high percentage of the actual expenses incurred and is a preferential result as compared to engaging in the time and expense of litigation.

Narrative:

Not Applicable

Exhibit(s):

Not Applicable

Contact Name and Number

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

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 13C

Date Prepared: November 4, 2013

Council Meeting Date: November 19, 2013

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

Purpose:

This is a request for City Council to review and accept the Investment Report for the Quarter Ended September 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, 2013 to September 30, 2013. The City's total investment portfolio earned an average yield of 0.33% for the 1st quarter of FY 2014. This represents investment income of \$241,643 for the 1st quarter. The average cash balance of the City's portfolio during the 1st quarter was \$297,494,039 and the ending balance for the total investment portfolio was \$300,712,829 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 Quarterly Investment Report as presented
- B:** Not accept the Quarterly Investment Report and request additional information from staff

Staff's Recommendation:

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

Fiscal Analysis:

This item has no financial implications.

Narrative:

The quarterly 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 Quarter Ended September 30, 2013

Exhibit 2: Inventory Holdings Report for the Quarter Ended September 30, 2013

Exhibit 3: Glossary of Security Definitions

Contact:

Deborah Card, Treasury Manager, X7148

CITY OF PEORIA, ARIZONA



INVESTMENT PERFORMANCE REPORT

Quarterly Report

Period Ended

September 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.....	6
VI.	SUMMARY DATA.....	7

I. INTRODUCTION

This report reflects investment activity for the period of July 1, 2013 to September 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 Ended September 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	FY 14 Q1
General Portfolio	0.47	0.40	0.33	0.35	0.34
Bond Funds	0.30	0.28	0.24	0.19	0.17
Total Portfolio	0.45	0.39	0.32	0.33	0.33

This quarter's average yield of 0.33% for the total portfolio remained unchanged from the total portfolio annualized yield experienced for the 4th Quarter Ended June 30, 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 – Q2		FY 13 – Q3		FY 13 – Q4		FY 14 – Q1	
	Amt	%	Amt	%	Amt	%	Amt	%
Money Market	36.0	11.4	27.7	8.6	31.3	10.5	39.3	13.1
Agency Securities	162.8	51.3	171.9	53.0	155.2	51.9	153.1	50.9
Treasury Bills	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Treasury Notes	27.3	8.6	32.3	10.0	28.2	9.4	28.1	9.3
Commercial Paper	90.9	28.7	89.9	27.8	83.9	28.1	79.9	26.6
Repurchase Agreements	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
State Pool	0.1	0.0	2.0	0.6	0.3	0.1	0.3	0.1
TOTALS:	317.1	100.0	323.8	100.0	298.9	100.0	300.7	100.0

B. Average Invested Cash Balances. The average investment cash balance of the overall portfolio for the Quarter Ended September 30, 2013 was \$297,494,039 as compared to \$315,896,123 for the Quarter Ended June 30, 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 1st Quarter of FY14 was \$241,643, which represents a decrease of 7.9% from the \$262,396 earned in the 4th 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 1st Quarter of FY14 was 349 days. The average rates of comparable benchmarks are shown in the table below.

Table 3

COMPARATIVE ANNUALIZED INVESTMENT YIELDS				
	FY 13 Q2	FY 13 Q3	FY 13 Q4	FY 14 Q1
City of Peoria (General Portfolio)	0.40	0.33	0.35	0.34
3 Month T-Bill	0.08	0.08	0.05	0.03
6 Month T- Bill	0.13	0.11	0.08	0.06
1 Year T-Bill	0.17	0.14	0.12	0.11
2 Year Treasury	0.26	0.25	0.26	0.36

E. Average Maturity of the Portfolio. For the Quarter ended September 30, 2013, the average maturity of the portfolio was 349 days as compared to 356 days on June 30, 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.....	\$298,920,125
Beginning Market Value	\$298,549,115
Ending Book Value.....	\$300,712,829
Ending Market Value.....	\$300,514,685

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 \$198,144.

ECONOMIC REVIEW AS OF 9-30-13:

Gross Domestic Product (GDP): The average annual GDP growth rate for the U.S. economy since WWII is 3.2%. In the four years following the last recession, fueled by massive amounts of federal stimulus, GDP has averaged just 2.3%. The most recent second quarter 2013 GDP growth was revised upward from 1.8% to 2.5%, but much of this was an adjustment in the trade balance and not likely to be repeated. Third quarter GDP is estimated at approximately 2% and the government shutdown is believed to have shaved half a percentage point off of fourth quarter growth. Slower growth has pushed back the expected timeframe for tapering of asset purchases from late 2013 into 2014, and few expect the Fed to raise the overnight funds target before early-to-mid-2015.

Nonfarm Payrolls: Nonfarm payrolls rose by just 148k in September, well below the Bloomberg median forecast for 180k jobs. July payrolls were revised downward by 15k to 89k, while August was revised up by 27k to 193k for a two month net revision of +9k. So far in 2013, job gains have averaged 177k, but during the third quarter they averaged just 143k. Normally, job creation would have to be well above the 150k mark in order to drive down the unemployment rate, but with the participation rate at a 35-year low, (official) unemployment fell to 7.2%, the lowest level in five years. However, the U6 measure of unemployment, which includes everyone who would accept a fulltime position if one were offered, is still at a lofty 13.6%, well above the 8.4% rate recorded in November 2007, the month before the recession began.

Housing: Mortgage rates rose by more than 125 basis points from early May to early September, a move that had a significant impact on affordability. New home sales averaged 446k for the first half of 2013, but fell to a 390k pace in July, before rebounding somewhat in August. September new home sales figures will be delayed until November due to the government shutdown. Existing home sales (which currently make up 93% of all sales) fell by 1.9% in September to an annualized rate of 5.29 million. August sales were actually the strongest since 2009, although much of this reflected transactions that were already in the deal pipeline. The median price for an existing home in the U.S. rose by 11.7% year-over-year to \$199,200. The increase in prices combined with higher borrowing rates pushed the affordability index to a five-year low.

Retail Sales: A return to higher payroll taxes combined with higher borrowing costs and a less optimistic labor outlook seem to be taking a toll on consumers. Retail sales were actually negative in September, falling by 0.1%, after an anemic 0.2% rise in August. Auto and clothing sales were two of the main contributors to the September decline as the traditional back-to-school spending spree fell short of expectations, and auto dealers reported their worst sales numbers in almost a year. Consumer attitudes sagged in early October as Americans considered the impact of the government shutdown and the remote possibility of a technical default on U.S. Treasury debt. Although vehicle sales slumped in September, the 16 million annualized sales pace in August was the strongest since before the recession began in 2007.

- Scott McIntyre, First Southwest Asset Management

SUMMARY DATA

Table 4

PORTFOLIO COMPOSITION				
General Funds				
Security Type	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 03/31/13	FY 13 – Q4 Ending 06/30/13	FY 14 – Q1 Ending 09/30/13
Money Market	\$27,198,863	\$21,715,559	\$25,342,820	\$31,704,897
Agency Securities	\$162,819,280	\$171,834,530	\$152,680,673	\$150,623,080
Treasury Notes	\$21,252,024	\$26,267,037	\$26,170,621	\$26,057,413
Treasury Bills	\$0	\$0	\$0	\$0
Commercial Paper	\$70,919,130	\$76,420,478	\$71,431,327	\$71,439,165
Repurchase Agreements	\$0	\$0	\$0	\$0
State Pool	\$13,204	\$2,024,410	297,072	273,633
Totals:	\$282,202,501	\$298,262,014	\$275,922,513	\$280,098,188
Avg Yield	0.40	0.33	0.35	0.34
Avg Maturity (Years)	1.09	1.02	1.03	1.01
State Pool Yield	0.14	0.10	0.04	0.04

Table 5

PORTFOLIO COMPOSITION				
G.O. Bonds 2007				
Security Type	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 03/31/13	FY 13 – Q4 Ending 06/30/13	FY 14 – Q1 Ending 09/30/13
Money Market	\$1,356,551	\$711,543	\$1,704,307	\$1,666,320
Agency Securities	\$0	\$0	\$0	\$0
Treasury Notes	\$1,004,335	\$1,001,424	\$0	\$0
Treasury Bills	\$0	\$0	\$0	\$0
Commercial Paper	\$0	\$0	\$0	\$0
Repurchase Agreements	\$0	\$0	\$0	\$0
Totals:	\$2,360,886	\$1,712,967	\$1,704,307	\$1,666,320
Avg Yield	0.09	0.12	0.05	0.01
Avg Maturity (Years)	0.19	0.12	0.00	0.00

Table 6

PORTFOLIO COMPOSITION G.O. Bonds 2009				
Security Type	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 03/31/13	FY 13 – Q4 Ending 06/30/13	FY 14 – Q1 Ending 09/30/13
Money Market	\$2,884,463	\$2,645,012	\$2,350,544	\$3,367,156
Agency Securities	\$0	\$0	\$2,500,302	\$2,500,209
Treasury Notes	\$5,046,413	\$5,030,046	\$2,018,013	\$2,010,247
Treasury Bills	\$0	\$0	\$0	\$0
Commercial Paper	\$7,995,550	\$6,493,163	\$6,492,577	\$4,497,330
Repurchase Agreements	\$0	\$0	\$0	\$0
Totals:	\$15,926,426	\$14,168,221	\$13,361,436	\$12,374,942
Avg Yield	0.29	0.23	0.21	0.21
Avg Maturity (Years)	0.24	0.32	0.38	0.31

Table 7

PORTFOLIO COMPOSITION G.O. Bonds 2010				
Security Type	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 03/31/13	FY 13 – Q4 Ending 06/30/13	FY 14 – Q1 Ending 09/30/13
Money Market	\$1,726,301	\$2,406,248	\$1,675,789	\$1,048,751
Agency Securities	\$0	\$0	\$0	\$0
Treasury Notes	\$0	\$0	\$0	\$0
Treasury Bills	\$0	\$0	\$0	\$0
Commercial Paper	\$5,992,181	\$3,998,042	\$3,995,506	\$3,997,806
Repurchase Agreements	\$0	\$0	\$0	\$0
Totals:	\$7,718,482	\$6,404,290	\$5,671,295	\$5,046,557
Avg Yield	0.39	0.33	0.18	0.18
Avg Maturity (Years)	0.27	0.14	0.25	0.23

Table 8

PORTFOLIO COMPOSITION G.O. Bonds 2012				
Security Type	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 03/31/13	FY 13 – Q4 Ending 06/30/13	FY 14 – Q1 Ending 09/30/13
Money Market	\$2,846,617	\$250,052	\$260,842	\$1,526,822
Agency Securities	\$0	\$0	\$0	\$0
Treasury Notes	\$0	\$0	\$0	\$0
Treasury Bills	\$0	\$0	\$0	\$0
Commercial Paper	\$5,998,880	\$2,997,853	\$1,999,732	\$0
Repurchase Agreements	\$0	\$0	\$0	\$0
Totals:	\$8,845,497	\$3,247,905	\$2,260,574	\$1,526,822
Avg Yield	0.22	0.16	0.21	0.13
Avg Maturity (Years)	0.10	0.26	0.13	0.00

City of Peoria Detail of Security Holdings As of 09/30/2013

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-CIDA		BANK DEP	Wells Fargo Coll Inst											
36959HX77	04/09/13	CP - DISC	GE Capital Corp	1.250	06/27/14			13,000,000.00	101.685	13,219,050.00	13,091,462.41	100.820	13,106,600.00	270
302440XB6	01/17/13	CP - DISC	FCAR Owner Trust	1.125	08/27/14			10,000,000.00	101.456	10,145,600.00	10,061,368.90	100.750	10,075,000.00	270
313397NG2	03/28/13	AGCY DISCO	FHLMC	0.300	08/21/14			10,000,000.00	99.972	9,997,200.00	9,998,633.60	100.140	10,014,000.00	325
892339YND	02/25/13	CP - DISC	Toyota Mtr Cr	1.500	09/08/14			7,025,000.00	102.382	7,192,335.50	7,089,402.04	101.120	7,103,680.00	343
30244AZ65	03/12/13	CP - DISC	FCAR Owner Trust	0.500	02/24/15	02/24/14	ONE TIME	7,190,000.00	100.239	7,207,184.10	7,195,665.27	100.110	7,197,990.00	512
912828PL8	06/29/12	TREAS NOTE	U.S. Treasury	0.750	12/06/13			2,500,000.00	99.701	2,492,527.78	2,498,166.68	99.955	2,498,882.50	67
3134G3BF6	02/09/12	AGCY BULET	FHLMC	0.625	12/23/13			8,000,000.00	100.668	8,053,437.50	8,007,501.92	100.140	8,011,200.00	76
313371UC8	03/28/13	AGCY BULET	FHLB	0.875	12/27/13			10,000,000.00	100.548	10,054,820.00	10,006,665.20	100.120	10,012,000.00	84
36959JAN3	07/23/13	CP - DISC	GE Capital Corp	0.875	01/22/14			5,025,000.00	100.528	5,051,532.00	5,033,484.86	100.190	5,034,547.50	88
89233HAP9	05/08/13	CP - DISC	Toyota Mtr Cr	0.875	01/22/14			5,000,000.00	99.883	4,994,154.17	4,996,390.30	99.943	4,997,150.00	114
912828LZ4	12/31/12	TREAS NOTE	U.S. Treasury	1.750	01/31/14			13,000,000.00	101.750	13,227,500.00	13,066,604.85	100.570	13,074,100.00	123
302447B41	05/10/13	CP - DISC	FCAR Owner Trust II	0.200	04/14			10,000,000.00	99.723	9,972,250.00	9,987,050.00	99.905	9,990,480.00	127
36959JIC43	09/04/13	CP - DISC	GE Capital Corp	0.875	03/10/14			8,000,000.00	99.899	7,991,955.56	7,993,155.52	99.905	7,992,424.00	155
36959JCC5	09/11/13	CP - DISC	GE Capital Corp	0.875	03/12/14			10,000,000.00	99.899	9,989,888.99	9,991,000.00	99.891	9,989,130.00	163
302447D15	08/08/13	CP - DISC	FCAR Owner Trust II	0.400	04/03/14			5,000,000.00	99.797	4,989,838.50	4,992,163.90	99.858	4,992,885.00	183
302441D94	08/06/13	CP - DISC	FCAR Owner Trust	0.500	04/03/14			5,000,000.00	99.793	4,989,666.67	4,992,077.80	99.861	4,993,065.00	185
313370L13	09/19/12	AGCY BULET	FHLB	1.250	06/27/14			13,000,000.00	101.685	13,219,050.00	13,091,462.41	100.820	13,106,600.00	270
313560B11	09/25/12	AGCY BULET	FNMA	1.125	08/27/14			10,000,000.00	101.456	10,145,600.00	10,061,368.90	100.750	10,075,000.00	270
3133EAM70	10/25/12	AGCY BULET	FHCB	0.300	08/21/14			10,000,000.00	99.972	9,997,200.00	9,998,633.60	100.140	10,014,000.00	325
31399A3G5	03/29/12	AGCY BULET	FNMA	1.500	09/08/14			7,025,000.00	102.382	7,192,335.50	7,089,402.04	101.120	7,103,680.00	343
3134G3W71	11/26/12	AGCY CALL	FHLMC	0.350	11/26/14			8,000,000.00	100.000	8,000,000.00	8,000,000.00	100.030	8,002,400.00	422
3134G3N10	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	6,005,841.24	100.110	6,006,600.00	512
313379ER6	08/08/13	AGCY BULET	FHLB	0.500	06/12/15			10,000,000.00	100.337	10,033,710.00	10,031,027.10	100.240	10,024,000.00	620
313560SQ7	12/24/12	AGCY CALL	FNMA	0.400	08/24/15	12/24/13	ORTLY	10,650,000.00	99.998	10,649,752.49	10,649,828.43	100.040	10,654,280.00	632
3133ECZS6	09/23/13	AGCY CALL	FHCB	0.500	09/16/15	12/16/13	CONT	5,000,000.00	100.050	5,002,500.00	5,002,472.05	100.070	5,003,500.00	716
3134G3K25	09/25/12	AGCY CALL	FHLMC	0.500	09/25/15	12/25/13	ORTLY	10,000,000.00	100.000	10,000,000.00	10,000,000.00	99.960	9,996,000.00	725
313560RS4	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	99.980	4,999,000.00	767
912828UC2	09/26/13	TREAS NOTE	U.S. Treasury	0.250	12/15/15			5,000,000.00	99.664	4,983,203.13	4,983,306.25	99.710	4,985,500.00	806
3133ECCG5	02/25/13	AGCY CALL	FHCB	0.500	02/25/16	02/25/14	CONT	5,000,000.00	99.936	4,996,800.00	4,997,436.10	99.850	4,993,000.00	878
3133EALUE6	07/26/12	AGCY CALL	FHCB	0.875	06/14/16	Anytime	CONT	10,000,000.00	100.150	10,015,000.00	10,000,000.00	100.010	10,001,000.00	988
313380S57	10/22/12	AGCY CALL	FHLB	0.700	10/11/16	Anytime	CONT	3,996,571.43	99.938	3,996,464.32	3,996,959.76	99.510	3,981,918.43	1,107
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	5,097,716.17	98.480	5,022,990.00	1,541
3135G0WJ8	05/20/13	AGCY BULET	FNMA	0.875	05/21/18			8,000,000.00	99.532	7,962,560.00	7,965,224.00	97.150	7,772,000.00	1,694
Total for General Fund								279,933,468.18		280,374,037.19	279,824,554.72		279,623,482.18	375
GO Bond - Series 2007 A														
WF-CIDA		BANK DEP	Wells Fargo Coll Inst											
Total for GO Bond - Series 2007 A								1,666,319.53	100.000	1,666,319.53	1,666,319.53	100.000	1,666,319.53	1

City of Peoria Detail of Security Holdings As of 09/30/2013

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-CIDA		BANK DEP	Wells Fargo Coll Inst					3,367,156.38	100.000	3,367,156.38	3,367,156.38	100.000	3,367,156.38	1
3024A0XB6	01/17/13	CP - DISC	FCAR Owner Trust		10/11/13			1,500,000.00	99.644	1,494,660.00	1,499,800.01	99.994	1,499,904.00	11
89233HAP9	05/08/13	CP - DISC	Toyota Mtr Cr		01/23/14			3,000,000.00	99.812	2,994,366.66	2,997,530.01	99.943	2,998,275.00	115
912828LZ4	12/13/12	TREAS NOTE	U.S. Treasury	1.750	01/31/14			2,000,000.00	101.750	2,035,000.00	2,010,246.90	100.570	2,011,400.00	123
3133ECMB7	05/20/13	AGCY BULET	FFCB	0.160	04/23/14			2,500,000.00	100.014	2,500,345.00	2,500,209.38	100.030	2,500,750.00	205
Total for GO Bond - Series 2009								12,367,156.38		12,391,628.04	12,374,942.68		12,377,485.38	91
GO Bond - Series 2010														
WF-CIDA		BANK DEP	Wells Fargo Coll Inst					1,048,751.13	100.000	1,048,751.13	1,048,751.13	100.000	1,048,751.13	1
89233GXM3	05/08/13	CP - DISC	Toyota Mtr Cr		10/21/13			2,000,000.00	99.908	1,998,155.66	1,999,777.78	99.993	1,999,860.00	21
89233HBL7	05/29/13	CP - DISC	Toyota Mtr Cr		02/20/14			2,000,000.00	99.815	1,996,291.67	1,998,027.78	99.917	1,998,332.00	143
Total for GO Bond - Series 2010								5,048,751.13		5,043,196.36	5,046,556.69		5,046,943.13	65
GO Bond - Series 2012														
WF-CIDA		BANK DEP	Wells Fargo Coll Inst					1,526,821.76	100.000	1,526,821.76	1,526,821.76	100.000	1,526,821.76	1
Total for GO Bond - Series 2012								1,526,821.76		1,526,821.76	1,526,821.76		1,526,821.76	1
State Pool								273,633.00	100.000	273,633.00	273,633.00		273,633.00	
Total for City of Peoria								300,476,149.98		301,275,537.88	300,712,828.38		300,514,684.98	354



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 perception 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.

Commercial 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: 14C

Date Prepared: October 30, 2013

Council Meeting Date: November 19, 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. 1139, The Meadows Parcel 4B, 93rd Ave and Deer Valley Rd.

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. 1139, The Meadows Parcel 4B, located at 93rd Ave and Deer 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 operations, 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. 1139, The Meadows Parcel 4B, located at 93rd Ave and Deer 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 plat for The Meadows Parcel 4B 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**

[1139]
MID#

[**The Meadows – Parcel 4B**]
Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

Pursuant to Arizona Revised Statutes, Sections 48-574 and 48-575, the undersigned property owner respectfully petitions the City Council of the City of Peoria, Arizona (City Council) to order the formation of a Municipal 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 39.6 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
19 day of June 2013.

<u>Heritage Homes of Arizona, Inc.</u> Print Property Owner Name <u>Eil Hirohata</u> Print Name <u>17851 N. 85th St. # 300, Scottsdale, AZ 85255</u> Address [Redacted] Signature	Date: <u>6/19/13</u>	Property (Tax Parcel Numbers) <u>200-09-0046</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:

City Clerk

By _____
Mayor

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

RESOLUTION NO. 2013-179

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. 1139, THE MEADOWS PARCEL 4B, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

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

Section 1. Definitions.

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

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

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

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

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

"Clerk" shall mean the City Clerk.

"Engineer" shall mean City Engineer.

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

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

"Plans and Specifications" shall mean the engineer's estimate for the Maintenance Improvement District No. 1139 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. 1139

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. 1139.

Section 3. Determination of Need.

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

Section 4. Preparation of Assessment Diagrams.

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

Section 5. Exclusion of Certain Property.

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

Section 6. Officers Not Liable.

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

Section 7. Annual Statement.

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

Resolution No. 2013-179
MID 1139 – The Meadows Parcel 4B
November 19, 2013
Page 5 of 11

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

Section 8. Statutory Authority.

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

Section 9. Delegation of Authority.

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 19th day of November, 2013.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Resolution No. 2013-179
MID 1139 – The Meadows Parcel 4B
November 19, 2013
Page 6 of 11

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. 2013-179 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on _____ November 19, 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

Legal Description Parcel 4B – MID #1139

BEING A PARCEL OF LAND SITUATED IN A PORTION OF SECTION 16, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP FLUSH FOUND FOR THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 16 FROM WHICH A CITY OF PEORIA BRASS CAP FLUSH FOUND AT THE SOUTHEAST CORNER OF SAID SECTION 16, BEARS SOUTH 00°06'03" EAST, 2636.45 FEET;

THENCE NORTH 81°36'58" WEST, 1,161.69 FEET TO A POINT ON THE CENTERLINE OF "WILLIAMS ROAD" FOR THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE LEAVING SAID CENTERLINE OF "WILLIAMS ROAD", SOUTH 25°36'42" WEST, 40.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SAID "WILLIAMS ROAD";

THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY OF SAID "WILLIAMS ROAD", SOUTH 71°54'27" WEST, 43.02 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF 93RD AVENUE;

THENCE ALONG THE EASTERLY RIGHT OF WAY OF 93RD AVENUE, THE FOLLOWING 17 COURSES AND DISTANCES:

THENCE SOUTH 27°43'02" WEST, 23.71 FEET TO THE BEGINNING OF A 22.00 FOOT RADIUS TANGENT CURVE, CONCAVE TO THE EAST;

THENCE SOUTHERLY 13.62 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35°29'00", AND WHOSE LONG CHORD BEARS SOUTH 09°58'33" WEST, 13.41 FEET TO A POINT OF REVERSE CURVATURE, OF A 48.00 FOOT RADIUS CURVE, CONCAVE TO THE WEST;

THENCE SOUTHERLY 59.45 FEET ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 70°57'59", AND WHOSE LONG CHORD BEARS SOUTH 27°43'02" WEST, 55.72 FEET TO A POINT OF REVERSE CURVATURE, OF A 22.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST;

THENCE SOUTHERLY 13.62 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 35°29'00", AND WHOSE LONG CHORD BEARS SOUTH 45°27'32" WEST, 13.41 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 27°43'02" WEST, 10.00 FEET TO THE BEGINNING OF A 1965.00 FOOT RADIUS TANGENT CURVE, CONCAVE TO THE EAST;

THENCE SOUTHERLY 135.59 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 03°57'13", AND WHOSE LONG CHORD BEARS SOUTH 25°44'26" WEST, 135.57 FEET TO A POINT OF REVERSE CURVATURE, OF A 200.00 FOOT RADIUS CURVE, CONCAVE TO THE WEST;

THENCE SOUTHERLY 17.46 FEET ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 05°00'10", AND WHOSE LONG CHORD BEARS SOUTH 26°15'54" WEST, 17.46 FEET TO A POINT OF TANGENCY;

Legal Description Parcel 4B – MID #1139

THENCE SOUTH 28°45'59" WEST, 65.07 FEET TO THE BEGINNING OF A 200.00 FOOT RADIUS TANGENT CURVE, CONCAVE TO THE EAST;

THENCE SOUTHERLY 28.70 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08°13'21", AND WHOSE LONG CHORD BEARS SOUTH 24°39'18" WEST, 28.68 FEET TO A POINT OF COMPOUND CURVATURE, OF A 1975.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST;

THENCE SOUTHERLY 174.12 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 05°03'05", AND WHOSE LONG CHORD BEARS SOUTH 18°01'05" WEST, 174.06 FEET TO A POINT OF TANGENCY;

THENCE SOUTH 15°29'33" WEST, 161.25 FEET;

THENCE SOUTH 29°30'27" EAST, 28.28 FEET;

THENCE SOUTH 15°29'33" WEST, 50.00 FEET;

THENCE NORTH 74°30'27" WEST, 147.48 FEET;

THENCE SOUTH 60°29'33" WEST, 28.28 FEET;

THENCE SOUTH 15°29'33" WEST, 175.36 FEET TO THE BEGINNING OF A 975.00 FOOT RADIUS TANGENT CURVE, CONCAVE TO THE EAST;

THENCE SOUTHERLY 246.95 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°30'43", AND WHOSE LONG CHORD BEARS SOUTH 08°14'11" WEST, 246.29 FEET TO A POINT OF NON-TANGENCY;

THENCE NORTH 89°01'10" WEST, 58.19 FEET;

THENCE NORTH 76°10'15" WEST, 201.99 FEET;

THENCE NORTH 78°07'48" WEST, 177.97 FEET;

THENCE NORTH 86°56'17" WEST, 88.28 FEET;

THENCE SOUTH 89°53'23" WEST, 278.00 FEET;

THENCE SOUTH 00°06'37" EAST, 104.50 FEET;

THENCE SOUTH 89°53'23" WEST, 184.00 FEET;

THENCE NORTH 00°06'37" WEST, 954.24 FEET TO THE BEGINNING OF A 1337.18 FOOT RADIUS NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST;

THENCE NORTHERLY 402.09 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 17°13'44", AND WHOSE LONG CHORD BEARS NORTH 08°30'15" EAST, 400.58 FEET TO A POINT OF

Legal Description Parcel 4B – MID #1139

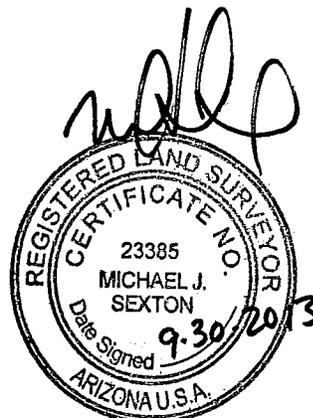
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THENCE EASTERLY 1334.48 FEET ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 27°49'39", AND WHOSE LONG CHORD BEARS SOUTH 76°11'47" EAST, 1321.40 FEET TO A POINT OF REVERSE CURVATURE, OF A 1728.68 FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST;

THENCE EASTERLY 63.53 FEET ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 2°06'21", AND WHOSE LONG CHORD BEARS SOUTH 63°20'08" EAST, 63.53 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED.

CONTAINING 1,724,779 SQUARE FEET OR 39.595 ACRES, MORE OR LESS.



Expires 6-30-2016

Resolution No. 2013-179

EXHIBIT "B"

IS ON FILE IN THE

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

Resolution No. 2013-179
MID 1139 – The Meadows Parcel 4B
November 19, 2013
Page 10 of 11

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. 1139, THE MEADOWS PARCEL 4B.

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 19th day of November, 2013 the Mayor and Council of the City of Peoria adopted Resolution No. 2013-180; 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. 1139, 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. 1139 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. 2013-179
MID 1139 – The Meadows Parcel 4B
November 19, 2013
Page 11 of 11

DATED AND SIGNED this _____ day of _____, 2013.

Andrew Granger
Acting Superintendent of Streets
City of Peoria, Arizona

RESOLUTION NO. 2013-180

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. 1139, THE MEADOWS PARCEL 4B; 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. 1139.

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

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

Resolution No. 2013- 180
MID 1139 – The Meadows Parcel 4B
November 19, 2013
Page 2 of 6

Peoria Maintenance Improvement District No. 1139 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. 1139 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. 1139 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. 1139.

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. 1139 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

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

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

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

Resolution No. 2013- 180
MID 1139 – The Meadows Parcel 4B
November 19, 2013
Page 3 of 6

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the
City of Peoria, Arizona, this 19th day of November, 2013.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Legal Description Parcel 4B – MID #1139

BEING A PARCEL OF LAND SITUATED IN A PORTION OF SECTION 16, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP FLUSH FOUND FOR THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 16 FROM WHICH A CITY OF PEORIA BRASS CAP FLUSH FOUND AT THE SOUTHEAST CORNER OF SAID SECTION 16, BEARS SOUTH 00°06'03" EAST, 2636.45 FEET;

THENCE NORTH 81°36'58" WEST, 1,161.69 FEET TO A POINT ON THE CENTERLINE OF "WILLIAMS ROAD" FOR THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE LEAVING SAID CENTERLINE OF "WILLIAMS ROAD", SOUTH 25°36'42" WEST, 40.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SAID "WILLIAMS ROAD";

THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY OF SAID "WILLIAMS ROAD", SOUTH 71°54'27" WEST, 43.02 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF 93RD AVENUE;

THENCE ALONG THE EASTERLY RIGHT OF WAY OF 93RD AVENUE, THE FOLLOWING 17 COURSES AND DISTANCES:

THENCE SOUTH 27°43'02" WEST, 23.71 FEET TO THE BEGINNING OF A 22.00 FOOT RADIUS TANGENT CURVE, CONCAVE TO THE EAST;

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Legal Description Parcel 4B – MID #1139

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Legal Description Parcel 4B – MID #1139

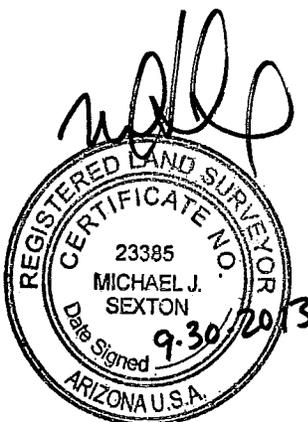
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CONTAINING 1,724,779 SQUARE FEET OR 39.595 ACRES, MORE OR LESS.



Expires 6-30-2016

Resolution No. 2013-180

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: 15C

Date Prepared: October 30, 2013

Council Meeting Date: November 19, 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. 1078, The Meadows Parcel 4B, 93rd Ave and Deer 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. 1078, The Meadows Parcel 4B, located at 93rd Avenue and Deer 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. 1078, The Meadows Parcel 4B, located at 93rd Avenue and Deer 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 The Meadows Parcel 4B 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, Associate Engineer x7612

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

[1078]
SLID#

[The Meadows – Parcel 4B]
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 39.6 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 19
day of June 2013.

<u>meritage Homes of Arizona, Inc.</u> Print Property Owner Name <u>Ell Hirohata</u> Print Name <u>1751 N. 85th St. #200 Scottsdale, AZ 85255</u> Address _____ Signature	Date: <u>6/19/13</u>	Property (Tax Parcel Numbers) <u>200-09-0046</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. 2013-177

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. 1078, THE MEADOWS PARCEL 4B; 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. 1078 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.

Resolution No. 2013-177
SLID 1078, The Meadows Parcel 4B
November 19, 2013
Page 2 of 6

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 parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1078 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. 1078 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. 1078.

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. 1078 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. 2013-177
SLID 1078, The Meadows Parcel 4B
November 19, 2013
Page 3 of 6

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona, this 19th day of November, 2013.

Bob Barrett, Mayor

Date Signed : _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Legal Description Parcel 4B – SLID #1078

BEING A PARCEL OF LAND SITUATED IN A PORTION OF SECTION 16, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CITY OF PEORIA BRASS CAP FLUSH FOUND FOR THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 16 FROM WHICH A CITY OF PEORIA BRASS CAP FLUSH FOUND AT THE SOUTHEAST CORNER OF SAID SECTION 16, BEARS SOUTH 00°06'03" EAST, 2636.45 FEET;

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THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY OF SAID "WILLIAMS ROAD", SOUTH 71°54'27" WEST, 43.02 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF 93RD AVENUE;

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THENCE SOUTH 27°43'02" WEST, 23.71 FEET TO THE BEGINNING OF A 22.00 FOOT RADIUS TANGENT CURVE, CONCAVE TO THE EAST;

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Legal Description Parcel 4B – SLID #1078

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THENCE SOUTH 29°30'27" EAST, 28.28 FEET;

THENCE SOUTH 15°29'33" WEST, 50.00 FEET;

THENCE NORTH 74°30'27" WEST, 147.48 FEET;

THENCE SOUTH 60°29'33" WEST, 28.28 FEET;

THENCE SOUTH 15°29'33" WEST, 175.36 FEET TO THE BEGINNING OF A 975.00 FOOT RADIUS TANGENT CURVE, CONCAVE TO THE EAST;

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THENCE NORTH 76°10'15" WEST, 201.99 FEET;

THENCE NORTH 78°07'48" WEST, 177.97 FEET;

THENCE NORTH 86°56'17" WEST, 88.28 FEET;

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Legal Description Parcel 4B – SLID #1078

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CONTAINING 1,724,779 SQUARE FEET OR 39.595 ACRES, MORE OR LESS.



Expires 6-30-2016

Resolution No. 2013-177

EXHIBIT "B"

IS ON FILE IN THE

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

RESOLUTION NO. 2013-178

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. 1078, THE MEADOWS PARCEL 4B 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 19th day of November 2013, the Mayor and Council of the City of Peoria, Arizona, passed and adopted Resolution No. 2013-177, 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. 1078; 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. 2013-177 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. 2013-177, 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. 2013-177 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

Resolution No. 2013-178
SLID 1078 – The Meadows Parcel 4B
November 19, 2013
Page 2 of 7

last publication of said Resolution of Intention No. 2013-177 and since the completion of 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. 2013-177; 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. 2013-177 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 19th day of November 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. 2013-178
SLID 1078 – The Meadows Parcel 4B
November 19, 2013
Page 3 of 7

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City
of Peoria, Arizona on the 19th day of November, 2013.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Resolution No. 2013-178

EXHIBIT "B"

IS ON FILE IN THE

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

Legal Description Parcel 4B – SLID #1078

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Legal Description Parcel 4B – SLID #1078

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Legal Description Parcel 4B – SLID #1078

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CONTAINING 1,724,779 SQUARE FEET OR 39.595 ACRES, MORE OR LESS.



Expires 6-30-2016

Resolution No. 2013-178
SLID 1078, The Meadows Parcel 4B
November 19, 2013
Page 7 of 7

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. 1078, THE MEADOWS PARCEL 4B

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 19th day of November 2013, the Mayor and Council of the City of Peoria adopted Resolution No. 2013-178; 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. 1078, 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 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 Streetlight Improvement District No. 1078 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: 16C

Date Prepared: October 28, 2013

Council Meeting Date: November 19, 2013

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

Purpose:

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

Background/Summary:

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

Previous Actions:

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

Options:

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

Staff's Recommendation:

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

Fiscal Analysis:

There is no fiscal impact to the City.

Narrative:

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

Exhibit(s):

Exhibit 1: Resolution

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

RESOLUTION NO. 2013-185

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

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

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

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

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

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

Lone Mountain Parkway
State of Arizona
RIGHT OF WAY
Maricopa County Recording No. 2013-0878970
(AZ State Land R/W# 16-114451)

West of Loop 303

Peoria Avenue Sidewalk
Arrowhead Limited Partnership
SIDEWALK EASEMENT
Maricopa County Recording No. 2013-0901895
(Annual Community Works Program)

East of 99th Avenue

Resolution No. 2013-185
Acceptance of Deeds and Easements
November 19, 2013
Page: 2

83rd Avenue Fiber Optic
Peoria Unified School District No. 11
PUBLIC ROADWAY EASEMENT
Maricopa County Recording No. 2013-0917187
(Project No. PW00133)

West side of 83rd Avenue
South of Lone Cactus Drive

87th Avenue Right of Way
Monterey Pines Apartments, LLC
DEDICATION OF PUBLIC ROADWAY
Maricopa County Recording No. 2013-0916293
Assessor Parcel #142-45-137B

East side of 87th Avenue
North of Peoria Avenue

87th Avenue Right of Way
Monterey Pines Apartments, LLC
DEDICATION OF PUBLIC ROADWAY
Maricopa County Recording No. 2013-0916299
Assessor Parcel #142-45-137C

East side of 87th Avenue
North of Peoria Avenue

83rd & Pinnacle Peak Drainage
Flood Control District of Maricopa County
ASSIGNMENT OF EASEMENT
Maricopa County Recording No. 2013-0940376

Pinnacle Peak – 83rd to 87th
87th – Pinnacle Pk to Calle Lejos
Calle Lejos – 83rd to 86th

91st Avenue Improvements
Salt River Project
NON-EXCLUSIVE ROADWAY EASEMENT
Maricopa County Recording No. 2013-0944750
(Project No. EN00177)

NEC of 91st Ave & Butler Dr

SECTION 2. Public Easement and Land Rights

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

Resolution No. 2013-185
Acceptance of Deeds and Easements
November 19, 2013
Page: 3

SECTION 3. Recording Authorized

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 19th day of November 2013.

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: 17C

Date Prepared: October 28, 2013

Council Meeting Date: November 19, 2013

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

Purpose:

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

Background/Summary:

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

Previous Actions:

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

Options:

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

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

Staff's Recommendation:

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

Fiscal Analysis:

There is no significant fiscal impact to the City.

Narrative:

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

Exhibit(s):

Exhibit 1: Resolution

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

RESOLUTION NO. 2013-186

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

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

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

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

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

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

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

SECTION 2. Designation of a Public Street

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

Resolution No. 2013-186
Authorizing Establishment of Public Streets
November 19, 2013
Page 2

Lone Mountain Parkway
State of Arizona
RIGHT OF WAY
Major Arterial
Maricopa County Recording No. 2013-0878970
(AZ State Land R/W# 16-114451)

West of Loop 303

83rd Avenue Fiber Optic
Peoria Unified School District No. 11
PUBLIC ROADWAY EASEMENT
Major Arterial
Maricopa County Recording No. 2013-0917187
(Project No. PW00133)

West side of 83rd Avenue
South of Lone Cactus Drive

87th Avenue Right of Way
Monterey Pines Apartments, LLC
DEDICATION OF PUBLIC ROADWAY
Major Collector
Maricopa County Recording No. 2013-0916293
Assessor Parcel #142-45-137B

East side of 87th Avenue
North of Peoria Avenue

87th Avenue Right of Way
Monterey Pines Apartments, LLC
DEDICATION OF PUBLIC ROADWAY
Major Collector
Maricopa County Recording No. 2013-0916299
Assessor Parcel #142-45-137C

East side of 87th Avenue
North of Peoria Avenue

91st Avenue Improvements
Salt River Project
NON-EXCLUSIVE ROADWAY EASEMENT
Major Arterial – 91st Avenue
Minor Collector – Butler Drive
Maricopa County Recording No. 2013-0944750
(Project No. EN00177)

East side of 91st Avenue
North side of Butler Drive

SECTION 3. Amendment of Plans and Maps

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

SECTION 4. Signage, Posting and Effective Date

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

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

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

SECTION 5. Recording Authorized

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Peoria, Arizona this 19th day of November 2013.

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: 18C

Date Prepared: October 14, 2013

Council Meeting Date: November 19, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Replat, Lot 1 Avenida Estates, 79th Avenue and Avenida del Sol (Project No. R130024)

Purpose:

This is a request for City Council to approve a Replat of Lot 1 Avenida Estates, located on 79th Avenue and Avenida del Sol, 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. 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 split one residential lot into two. This development is within the City's sewer service area and the Sunrise Water Company service area.

Previous Actions:

The final plat for Avenida Estates was reviewed by the City and recorded in May 2004 (Book 685 Page 47).

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 hinder the owners from building on this property.

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 owners to move forward in developing this property.

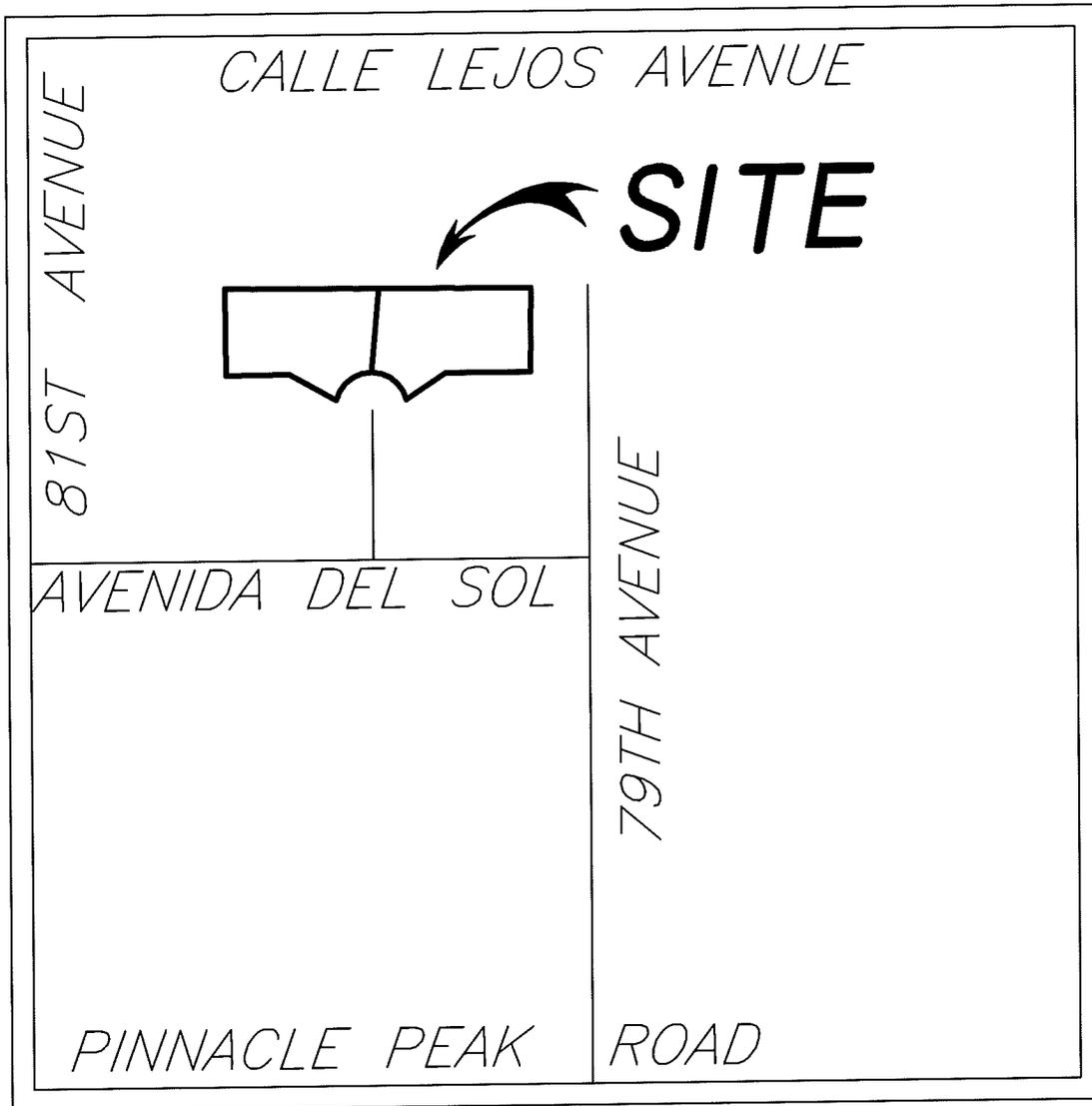
Exhibit(s):

Exhibit 1: Replat

Exhibit 2: Vicinity Map

Contact Name and Number:

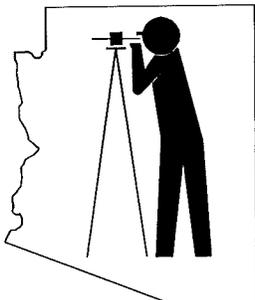
Jodi Breyfogle, PE, CFM: 623-773-7577



VICINITY MAP

NOT TO SCALE

R130024



SURVEY ARIZONA
 14043 N. 24th AVENUE
 PHOENIX, AZ 85023
 602-576-1322

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 19C

Date Prepared: October 14, 2013

Council Meeting Date: November 19, 2013

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Replat, Vistancia North Village 1, Village 2, and Village 3 Master Final Plat, Vistancia Boulevard north of the CAP (Project No. R080063A)

Purpose:

This is a request for City Council to approve a Replat of Vistancia North Village 1, Village 2, and Village 3 Master Final Plat, located on Vistancia Boulevard north of the CAP, 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. 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 redefine parcel boundaries and arterial roadway alignments within the planned Vistancia North master planned community. Parcels are created with this replat; the individual parcels will then be replatted at a later date to further subdivide each parcel into individual lots, tracts, and internal roadways for development. This development is within the City's water\sewer service area.

Previous Actions:

The master final plat was reviewed by the City and completed in October 2008. The replat is necessary to change the roadway alignments and parcel boundaries based on design changes.

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 hinder 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.

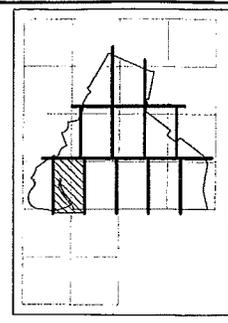
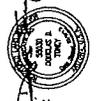
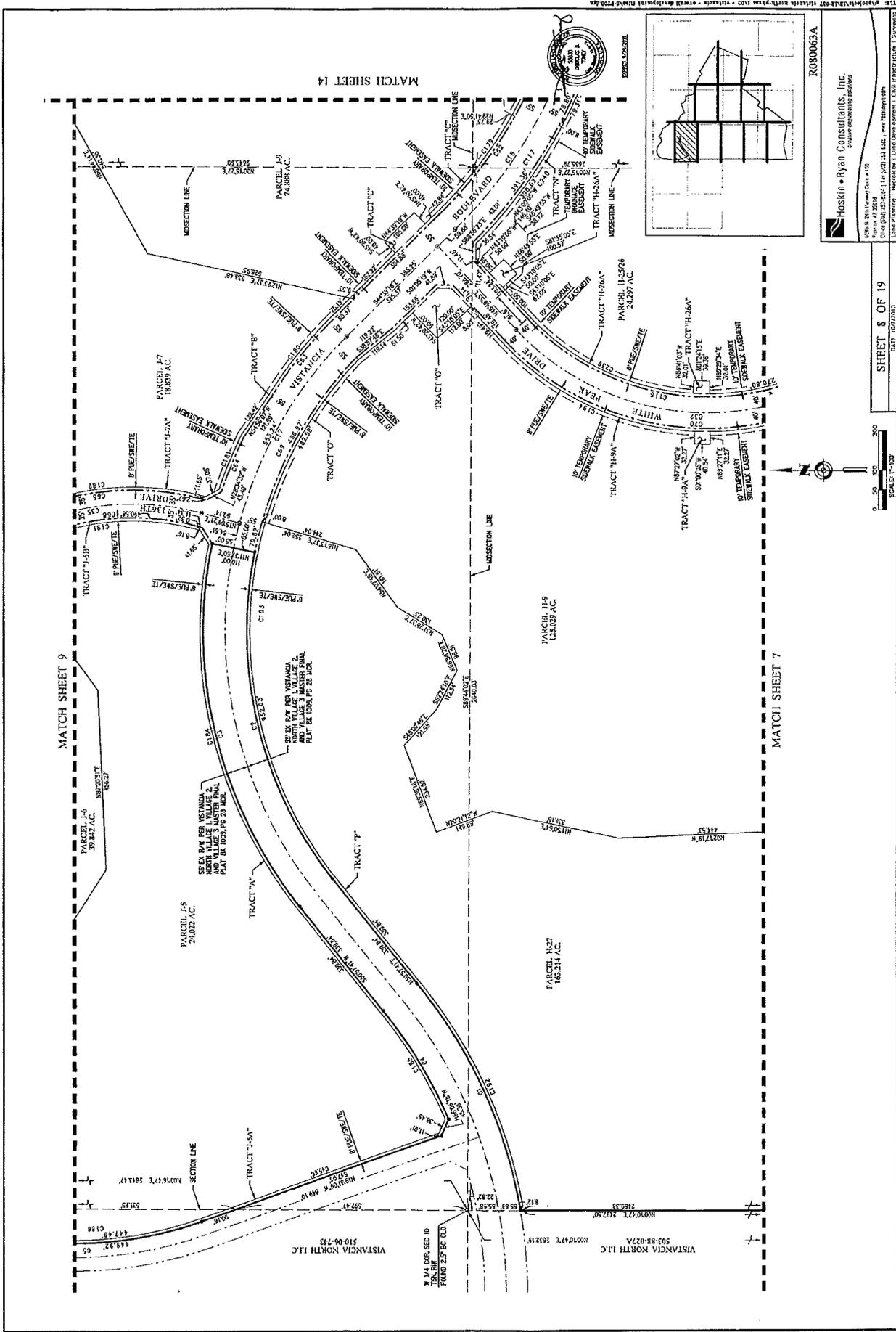
Exhibit(s):

Exhibit 1: Replat

Exhibit 2: Vicinity Map

Contact Name and Number:

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



R080063A

Hoskin-Ryan Consultants, Inc.
 CONSULTING ENGINEERS

DATE: 10/19/19
 SCALE: 1"=100'

SHEET 8 OF 19

DATE: 10/17/19

VISTANCIA NORTH 12-037-00

MATCH SHEET 9

MATCH SHEET 7

MATCH SHEET 14

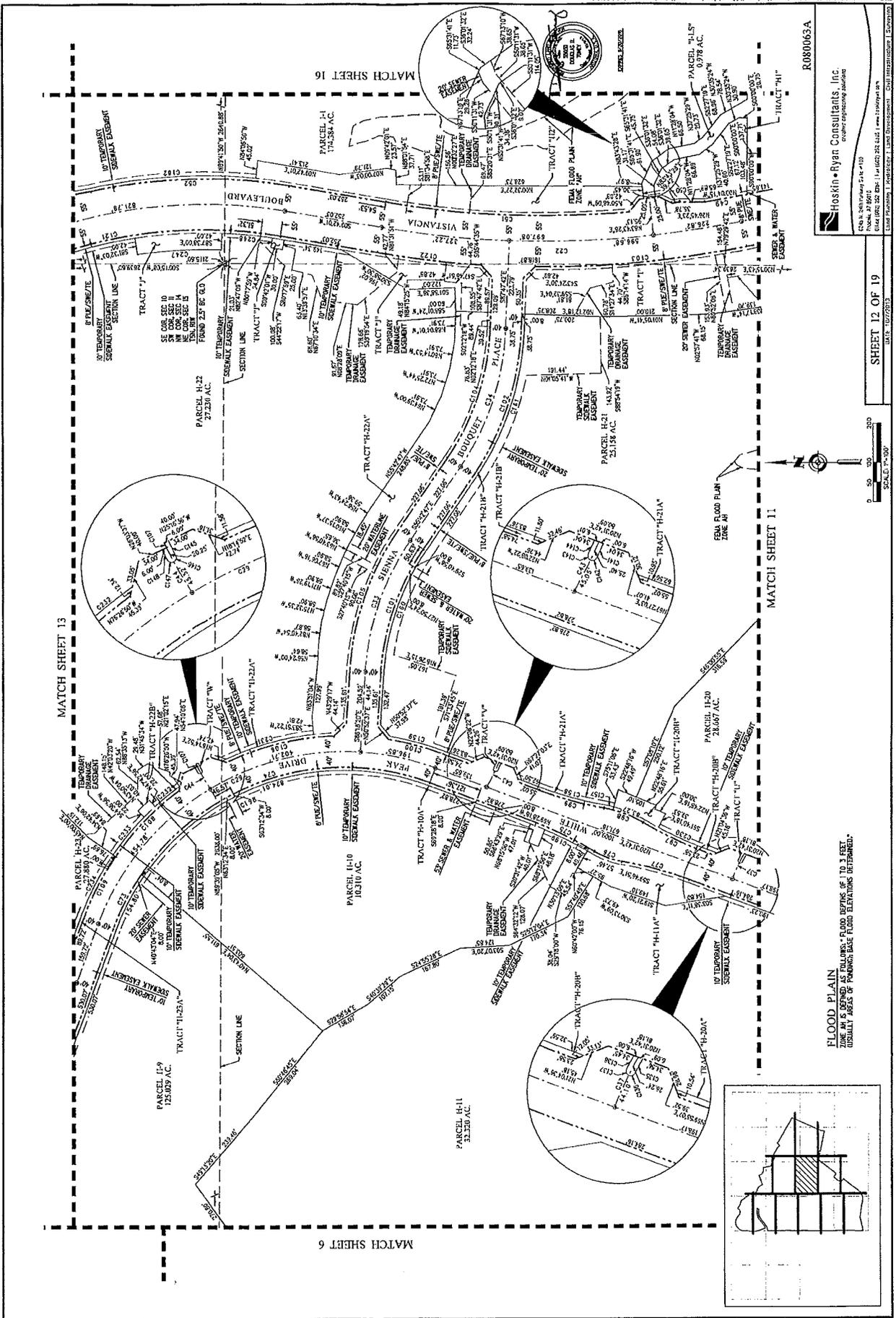
VISTANCIA NORTH LLC
 510-06-713

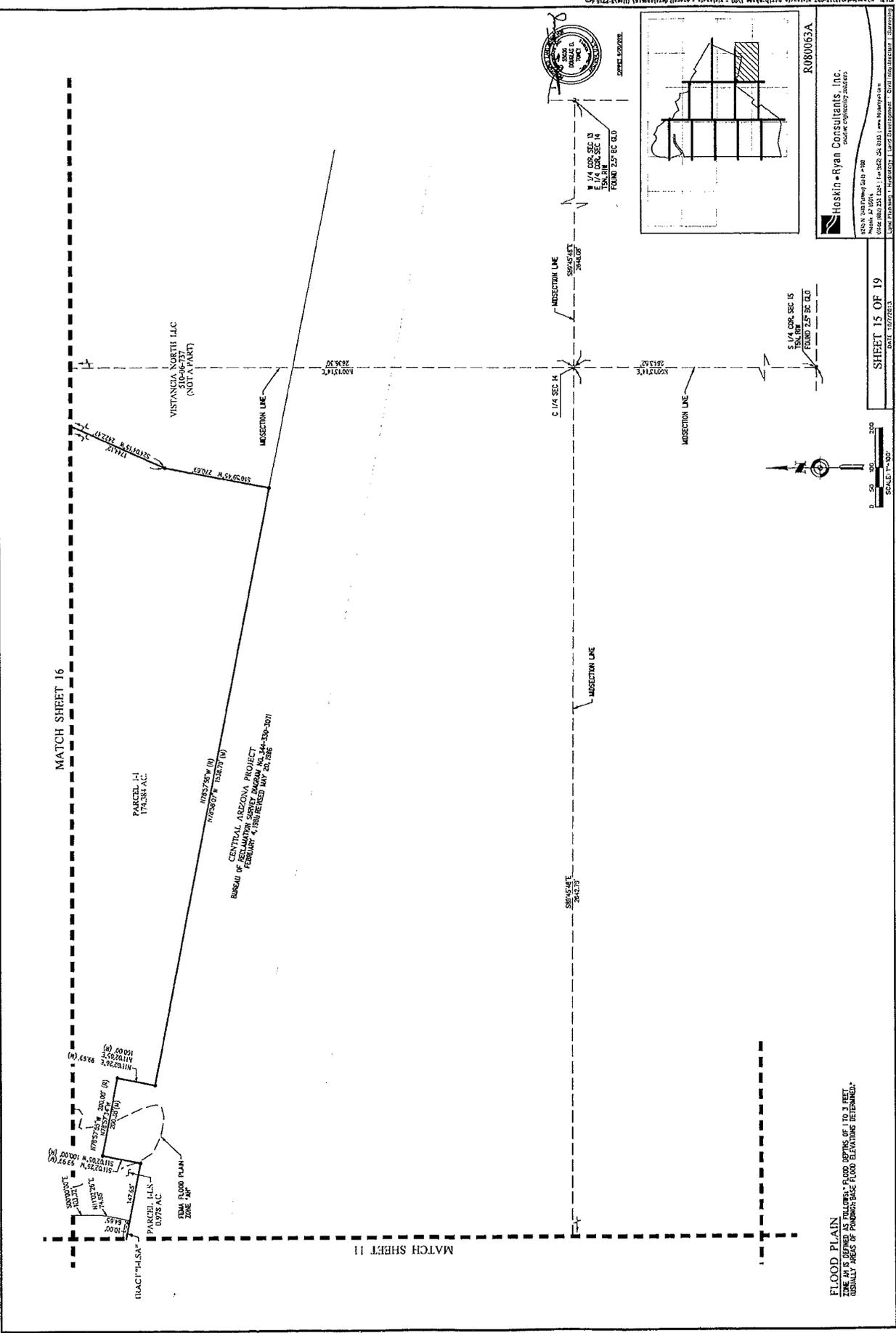
VISTANCIA NORTH LLC
 503-88-027A

5/11/2018 SEC. 10
 TKN. BRN. 093
 FOUND 2.5' BC OLD

SEWER PLAN FOR VISTANCIA
 NORTH VILLAGE VILLAGE 2
 AND VILLAGE 3 MASTER FINAL
 PLAN BY RODRIGUEZ

SEWER PLAN FOR VISTANCIA
 NORTH VILLAGE VILLAGE 2
 AND VILLAGE 3 MASTER FINAL
 PLAN BY RODRIGUEZ

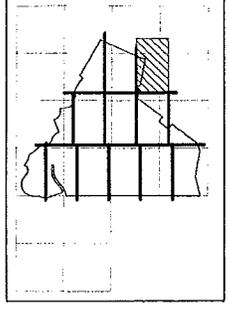




FLOOD PLAIN
 TAKE AS IS, DEPENDING AS FOLLOWS: FLOOD DEPTHS OF 1 TO 3 FEET
 USUALLY AREAS OF PONDING BASE FLOOD ELEVATING BE TYPICAL.

Hoskin • Ryan Consultants, Inc.
 CONSULTING ENGINEERS
 3425 N. Northway Blvd. - 100
 Suite 400, Salt Lake City, UT 84119
 Phone: (801) 488-1100 Fax: (801) 488-1101
 www.hoskinryan.com

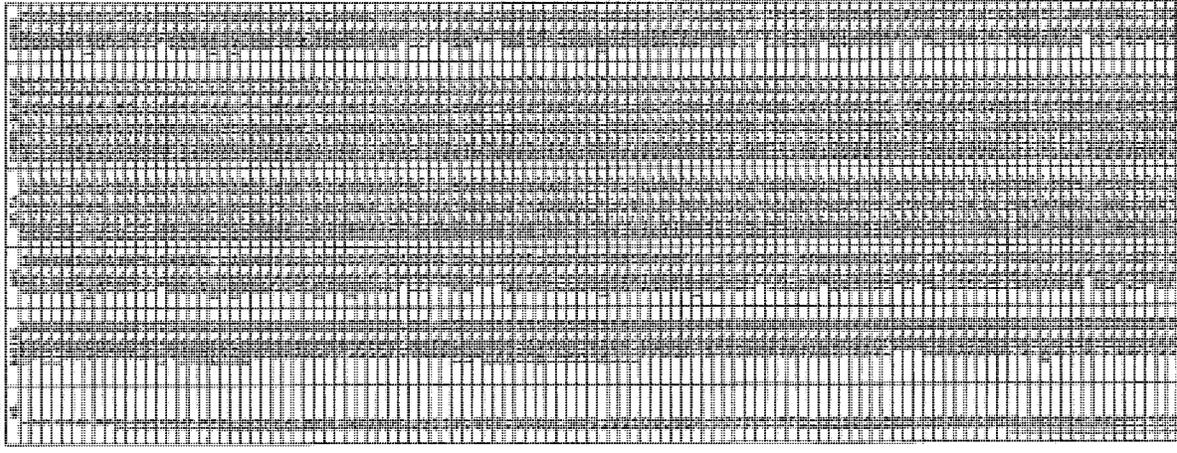
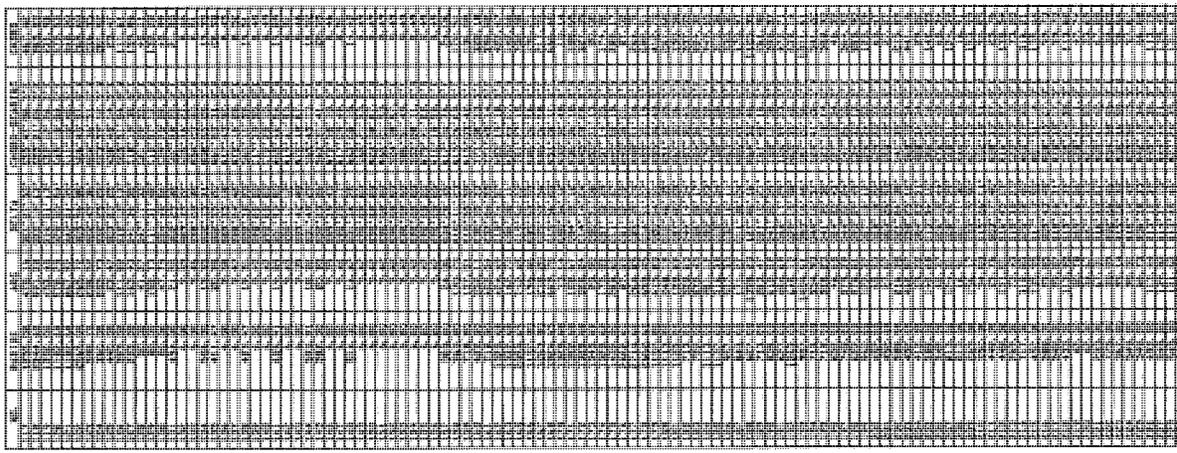
R080063A



SHEET 15 OF 19
 DATE: 10/27/2013

CURVE DATA TABLE

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DATE: 12/31/2018

R080063A

Hoskin • Ryan Consultants, Inc.
Professional Engineering Firm

2425 N. 15th Parkway, Suite #100
Tampa, Florida 33607
Phone: (813) 288-1111 | Fax: (813) 288-1112 | www.hoskinryan.com

SHEET 18 OF 19

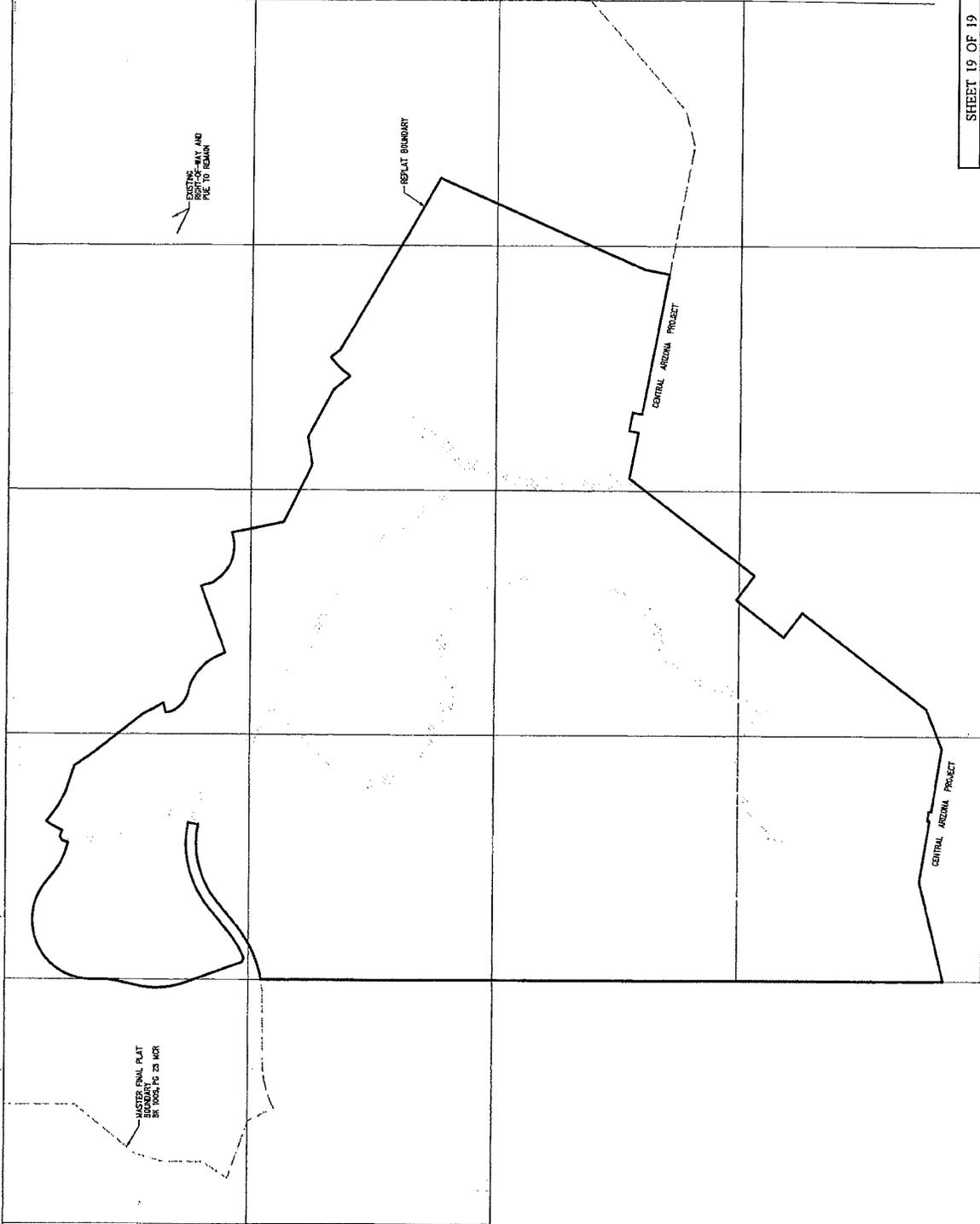
DATE: 10/27/2013

VISTANCIA NORTH

12-0317-00

RAW ABANDONMENT EXHIBIT

PORTIONS MAY BE
TO BE ABANDONED FOR
THE PLAT.



2025.03.02

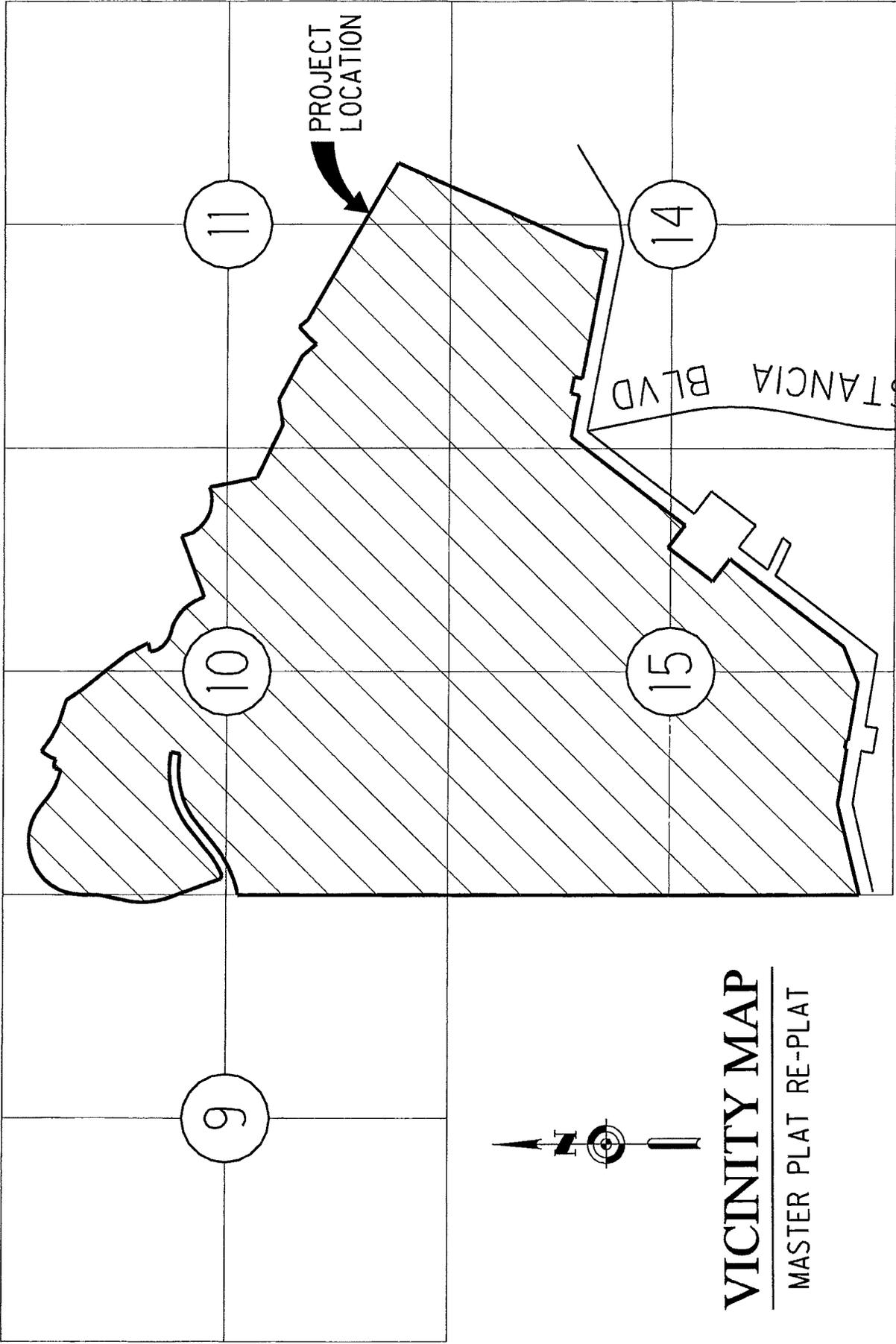
R080063A

Hoskin • Ryan Consultants, Inc.
Civil Engineering & Surveying
1200 N. 1st Street, Suite 100
San Jose, CA 95131 | Tel: 408.282.4200 | Fax: 408.282.4201
www.hoskinryan.com

Land Planning | Highway | Land Development | Civil Infrastructure | Surveying

SHEET 19 OF 19
DATE: 10/27/2013

VISTANCIA NORTH 12-037-00



VICINITY MAP
MASTER PLAT RE-PLAT

LONE MOUNTAIN RD

VISTANCIA BLVD

PROJECT
LOCATION

11

14

10

15

9

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 20R

Date Prepared: November 12, 2013

Council Meeting Date: November 19, 2013

TO: Carl Swenson, City Manager

FROM: Chris Jacques AICP, Planning & Community Development Director
John Schell, Intergovernmental Affairs Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: Resolution opposing Palm Canyon PAD Amendment – Static Billboards (Glendale)
NWC Loop 101 and Bell Road

Purpose:

This is a request for City Council to review and take action on a Resolution opposing the Becker Boards proposal seeking a PAD Amendment on the Palm Canyon site in Glendale for the purpose of erecting two (2) static billboards.

Background/Summary:

Rose Law Group, on behalf of Becker Boards, has proposed to amend the PAD zoning for the Palm Canyon site to enable the erection of two (2) eighty-five foot tall static (non-digital) billboards, each at 672 square feet (14' x 48') in area. The Palm Canyon site, located within the City of Glendale, is approximately 26 acres in size and is bounded by Loop 101 (east), Bell Road (south), New River (west) and 83rd Avenue (north). Palm Canyon is entitled as a future two-story office development. Approximately 12.7 acres of the overall site were located within the City of Peoria prior to a cooperative de-annexation/annexation action with the City of Glendale in 2007.

One of the two placements would be located within 730' of the single-family residential neighborhood of Bell Park. This case has provoked significant opposition from constituents in area neighborhoods from both Peoria and Glendale.

On September 17, 2013, the Glendale City Council held a workshop wherein they broadly discussed the location of static and digital billboards in Glendale, including the appropriateness of reopening their recently adopted Digital Billboard Ordinance at this time. The Council consensus was against re-opening the Ordinance at this time.

Separately, the Palm Canyon PAD request has continued to move forward for consideration. In response, staff prepared a technical letter opposing the request on grounds that it was

inconsistent with the Digital Billboard Ordinance, Zoning Ordinance and the spirit of the 2007 cooperative de-annexation. The Glendale Planning & Zoning Commission held a workshop on November 7, 2013. No testimony was received. A full public hearing before the Glendale Planning & Zoning Commission is scheduled for December 5, 2013. The Planning & Zoning Commission is charged with making a recommendation to the full City Council, wherein the decision ultimately resides.

Previous Actions: None

Options:

- A:** Take action on Resolution 2013-187 opposing the Palm Canyons PAD Amendment for two (2) static billboard placements; or
- B:** Elect not to take action on the proposed Resolution at this time.

Staff's Recommendation:

If Council desires to oppose this case, a Resolution has been prepared for consideration.

Fiscal Analysis:

None.

Exhibit(s):

Exhibit 1: Proposed Resolution 2013-187

RESOLUTION NO. 2013-187

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA OPPOSING THE BECKER BOARDS REQUEST TO AMEND THE PALM CANYON PAD IN GLENDALE TO PERMIT TWO, EIGHTY-FIVE FOOT HIGH STATIC BILLBOARDS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 5, 2007, the Mayor and Council of the City of Peoria adopted Ordinance No. 07-16A approving the de-annexation of a portion of the Palm Canyon site to the City of Glendale in a cooperative effort to formulate a rational service area boundary and facilitate the development of the site for a future office business park;

WHEREAS, the City of Glendale approved an amendment to the North Valley Specific Area Plan redesignating the 26-acre Palm Canyon site to Office and approved the rezoning of said site to a Planned Area Development (PAD) to facilitate the development of the Palm Canyon Business Park as a future professional office park, with localized signage at the entry at 83rd Avenue;

WHEREAS, the City of Glendale engaged in an extensive public outreach process in crafting and advancing a reasonable and comprehensive Ordinance regulating digital billboards in Glendale, wherein on June 26, 2012, the Glendale City Council approved Zoning Text Amendment (ZTA11-01) relegating new digital billboard placements along the Loop 101 to the Sports and Entertainment District between Northern Avenue and Camelback Road;

WHEREAS, the city recognizes the excellent work done in completing an appropriate and well founded Ordinance governing future digital billboard placements along the Loop 101 in Glendale;

WHEREAS, Becker Boards has filed a request with the City of Glendale seeking to amend the Palm Canyon Planned Area Development for the purpose of erecting two (2) static billboards, each at 85-feet high and 672 square feet in area;

WHEREAS, the request has provoked overwhelming opposition from area residents in both the City of Peoria and the City of Glendale citing negative impacts to neighborhoods from visually intrusive and out-of-scale proposed placements;

WHEREAS, although the proposal seeks the erection of static billboard placements, the City of Peoria believes that the placement size and height, together with the intended purpose to provide off-site advertising, negates any functional difference between this proposal and digital billboards;

WHEREAS, the City of Peoria believes the adoption of Case ZTA11-01 effectively set billboard policy in the City of Glendale at this time along the Loop 101;

WHEREAS, the proposal is inconsistent with the spirit and intent of the approved Glendale Digital Billboard Ordinance and out of compliance with its standards including site location, minimum single-family residential setback, maximum height and minimum separation between placements;

WHEREAS, the request is out of compliance with the City of Glendale Zoning Ordinance restricting static billboard placements to Industrial Zoning Districts and exceeding stated standards attached thereto;

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

1. The City of Peoria opposes the proposed amendment to the Palm Canyon Planned Area Development (PAD) for the purpose of seeking an allowance for the placement of two (2) static billboards on the site. The City believes that the proposal is visually intrusive and negatively impacts area neighborhoods and quality of life and is otherwise inconsistent and/or out of compliance with the following:

a. Cooperative 2007 de-annexation of a portion of the Palm Canyon site to the City of Glendale to facilitate the rezoning of the site and subsequent future development of an office business park with localized signage; and

b. Adopted Ordinance (ZTA11-01) governing billboard placements along the Loop 101; and

c. City of Glendale Zoning Ordinance governing the placement of static billboards; and

2. The City of Peoria urges the City of Glendale to stand by its well founded Ordinance governing billboard placements along the Loop 101 and not support the aforementioned request to amend the Palm Canyon Planned Area Development (PAD).

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 19th day of November, 2013.

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: 21R

Date Prepared: November 05, 2013

Council Meeting Date: November 19, 2013

TO: Carl Swenson, City Manager

FROM: Brent Mattingly, Finance Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Public hearing: Proposed Recommendations by the City to the Arizona State Liquor Board for new restaurant liquor license and a location transfer of an on-sale beer and wine liquor license.

Purpose:

Pursuant to Arizona Law the City must recommend to the State Liquor Board for approval, applications to sell alcoholic beverages in the City. The Standard for the recommendation is whether the best interest of the community will be served by the issuance of these licenses and whether the public convenience is served.

Background/Summary:

Sadik Ollomani, Agent for Grande Pizza, has applied for a New Restaurant Liquor License (Series 12) located at 8996 W. Union Hills Road Suite #105.

Sadik Ollomani, Agent for Grande Pizza, has applied for a location transfer for an On-Sale Beer and Wine Liquor License (Series 07) located at 8996 W. Union Hills Road Suite #105.

The public hearing notices were posted for at least 20 days, and no comments were received during the posting period. The license applications were reviewed according to State law and all Departments gave approvals.

Previous Actions:

In November 2012, the Mayor and Council recommended approval to Arizona State Liquor Board for Young Brothers Pizza for a New Restaurant Liquor License (Series 12) at 8996 W. Union Hills Road Suite #105.

Options:

A: Recommend approval to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Grande Pizza located at 8996 W. Union Hills Road Suite #105, Sadik Ollomani, Applicant, LL#20009149.

Recommend approval to the Arizona State Liquor Board for a location transfer for an On-Sale Beer and Wine Liquor License (Series 07) for Grande Pizza, located at 8996 W. Union Hills Road Suite #105, Sadik Ollomani, Applicant, LL#20009149.

B: Recommend denial to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Grande Pizza located at 8996 W. Union Hills Road Suite #105, Sadik Ollomani, Applicant, LL#20009149.

Recommend denial to the Arizona State Liquor Board for a location transfer for an On-Sale Beer and Wine Liquor License (Series 07) for Grande Pizza, located at 8996 W. Union Hills Road Suite #105, Sadik Ollomani, Applicant, LL#20009149.

Staff's Recommendation:

Mayor and Council recommend approval to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Grande Pizza located at 8996 W. Union Hills Road Suite #105, Sadik Ollomani, Applicant, LL#20009149.

Mayor and Council recommend approval to the Arizona State Liquor Board for a location transfer for an On-Sale Beer and Wine Liquor License (Series 07) for Grande Pizza, located at 8996 W. Union Hills Road Suite #105, Sadik Ollomani, Applicant, LL#20009149.

Fiscal Analysis:

The item has no financial implications.

Narrative:

The appropriate fees have been paid and the applicant has been advised that a representative needs to be present at the meeting to answer any questions that the Council or public may have.

Exhibit 1: New Liquor License Application.

Arizona Department of Liquor Licenses and Control

800 West Washington, 5th Floor

Phoenix, Arizona 85007

www.azliquor.gov

602-542-5141

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- MORE THAN ONE LICENSE
INTERIM PERMIT Complete Section 5
NEW LICENSE Complete Sections 2, 3, 4, 13, 14, 15, 16
PERSON TRANSFER (Bars & Liquor Stores ONLY) Complete Sections 2, 3, 4, 11, 13, 15, 16
LOCATION TRANSFER (Bars and Liquor Stores ONLY) Complete Sections 2, 3, 4, 12, 13, 15, 16
PROBATE/WILL ASSIGNMENT/DIVORCE DECREE Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
GOVERNMENT Complete Sections 2, 3, 4, 10, 13, 15, 16

SECTION 2 Type of ownership:

- J.T.W.R.O.S. Complete Section 6
INDIVIDUAL Complete Section 6
PARTNERSHIP Complete Section 6
CORPORATION Complete Section 7
LIMITED LIABILITY CO. Complete Section 7
CLUB Complete Section 8
GOVERNMENT Complete Section 10
TRUST Complete Section 6
OTHER (Explain)

SECTION 3 Type of license and fees LICENSE #(s):

12079669

- 1. Type of License(s): 12
2. Total fees attached: \$

Department Use Only

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

- Owner/Agent's Name: Mr. OLLOMANI SADIK
Corp./Partnership/L.L.C.: GRANDE PIZZA, INC
Business Name: GRANDE PIZZA
Principal Street Location: 8996 W UNION HILLS RD #105 PEORIA MARICOPA 85382
Business Phone: (623)566-5930 Daytime Phone: (623)566-5930
Mailing Address: PO BOX 83236 PHOENIX AZ 85071-3236
Price paid for license only bar, beer and wine, or liquor store: Type \$ Type \$

DEPARTMENT USE ONLY

Fees: Application 100 Interim Permit 100 Site Inspection 50 Finger Prints 22.00 TOTAL OF ALL FEES 272.00

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? YES NO

Accepted by: Date: 9/27/2013 Lic. # 12079669

SECTION 5 Interim Permit:

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. 12079339
4. Is the license currently in use? YES NO If no, how long has it been out of use? _____

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, ABEDIN OLLOMANI, declare that I am the CURRENT OWNER; AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

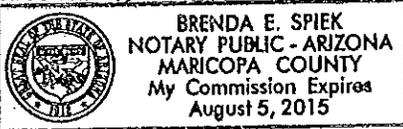
(Print full name)

State of ARIZONA County of MARICOPA

The foregoing instrument was acknowledged before me this

26 day of Sept, 2013

My commission expires on: 8-5-2015



13 SEP 27 11:49 AM '13

SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip
OLLOMANI	SADIK		100	PO BOX 83236	PHOENIX AZ 85071-3236

Partnership Name: (Only the first partner listed will appear on license) _____

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

) Y R A S S E C E N F I T

2. Is any person, other than the above, going to share in the profits/losses of the business? YES NO
If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

- CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.
- L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: GRANDE PIZZA, INC
(Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 06/26/1995 State where Incorporated/Organized: ARIZONA
3. AZ Corporation Commission File No.: 07453138 Date authorized to do business in AZ: 06/26/1995
4. AZ L.L.C. File No: _____ Date authorized to do business in AZ: _____
5. Is Corp./L.L.C. Non-profit? YES NO
6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
OLLOMANI	SADIK		PRESIDENT	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip
OLLOMANI	SADIK		100	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
(Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)
2. Is club non-profit? YES NO
3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:

1. Current Licensee's Name: _____
(Exactly as it appears on license) Last First Middle
2. Assignee's Name: _____
Last First Middle
3. License Type: _____ License Number: _____ Date of Last Renewal: _____
4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

SECTION 10 Government: (for cities, towns, or counties only)

1. Governmental Entity: _____
2. Person/designee: _____
Last First Middle Contact Phone Number

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 11 Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

1. Current Licensee's Name: _____ Entity: _____
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
2. Corporation/L.L.C. Name: _____
(Exactly as it appears on license)
3. Current Business Name: _____
(Exactly as it appears on license)
4. Physical Street Location of Business: Street _____
City, State, Zip _____
5. License Type: _____ License Number: _____
6. If more than one license to be transfered: License Type: _____ License Number: _____
7. Current Mailing Address: Street _____
(Other than business) City, State, Zip _____
8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? YES NO
9. Does the applicant intend to operate the business while this application is pending? YES NO If yes, complete Section 5 of this application, attach fee, and current license to this application.

10. I, _____, hereby authorize the department to process this application to transfer the
(print full name)
privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.

I, _____, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER
(print full name)
STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

(Signature of CURRENT LICENSEE)

State of _____ County of _____
The foregoing instrument was acknowledged before me this

Day Month Year

My commission expires on: _____

(Signature of NOTARY PUBLIC)

13 SEP 27 11:41 AM '18

SECTION 13 - continued

7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?

YES NO If yes, attach explanation.

8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? YES NO

9. Is the premises currently licensed with a liquor license? YES NO If yes, give license number and licensee's name:

License # 12079339 (exactly as it appears on license) Name ABEDIN OLLOMANI / YOUNG BROTHER, INC

SECTION 14 Restaurant or hotel/motel license applicants:

1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? YES NO

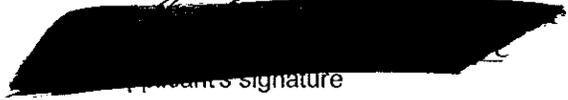
If yes, give the name of licensee, Agent or a company name:

OLLOMANI ABEDIN and license #: 12079339
Last First Middle

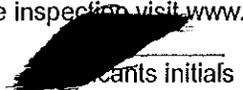
2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.

3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.

4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this hotel/motel restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant/Hotel/Motel Records Required for Audit (form LIC 1013) with this application.


applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit www.azliquor.gov and click on the "Information" tab.


applicant's initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check ALL boxes that apply to your business:

Entrances/Exits Liquor storage areas Contiguous
 Service windows Drive-in windows Non Contiguous

2. Is your licensed premises currently closed due to construction, renovation, or redesign? YES NO

If yes, what is your estimated opening date? _____
month/day/year

3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.

4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).

5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

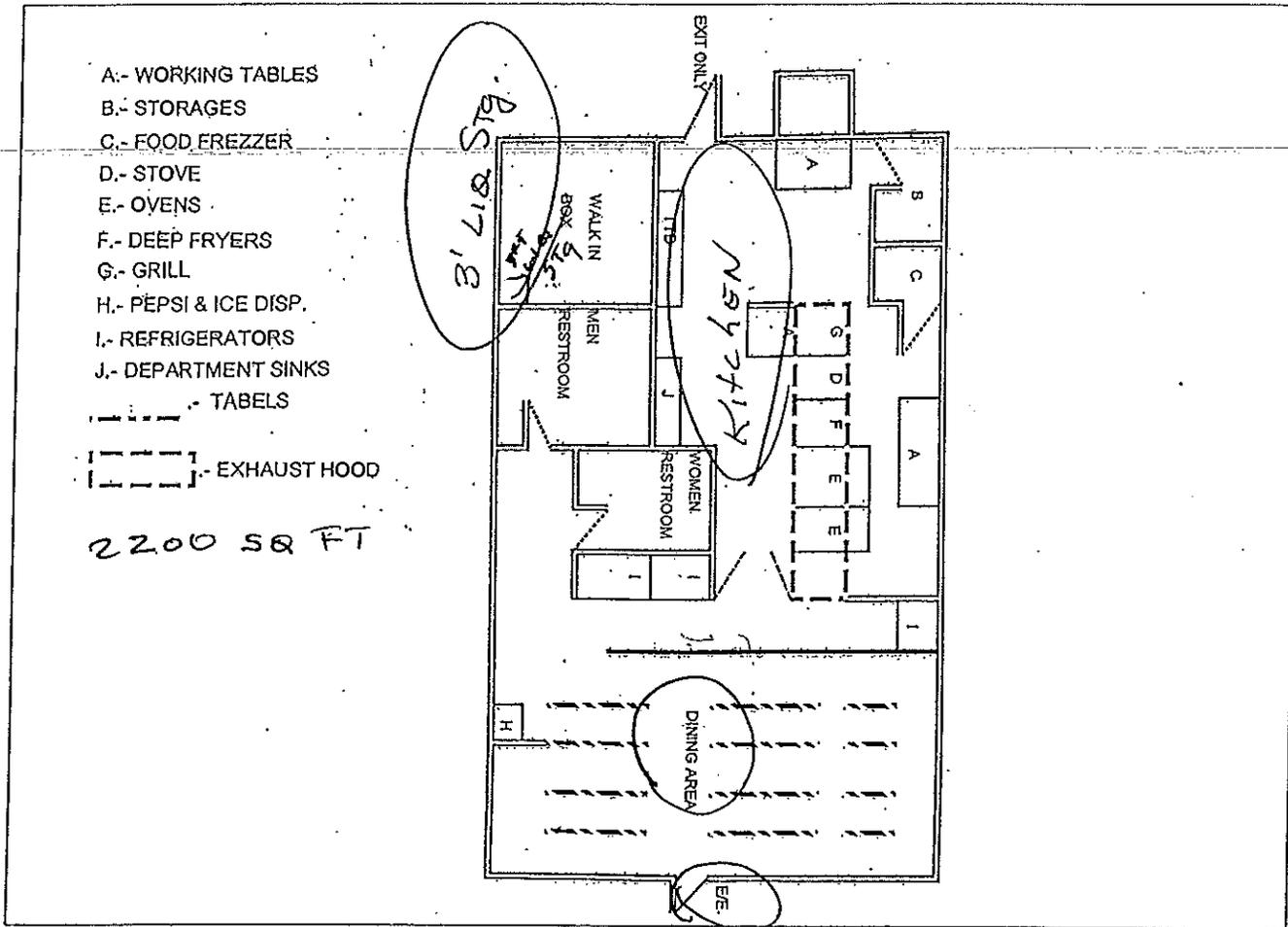
As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.


applicant's initials

SECTION 15 Diagram of Premises

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

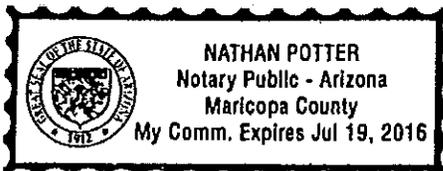
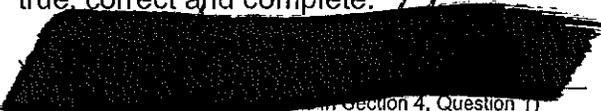
If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.



13 SEP 27 149. Lic. RM11119

SECTION 16 Signature Block

I, SADIK OLLOMANI, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

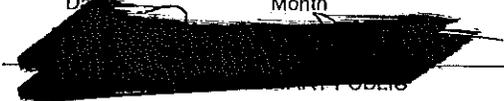


State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

26th of September, 2013

Day Month Year



My commission expires on: July 19, 2016
Day Month Year

Arizona Department of Liquor Licenses and Control

800 West Washington, 5th Floor

Phoenix, Arizona 85007

www.azliquor.gov

602-542-5141

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- MORE THAN ONE LICENSE
INTERIM PERMIT Complete Section 5
NEW LICENSE Complete Sections 2, 3, 4, 13, 14, 15, 16
PERSON TRANSFER (Bars & Liquor Stores ONLY) Complete Sections 2, 3, 4, 11, 13, 15, 16
LOCATION TRANSFER (Bars and Liquor Stores ONLY) Complete Sections 2, 3, 4, 12, 13, 15, 16
PROBATE/WILL ASSIGNMENT/DIVORCE DECREE Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
GOVERNMENT Complete Sections 2, 3, 4, 10, 13, 15, 16

SECTION 2 Type of ownership:

- J.T.W.R.O.S. Complete Section 6
INDIVIDUAL Complete Section 6
PARTNERSHIP Complete Section 6
CORPORATION Complete Section 7
LIMITED LIABILITY CO. Complete Section 7
CLUB Complete Section 8
GOVERNMENT Complete Section 10
TRUST Complete Section 6
OTHER (Explain)

SECTION 3 Type of license and fees LICENSE #(s): 07070361

- 1. Type of License(s): 7
2. Total fees attached: \$

Department Use Only

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

- Owner/Agent's Name: Mr. OLLOMANI SADIK
Corp./Partnership/L.L.C.: GRANDE PIZZA, INC
Business Name: GRANDE PIZZA
Principal Street Location: 8996 W UNION HILLS RD #105 PEORIA MARICOPA 85382
Business Phone: 623.566.5930 Daytime Phone: 623.566.5930 340.4943 Email: N/A
Mailing Address: PO 83236 PHOENIX AZ 85071-3236
Price paid for license only bar, beer and wine, or liquor store: Type \$ Type \$

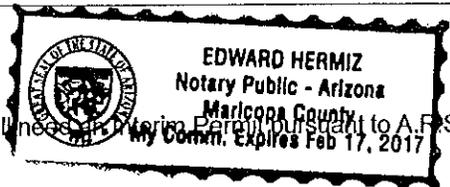
DEPARTMENT USE ONLY

Fees: 100.00 Application Interim Permit Site Inspection Finger Prints \$ 100.00 TOTAL OF ALL FEES

Is Arizona Department of Citizenship & Alien Status For State Benefits complete? YES NO

Accepted Date: 9/27/13 Lic. # 07070361

SECTION 5 Interim Permit:



1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.F.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. _____
4. Is the license currently in use? YES NO If no, how long has it been out of use? _____

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

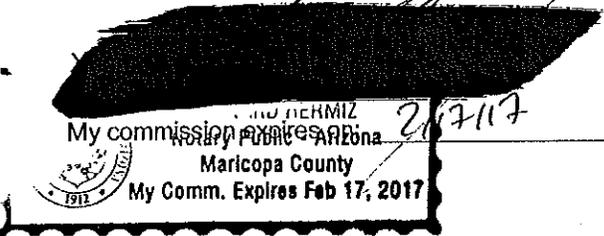
I, ARROW OLLOMANI (Print full name) declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

27 day of Sept, 2013
 Date Month Year

(Signature of NOTARY PUBLIC)



SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) _____

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
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Y R A S S E C E N F I T

2. Is any person, other than the above, going to share in the profits/losses of the business? YES NO
 If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

13 SEP 27 11:14 AM '13

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

- CORPORATION *Complete questions 1, 2, 3, 5, 6, 7, and 8.*
- L.L.C. *Complete 1, 2, 4, 5, 6, 7, and 8.*

1. Name of Corporation/L.L.C.: GRANDE PIZZA, INC
(Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 06/26/1995 State where Incorporated/Organized: ARIZONA
3. AZ Corporation Commission File No.: 0745313-8 Date authorized to do business in AZ: 06/26/95
4. AZ L.L.C. File No: _____ Date authorized to do business in AZ: _____
5. Is Corp./L.L.C. Non-profit? YES NO

6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
OLLOMANI	SADIK		PRES	[REDACTED]	[REDACTED]
"	"		TREAS		
"	"		CEO		
"	"		SEC		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip
OLLOMANI	SADIK		100	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
(Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)
2. Is club non-profit? YES NO
3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:

1. Current Licensee's Name: _____
(Exactly as it appears on license) Last First Middle
2. Assignee's Name: _____
Last First Middle
3. License Type: _____ License Number: _____ Date of Last Renewal: _____
4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

SECTION 10 Government: (for cities, towns, or counties only)

1. Governmental Entity: _____
2. Person/designee: _____
Last First Middle Contact Phone Number

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 11 Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

1. Current Licensee's Name: _____ Entity: _____
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
2. Corporation/L.L.C. Name: _____
(Exactly as it appears on license)
3. Current Business Name: _____
(Exactly as it appears on license)
4. Physical Street Location of Business: Street _____
City, State, Zip _____
5. License Type: _____ License Number: _____
6. If more than one license to be transferred: License Type: _____ License Number: _____
7. Current Mailing Address: Street _____
(Other than business) City, State, Zip _____
8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? YES NO
9. Does the applicant intend to operate the business while this application is pending? YES NO If yes, complete Section 5 of this application, attach fee, and current license to this application.

10. I, _____, hereby authorize the department to process this application to transfer the privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.

I, _____, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

(Signature of CURRENT LICENSEE)

State of _____ County of _____
The foregoing instrument was acknowledged before me this

Day Month Year

My commission expires on: _____

(Signature of NOTARY PUBLIC)

13 SEP 27 11:41 AM '05

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name GRANDE PIZZA
 (Exactly as it appears on license) Address 28465 N VISTANCIA BLVD # 101, Peoria AZ 85383

2. New Business: Name GRANDE PIZZA
 (Physical Street Location) Address 8996 W UNION HILLS DR # 105 Peoria, AZ 85382

3. License Type: 07 License Number: 07070361

4. If more than one license to be transferred: License Type: 1 License Number: _____

5. What date do you plan to move? 9/30/13 What date do you plan to open? 9/30/13

SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: .58 Mi ft. Name of school APACHE ELEMENTRY SCHOOL
 Address 8633 W JOHN CABOT RD, PEORIA, AZ 85382
 City, State, Zip

2. Distance to nearest church: .22 Mi ft. Name of church PEACE LUTHERAN CHURCH
 Address 1865 N 89TH AVE, PEORIA, AZ 85382
 City, State, Zip

3. I am the: Lessee Sublessee Owner Purchaser (of premises)

4. If the premises is leased give lessors: Name IRWIN G PASTERNAK AIA AND ASSOCIATES, P.C.
 Address 745 E MARYLAND AVE STE 100 PHOENIX AZ 85014
 City, State, Zip

4a. Monthly rental/lease rate \$ 2,500.00 What is the remaining length of the lease 5 yrs. 0 mos.

4b. What is the penalty if the lease is not fulfilled? \$ N/A or other _____
 (give details - attach additional sheet if necessary)

5. What is the total business indebtedness for this license/location excluding the lease? \$ 50,000.00
 Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip
OLLOMANI	ABEDIN		50,000.00	[REDACTED]		

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? RESTAURANT

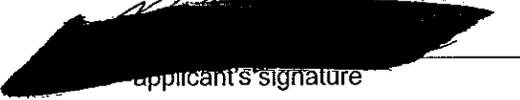
13 SEP 27 199. Lic. PM 4 25

SECTION 13 - continued

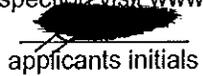
- 7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?
 YES NO If yes, attach explanation.
- 8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? YES NO
- 9. Is the premises currently licensed with a liquor license? YES NO If yes, give license number and licensee's name:
 License # 12079339 (exactly as it appears on license) Name ABEDIN OLLOMANI / YOUNG BROTHER, INC

SECTION 14 Restaurant or hotel/motel license applicants:

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? YES NO
 If yes, give the name of licensee, Agent or a company name:
OLLOMANI ABEDIN and license #: 12079339
Last First Middle
- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this hotel/motel restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.


applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit www.azliquor.gov and click on the "Information" tab.


applicants initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

- 1. Check ALL boxes that apply to your business:
 Entrances/Exits Liquor storage areas Patio: Contiguous
 Service windows Drive-in windows Non Contiguous
- 2. Is your licensed premises currently closed due to construction, renovation, or redesign? YES NO
 If yes, what is your estimated opening date? _____
month/day/year
- 3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
- 4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
- 5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

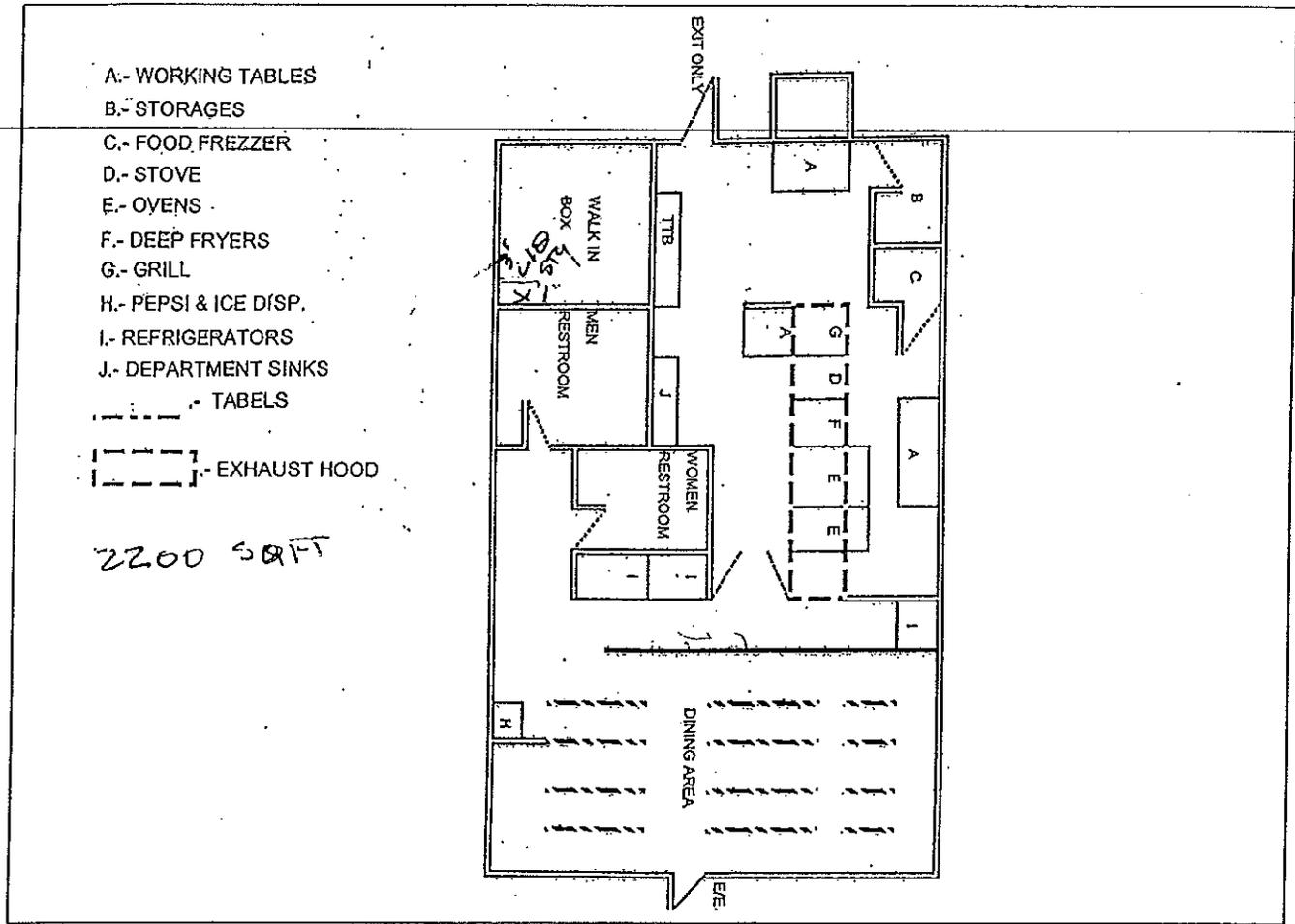

applicants initials

SEP 27 4 49 PM '05

SECTION 15 Diagram of Premises

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

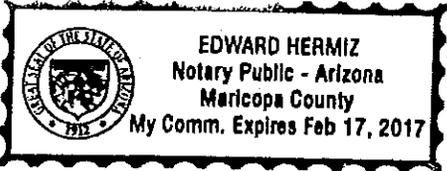
If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.



SECTION 16 Signature Block

I, SADIK OLLOMANI, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

[Redacted Signature]
 (Signature of applicant listed in Section 4, Question 1)



State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 27 of September, 2013
 Day Month Year

My commission expires on: 27/2/17
 Day Month Year

[Redacted Signature]
 Signature of Notary Public

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 22R

Date Prepared: October 21, 2013

Council Meeting Date: November 19, 2013

TO: Carl Swenson, City Manager
FROM: Chris Jacques, AICP, Planning & Community Development Director
THROUGH: Susan J. Daluddung, AICP, Deputy City Manager
SUBJECT: GPA13-0006 – Grand Manor

Purpose:

This is a request for City Council to hold a Public Hearing to consider a request for a minor amendment to the Old Town Specific Area Plan Land Use Map for approximately 17.9 acres from Old Town Medium-High Density Residential (18-25 du/ac, target 20 du/ac) to Old Town Medium Density Residential (5-18 du/ac, target 12 du/ac).

Background/Summary:

The applicant is requesting a minor amendment to the Old Town Specific Area Plan Land Use Map for approximately 17.9 acres of land located at the southwest corner of 88th Drive and Grand Avenue. The amendment would change the Land Use Designation from Old Town Medium-High Density Residential (18-25 du/ac, target 20 du/ac) to Old Town Medium Density Residential (5-18 du/ac, target 12 du/ac). The proposed land use change would allow the development of 86 detached single-family homes, as shown on the existing final plat (approved and recorded in 2007).

The Old Town Medium-High Density Residential land use designation is intended for higher density housing types such as stacked flats and 2-3 story condominium and apartment complexes. In contrast, the Old Town Medium Density Residential designation allows a transition from lower density single family residential areas and may take the form of single family residences or other housing types such as townhouses and duplexes. This land use category will allow for detached single family residential development to occur, consistent with the existing approved and recorded plat. The proposed development density of 4.8 du/ac is below the target of 12 du/ac, but is most consistent with this designation.

The Old Town Specific Area Plan envisioned the property developing for multi-family residences, in support of higher density development near the Old Town core and transit opportunities. However, site constraints on this particular property will not facilitate such development. The property is an infill site with existing development to the west and south. No points of access are available from those directions. The Arizona Department of

Transportation (ADOT), which controls Grand Avenue located along the project's northern boundary, will not permit direct access to Grand Avenue. As a result, the project will have only one access point, along 88th Drive. The site configuration and restricted access has the effect of limiting the viability of multi-family or non-residential development due to the greater access needs of more dense/intense development.

It is staff's assessment that the proposed amendment creates a logical transitional land use category between the lower density residential uses to the south and the highly traveled Grand Avenue corridor to the north, while still increasing the population base of the area and supporting the development of a long-vacant property.

Previous Actions:

This amendment has been subject to the City's Minor General Plan Amendment / Specific Area Plan Amendment process. A public hearing was held for this item at the October 17, 2013 Planning & Zoning Commission Meeting. The Planning & Zoning Commission unanimously recommended approval of this request. A public hearing was held at the same meeting for a related major amendment to the Grand Manor Planned Area Development (Z08-12A.1) for this property.

Options:

- A:** Approve as recommended by Staff and the Planning & Zoning Commission; or
- B:** Approve with modifications; or
- C:** Deny; or
- D:** Continue action to a date certain or indefinitely; or
- E:** Remand to the Planning & Zoning Commission for further consideration.

Staff Recommendation:

Staff recommends the City Council concur with the Planning & Zoning Commission's October 17, 2013 unanimous recommendation (5-0) to approve Case GPA 13-0006.

Fiscal Analysis:

This request is not expected to have immediate budgetary impacts to the City.

Narrative:

No further action would be necessary should the City Council take action to approve this application. If this Specific Area Plan Amendment is approved, the City Council may take action to approve the associated major amendment to the Grand Manor Planned Area Development (Z08-12A.1).

Exhibit(s)

Exhibit 1: Vicinity Map

Exhibit 2: October 17, 2013 Planning and Zoning Commission Staff Report with Exhibits

Exhibit 3: Draft Resolution

Contact Name and Number: Melissa Sigmund, AICP, Senior Planner, x 7603

GPA13-0006 Vicinity Map



GPA13-0006 Grand Manor

Applicant: Mattamy, LLC

Request: A Minor Amendment to the Old Town Specific Area Plan Land Use Designation for approximately 17.9 acres from Old Town Medium-High Density Residential (18-25 du/ac, target 20 du/ac) to Old Town Medium Density Residential (5-18 du/ac, target 12 du/ac).



Not to Scale



EXHIBIT 2

Planning and Zoning Commission Staff Report with Exhibits

October 17, 2013



MINOR GENERAL PLAN AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: GPA13-0006
DATE: October 17, 2013
AGENDA ITEM: 4R

Applicant: Mattamy Arizona, LLC

Request: A Minor Amendment to the Old Town Specific Area Plan Land Use Designation for approximately 17.9 acres from Old Town Medium-High Density Residential (18-25 du/ac, target 20 du/ac) to Old Town Medium Density Residential (5-18 du/ac, target 12 du/ac).

Proposed Development Grand Manor, platted for 86 detached single family homes.

Location: The property is located at the southwest corner of 88th Drive and Grand Avenue.

Site Acreage 17.9 acres

Support / Opposition: As of the date of this printing, staff has not received any public comment in opposition or support to this proposal.

Recommendation: Recommend **approval** of case GPA13-0006 to the City Council.

AREA CONTEXT

Table 1: Existing Land Use, Future Land Use, Current Zoning. (Exhibits A-C)

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant, undeveloped	Old Town Medium-High Density Residential (18-25 du/ac)	PAD, Planned Area Development, Multi-Family Residential
North	Grand Avenue, then BNSF Railroad, then residential and elementary school	Old Town Medium Density Residential (5-18 du/ac) and Public/Quasi-Public	RM-1, Multi-Family Residential
South	Crystal Cove, single family residential subdivision	Old Town Low Density Residential (2-5 du/ac)	R1-6, Single Family Residential
East	88 th Drive, then commercial shopping center	Old Town Commercial Mixed Use (OTCMU)	C-2, Intermediate Commercial
West	Ramada Inn Hotel and RV Park	Old Town Commercial Mixed Use (OTCMU)	C-4, General Commercial

PROJECT DESCRIPTION

Site and Project Details

1. The applicant is requesting a minor amendment to the Old Town Specific Area Plan Land Use Map for approximately 17.9 acres of land located at the southwest corner of 88th Drive and Grand Avenue. The amendment would change the Land Use Designation from Old Town Medium-High Density Residential (18-25 du/ac, target 20 du/ac) to Old Town Medium Density Residential (5-18 du/ac, target 12 du/ac). The proposed land use change would allow the development of 86 detached single family homes, as shown on the existing final plat (approved in 2007).
2. This request is accompanied by a rezoning application for a major amendment to the Grand Manor Planned Area Development (case Z08-12A.1). The major PAD amendment would decrease the allowable density and change the development standards, which currently allow multi-family condominium development, to instead allow detached single family residences, in concurrence with the existing recorded plat for the property. The total number of dwelling units would decrease from 288 condominium units down to 86 detached single family residences. The density would thereby decrease from 16.1 du/ac to 4.8 du/ac. The lots will be a minimum of 4,725 square feet. Access to the site would be from 88th Drive.

LAND USE BACKGROUND

3. In 2004, the Central Peoria Revitalization Plan (CPRP) (a specific area plan covering the project area) Land Use designation for the site was amended from Business/Service Center to Medium-Density Residential/Support Business by Resolution 04-185.
4. In 2005, under case Z05-05, the property was rezoned from C-2, Intermediate Commercial to the Grand Manor PAD to allow an 86-lot single family residential development. The property was subsequently platted in accordance with the Z05-05 PAD standards and later graded.
5. In 2009, the CPRP was amended to High-Density Residential (15+ du/ac, target of 18 du/ac (case GPA08-10), and a concurrent request for a Major PAD amendment was approved (case Z08-12) to allow the development of a 288 unit condominium development.
6. In 2009, the CPRP was replaced by the Old Town Peoria Revitalization Plan (OTPRP), and the property retained an equivalent Land Use Designation of Old Town Medium-High Density Residential (18-25 du/ac, target 20 du/ac). The OTPRP was codified through the adoption of the Old Town Specific Area Plan in 2011.

DISCUSSION AND ANALYSIS

Minor General Plan Amendment Evaluative Criteria

7. Chapter 14 of the Peoria General Plan (“Plan Administration”) directs the City to make an affirmative finding that the proposal substantially demonstrates or exhibits the following evaluative criteria:
 - i. The development pattern contained in the Land Use Plan inadequately provides appropriate optional sites for the use or change proposed in the amendment.
 - ii. The amendment constitutes an overall improvement to the General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
 - iii. The amendment will not adversely impact the community as a whole or a portion of the community by:
 - Significantly altering acceptable existing land use patterns,
 - Requiring larger and more expensive improvements to roads, sewer or water delivery systems than are needed to support the prevailing land uses and which, therefore, may impact developments in other areas,
 - Adversely impacting existing uses because of increased traffic on existing systems, or
 - Affecting the livability of the area or the health and safety of the residents.
 - iv. That the amendment is consistent with the overall intent of the General Plan and other adopted plans, codes and ordinances.

Existing General Plan Land Use Designation

8. The existing land use designation (Exhibit B) for the subject property is provided by the Old Town Specific Area Plan designation of Old Town Old Medium-High Density Residential (18-25 du/ac, target 20 du/ac). The category is intended for higher density housing types such as stacked flats and 2-3 story condominium and apartment complexes.

Request to Designate Site to Old Town Medium Density Residential

9. The request is to change the land use designation for the site to Old Town Medium Density Residential (5-18 du/ac, Target 12 du/ac). This land use designation allows a transition from lower density single family residential areas and may take the form of single family residences or other products such as townhouses and duplexes. This land use category will allow for detached single family residential development to occur, consistent with the existing approved plat (Exhibit D). The proposed development density of 4.8 du/ac is below the target of 12 du/ac, but is most consistent with this designation, as it is above the target density of the only other residential designation with a lower density, Old Town Low Density Residential (2-5 du/ac, Target 3 du/ac.)

10. The Old Town Specific Area Plan envisioned the property developing at a density between 18-25 dwelling units per acre, which would entail a multi-family development form. However, site constraints on this particular property will not facilitate such a development. The property is an infill site with existing development to the east and south. No points of access are available from those directions. The Arizona Department of Transportation (ADOT), which controls Grand Avenue located along the project's northern boundary, has not indicated a willingness to allow the project direct access to Grand Avenue. As a result, the project will have only one access point along 88th Drive. The site configuration and restricted access has the effect of limiting the viability of multi-family or non-residential development due to the increased number of trips that would be necessitated by a more dense/intense development.

11. It is staff's assessment that the proposed amendment creates a logical transitional land use category between the lower density residential uses to the south and the highly traveled Grand Avenue corridor to the north, while still increasing the population base of the area and filling in a long-vacant property.

Relevant General Plan Policies and Objectives

12. The applicant has identified goals and policies from the General Plan that support this request (Exhibit E).

Land Use Element:

- Objective 1.A *Manage and control development to facilitate orderly growth and an efficient urban form.*
Policy 1.A.1 *Promote planned developments where resources and infrastructure are in place to facilitate orderly and efficient growth.*

- Objective 1.H *Encourage the development or redevelopment of vacant or underutilized infill sites within the City.*
Policy 1.H.4 *Encourage infill residential development that takes advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas.*

- Objective 1.M *Provide a diversity of housing types to meet the needs of persons of all income levels and ages.*
Policy 1.M.1 *Accommodate an adequate supply and mix of developable residential land to accommodate future housing needs.*

Circulation Element:

- Policy 1.A.2 *Encourage land development patterns that promote the operational efficiency of the existing and future transportation system.*

Housing Element

- Objective 1.B *Encourage owner-occupied housing units.*

Citizen Participation Plan - Neighborhood Meeting

13. As a requirement of the General Plan Amendment and Rezoning application processes, the applicant conducted a neighborhood meeting and provided a Citizen Participation Process Report detailing the results of the meeting. The applicant notified all property owners within 600 feet and registered Homeowner's Associations within 1 mile of the subject site for the required neighborhood meeting, which was held on September 18, 2013 at the City of Peoria Main Library at 6:00 pm. Three property owners attended the meeting. Meeting attendees provided several comments regarding the proposed project, which have been addressed in the associated Rezoning case Z08-12A.1. There was no stated opposition to the General Plan Amendment at this meeting.

Public Notice

14. Public notice was provided in the manner prescribed under Section 14-39-6. Additionally, the site was posted with a sign meeting the size and content requirements prescribed by the Planning Division. As of the printing of this report, no support or opposition to this case has been received from the public.

Proposition 207

15. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

FINDINGS AND RECOMMENDATION

16. Based on the following findings:
 - The amendment constitutes an overall improvement to the City's General Plan; and
 - The proposal provides for a land use category that will allow for a development of compatible scale and intensity as the adjacent residential areas; and
 - That the amendment will better reflect the development needs of the area while accounting for the existing built environment and site constraints; and
 - The amendment is in conformance with the Goals, Objectives, and Policies of the Peoria General Plan; and
 - That the amendment will not adversely impact the community as a whole or a portion of the community by:
 - i. Significantly altering acceptable existing land use patterns,
 - ii. Requiring larger and more expensive improvements to roads, sewer or water systems than are needed to support the prevailing land uses and which, therefore, may impact development of other lands,
 - iii. Adversely impacting existing uses because of increased traffic on existing systems, or
 - iv. Affecting the livability of the area or the health and safety of the residents.

It is recommended that the Planning and Zoning Commission take the following action:

Recommend approval of Case GPA13-0006 to the City Council.

Attachments:

Exhibit A	Vicinity/Context Map
Exhibit B	Existing General Plan Land Use Map
Exhibit C	Proposed Land Use Map
Exhibit D	Description and Justification for Request
Exhibit E	Existing Approved Final Plat

Prepared by:	Melissa Sigmund, AICP Senior Planner
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Z08-12A.1 Vicinity Map



GPA13-0006 Grand Manor

Applicant: Mattamy, LLC

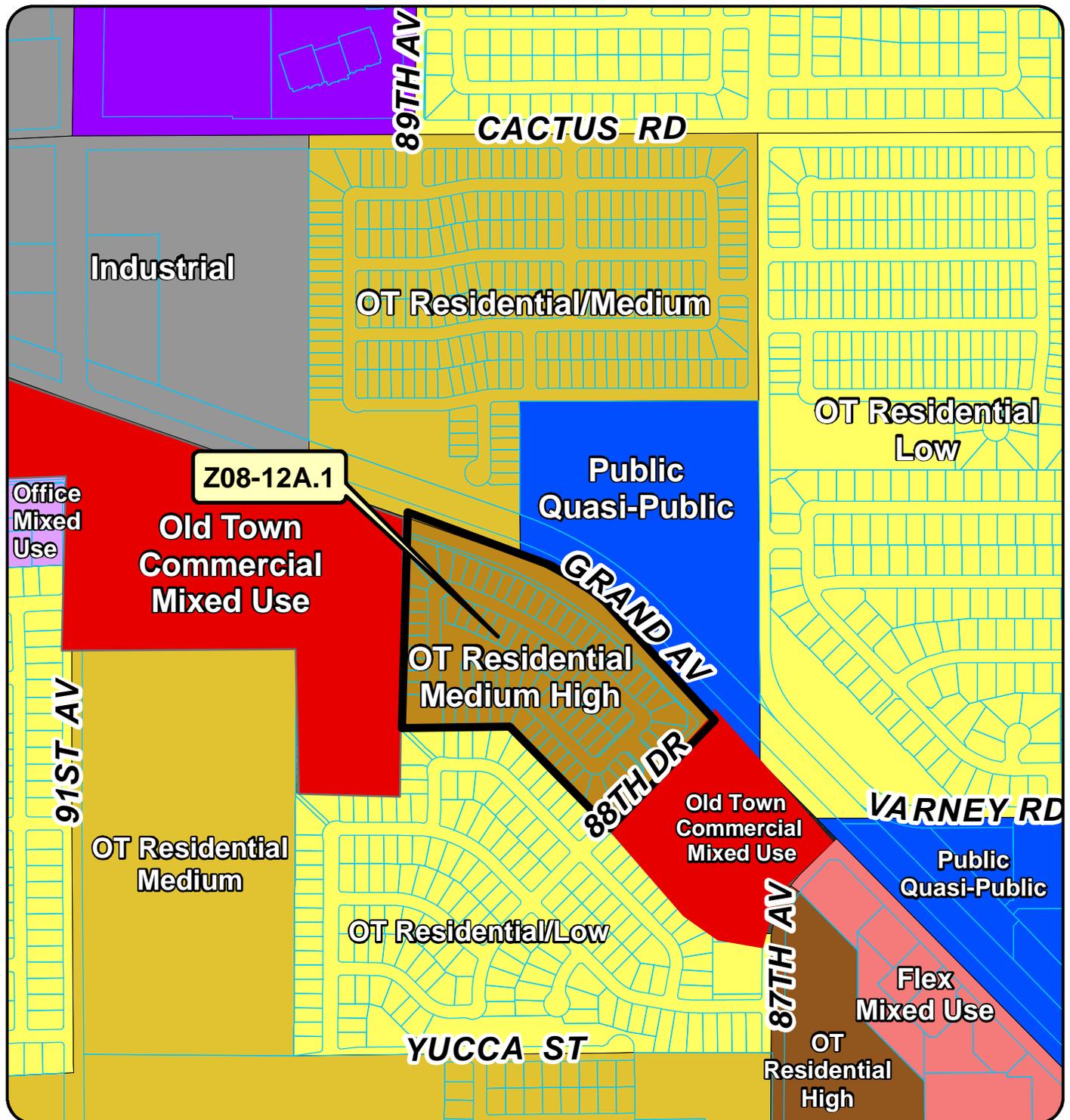
Request: A Minor Amendment to the Old Town Specific Area Plan Land Use Designation for approximately 17.9 acres from Old Town Medium-High Density Residential (18-25 du/ac, target 20 du/ac) to Old Town Medium Density Residential (5-18 du/ac, target 12 du/ac).



Not to Scale



GPA13-0006 Existing Land Use Map



GPA13-0006 Grand Manor

Applicant: Mattamy, LLC

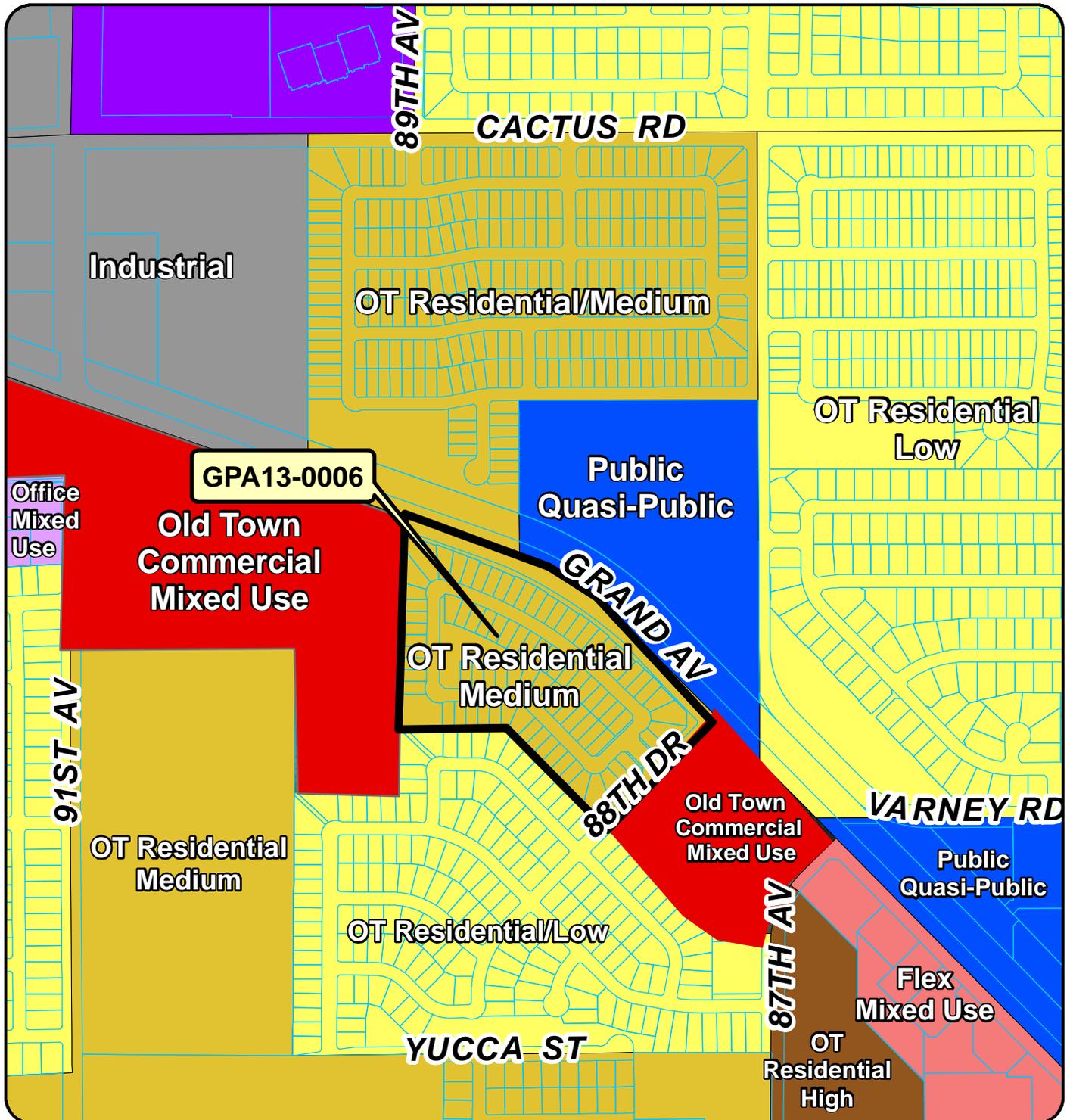
Request: A Minor Amendment to the Old Town Specific Area Plan Land Use Designation for approximately 17.9 acres from Old Town Medium-High Density Residential (18-25 du/ac, target 20 du/ac) to Old Town Medium Density Residential (5-18 du/ac, target 12 du/ac).



Not to Scale

EXHIBIT B

GPA13-0006 Proposed Land Use Map



GPA13-0006 Grand Manor

Applicant: Mattamy, LLC

Request: A Minor Amendment to the Old Town Specific Area Plan Land Use Designation for approximately 17.9 acres from Old Town Medium-High Density Residential (18-25 du/ac, target 20 du/ac) to Old Town Medium Density Residential (5-18 du/ac, target 12 du/ac).



Not to Scale



Grand Manor
88th Drive and Grand Avenue

REQUEST TO AMEND THE GENERAL PLAN/OLD TOWN SPECIFIC AREA PLAN

The following questions are to be answered and returned along with the completed application, filing fee, and any supporting data for evaluation of each General Plan Amendment.

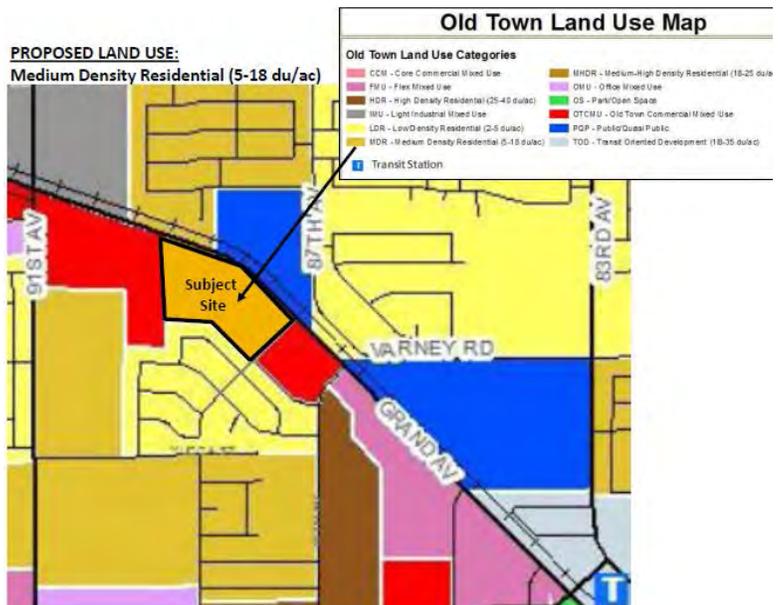
1. Provide a brief description and reason for the requested change.

This General Plan Amendment request consists of 17.9 gross acres/15.9 net acres located at the southwest corner of Grand Avenue/US 60 and 88th Drive. This request to amend the General Plan would change the current land use designation from Medium-High Density Residential (18-25 du/ac) to Medium Density Residential (5-18 du/ac). This GPA is accompanied by a rezoning request for a Planned Area Development to allow for a single-family residential development with a density of approximately 5 du/ac (4.8 du/ac). This proposed density is compatible with the approved developments adjacent to this property.

Subsequent to the rezoning to multi-family the property owner met with the Arizona Department of Transportation (ADOT) regarding direct access to Grand Avenue/US 60. ADOT was not amenable to granting direct access to this site from Grand Avenue/US 60. Without this access, multi-family developers were not interested in the site. Additionally, direct access to Grand Avenue/US 60 is desirable for any commercial or industrial development on the site. Therefore, amending the Land Use Map to designate this site for Medium Density Residential allows the most viable land use, single-family residential, to be built on this infill site.

2. If a map amendment, indicate the existing and proposed General Plan Land Use designation(s).

The Old Town Specific Area Plan Land Use Map currently designates this property as Medium-High Density Residential (18-25 du/ac). This amendment would effectively change this designation to Medium Density Residential (5-18 du/ac) as shown to the right:



3. In what way does the existing plan inadequately provide suitable alternatives for this request?

The existing General Plan/Old Town Specific Area Plan locates this site in the Grand Avenue Corridor District. The primary land use designations in this District are commercial and light industrial. However, the Land Use Map provides for Medium-High Density Residential (18-25 du/ac) for this site. Because of the site configuration and access issues the site is not viable as a commercial, light industrial or multi-family site. Therefore, amending the land use designation to Medium Density Residential maintains the Plan's intent for residential on this site but with a lower density.

4. How will this amendment affect property values and neighborhood stability?

The amendment will not negatively impact the values of adjacent properties because developing the vacant infill site will bring stability to the adjacent land uses. Since multi-family developers are not interested in the site, without the amendment the property could remain vacant for many years.

The requested residential density is more compatible with the density of the adjacent single-family subdivision to the south than the approved multi-family density. Compatibility in density ensures residential products and lot sizes for residents that share common lifestyles.

5. How will this amendment contribute to compatible neighborhood patterns?

The proposed amendment will be compatible with the density of the single-family subdivision to the south. The subject lot sizes are smaller but will provide a transition from the existing single-family and Grand Avenue/US 60. Developing the vacant infill site will be beneficial to the commercial development to the east and hotel/RV park to the west. A newly developed parcel brings stability to a neighborhood and can encourage improvements to adjacent properties.

6. How will this amendment contribute to an increased tax base, economic development and employment opportunities?

The amendment will increase the City's property tax base because developed property creates a higher assessed value than a vacant site. The increased assessed value will increase the City's bonding capacity to fund capital items.

A new single-family development near Old Town can create more people enjoying the commercial and retail establishments located in Old Town. The increased population means higher expendable income and more money to support retail businesses. This results in higher retail sales tax to fund the City's Operating Budget.

7. How will this amendment contribute to the City's goal of achieving balanced housing, shopping, employment and recreational opportunities?

The amendment will further the City's goal to provide housing that matches up with the needs of the population. Developer interest for multi-family housing on this site is significantly lower than the interest for single-family housing.

The Specific Area Plan designates employment opportunities throughout the Grand Avenue Corridor District and designates one residential site. This residential site is the subject site. By developing this site with residential the Specific Area Plan's proposed balance of land uses for this District is met. The single-family residential density is lower than currently planned for but still meets the mixture of land uses proposed for this District. No public recreational opportunities are planned for the site but two on-site recreational tracts are proposed.

8. How will this amendment affect existing infrastructure of the area, specifically, the water, wastewater and street systems?

This property is currently within the City of Peoria water and wastewater, refuse, and fire/emergency service areas. To protect the integrity of Grand Avenue/US 60, access to the site is provided via 88th Drive which is currently in place. This proposal does not create any undue impacts on the existing infrastructure in the area nor will it create any extraordinary demands for future infrastructure.

9. How will this amendment affect the ability of the school district to accommodate children? Indicate specific schools to be attended and provide attendance and other data reflection impacts to the specified schools, and district comments (if available).

The amendment will not change the Peoria Unified School District's ability to accommodate children. Students would be in the Peoria Unified School District ("PUSD") and are expected to attend Cheyenne Elementary School and Peoria High School. PUSD uses a multiplier of .5 elementary students per single-family unit and .2 high school students per unit. At the time of rezoning, the property owner will provide PUSD with a Developer Assistance Agreement on a per unit basis. Initial contact with the school district is underway.

10. Specifically, what elements, goals, objectives and policies of the General Plan will be affected?

The site is currently designated as Medium-High Density Residential on the Old Town Specific Area Plan Land Use Map. The amendment request is for Medium Density Residential (5-18 du/ac). A concurrent request has been submitted for a single-family residential PAD for 86 units. This proposed development will provide support residential for the area's commercial development. Below is a list of Policies and Objectives from the General Plan that support this request to Medium Density Residential.

Land Use Element:

- Objective 1.A *Manage and control development to facilitate orderly growth and an efficient urban form.*

Policy 1.A.1 *Promote planned developments where resources and infrastructure are in place to facilitate orderly and efficient growth.*

Resources and infrastructure are in place to facilitate the development of this vacant infill site. The existing infrastructure is deemed to be sufficient to provide services to the proposed residential development.

- Objective 1.H Encourage the development or redevelopment of vacant or underutilized infill sites within the City.

Policy 1.H.4 Encourage infill residential development that takes advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas.

The site is a long time vacant infill property located along Grand Avenue/US60. The existing Medium-High Density Residential (MDHR) designation is not viable for this site. The property owner has marketed the site to numerous multi-family developers and they are not interested in the site. One of the reasons these developers state the site is not viable for multi-family is that the access is only from 88th Drive. No direct access to Grand Avenue/US 60 will be allowed by ADOT and this fact is a detriment to any commercial or industrial development occurring on the site. Therefore, designating the site to Medium Density Residential on the Land Use Map furthers this objective in developing this infill site as residential.

All municipal services, utilities, transportation facilities, schools, commercial and employment areas are developed in the area. At this time, the belief is that the existing facilities will support the 86 single-family residential units proposed for this site.

- Objective 1.M Provide a diversity of housing types to meet the needs of persons of all income levels and ages.

Policy 1.M.1 Accommodate an adequate supply and mix of developable residential land to accommodate future housing needs.

The housing type proposed for this development is compatible with the surrounding land uses and creates a transition from the existing residential subdivision south of the site to Grand Avenue/US 60. The lot size for this development is smaller than what exists to the south but will cater to those wishing to benefit from a quality housing product without the increased maintenance associated with larger lots.

Circulation Element:

- Policy 1.A.2 Encourage land development patterns that promote the operational efficiency of the existing and future transportation system.

The proposed single-family residential development's circulation system is designed to protect the operational efficiency and effectiveness of Grand Avenue/US 60. Grand Avenue/US 60 is an ADOT controlled access roadway. To promote the flow of traffic on Grand Avenue/US 60, ADOT rarely approves any new direct access to this thoroughfare and have indicated that direct access will not be granted to this site. Therefore, the access to this single-family development is only from 88th Drive, an existing residential street on the east side of the site.

Growth Areas Element

- Objective 3.C Adopt a Specific Area Plan for the Old Town Revitalization Area

Policy 3.C.1 Implement the recommendations from the Plan.

In 2011, the City adopted the Old Town Specific Area Plan. The site is located in the Grand Avenue Corridor District. The primary land uses designated for this District are light industrial and commercial developments. However, the Land Use Map indicates residential for this site. Even though this amendment request is not for the residential density shown on the Land Use Map, it still furthers a development objective of the Old Town Specific Area Plan. This objective is to boost activity in Old Town by increasing the population of Old Town employees, who can frequent area businesses. This single-family development provides housing opportunities near Old Town for Old Town employees.

Housing Element

- Goal 1 Provide for sufficient availability and a variety of opportunities for safe, quality and affordable housing.

Objective 1.B Encourage owner-occupied housing units.

The proposed residential development offers a unique single-family housing type then currently exists in the area. The well-designed one and two-story homes offer a quality housing product to those desiring a single-family detached house without the increased maintenance associated with larger lots.

11. How will this amendment support the overall intent and / or constitute an overall improvement to the Plan?

The amendment improves the OTSAP, because it still creates the opportunity to build a viable residential development. Currently the Land Use Map indicates Medium-High Residential Density for an infill site in the Grand Avenue Corridor District, which is unique because the primary land use designations for this District are light industrial and commercial development. Due to ADOT not allowing direct access from Grand Avenue/US60 to this site, multi-family, commercial and industrial development are not viable on this site. All these uses need access from a major arterial not from just a local residential street such as 88th Drive. An objective of the OTSAP is to boost activity in Old Town by increasing the population of Old Town employees, who can frequent area businesses. Amending the land use to Medium Density Residential still provides a viable housing option for employees near to Old Town.

RESOLUTION NO. 2013-184

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE LAND USE MAP OF THE OLD TOWN SPECIFIC AREA PLAN FOR THE CITY OF PEORIA, ARIZONA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

WHEREAS, the General Plan heretofore adopted by the City of Peoria, Arizona provides for periodic review and amendment of the General Plan and Specific Area Plans which refine it;

WHEREAS, the City of Peoria is required to follow the procedures of A.R.S. 9-461.06 in adopting any amendments to the General Plan; and

WHEREAS, the Peoria Planning and Zoning Commission, after due and proper notice as required by law, held a public hearing regarding amendment number GPA13-0006, on October 17, 2013; and

WHEREAS, after such public hearing and consideration of GPA13-0006, the Peoria Planning and Zoning Commission recommended adoption of GPA13-0006 on October 17, 2013, a copy of which recommendation is on file with the City Clerk of the City of Peoria, Arizona, and which said case number GPA13-0006 was transmitted to the Mayor and Council of the City of Peoria prior to the meeting of November 19, 2013; and

WHEREAS, after notice in the manner and form provided by law, a public hearing regarding case number GPA13-0006 was held by the City Council on November 19, 2013, as required by A.R.S. 9-461.06; and

WHEREAS, after due and proper consideration of such GPA 13-0006, the Mayor and Council of the City of Peoria, Arizona have found that GPA13-0006 will properly aid in the orderly growth and development of the City of Peoria, Arizona.

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

Section 1. Amendments to the Peoria General Plan

1. The City Council of the City of Peoria, Arizona, does hereby accept and adopt amendment number GPA13-0006, amending the Land Use Map of the Old Town Specific Area Plan, for the area described in Exhibits A and B.

SECTION 2. Separability.

In the event any part, portion or paragraph of this Resolution is found to be invalid by any court of competent jurisdiction, the invalidity of such part, portion, or paragraph shall not affect any other valid part, portion, or paragraph of this Resolution and effectiveness thereof;

SECTION 3. This Resolution shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 19th day of November, 2013.

Bob Barrett, Mayor

Date Signed _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

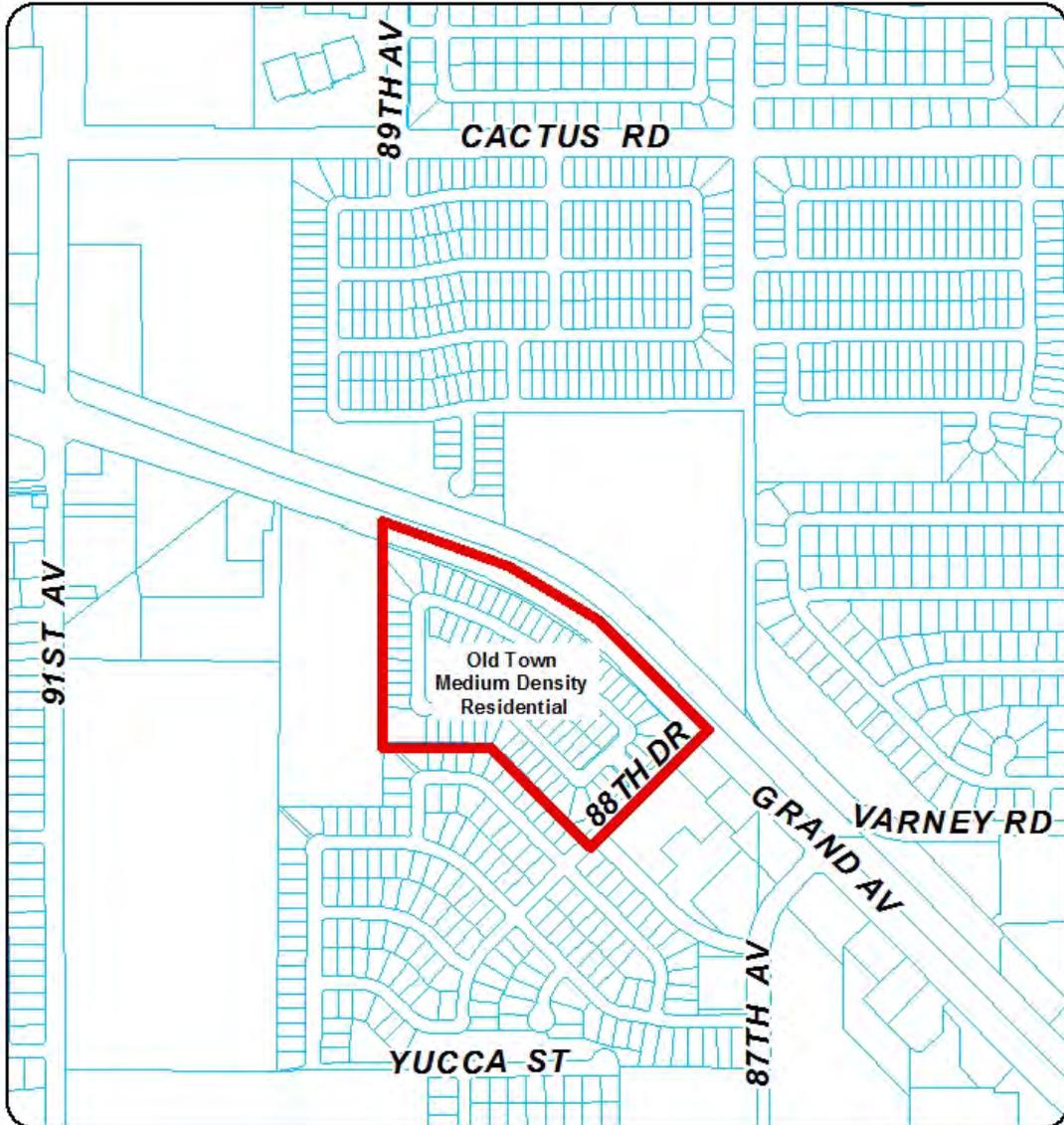
Stephen M. Kemp, City Attorney

EXHIBIT A

LEGAL DESCRIPTION

Lots 1 through 86, inclusive, and Tracts A through G, inclusive, of Grand Manor, according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona, recorded in Book 935 of Maps, Page 45.

EXHIBIT B



**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 23R

Date Prepared: October 21, 2013

Council Meeting Date: November 19, 2013

TO: Carl Swenson, City Manager

FROM: Chris Jacques, AICP, Planning and Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: Z08-12A.1 Grand Manor

Purpose:

This is a request for City Council to hold a Public Hearing to consider a request for a major amendment to the Grand Manor Planned Area Development (PAD) encompassing approximately 17.9 acres to decrease the allowable density and change the development standards from multi-family condominiums to a detached single-family residential development.

Summary:

The subject site is a 17.9 acre undeveloped property located at the southwest corner of 88th Drive and Grand Avenue. There is an existing single-family subdivision to the south of the proposed project, and existing commercial uses to the west and across 88th Drive to the east. The property is bounded on the north by Grand Avenue, an Arizona Department of Transportation (ADOT) controlled route.

The request is for a major amendment to the Grand Manor Planned Area Development (PAD) zoning, which covers the property in question. The amendment would change the character of the development from multi-family condominiums to detached single family development. The total dwelling units would decrease from 288 condominium units to 86 detached single family residences, in concurrence with the existing approved and recorded final plat for the property. As a result, the density would decrease from 16.1 du/ac to 4.8 du/ac.

The developer is seeking to develop this site as it is currently platted for 86 detached single family residences, with a minimum lot size of 4,750 square feet. However, the property cannot be developed as it is currently platted under the existing PAD because detached single family residences are not a permitted use. The major PAD amendment will facilitate development of the property as it is platted.

Background

- In 2005 the property was rezoned to allow an 86-lot single family residential development under case Z05-05.
- A final plat for the property was approved in 2007 under the single family development standards from case Z05-05.
- The current Grand Manor PAD, allowing a 288 unit multi-family residential development was approved in 2009 under case Z08-12.
- The applicant's current request would allow development to occur in conformance with the existing final plat, consistent with the previous 2005 entitlement.

There is a concurrent request for a minor amendment to the Old Town Specific Area Plan Land Use Designation for this property (case GPA13-0006) also underway to change the Land Use Designation from Old Town Medium-High Density Residential (18-25 du/ac, target 20 du/ac) to Old Town Medium Density Residential (5-18 du/ac, target 12 du/ac).

As with all General Plan Amendments and Rezones, a citizen participation component is required. The applicant held an initial neighborhood meeting on September 18, 2013 with 3 members of the public in attendance. Attendees generally supported the single family residential development form over the existing multi-family development standards, although there was some concern stated over the proximity of development to the existing residences to the south. Neighbors expressed some concerns regarding privacy issues caused by the higher grade of the proposed site, which is needed to support sewer system design requirements. In order to address privacy the applicant has agreed to either increase the height of the existing wall along the southern boundary of the site, or to construct a new wall that is at least 6 feet in height measured from the pad grade of the new home lots. In addition, the homes along the southern boundary will be limited to single-story. These protections are stipulated in the Additional Conditions of Approval (Exhibit 3) as recommended by the Planning and Zoning Commission.

It is staff's assessment that the proposed major PAD amendment creates an appropriate development form that will act as an effective transition and buffer between the slightly larger (minimum 6,000 square foot) existing residential lots to the south, and the higher intensity Grand Avenue corridor. This development pattern was previously approved for this site under zoning case Z05-05. While a higher density of residential development was envisioned under the existing PAD, site constraints including limited access, have hindered such development.

Previous Actions:

This amendment has been subject to the City's Major Amendment process for Planned Area Developments. A public hearing was held for this item at the October 17, 2013 Planning & Zoning Commission Meeting. The Planning & Zoning Commission unanimously recommended approval of this request.

Options:

- A:** Approve as recommended by Staff and the Planning & Zoning Commission; or
- B:** Approve with modifications; or
- C:** Deny; or
- D:** Continue action to a date certain or indefinitely; or
- E:** Remand to the Planning & Zoning Commission for further consideration.

Staff's Recommendation:

Staff recommends the City Council concur with the Planning & Zoning Commission's October 17, 2013 recommendation (5-0) to approve Case Z08-12A.1.

Fiscal Analysis:

This request is not expected to have immediate budgetary impacts to the City.

Narrative:

If the City Council takes action to approve this case, the applicant may move forward with the development process and submit applications for residential design review, as well as civil, and later, building permits.

Exhibit(s):

Exhibit 1: Vicinity Map

Exhibit 2: October 17, 2013 Planning and Zoning Commission Staff Report with Exhibits

Exhibit 3: Additional Conditions of Approval presented at October 17, 2013 P&Z hearing

Exhibit 4: Draft Ordinance

Contact Name and Number: Melissa Sigmund, AICP, Senior Planner, x7603

Z08-12A.1 Vicinity Map



Z08-12A.1 Grand Manor

Applicant: Mattamy, LLC

Request: Amend the Grand Manor Planned Area Development (PAD) to decrease the allowable density and change the development character from multi-family condominiums to a detached single family development.



Not to Scale



EXHIBIT 1



REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z08-12A.1

DATE: October 17, 2013

AGENDA ITEM: 5R

Applicant: Mattamy Arizona, LLC

Request: Amend a Planned Area Development (PAD) to decrease the allowable density and change the development character from multi-family condominiums to a detached single family development

Proposed Development: Grand Manor, development consisting of 86 detached single family residential lots.

Location: The property is located at the southwest corner of 88th Drive and Grand Avenue.

Site Acreage 17.9 gross acres

Support / Opposition: As of the date of this printing, staff has not received any public comment in opposition to or in support of this proposal.

Recommendation: Recommend **approval** of case Z08-12A.1, with stipulations to the City Council

AREA CONTEXT

Table 1: Existing Land Use, Future Land Use, Current Zoning. (Exhibits A-C)

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant, undeveloped	Old Town Medium-High Density Residential (18-25 du/ac)	PAD, Planned Area Development, Multi-Family Residential
North	Grand Avenue, then BNSF Railroad, then residential and elementary school	Old Town Medium Density Residential (5-18 du/ac) and Public/Quasi-Public	RM-1, Multi-Family Residential
South	Crystal Cove, single family residential subdivision	Old Town Low Density Residential (2-5 du/ac)	R1-6, Single Family Residential
East	88 th Drive, then commercial shopping center	Old Town Commercial Mixed Use (OTCMU)	C-2, Intermediate Commercial
West	Ramada Inn Hotel and RV Park	Old Town Commercial Mixed Use (OTCMU)	C-4, General Commercial

PROJECT DESCRIPTION

Site and Project Details

1. The project site is a 17.9 gross acre undeveloped parcel located at the southwest corner of 88th Drive and Grand Avenue
2. The request is for a major amendment to the Planned Area Development (PAD) zoning for the property in question. The amendment would decrease the allowable density and change the development standards, which currently allow multi-family condominium development, to instead allow detached single family residences, in concurrence with the existing recorded plat for the property. The total number of dwelling units would decrease from 288 condominium units down to 86 detached single family residences. The density would thereby decrease from 16.1 du/ac to 4.8 du/ac. The lots will be a minimum of 4,725 square feet. Access to the site would be from 88th Drive.

LAND USE BACKGROUND

3. In 2004, the Central Peoria Revitalization Plan (CPRP) (a specific area plan covering the project area) Land Use designation for the site was amended from Business/Service Center to Medium-Density Residential/Support Business by Resolution 04-185.
4. In 2005, under case Z05-05, the property was rezoned from C-2, Intermediate Commercial to the Grand Manor PAD to allow an 86-lot single family residential development. The property was subsequently platted in accordance with the Z05-05 PAD standards and later graded.
5. In 2009, the CPRP was amended to High-Density Residential (15+ du/ac, target of 18 du/ac (case GPA08-10), and a concurrent request for a Major PAD amendment was approved (case Z08-12) to allow the development of a 288 unit condominium development.
6. In 2009, the CPRP was replaced by the Old Town Peoria Revitalization Plan (OTPRP), and the property retained an equivalent Land Use Designation, Old Town Medium-High Density Residential (18-25 du/ac, target 20 du/ac).

DISCUSSION AND ANALYSIS

Conformance with the Old Town Peoria Revitalization Plan

7. As proposed, the Major PAD Amendment does not conform to the existing Old Town Peoria Revitalization Plan Land Use Designation of Old Town Medium-High Density Residential (18-25 du/ac, target 20 du/ac). Therefore, a concurrent minor General Plan Amendment (case GPA13-0006) has been requested to

amend the OTPRP Land Use Designation to Old Town Medium Density Residential (5-18 du/ac, target 12 du/ac). In the aforementioned case, staff provided an analysis of the request (please refer to the Staff Report). Staff recommended that the Planning and Zoning Commission issue a recommendation of approval to the City Council on the basis of the findings identified below:

The Old Town Specific Area Plan envisioned the property developing at a density between 18-25 dwelling units per acre, which would entail a multi-family development form. However, site constraints on this particular property will not facilitate such a development. The property is an infill site with existing development to the east and south. No points of access are available from those directions. The Arizona Department of Transportation (ADOT), which controls Grand Avenue located along the project's northern boundary, has not indicated a willingness to allow the project direct access to Grand Avenue. As a result, the project will have only one access point along 88th Drive. The site configuration and restricted access has the effect of limiting the viability of multi-family or non-residential development due to the increased number of trips that would be necessitated by a more dense/intense development.

It is staff's assessment that the proposed amendment creates a logical transitional land use category between the lower density residential uses to the south and the highly traveled Grand Avenue corridor to the north, while still increasing the population base of the area and filling in a long-vacant property.

Grand Manor PAD Development Standards (Exhibit E)

8. The PAD development standards as proposed have been amended to accommodate detached single family homes, consistent with the Grand Manor approved final plat.

Proposed Development Standards

	Min. Lot Size	Minimum Setbacks for Principal Buildings						Max Building Height in feet	Max Lot Cover %
Land Use	Area	Width	Depth	Front	Sides***		Rear		
					Least Side	Total Sides			
Lots	4,725 sf	45'	105'	10'* 20'***	5'	10'	15'	30'	55%

* To living areas or side loaded garages.

** To front loaded garages.

*** Corner lots abutting local streets shall provide an 8-foot wide landscape tract in conformance with the Peoria Zoning Ordinance.

Citizen Participation Plan - Neighborhood Meeting

9. As a requirement of the General Plan Amendment and Major PAD Amendment processes, the applicant conducted a neighborhood meeting and provided a Citizen Participation Report detailing the results of the meeting. The applicant notified all property owners within 600 feet and registered Home Owners Associations within 1 mile of the subject site of the required neighborhood meeting, which was held on September 18, 2013 at the City of Peoria Main Library. Three neighboring property owners attended. Attendees generally supported the single family residential development form over the existing multi-family development standards, although there was some concern stated over the proximity of development to the existing residences to the south. Key comments/questions are summarized below.

- Question: Why is the grade level of the site higher than the homes to the south?
Response: The difference in grade is primarily needed in order to meet sewer system design requirements for slopes. The applicant will address privacy concerns by either increasing the height of the existing wall along the southern boundary of the project, or by constructing a new higher wall on site.
- Question: could the neighbors build their own wall higher?
Response: Homeowners could increase their walls up to 7 feet in height without a permit. Higher walls would require engineering approval by the Site Development Division.

Land use compatibility

10. It is staff's assessment that the proposed major PAD amendment creates an appropriate development form that will act as an appropriate transition and buffer between the slightly larger (minimum 6,000 square foot) existing residential lots to the south, and the higher intensity Grand Avenue corridor. This development pattern was previously approved for this site under zoning case Z05-05. While a higher density of residential development was envisioned under the existing PAD, site constraints have hindered such development.

City Review

11. This request has been reviewed and commented on through the City's standard rezoning application review process. Recommended conditions of approval have been provided by the Planning, Site Development / Engineering, and Fire Safety Division as provided in the *Conditions of Approval* portion this report.

Public Notice

12. Public notice was provided in the manner prescribed under Section 14-39-6. Additionally, the site was posted with a sign meeting the size and content requirements prescribed by the Planning Division.

Proposition 207

13. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

FINDINGS AND RECOMMENDATION

14. Based on the following findings:
 - The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan; and
 - The development character and density is compatible with adjacent development; and
 - That the amendment will better reflect the development needs of the area while accounting for the existing built environment and site constraints.

It is recommended that the Planning and Zoning Commission take the following action:

Recommend to the City Council approval of Case Z08-12A.1, subject to the following conditions:

1. The development shall conform to the "Grand Manor" Planned Area Development Standards and Guidelines Report, (case Z08-12A.1) dated 9/4/13.
2. Section D107.1 of the 2006 International Fire Code states "One- or two-family dwelling residential developments: Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Exceptions:

- 1) Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.3, access from two directions shall not be required.
- 2) The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official."
3. D104.3 Remoteness of the 2006 International Fire Code states "Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses."
4. A noise mitigation study shall be submitted to address the anticipated truck traffic on Grand Avenue. All walls shall be designed and constructed in accordance with the recommendations of the sound study.
5. No walls or retention shall be permitted with the PUE.

6. A retaining wall is necessary in addition to the existing 6' block wall along the south side of the development. The City prefers that the existing wall be removed and replaced with a retaining wall. If this cannot be accomplished, no more than a 4" separation between the existing wall and the new wall is permitted.
7. This development will be permitted to utilize a 0.33% slope for the construction of the sewer line.

Attachments:

Exhibit A	Vicinity/Location Map
Exhibit B	Proposed Land Use Map
Exhibit C	Zoning Map
Exhibit D	Existing Approved Final Plat (for reference)
Exhibit E	PAD Standards and Guidelines Report
Exhibit F	Citizen Participation Report

Prepared by: Melissa Sigmund, AICP
Senior Planner

Z08-12A.1 Vicinity Map



Z08-12A.1 Grand Manor

Applicant: Mattamy, LLC

Request: Amend the Grand Manor Planned Area Development (PAD) to decrease the allowable density and change the development character from multi-family condominiums to a detached single family development.

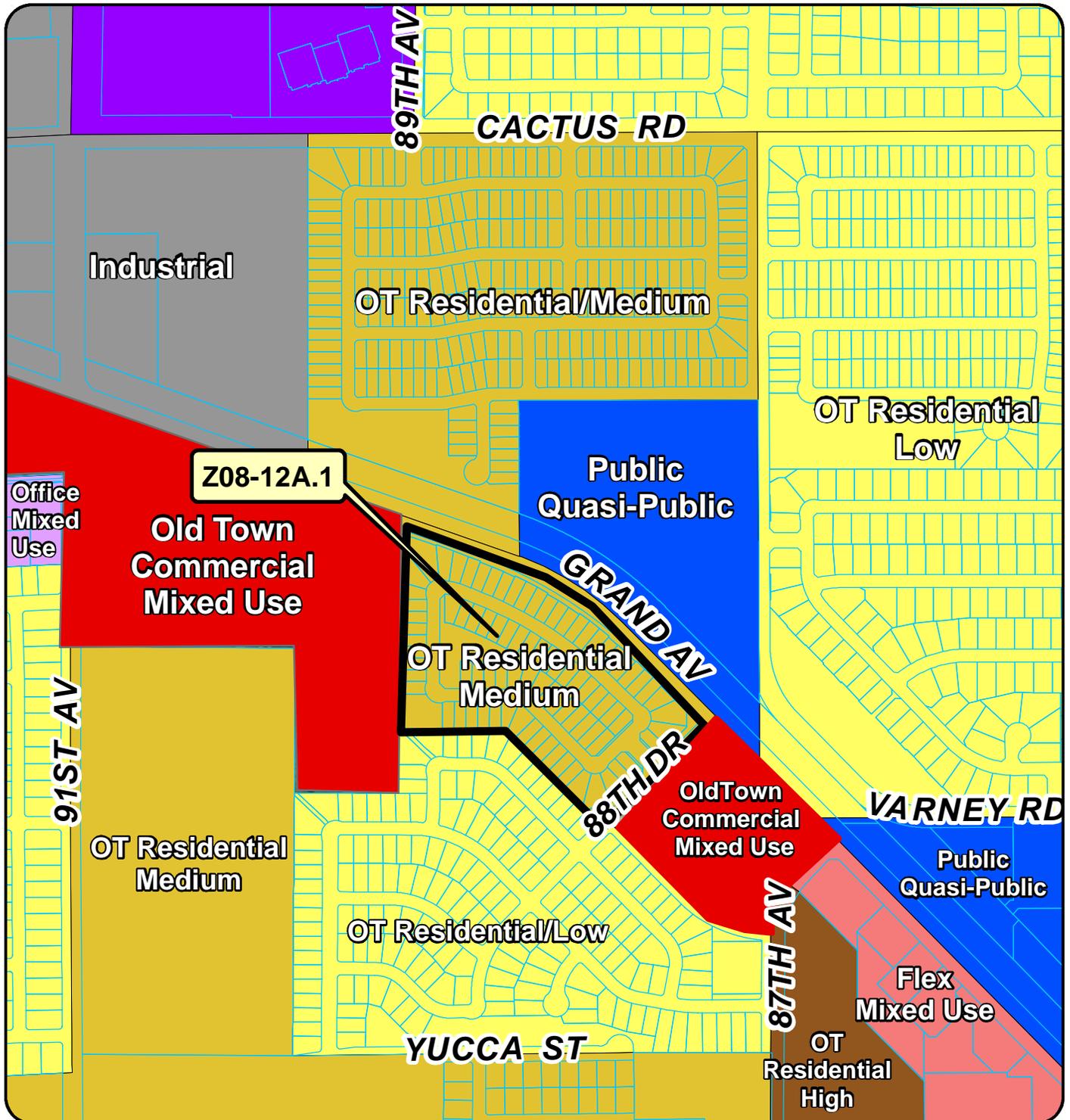


Not to Scale



EXHIBIT A

Z08-12A.1 Proposed Land Use Map



Z08-12A.1 Grand Manor

Applicant: Mattamy, LLC

Request: Amend the Grand Manor Planned Area Development (PAD) to decrease the allowable density and change the development character from multi-family condominiums to a detached single family development.

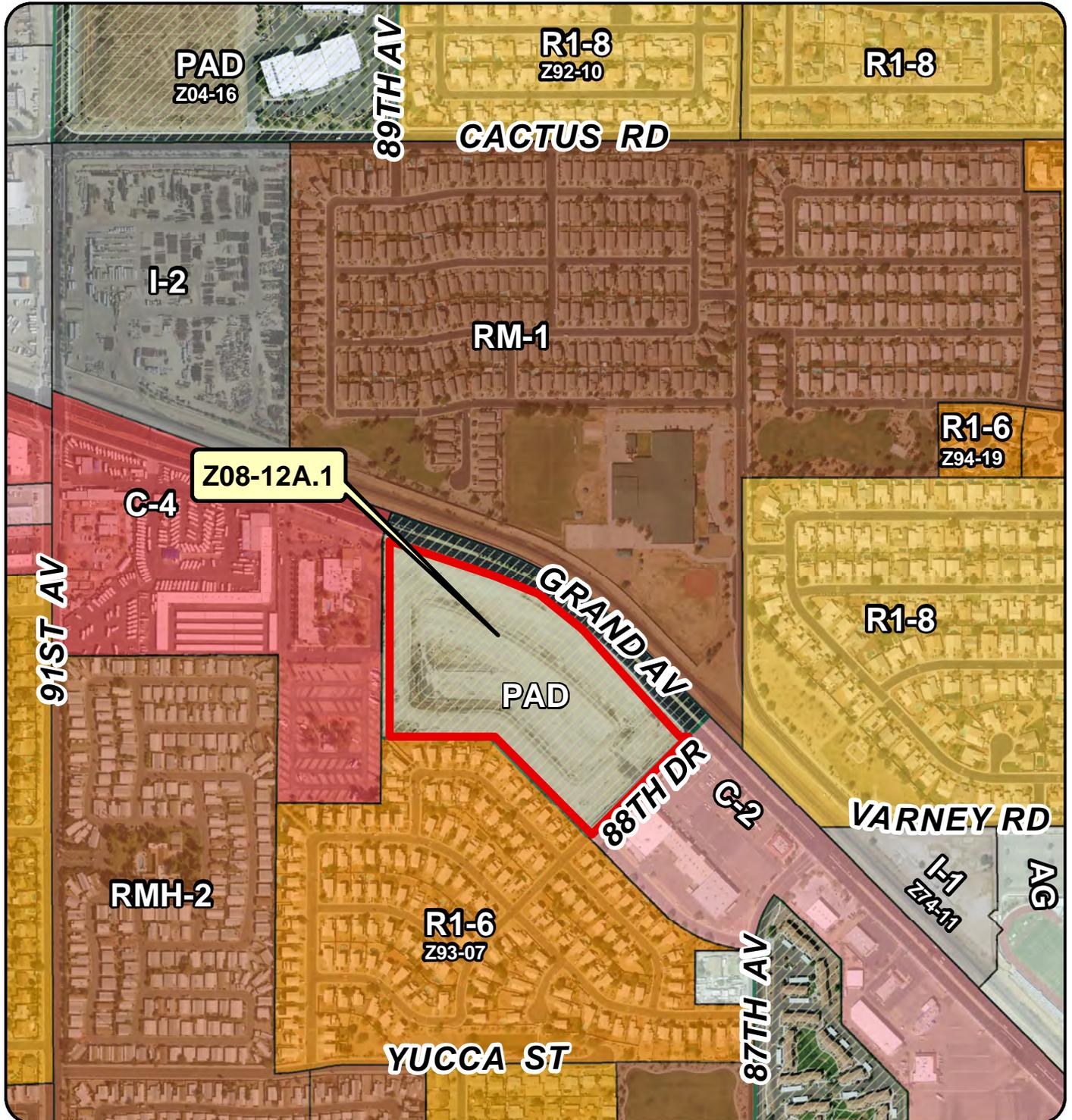


Not to Scale



EXHIBIT B

Z08-12A.1 Zoning Map



Z08-12A.1 Grand Manor

Applicant: Mattamy, LLC

Request: Amend the Grand Manor Planned Area Development (PAD) to decrease the allowable density and change the development character from multi-family condominiums to a detached single family development.

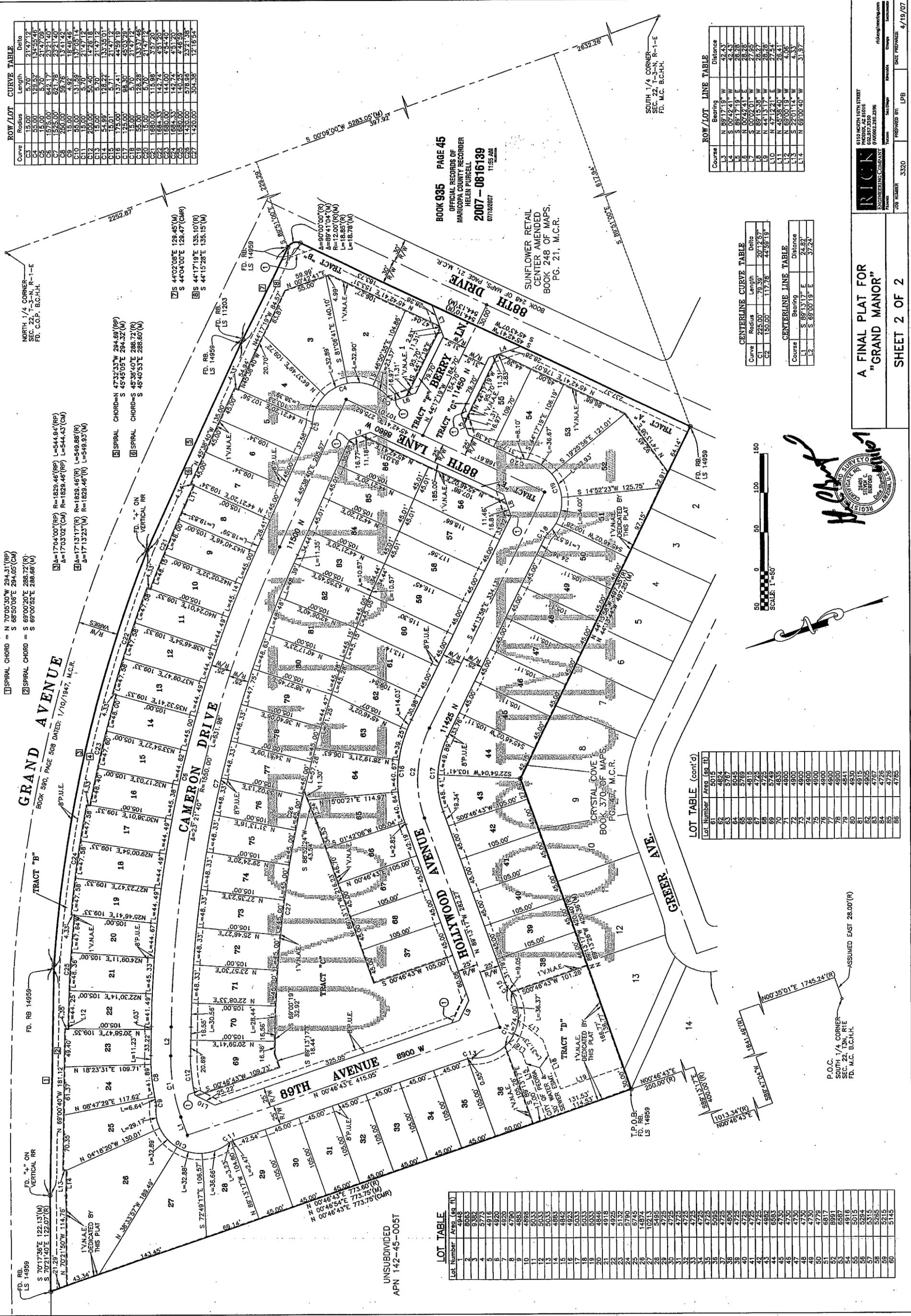


Not to Scale



EXHIBIT C

Grand Manor Approved Final Plat



BOOK 935 PAGE 45
 OFFICIAL RECORDS OF
 MARICOPA COUNTY RECORDER
 HELEN PURCELL
2007 - 0616199
 071182807 11:55 AM

SUNFLOWER RETAIL
 CENTER AMENDED
 BOOK 248 OF MAPS,
 PG. 21, M.C.R.

ROW/LOT LINE TABLE

Course	Bearing	Distance
L1	N 89°17'18" W	42.43
L2	S 00°42'41" W	42.43
L3	S 89°17'18" E	28.28
L4	N 00°42'41" E	28.28
L5	N 00°42'41" E	28.28
L6	S 00°42'41" W	28.28
L7	S 00°42'41" W	28.28
L8	N 89°17'18" W	28.28
L9	N 44°13'17" W	28.28
L10	N 47°12'21" E	26.41
L11	N 45°38'40" W	26.41
L12	N 69°00'19" W	4.06
L13	S 22°01'14" W	4.33
L14	N 69°00'40" W	31.97

CENTERLINE CURVE TABLE

Curve	Radius	Length	Delta
C1	225.00	75.39	20°12'57"
C2	150.00	117.78	44°59'19"

CENTERLINE LINE TABLE

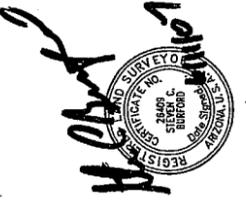
Course	Bearing	Distance
L1	S 89°13'17" E	24.82
L2	S 69°00'19" E	37.24

LOT TABLE (cont'd)

Lot Number	Area (sq ft)
61	5015
62	4824
63	5767
64	6045
65	5769
66	4815
67	4725
68	5749
69	4835
70	4900
71	4900
72	4900
73	4900
74	4900
75	4900
76	4900
77	4900
78	4900
79	4841
80	4930
81	4915
82	4905
83	4767
84	4726
85	4726
86	4765

LOT TABLE

Lot Number	Area (sq ft)
1	4948
2	8063
3	5382
4	5773
5	4916
6	4920
7	4920
8	4790
9	4893
10	4898
11	5033
12	5033
13	5033
14	4893
15	4923
16	4923
17	5033
18	5033
19	5033
20	4846
21	4918
22	4925
23	5132
24	5790
25	6745
26	14874
27	10213
28	5495
29	4725
30	4725
31	4725
32	4725
33	4725
34	4725
35	5093
36	4725
37	4725
38	4808
39	4725
40	4725
41	4725
42	4725
43	4882
44	6583
45	4730
46	4730
47	4730
48	4730
49	4730
50	4779
51	6817
52	8991
53	6557
54	4916
55	5015
56	5244
57	5215
58	5215
59	5215
60	5143



A FINAL PLAT FOR
 "GRAND MANOR"
 SHEET 2 OF 2

Exhibit E

Grand Manor PAD Standards and Guidelines Report

Grand Manor Single-Family



Southwest Corner of
88th Drive & Grand Avenue
+/- 18-acres

Planned Area Development
Z08-12A.1

1st Submittal: July 15, 2013
Revised: September 4, 2013

Development Team

Property Owner:

SKS Grand Manor, L.L.C.

123 N. Washington Street, #10
Chandler, AZ 85225

Developer:

Mattamy Arizona, L.L.C.

9200 E. Pima Center Parkway, Suite 230
Scottsdale, Arizona 85258

Engineer:

Rick Engineering Company

6150 N. 16th Street
Phoenix, Arizona 85016

Landscape Architect:

Biltform Landscape Architecture

11460 N. Cave Creek Road, Suite 6
Phoenix, Arizona 85020

Attorney:

Michael J. Curley

Earl, Curley & Lagarde

3101 N. Central Avenue, Suite 1000
Phoenix, Arizona 85012

Table of Contents

	<i><u>Pages</u></i>
Introduction	1
General Plan and Old Town Specific Area Plan	1
General Site Information / Existing Conditions	2
Surrounding Land Uses	3
Preliminary Development Plan	3
Permitted Uses	4
Phasing	4
Development Standards	4
Design Guidelines	5
Signage	5
Landscaping	6
Grading and Drainage	6
Public Utilities and Services	6

Exhibits

Vicinity Map.....	A
Legal Description.....	B
Proposed Old Town Specific Area Plan.....	C
Existing Zoning Map	D
Final Plat.....	E
Conceptual Landscape & Wall Details Plan.....	F
Grading & Drainage Plan	G

Grand Manor

Narrative

Introduction

This request seeks to rezone the subject 17.9 gross acre property (15.9 net acres) to an 86-unit single-family PAD development. The vacant infill property is located at the southwest corner of 88th Drive and Grand Avenue. (See **Exhibit A**, Vicinity Map and **Exhibit B**, Legal Description)

In 2005, this property was rezoned (Z05-05) for an 86 single-family lot residential development. Consequent to this rezoning, a final plat (2007-0816139) was approved by the City. Later in 2009, the property was rezoned (Z08-12) to a 288-unit multi-family PAD condominium development. This rezoning was concurrently being processed as the City was preparing and approving the *Old Town Peoria Revitalization Plan* in which this property was designated “Old Town Medium-High Density Residential (MDHDR)”.

Since 2009, the development industry in metropolitan Phoenix became very weak. In the past year, new development has begun to increase in the metropolitan area. However, interest in this infill property has not been for multi-family. Therefore, the property owner’s request to rezone the property back to a single-family PAD development which is consistent with the 2007 approved Final Plat, is in response to the existing single-family developer interest.

General Plan and Old Town Specific Area Plan

A minor amendment to the General Plan/Old Town Specific Area Plan (OTSAP) has been concurrently filed with the proposed rezoning request. The General Plan and OTSAP currently designate this property as Medium-High Density Residential. At this time, this request is to amend the General Plan/OTSAP to Medium Density Residential (5-18 du/ac) with a target density of 12 du/ac. (See **Exhibit C**, Proposed Old Town Specific Area Plan) This minor land use request will accommodate the density proposed (4.8 gross;5.4 net du/ ac) for the Grand Manor single-family development.

This infill site is included in several plans prepared by the City. The General Plan references both the Old Town Peoria Revitalization Plan (OTPRP) approved in 2009 and the OTSAP which was subsequently approved in 2011. The OTSAP encompasses a 4 square-mile area centered near the intersection of Grand Avenue with 83rd Avenue and closely follows the recommendations of the OTPRP. Therefore, when the OTSAP was prepared the land use designation for Medium-High Density Residential was not changed from the 2009 approval of the OTPRP. Over the past four years the site has been aggressively marketed to multi-family developers. The general consensus is that this infill site is not a desirable multi-family site. One of the major reasons is due to inadequate vehicular access. The property owner has met with ADOT on several occasions to discuss the potential for direct access from this site to Grand Avenue. However, ADOT was not amenable to an access point on Grand Avenue/US 60.

This underutilized infill site is designated as part of the Peoria Old Town Growth Area because of its location along an existing and emerging major transportation corridor (i.e. Existing US 60/Grand Avenue which is to be widened by ADOT). One of the opportunities mentioned for the Old Town Growth Area is to increase the residential base to attract service and job-creating economic development. In context with the “Growing Smarter” (1998) and “Growing Smarter ‘Plus’” (2000) State legislation, the General Plan emphasizes the strong relationship between the land use and the transportation needs of the community and acknowledges that Grand Avenue is a key element because of the connections and continuity it provides between the Northwest Valley and the Phoenix Metropolitan Area. Promoting viable land uses along major corridors is encouraged to help manage the growth, revitalize existing areas, and reduce the “urban sprawl” effect. Since ADOT will not grant direct access to Grand Avenue/US 60 and with the only access to the site from a primarily residential street 88th Drive, access to this site is less than desirable for multi-family, commercial or industrial uses.

Even though the OTSAP designates this infill site for Medium-High Residential Density, the request to Medium Density Residential furthers the goals and objectives of the General Plan and the OTSAP. In the General Plan, Land Use Element policies encourage adequate supply and mix of developable residential land and infill residential development that takes advantage of existing municipal services and other public facilities. Additionally, this underutilized infill site is designated in the OTSAP within the Grand Avenue Corridor District. This District is primarily to encourage and redevelop commercial/industrial within its boundaries. However, this site is designated for residential use. One of this District’s development objectives is to contribute activity in Old Town by increasing the population. The proposal to develop the infill site with single-family residential furthers these policies and objectives.

The proposed single-family development provides a transition between existing lower residential densities and Grand Avenue thus furthering objectives and policies of the General Plan and OTSAP. Some of the General Plan goals the proposed single-family residential community complies with include: 1) Provides a diversity of housing type to meet the needs of persons of all income levels and ages, 2) Allows infill residential development to take advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas and 3) Provides owner-occupied housing units.

General Site Information / Existing Conditions

The site is 17.9 gross acres and 15.9 net acres. The site is vacant and was previously graded for 86 single-family lots.

Even though the site has approximately one-quarter mile of frontage along Grand Avenue, the only access to the site is from 88th Drive. Access to Grand Avenue (Hwy. 60) is controlled by ADOT. Again, ADOT is not amenable to approve direct access from this site to Grand Avenue.

Surrounding Land Uses

The surrounding properties are developed with the following land uses and zoning (See **Exhibit D**, Existing Zoning Map):

North: Grand Avenue and railroad tracks
East: C-2 - Commercial Development
South: R1-6 - Single Family Residential
West: C-4 - Hotel and RV Park

Preliminary Development Plan

The Grand Manor development plan proposes (86) detached single-family units within a loop street circulation system. (See **Exhibit E**, Final Plat for Grand Manor) The approved Final Plat includes a main entrance off of 88th Drive in alignment with the entrance to the retail center across the street. Lots back to Grand Avenue, 88th Drive, the hotel/RV Park and the single-family subdivision to the south. Landscape tracts are proposed along both sides of the 88th Drive entrance. Two active open spaces are proposed within the development, at the southwest corner and inside the loop street.

The purpose of the PAD district is to allow for traditional single-family homes on smaller lots in order to meet the lifestyle needs of area residents. The PAD has primarily one lot size with a few larger lots. The lots are a minimum of 4,725 square feet with minimum dimensions of 45-feet wide and 105-feet deep. There are (15) lots that back to (13) existing single-family lots adjacent to the south. One and two story homes are proposed. A minimum of four different house products, each having a minimum of two elevations, are proposed. Rear covered patios will be standard on all homes. Architectural enhancements shall be provided on all four elevations and with special attention to window openings. Windows on garage doors and stone accents will be provided as options. Further, the subdivision plat, lot layout design, and house product architecture will comply with the City's Design Review Manual for Detached Single-Family Residential uses.

The proposed single-family development standards are unique because of the lot configuration of this infill site. Although the development site has more than a quarter-mile of frontage along Grand Avenue access to the development can only be from 88th Drive. ADOT who controls access to Grand Avenue/Hwy. 60, will not allow direct access from this site to Grand Avenue. Therefore, the only street configuration for the development is a single loop street. With the constraints of the street configuration and the lot configuration, the development standards for the smaller single-family lots accommodate the infill nature of the site.

The final plat identifies 13 percent of the total 17.9 gross acres as common open space to be enjoyed by those living in the development. This exceeds the useable open space provision in the *Design Review Manual* which designates 9 percent of the gross area. In addition to the required landscape tracts along the street frontages, the final plat designates two tracts for recreation/retention areas. One of these tracts is centrally located inside the development's loop street. This open space area is proposed to be

landscaped and have amenities such as a tot-lot, BBQ, ramada, etc. Also proposed is a pedestrian walkway leading into this centralized open space from the adjacent street. The other open space tract is located in the southwest corner of the subdivision. It is proposed to be landscaped and provide passive recreation for the residents.

The architectural style and quality of the buildings and landscaped areas will provide a high-quality development for those living within the community. Grand Manor will also contribute to the long-term success of the local community and the City by providing a single-family product that is affordable, sustainable and in-line within the City’s population projections and goals to attract new infill development along the Grand Avenue corridor.

This well-designed infill development offers a unique single-family housing type that currently exists in a growing segment of the community which will further stimulate other types of complimentary and sustainable land uses within the local community. Grand Manor is designed to attract working professionals, families and/or empty nesters.

Permitted Uses

The PAD allows the permitted uses defined under Section 14-5-2, permitted conditional uses under Section 14-5-3, and permitted accessory uses under Section 14-5-4 of the Peoria Zoning Ordinance.

Phasing

The PAD will be developed in one phase.

Development Standards

The development standards will comply with the standards noted in the following Development Standards Table:

Minimum Development Standards

	Min. Lot Size	Minimum Setbacks for Principal Buildings						Max Building Height in feet	Max Lot Cover %
Land Use	Area	Width	Depth	Front	Sides***		Rear		
					Least Side	Total Sides			
Lots	4,725 sf	45'	105'	10'* 20'***	5'	10'	15'	30'	55%

* To living areas or side loaded garages.

** To front loaded garages.

*** Corner lots abutting local streets shall provide an 8-foot wide landscape tract in conformance with the Peoria Zoning Ordinance.

Design Guidelines

Development within the PAD shall comply with the City of Peoria Design Review Manual for Detached Single-Family Residential uses. Proposed are one and two story detached homes. Different house products with several elevations for each product are proposed for Grand Manor. House design features such as decorative window frames, pop-outs, or recesses are contemplated to be incorporated and fenestrations on all sides of the buildings to create a finished appearance and other architectural elements to further enhance the character of the development.

A decorative 8-foot noise attenuation solid perimeter theme wall is proposed along Grand Avenue however the final design and construction of the wall will be dictated by the recommendations of a noise study and ADOT requirements. Additionally a wall along 88th Drive will be constructed. Both the Grand Avenue and 88th Drive walls will be designed with a consistent theme which may include split-face CMU, smooth single-scored CMU, split-face single-scored CMU, smooth single-scored recessed CMU, and decorative pre-cast concrete caps on repeating columns. The walls are to be designed to enhance the streetscape of Grand Avenue and 88th Drive.

A 6-foot CMU wall, part of the existing single-family development to the south, exists along the southern boundary of the site. The grade level of the Grand Manor site is higher than the residential subdivision to the south. Based on the current grade levels along the southern boundary of the site, a retaining wall and additional 6-foot block wall on top of the retaining wall built as close as possible to the existing wall is proposed. All walls shall be built subject to the City's Design Review approval process.

The landscaped entry with one monument sign on the northwest corner of the entrance will provide a sense of arrival into Grand Manor. Perimeter landscaping planted along the solid theme walls along Grand Avenue and 88th Drive will also create a tranquil sanctuary for those living and visiting Grand Manor. (See **Exhibit F**, Conceptual Landscape & Wall Details Plan)

There are two locations planned within Grand Manor that provide recreation areas for all residents to relax and enjoy. The active open space area is centrally located inside the development's loop street thereby providing sufficient access to all residents. Additionally, pedestrian walkways leading into this centralized open space are proposed from the adjacent street. Amenities contemplated for this open space are a ramada, tables, BBQ, and a tot-lot. A passive open space is proposed on the development's southwest corner. Both open space areas are proposed to be beautifully landscaped.

Signage

The development shall include one monument sign at the entrance located on the northwest corner of the entrance street at 88th Drive as illustrated in Exhibit F. This illustration is conceptual only; all signage shall be subject to the sign permit review process. All other signage shall be in accordance with Article 14-34 of the Zoning Ordinance.

Landscaping

This project shall be landscaped in accordance with Article 14-35 of the Zoning Ordinance and the Design Review Manual. Required landscape tracts will be provided: 1) along Grand Avenue to buffer homes from Grand Avenue and to enhance Grand Avenue's streetscape, 2) along 88th Drive to buffer the residential development from existing commercial development across the street, and 3) along both sides of the 88th Drive entrance will provide a sense of arrival to the development. Two landscaped active/passive recreation/retention areas are provided within the development for the enjoyment of the residents.

Grading and Drainage

The PAD site is relatively flat and generally drains to the southwest. The site will provide the 100yr 2 hour retention for the gross site area and drainage will comply with the City of Peoria requirements. Additional drainage concerns not addressed during this rezoning process will be addressed during review of civil improvement plans. (See **Exhibit G**, Grading and Drainage Plan)

Public Utilities and Services

There are existing water and sewer lines available to the site. The developer will provide any additional street and utility improvements necessary for this development when the site is developed as required by the City. Service providers are as follows:

Sewer	City of Peoria
Water.....	City of Peoria
Electricity.....	Arizona Public Service
Telephone	Local Provider
Cable TV	Local Provider
Gas.....	Southwest Gas Company
Refuse.....	City of Peoria
Fire and Emergency	City of Peoria
Police	City of Peoria
Schools	Peoria Unified School District



Vicinity Map

Legal Description

SWC of 88th Drive & Grand Avenue

Lots 1 through 86, inclusive, and Tracts A through G, inclusive, of Grand Manor, according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona, recorded in Book 935 of Maps, Page 45.

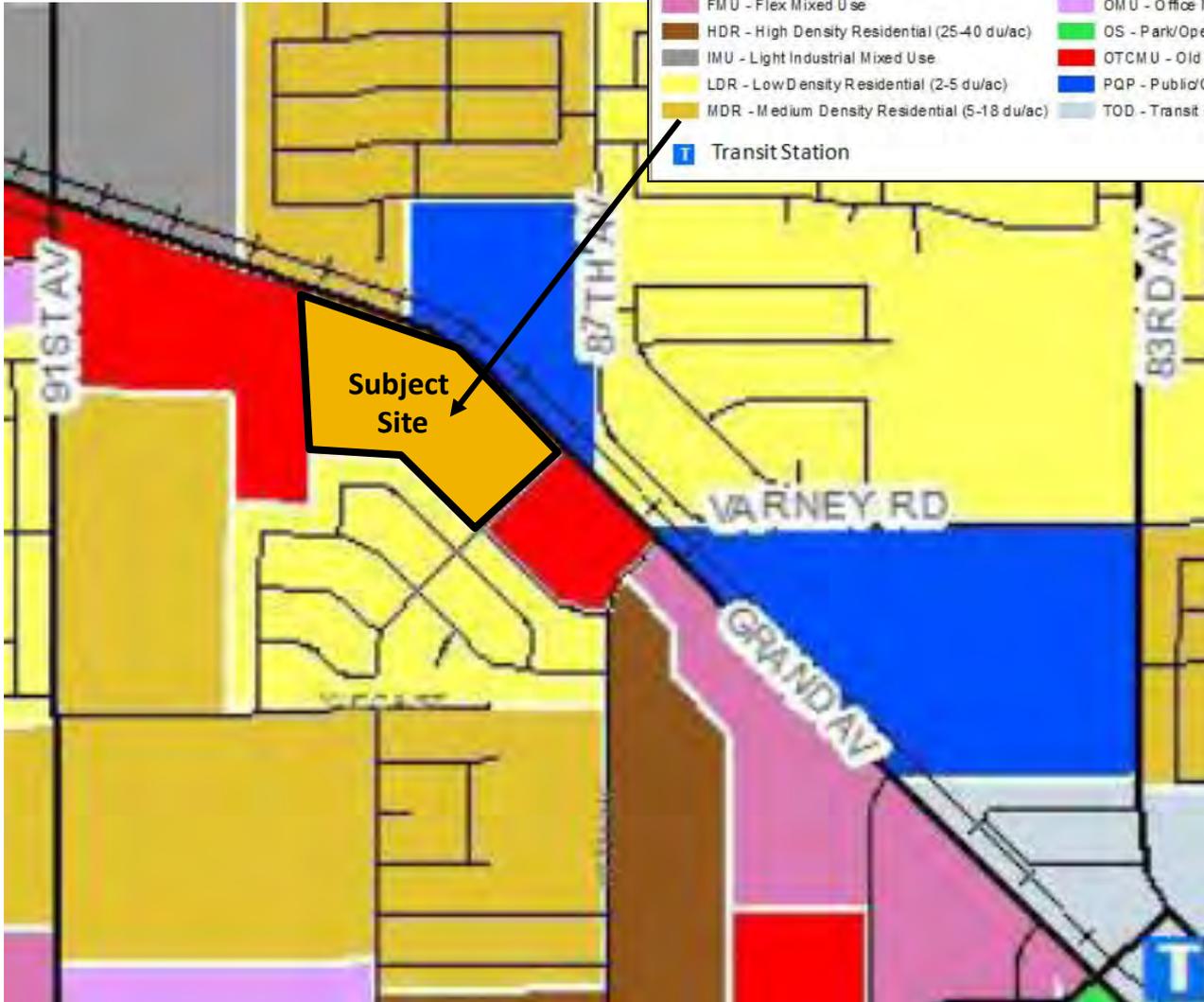
Old Town Land Use Map

PROPOSED LAND USE:

Medium Density Residential (5-18 du/ac)

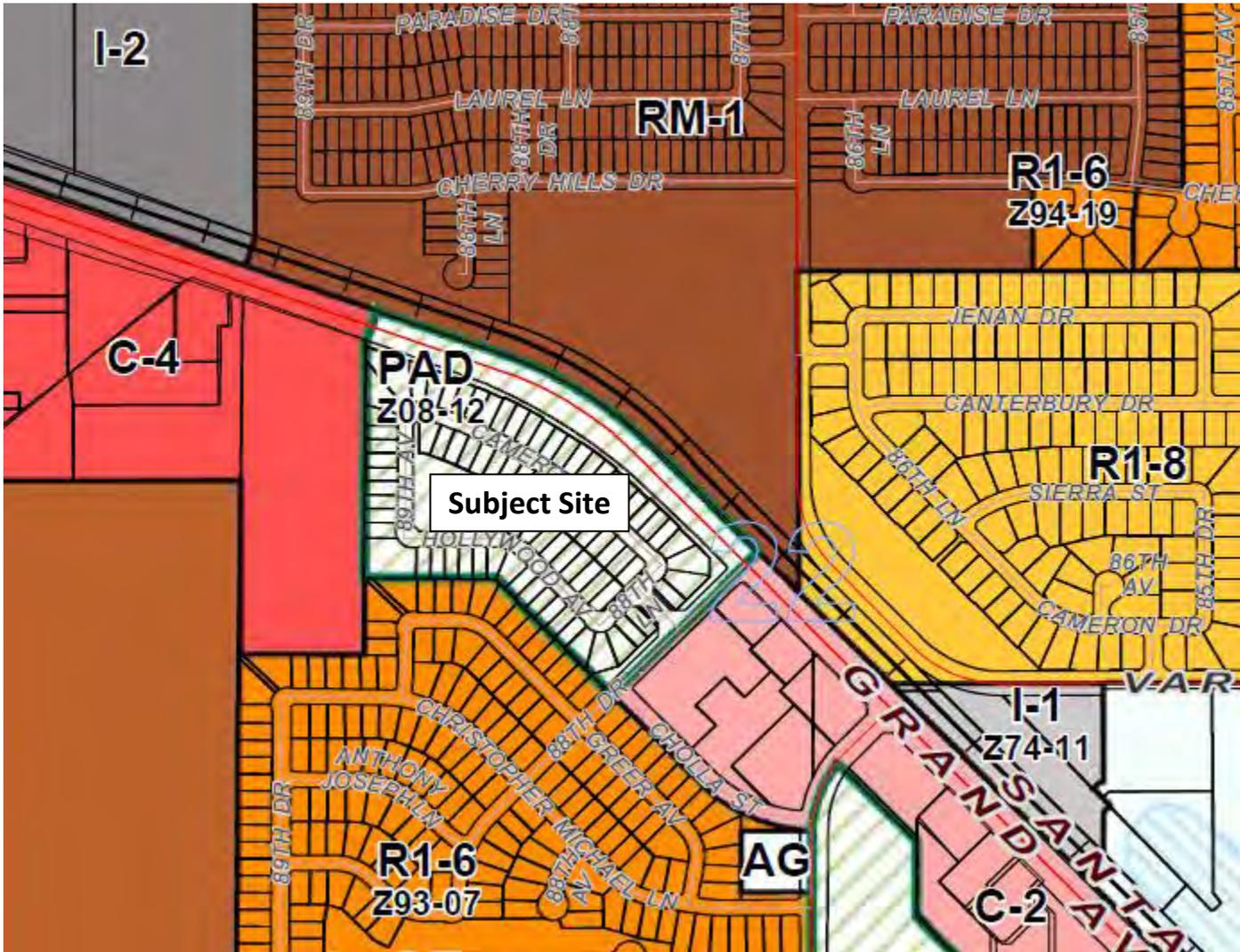
Old Town Land Use Categories

- | | |
|---|--|
| CCM - Core Commercial Mixed Use | MHDR - Medium-High Density Residential (18-25 du/ac) |
| FMU - Flex Mixed Use | OMU - Office Mixed Use |
| HDR - High Density Residential (25-40 du/ac) | OS - Park/Open Space |
| IMU - Light Industrial Mixed Use | OTCMU - Old Town Commercial Mixed Use |
| LDR - Low Density Residential (2-5 du/ac) | PQP - Public/Quasi Public |
| MDR - Medium Density Residential (5-18 du/ac) | TOD - Transit Oriented Development (18-35 du/ac) |
|  Transit Station | |



Proposed General Plan / Old Town Specific Area Plan

SWC of 88th Drive & Grand Avenue



Existing Zoning Map
 SWC of 88th Drive & Grand Avenue

FINAL PLAT

FOR

"GRAND MANOR"

A PORTION OF THE WEST HALF OF SECTION 22, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

BOOK 935 PAGE 45
OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
2007-0816139
07/14/2007 11:50 AM

DESCRIPTION

A PORTION OF SECTION 22, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP IN A HANDHOLE, THAT IS THE SOUTH QUARTER CORNER OF SAID SECTION 22; THENCE EAST (ASSUME BEARING) ALONG THE SOUTH LINE OF THE SOUTH QUARTER CORNER OF SAID SECTION 22, A DISTANCE OF 200 FEET TO A POINT; THENCE NORTH 00 DEGREES 30 MINUTES 00 SECONDS EAST, ALONG THE EAST LINE OF SAID BRASSHOLE AREA, ACCORDING TO BOOK 113 OF MAPS, PAGE 10, RECORDS OF MARICOPA COUNTY, ARIZONA, A DISTANCE OF 1748.24 FEET TO A POINT; THENCE SOUTH 05 DEGREES 47 MINUTES 00 SECONDS WEST, ALONG A LINE WHICH IS CONCORDANT WITH THE NORTH LINE OF BRICKWOOD POND NO. 2, ACCORDING TO BOOK 161 OF MAPS, PAGE 8, RECORDS OF MARICOPA COUNTY, ARIZONA, A DISTANCE OF 184.40 FEET TO A POINT; THENCE NORTH 00 DEGREES 00 SECONDS EAST, ALONG THE EASTERN LINE OF THAT PARCEL DESCRIBED IN BOOK 385 OF RECORDS, PAGE 304 OF MAPS, RECORDS OF MARICOPA COUNTY, ARIZONA, A DISTANCE OF 330.34 FEET TO A POINT TO THE NORTHWEST CORNER OF SAID "CRISTAL COVE"; THENCE NORTH 00 DEGREES 00 SECONDS EAST, ALONG THE NORTH LINE OF SAID "CRISTAL COVE", A DISTANCE OF 40.00 FEET TO A POINT; THENCE NORTH 00 DEGREES 00 SECONDS EAST, ALONG THE WEST LINE OF SAID "CRISTAL COVE", A DISTANCE OF 250.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 48 MINUTES 43 SECONDS EAST, A DISTANCE OF 773.60 FEET TO A POINT ON THE SOUTHWESTERN RIGHT-OF-WAY LINE OF THE FRIEDRICH-WICKENBURG (A.S. 63,700,000) HIGHWAY; THENCE SOUTH 70 DEGREES 21 MINUTES 40 SECONDS EAST, ALONG SAID SOUTHWESTERN RIGHT-OF-WAY LINE, A DISTANCE OF 122.07 FEET TO A POINT OF TANGENCY TO A SPIRAL CURVE WITH A TOTAL CENTRAL ANGLE OF 200°42'1"; THENCE SOUTHEASTERLY, ALONG SAID SOUTHWESTERN RIGHT-OF-WAY LINE, ALONG THE ARC OF SAID SPIRAL CURVE TO THE RIGHT, THE LONG CHORD OF WHICH BEARS SOUTH 40 DEGREES 15 MINUTES 17 SECONDS EAST, ALONG THE NORTH LINE OF A POINT OF CURVATURE OF A SIMPLE CURVE, THE RADIIUS OF WHICH BEARS SOUTH 24 DEGREES 03 MINUTES 40 SECONDS WEST, A DISTANCE OF 102.64 FEET; THENCE SOUTHEASTERLY, ALONG SAID SOUTHWESTERN RIGHT-OF-WAY LINE, ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 17 DEGREES 15 MINUTES 17 SECONDS AN ARC DISTANCE OF 146.88 FEET TO A POINT OF CURVATURE WITH A RADIIUS OF 125.00 FEET; THENCE SOUTH 44 DEGREES 17 MINUTES 18 SECONDS EAST, ALONG SAID SOUTHWESTERN RIGHT-OF-WAY LINE, A DISTANCE OF 135.10 FEET TO A POINT OF CURVATURE WITH A RADIIUS OF 125.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS AN ARC DISTANCE OF 15.88 FEET TO A POINT OF TANGENCY ON THE NORTHWESTERN RIGHT-OF-WAY LINE OF SAID DRIVE, ACCORDING TO SUNFLOWER RETAIL, CENTER, BOOK 243 OF MAPS, PAGE 60, RECORDS OF MARICOPA COUNTY, ARIZONA; THENCE SOUTH 45 DEGREES 42 MINUTES 41 SECONDS WEST, ALONG SAID NORTHWESTERN RIGHT-OF-WAY LINE, A DISTANCE OF 497.35 FEET TO A POINT ON THE NORTH LINE OF SAID "CRISTAL COVE"; THENCE NORTH 44 DEGREES 15 MINUTES 58 SECONDS WEST, ALONG SAID NORTHWESTERN LINE, A DISTANCE OF 497.35 FEET TO A POINT ON THE NORTH LINE OF SAID "CRISTAL COVE"; THENCE NORTH 89 DEGREES 13 MINUTES 17 SECONDS WEST, ALONG THE NORTH LINE OF SAID "CRISTAL COVE", A DISTANCE OF 420.40 FEET TO THE TRUE POINT OF BEGINNING.

DEDICATION

STATE OF ARIZONA
COUNTY OF MARICOPA
THAT SIS GRAND MANOR, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY PUBLISH THIS "GRAND MANOR" OVER A PORTION OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, EASEMENTS AND STREETS CONSTITUTING SAID, AND THAT EACH LOT, TRACT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATING TO THE CITY OF PEORIA FOR USE, AS SAID, THE MAINTENANCE OF LANDSCAPING WITHIN THE PUBLIC RIGHT-OF-WAY OF GRAND AVENUE AND BETH DRIVE SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.

WATER/SEWER EASEMENT:
DO HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT AND HEREDITARY EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY, THE RIGHT TO ENTER UPON SAID PROPERTY TO CONSTRUCT, OPERATE, MAINTAIN, REPAIR AND REPLACE A WATER AND/OR SEWER CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC WATER /SEWER LINE OVER, UNDER, AND ACROSS TRACT(S) SITUATED IN THE COUNTY OF MARICOPA STATE OF ARIZONA.
TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC WATER /SEWER LINE, SUBJECT TO NOTES 8, 9, 10 AND 11.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS APPOINTED TRACT OR PARCEL OF LAND THAT IT HAS GOOD AND LAWFUL RIGHT TO SELL AND CONVEY IT AND THAT THEY WILL WARRANT THE TITLE AND QUIET POSSESSION THEREON AGAINST THE LAWFUL CLAIM OF ALL PERSONS.

IN WITNESS WHEREOF:
SIS GRAND MANOR, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY
BY: [Signature] DATE: 11/13/2007
[Signature] DATE: []

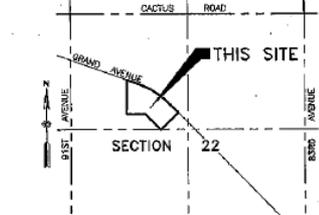


Table with 3 columns: Tract, Area (sq ft), Use. Lists tracts 8, 9, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z and their respective areas and uses.

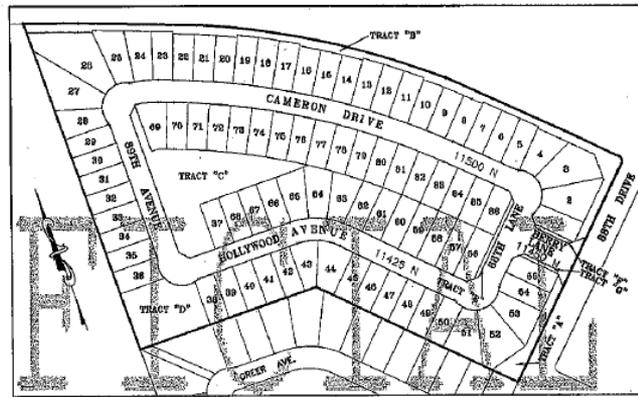


Table with 3 columns: L.S., RET., SW, TR, WTR./SWR ESMT. Lists landscape, retention, sidewalk, trail, and water/sewer easement details for various tracts.

LOCATION MAP N.T.S.

NOTES

- (1) NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR DRIVING AND ANY PLUMBING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLUMBING THAT IS REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
(2) ALL NEW AND EXISTING UTILITY EASEMENTS, FACILITIES LESS THAN 18" IN DEPTH, TELECOMMUNICATIONS, FIBER OPTICS, CELLULAR, OPTIC, ETC. SHALL BE INSTALLED UNDER EXISTING OR NEW TRACT OR OTHER EASEMENTS.
(3) MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
(4) THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. GRAND AVENUE IS DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
(5) NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD INTERFERE WITH THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.
(6) THIS PLAT IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
(7) THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
(8) THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID WATER LINES.
(9) THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.
(10) THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.
(11) GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY ASPHALT PAVEMENT OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.
(12) THE SUBDIVISION IS SUBJECT TO A MAINTENANCE IMPROVEMENT DISTRICT (MID# 1065) AND STREET LIGHT IMPROVEMENT DISTRICT (SLID# 1029), AND A FIRE IMPROVEMENT DISTRICT (FD# 10) AS REQUIRED.
(13) ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THE PLACEMENT.
(14) SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HERDS OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN THE EASEMENT OR THE RIGHT DISTANCE TRIANGLES, NO LINES, LEWIS, NEEDLES OR OTHER FORLAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
(15) THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
(16) THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).

SUBDIVISION BOUNDARY AREA:

15.880 ACRES OR 692,173± SQ. FT.

BASIS OF BEARING

THE BASIS OF BEARING USED FOR THIS SURVEY BASED UPON THE NORTH-SOUTH MID SPINAL LINE OF SECTION 22, TOWNSHIP 3 NORTH, RANGE 1 EAST, MARICOPA COUNTY, ARIZONA.

FLOOD ZONE

THIS SITE IS LOCATED IN FLOOD ZONE "X" (DOTTED) PER "F.E.M.A." FLOOD INSURANCE RATE MAP NO. 18403-0203A DATED SEPTEMBER 30, 2005. ZONE "X" (DOTTED) IS DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD. AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH OF LESS THAN 1 FOOT OR WITH AVERAGE DEPTH LESS THAN 1 SQUARE FEET AND AREAS PROTECTED BY DAMS FROM 1% ANNUAL CHANCE FLOOD.

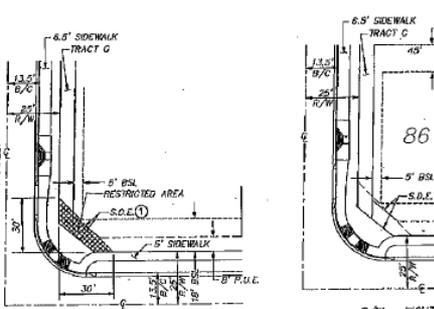
LEGEND

- INDICATES VEHICULAR NON-ACCESS EASEMENT
--- INDICATES PUBLIC UTILITY EASEMENT
--- INDICATES MARICOPA COUNTY RECORDS
--- INDICATES ASSIGNED PARCEL NUMBER
--- INDICATES SIDEWALK EASEMENT
--- INDICATES MEASURED
--- INDICATES CALCULATED FROM MEASURED & RECORD.
--- INDICATES CALCULATED FROM MEASURED
--- INDICATES RECORD BEARING AND DISTANCE PER TITLE REPORT BY FIRST AMERICAN TITLE INSURANCE COMPANY EFFECTIVE DATE: 1 JUNE 20, 8:00 AM AT 7:30 A.M.
--- PROJECT NO. P-232-0-810 FINALIZED DATE 9/6/77 AS PREPARED BY ARIZONA DEPARTMENT OF TRANSPORTATION (FORMERLY ARIZONA STATE HIGHWAY DEPARTMENT).
--- INDICATES BRASS CAP FLUSH
--- INDICATES BRASS CAP IN HANDHOLE
--- INDICATES DOCUMENT
--- INDICATES BUILDING SETBACK LINE
--- INDICATES RIGHT-OF-WAY
--- INDICATES SUBDIVISION BOUNDARY LINE
--- INDICATES RIGHT OF WAY LINE
--- INDICATES EASEMENT LINE
--- INDICATES SHORT DISTANCE EASEMENT, SUCH AS SETBACK DISTANCE EASEMENT
--- INDICATES SUBDIVISION BOUNDARY CORNER.
--- 1/2" IRON BAR TO BE SET AFTER MASS GRADING.
--- INDICATES BRASS CAP TO BE SET AFTER COMPLETION OF PAVING.

ACKNOWLEDGEMENT

STATE OF ARIZONA
COUNTY OF MARICOPA
BEFORE ME THIS 13th DAY OF 11/13/2007, BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED [Signature] WHO ACKNOWLEDGED TO ME THAT HE IS THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I SET MY HAND AND OFFICIAL SEAL:
[Signature] DATE: 11/13/2007
NOTARY PUBLIC



TYPICAL S.O.E. DETAIL PER CITY OF PEORIA STD. DTL. 159

OWNER

SIS GRAND MANOR, L.L.C.
4414 N. GIRC CENTER PLAZA, SUITE 103
SCOTTSDALE, ARIZONA 85251
(480) 947-6500

ENGINEER

TRIP ENGINEERING COMPANY
6150 NORTH 16TH STREET
PHOENIX, ARIZONA 85016-1705
(602) 957-3356

CERTIFICATION

THIS IS TO CERTIFY THAT THE SURVEY AND PLAT OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS MADE UNDER MY DIRECTION DURING THE MONTH OF DECEMBER, 2006, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT THE MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET SHOWN, AND THAT THEIR POSITIONS ARE CORRECTLY SHOWN, AND SAID MONUMENTS ARE SUFFICIENT TO BE REFERENCED.

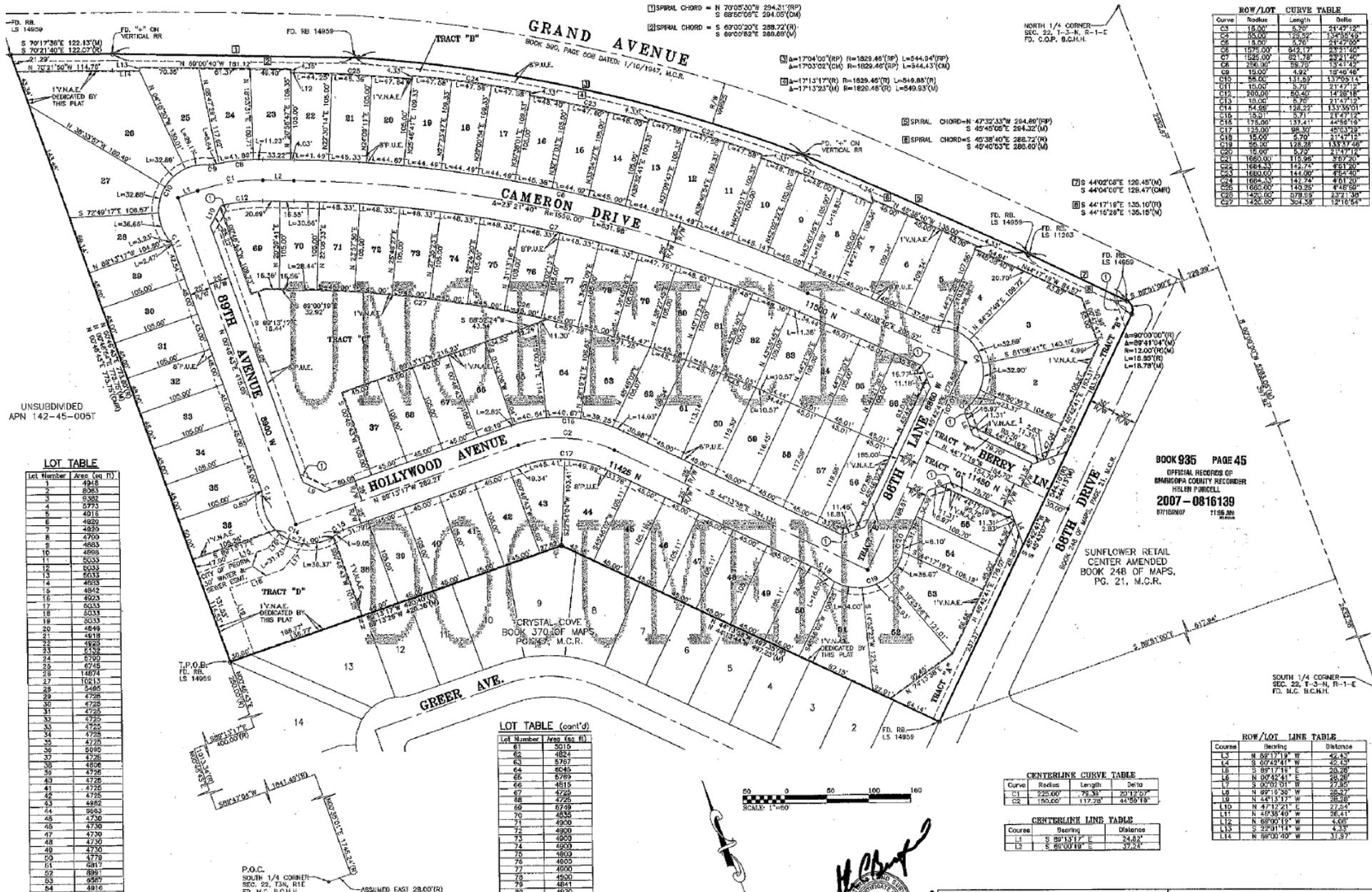
STEVEN C. BURROFF, R.L.S.
ARIZONA, STATE NO. 26449
[Signature]

APPROVALS

APPROVED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA.
DATE: 02-14-07
DATE: 7-16-07
DATE: 07-11-2007
ATTEST, CITY ENGINEER
CITY ENGINEER



Exhibit



SPIRAL CHORD = N 70°05'00" W 254.31'(RP)
R=852'00" C=204.03'(CM)

SPIRAL CHORD = S 69°00'20" E 288.72'(R)
R=895'82" C=289.69'(M)

NORTH 1/4 CORNER
SEC. 22, T-3-N, R-1-E
FD. C.O.P. B.C.H.H.

ROW/LOT	CURVE TABLE
C1	18.50'
C2	35.00'
C3	35.00'
C4	35.00'
C5	157.00'
C6	157.00'
C7	157.00'
C8	157.00'
C9	157.00'
C10	157.00'
C11	157.00'
C12	157.00'
C13	157.00'
C14	157.00'
C15	157.00'
C16	157.00'
C17	157.00'
C18	157.00'
C19	157.00'
C20	157.00'
C21	157.00'
C22	157.00'
C23	157.00'
C24	157.00'
C25	157.00'
C26	157.00'
C27	157.00'

LOT TABLE

Lot Number	Area (sq. ft.)
1	491
2	8583
3	9382
4	1771
5	4018
6	4820
7	4820
8	4799
9	4863
10	4863
11	5033
12	5033
13	5033
14	4693
15	4842
16	4842
17	5033
18	5033
19	5033
20	4644
21	4618
22	4624
23	4729
24	4790
25	4795
26	4874
27	10415
28	5465
29	4729
30	4729
31	4729
32	4729
33	4729
34	4729
35	4729
36	5089
37	4729
38	4806
39	4729
40	4729
41	4729
42	4729
43	4882
44	5683
45	4730
46	4730
47	4730
48	4730
49	4730
50	4730
51	6817
52	7897
53	5987
54	4816
55	5016
56	5964

LOT TABLE (cont'd)

Lot Number	Area (sq. ft.)
57	4824
58	5767
59	4845
60	5789
61	4915
62	4726
63	4835
64	4900
65	4900
66	4900
67	4900
68	4900
69	4900
70	4900
71	4900
72	4900
73	4900
74	4900
75	4900
76	4900
77	4900
78	4900
79	4900
80	4900
81	4915
82	4915

BOOK 935 PAGE 45
OFFICIAL RECORDS OF
HARRIS COUNTY RECORDER
HELEN PURCELL
2007-081639
07100007 1156 AM

SUNFLOWER RETAIL
CENTER AMENDED
BOOK 248 OF MAPS,
PG. 21, M.C.R.

SOUTH 1/4 CORNER
SEC. 22, T-3-N, R-1-E
FD. M.C. B.C.H.H.

CENTERLINE CURVE TABLE

Curve	Radius	Length	Delta
C1	225.00'	78.32'	20°15'18"
C2	126.00'	117.28'	44°58'18"

CENTERLINE LINE TABLE

Course	Bearing	Distance
L1	S 20°15'18" E	24.63'
L2	S 20°15'18" E	32.84'

ROW/LOT LINE TABLE

Course	Bearing	Distance
L3	N 82°17'18" W	42.43'
L4	S 69°29'41" W	42.43'
L5	N 00°32'41" E	28.28'
L6	S 00°05'01" W	27.95'
L7	N 82°17'18" W	28.28'
L8	N 82°17'18" W	27.95'
L9	N 44°13'17" E	34.33'
L10	N 47°17'21" E	27.24'
L11	N 47°17'21" E	34.33'
L12	N 69°00'15" W	4.00'
L13	S 28°00'15" E	4.33'
L14	N 69°00'30" W	31.97'

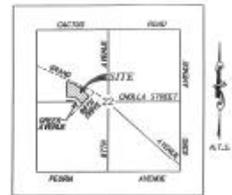


A FINAL PLAT FOR

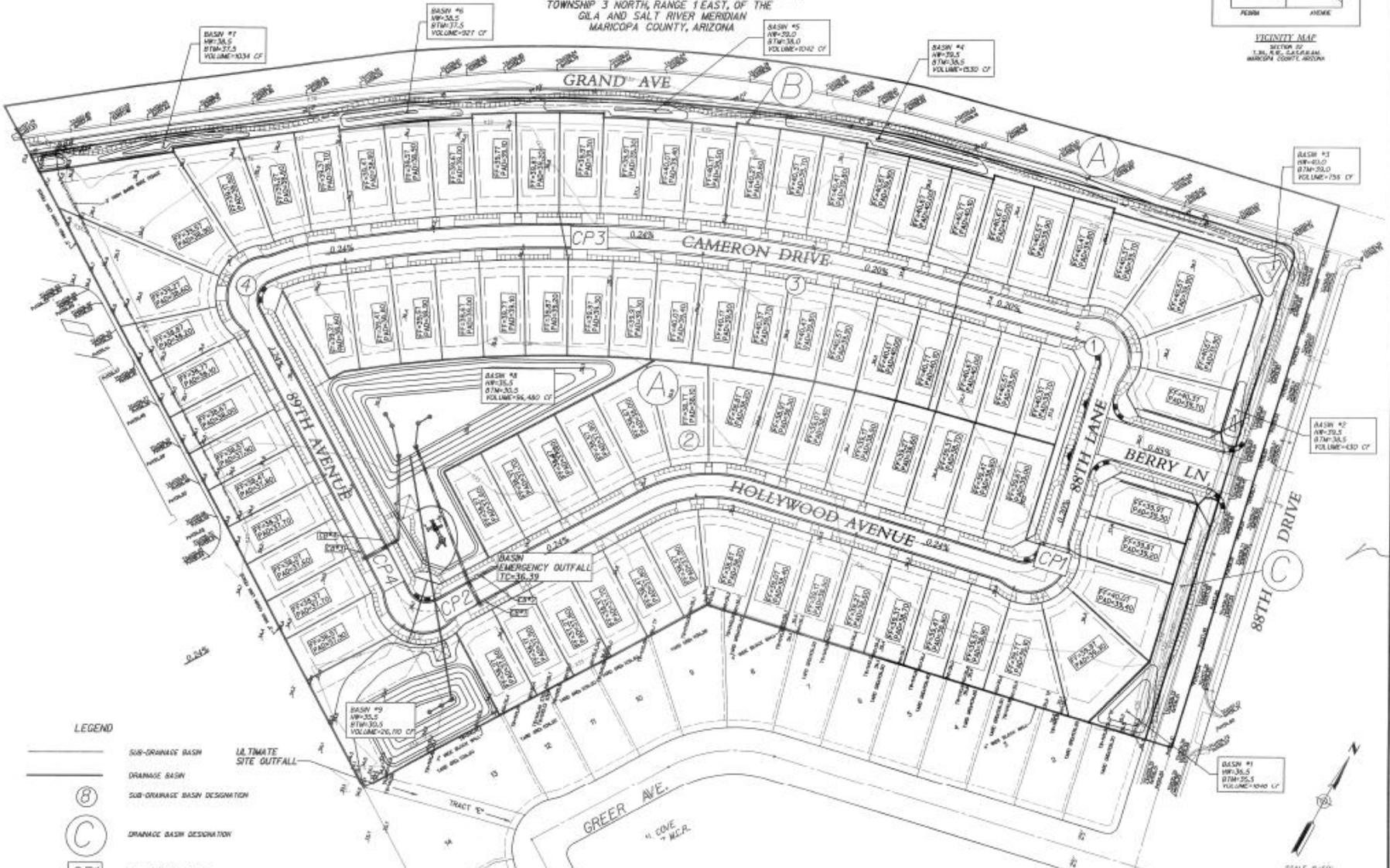
610 NORTH MAIN STREET
HOUSTON, ALABAMA

GRADING & DRAINAGE EXHIBIT
FOR
GRAND MANOR
CITY OF PEORIA, ARIZONA

A PORTION OF THE SOUTHEAST QUARTER OF
THE NORTHWEST 1/4 & SOUTHWEST QUARTER SECTION 22,
TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE
GILA AND SALT RIVER MERIDIAN
MARICOPA COUNTY, ARIZONA



VICINITY MAP
SECTION 22
T. 3N. R. 1E. GILBERT
MARICOPA COUNTY, ARIZONA



- LEGEND**
- SUB-DRAINAGE BASIN
 - DRAINAGE BASIN
 - SUB-DRAINAGE BASIN DESIGNATION
 - DRAINAGE BASIN DESIGNATION
 - CONCENTRATION POINT
 - ULTIMATE SITE OUTFALL



DRAINAGE AND GRADING EXHIBIT

Exhibit

EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Fax (602) 265-2195
www.ecollaw.com

3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

September 19, 2013

Citizen Participation Plan

Grand Manor
SWC 88th Dr. & Grand Ave.
PAD & GPA Amendment

(Case No(s). Z08-12A.1/GPA13-0006)

The following is a summary of the public outreach efforts and results of the neighborhood meeting held on September 18, 2013 (6:00pm) at the Peoria Public Library located at 8463 W. Monroe Street (Willow Room) regarding the above-referenced request in accord with Article 14-39-6(E) of the Zoning Ordinance which addresses the requirements for the Citizen Participation Plan.

Public Participation

- *The identification of those property owners and other citizens that would be affected or have an interest in the project;*

On behalf of Mattamy Homes, our office sent written notice by first class mail on August 20, 2013 to the required recorded property owners within 600-feet and City-registered neighborhood associations and interested parties within 1-mile the subject +/- 18-acre property to inform them of the subject request. The attached letter provided a brief description of the zoning proposal and City review process and included details of a community meeting that was initially scheduled for September 3, 2013 in order to address any comments/questions regarding the residential project. At Staff's direction, our office sent a subsequent letter to the above-referenced individuals regarding a new date and location for the meeting which was rescheduled to September 18, 2013. These letters also included contact information in case of any questions as well as a copy of the recorded final plat to show the referenced area. The contact information for these property owners and stakeholders was obtained through the Maricopa County Assessor's records by the City of Peoria.

- *Identify the process for meeting with these persons;*

Upon submittal, our firm established a meeting time and location. The notification letters mentioned above were mailed out approximately 21 days prior to the meeting date. Additional notification of public hearings will be consistent with the regulations found in

Article 14-39 of the Zoning Ordinance.

- *Identify how comments will be collected and evaluated. The contents of a report to the City detailing the efforts to meet with and notify interested persons, the comments received, changes, mitigations or other actions taken in proposed in response to the comments and subsequent recommendations regarding the project, if any.*

Comments and questions (as enumerated below) were gathered at the neighborhood meeting held on September 18th and contact information was obtained for the (4) four individuals (or 2 persons from each household) who attended the meeting (*See, Attached Sign-In Sheet*). The neighbors supported the request for a single-family residential development and preferred a density and type of development commensurate with the character of the development where they live. A summary of the responses that our office provided to these individuals is also provided in detail below. It is our intent to maintain an open line of communication throughout the City's review process in order to provide feedback to interested parties.

Results of Neighborhood Meeting

On behalf of our client, Mattamy Homes, we held a neighborhood meeting on September 18, 2013 regarding a Major PAD and Specific Area Plan amendment request to provide a single-family development (4.8 dwelling unit/acre) at the southwest corner of 88th Drive and Grand Avenue. Four individuals from the residential neighborhood to the south attended the meeting. Following a brief PowerPoint presentation describing the details of the request, we answered the few questions the neighbors' had which are noted below. A summary of the neighbors' comments and questions are provided in greater detail below. (*See, Neighborhood Meeting Sign-In Sheet & PowerPoint Presentation Exhibits*)

Summary of Comments/Questions

1. *Resident:* *Why is the grade level of the site higher than their homes and who did this? Concerned that the privacy of the home which is adjacent to the site will be lost because the subject site has a higher grade level.*
ECL: The site was initially designed and approved by the City in 2005. The grade levels of the site are primarily necessitated by the required slopes for the sewer system for the project. We understand their request for us to check with our structural engineer and the City about the possibility for the following options to address their concern about maintaining privacy along the site's southern property line: (1) Add courses to the existing 6-foot wall, (2) Take down the existing and replace with a new 8-foot wall which requires written consent by all property owners adjacent to the site or (3) build a new 6-foot wall on top of a retaining wall on the subject site

immediately adjacent to their existing wall. We will be checking with our consultants and the City on the best course of action and get back with them as soon as possible. Further, the applicant will also consider limiting the height of the proposed homes along the shared property line to 1-story and will confirm with Staff and the neighbors shortly.

2. *Resident:* *Could the neighbors build their own wall higher?*
ECL: City Staff confirmed that any wall height greater than the Zoning Ordinance allows (i.e. 6-feet) would require approval of a wall waiver. The applicant confirmed that most likely the house footprint would be approximately 20-feet north of the shared property line which would enhance their privacy.

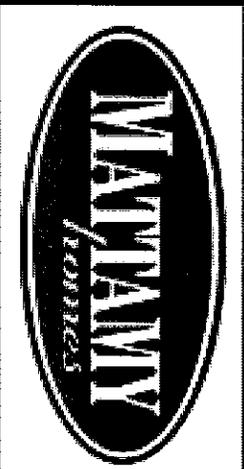
3. *Resident:* *Are these homes going to be privately owned and not subsidized?*
ECL: No, these homes are to be privately owned.

Neighborhood Meeting

September 18, 2013

Mattamy Homes
88th Dr. & Grand Ave.
Z08-12A.1/GPA13-0006

Earl, Curley & Lagarde, P.C.





NORTH

Vicinity Map

SWC of 88th Drive & Grand Avenue

+/- 18 Acre Site

60

Google earth

N-89th-Ave.

W-Christopher-Michael-Ln

W-Green-Ave

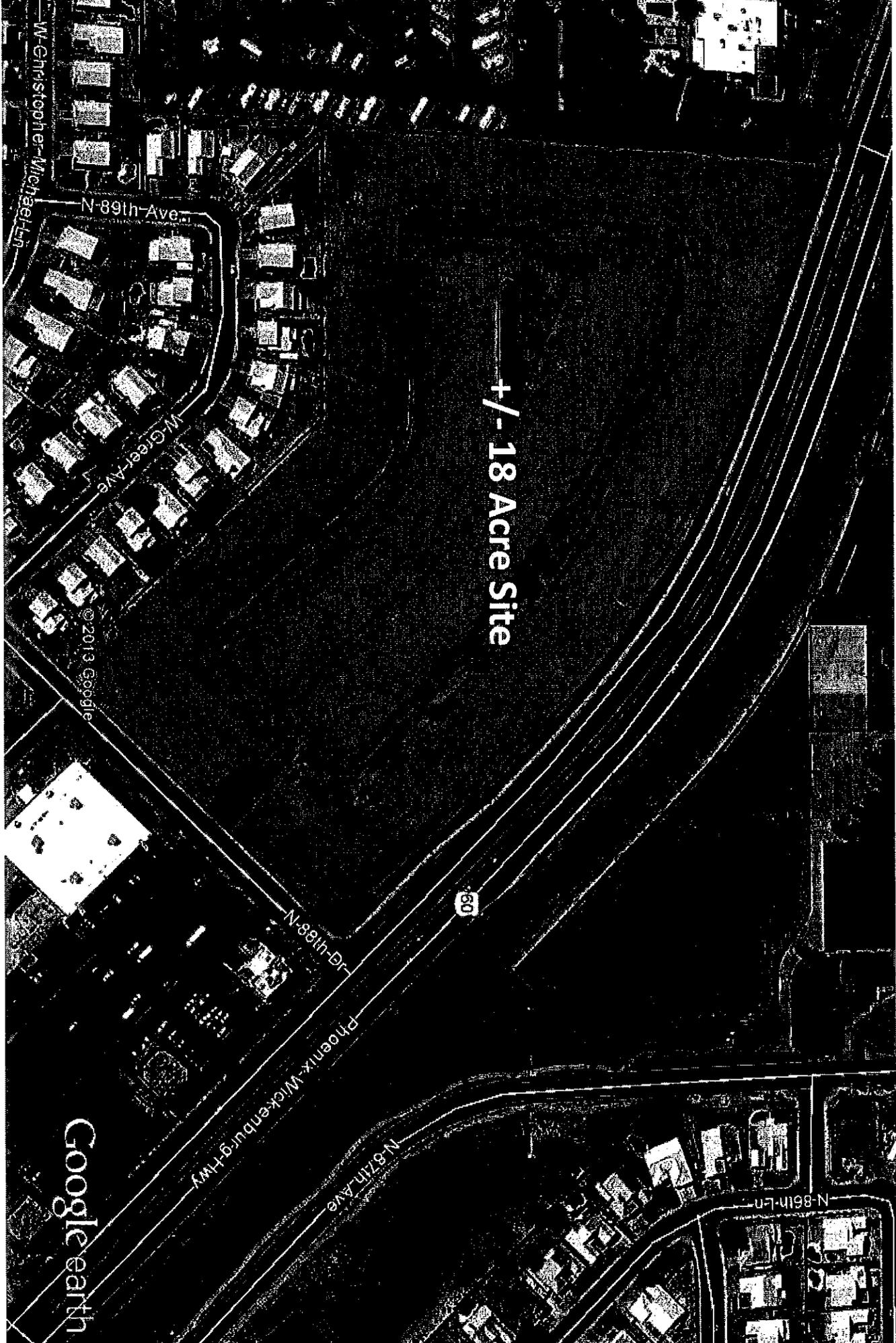
© 2013 Google

N-88th-Dr

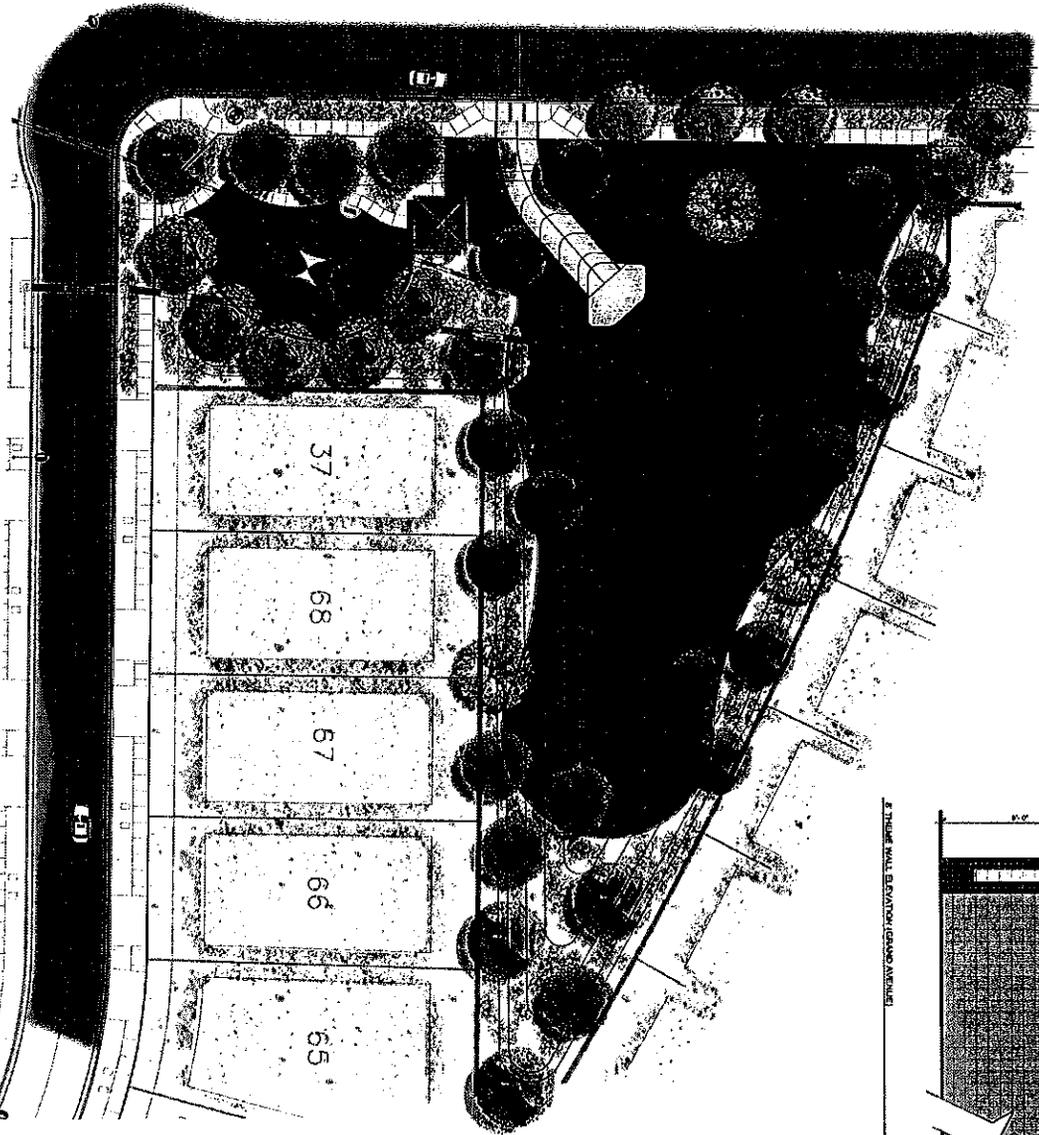
Phoenix-Wickenburg-Hwy

N-87th-Ave

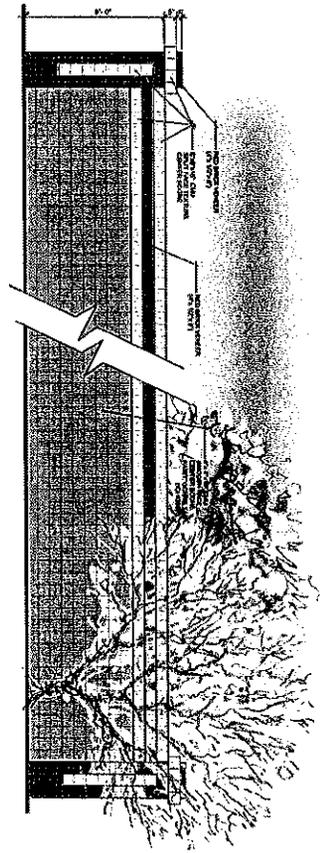
N-86th-Ln



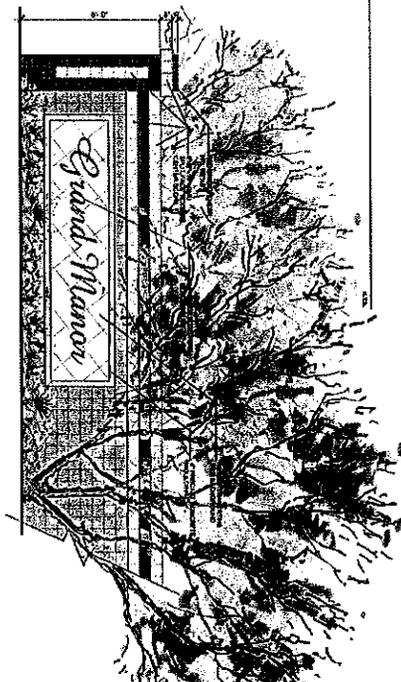
LANDSCAPE PLAN



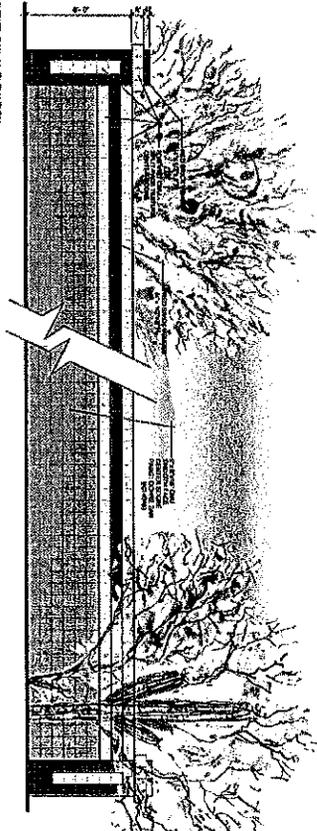
E. TRAILER WALL ELEVATION (SEE PLAN)

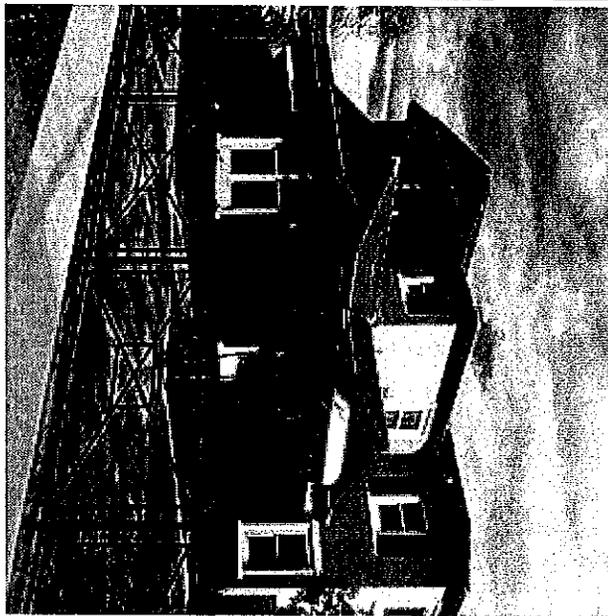


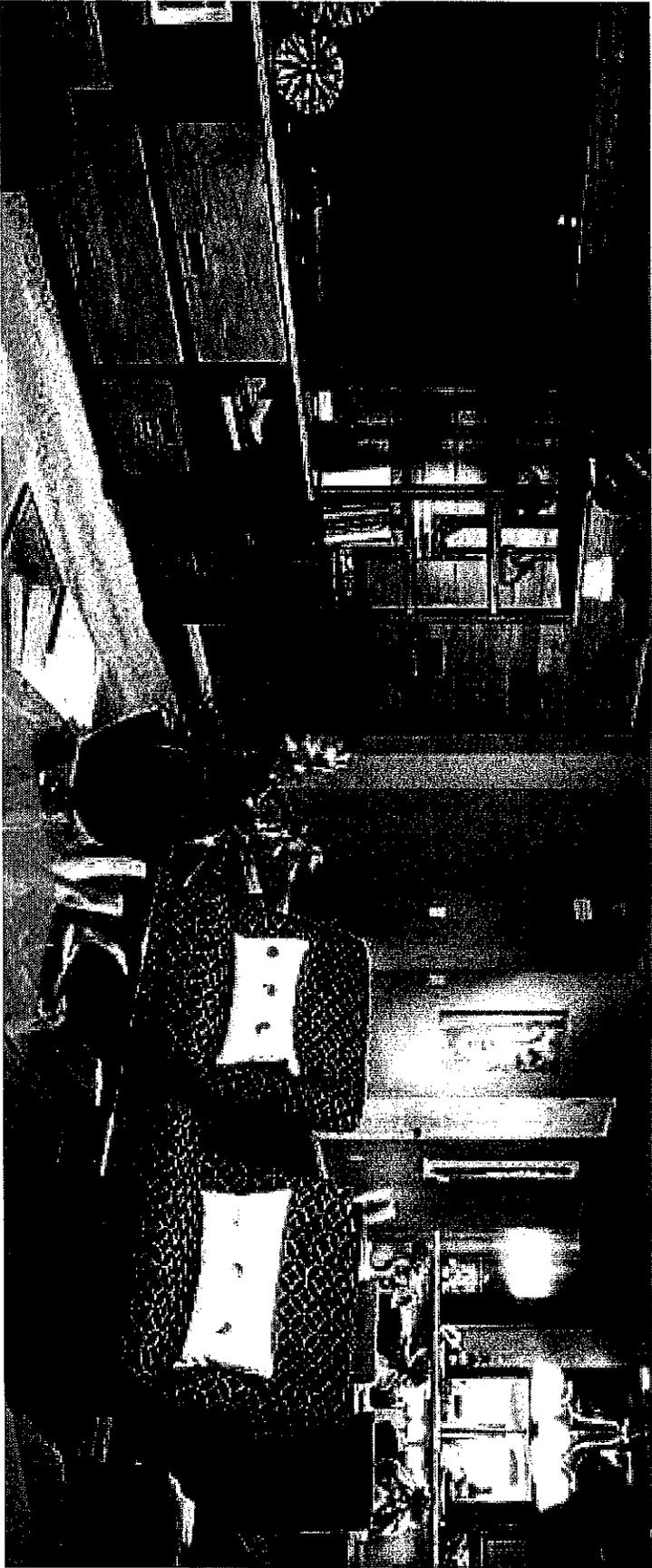
S. WALL ENTRY W/ SIGN ELEVATION (SEE PLAN)

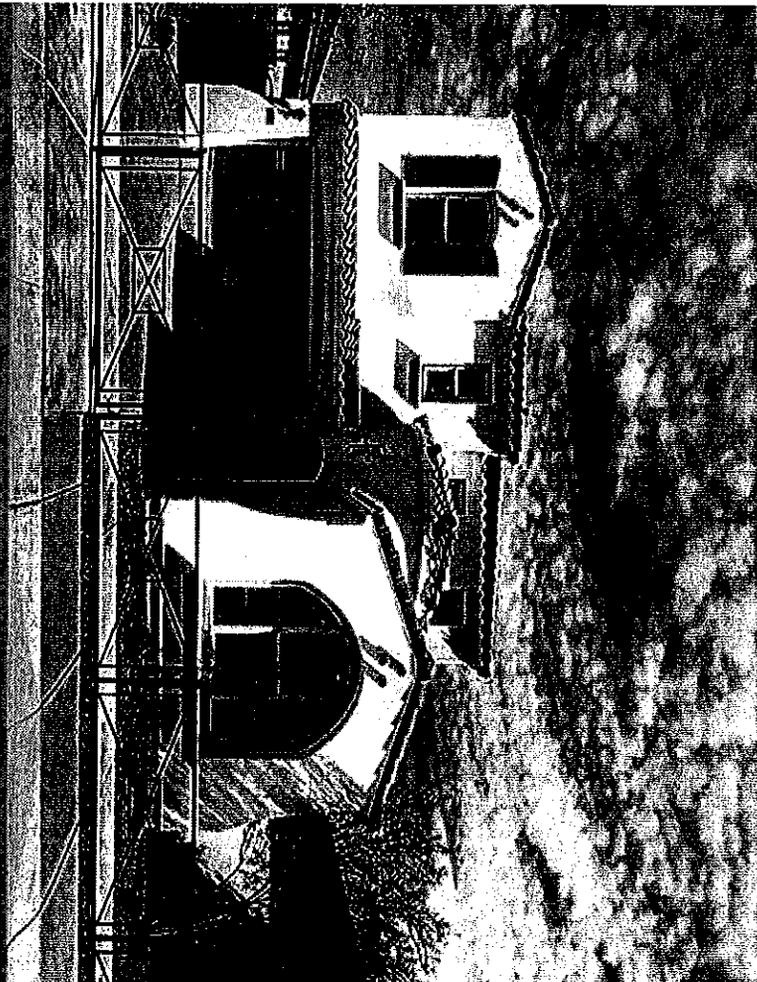
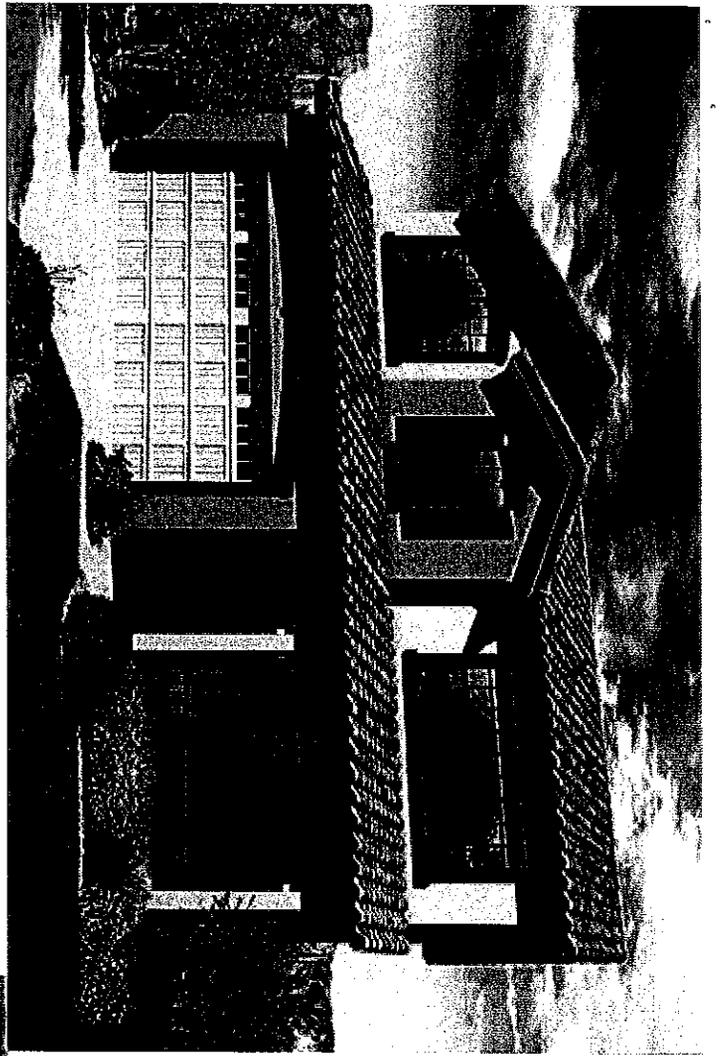


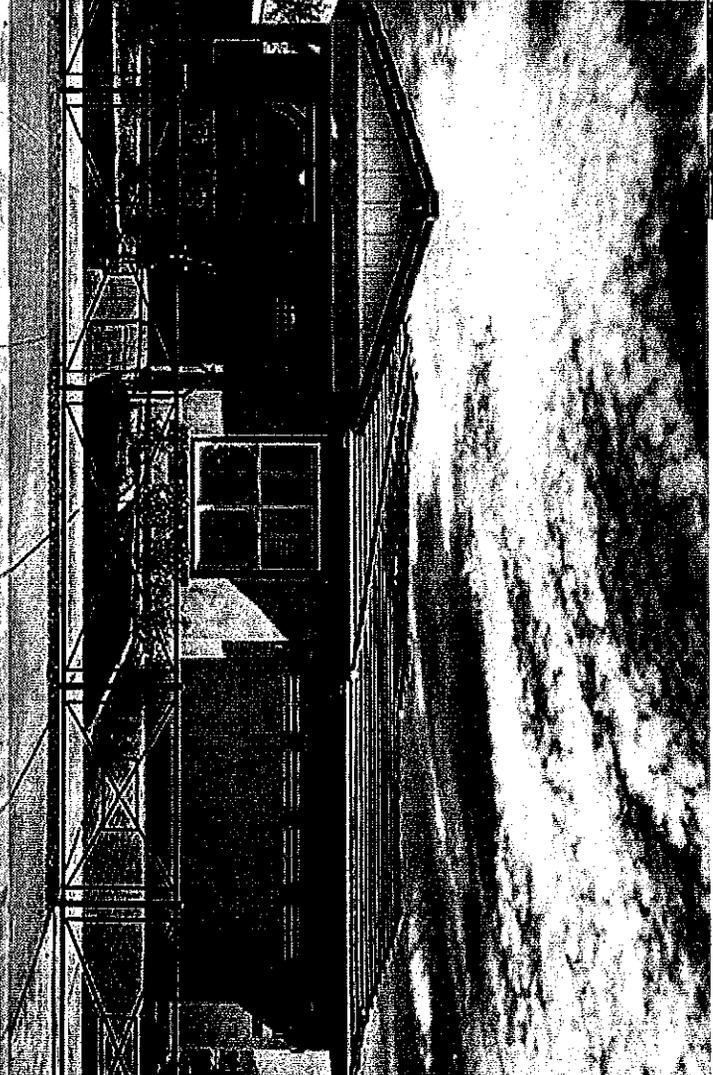
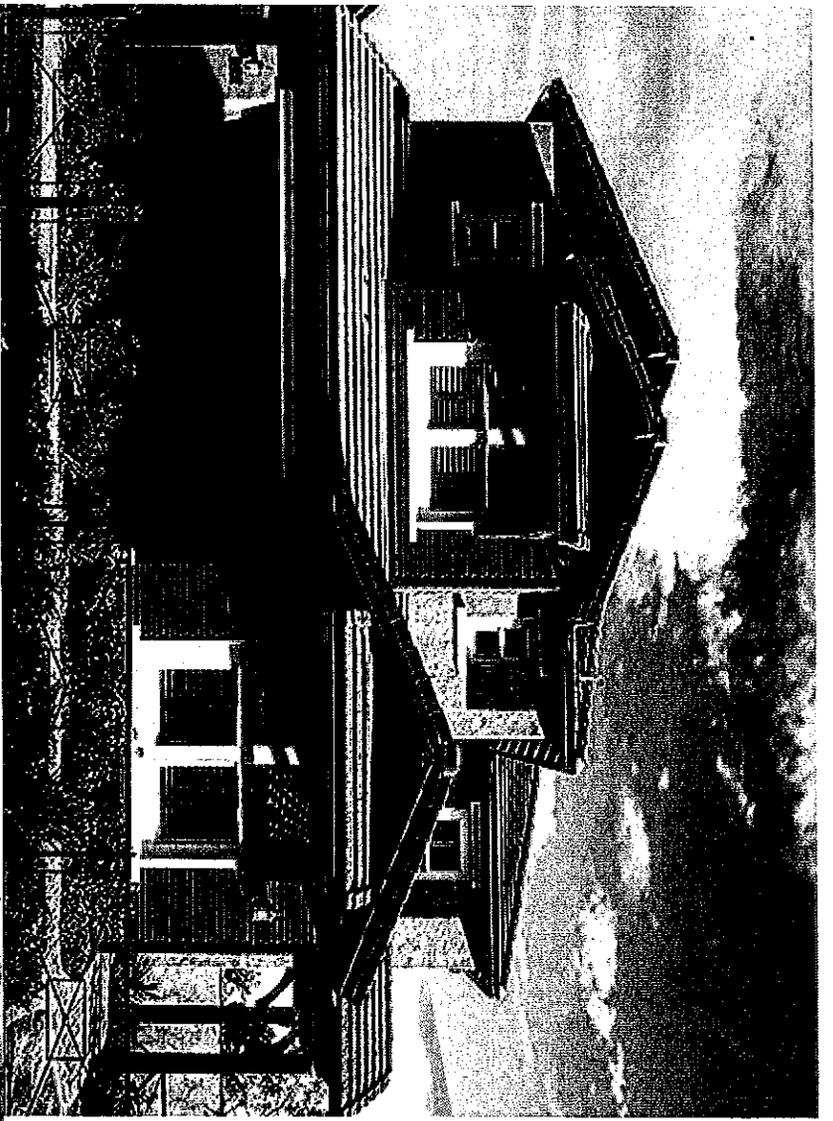
E. TRAILER WALL ELEVATION



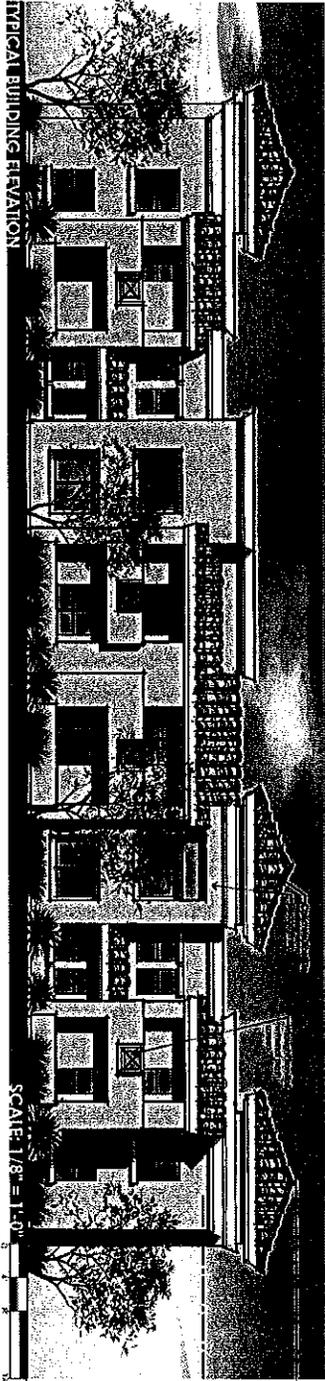
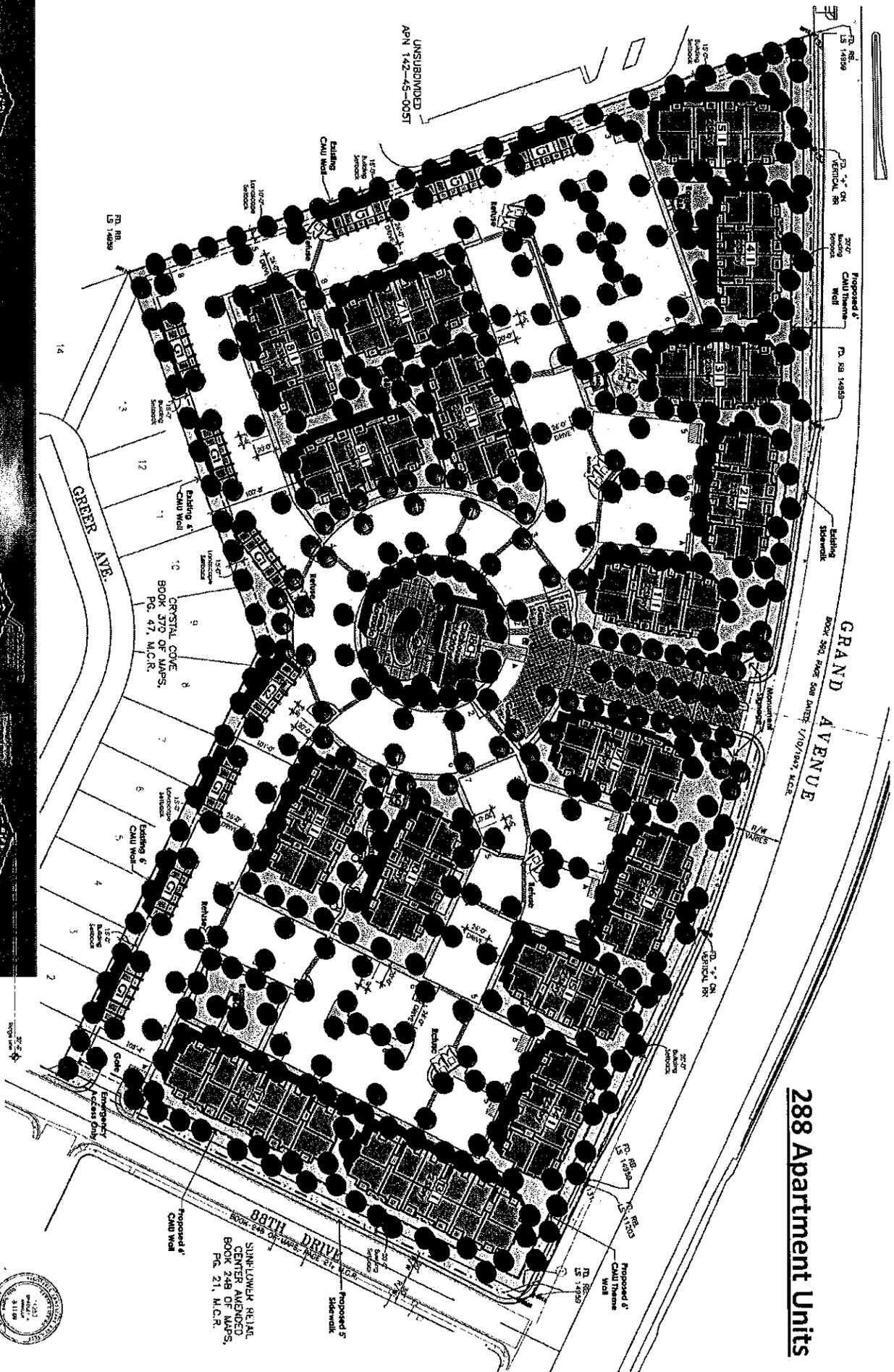








288 Apartment Units



TYPICAL BUILDING ELEVATION

SCALE: 1/8" = 1'-0"



EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Fax (602) 265-2195

3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

August 28, 2013

REVISED

Re: Grand Manor: SWC of 88th Drive & Grand Avenue
Case No(s) Z08-12A.1 /GPA13-0006

Dear Property Owner and/or Interested Party:

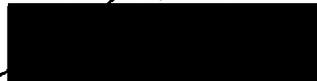
On behalf of my client and Mattamy Homes, our office has recently filed a companion Rezoning and Specific Plan amendment request for the vacant +/- 18 acre property regarding the proposed (86) single-family home subdivision which was initially approved by the City in 2005. Due to a subsequent approval by the City in 2009 which rezoned the property from single-family to multi-family, this subject request seeks to change the development proposal back to the former 2005 single-family land use and the same lot configuration as shown by the City-approved Final Plat. This request also seeks to amend the current General Plan/Old Town Specific Area Plan land use designation from Medium-High Density Residential to the Medium Density Residential (5-18 du/ac; target 12 du/ac density) in order to accommodate the *Grand Manor* residential development with a proposed density of 4.8 du/acre.

(See Attached Aerial and Approved, Recorded Final Plat of the Grand Manor Subdivision)

In accordance with the City's protocol for rezoning applications, this letter is being sent to the property owners of record and registered neighborhood groups within proximity to the site in order to inform you of the status of this application and to obtain input from the community. Staff has reviewed these applications and has generated comments to be addressed in subsequent submittals. Once staff's comments have been sufficiently addressed, this application will be advertised and the site will be posted for hearings before the Planning and Zoning Commission and the City Council.

An informal open house meeting is scheduled for **6:00 p.m. on September 18, 2013** at the **Peoria Public Library located at 8463 W Monroe St Peoria, AZ 85345 (Willow Room)** where you are welcome to come ask any questions that you might have pertaining to this project. In the meantime, please do not hesitate to contact me or a member of my Staff, Kirste Kowalsky at (602) 265-0094. You are also urged to contact the City's Senior Planner, Melissa Sigmund at (623) 773-7603 to discuss this request.

Very truly yours,


Michael J. Curley

MJC/kk

Enclosures: As stated



NORTH

Vicinity Map
SWC of 88th Drive & Grand Avenue

Additional Conditions of Approval

As presented to the Planning and Zoning Commission at the October 17, 2013 hearing

8. There shall be no 2-story homes on Lots 38 through 51 of the proposed subdivision.
9. The applicant shall apply for and pursue in good faith permission from the City to construct additional courses of block on the existing wall along the southern property line so that the height of the wall will be 6-feet measured from the pad grades of the lots within the proposed subdivision along the southern property line. The developer shall add the above-mentioned block courses to the existing wall (1) if the wall can structurally accommodate the additional courses of block and permission is secured from all of the adjacent single-family owners to allow for said additional blocks or (2) build a new, separate retaining wall and block wall of up to within the proposed subdivision which is immediately adjacent to the existing subdivision wall along the subject property's southern property line.
10. If a new wall is constructed along the southern property line, the maximum wall height shall be up to 7 feet on the north side of the wall, and up to 10 feet on the south side of the wall, subject to review by the City Engineer or designee.

ORDINANCE NO 2013-24

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE 09-40 TO PROVIDE FOR A MAJOR AMENDMENT TO THE GRAND MANOR PLANNED AREA DEVELOPMENT (PAD) STANDARDS AND GUIDELINES REPORT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on October 17, 2013 in zoning case Z08-12A.1 in the manner prescribed by law for the purpose of considering a Major Amendment to the approved Grand Manor Planned Area Development.

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times Newspaper on September 27, 2013; and

WHEREAS, the City of Peoria Planning and Zoning Commission has recommended to the Mayor and the Council of the City of Peoria, Arizona the amendment of the PAD Standards and Guidelines Report enacted by Ordinance 09-40; and the Mayor and the Council of the City of Peoria, Arizona desire to accept the recommendation of the Planning and Zoning Commission and approve a major amendment to the Grand Manor PAD as described below.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona that:

SECTION 1. A parcel of land in Peoria, Maricopa County, Arizona, which is more accurately described in Exhibit A to this Ordinance, is hereby amended from multi-family residential to single family residential per the Grand Manor Planned Area Development (PAD).

SECTION 2. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

1. The development shall conform to the "Grand Manor" Planned Area Development Standards and Guidelines Report, (case Z08-12A.1) dated 9/4/13.
2. Section D107.1 of the 2006 International Fire Code states "One- or two-family dwelling residential developments: Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate

and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Exceptions:

- 1) Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.3, access from two directions shall not be required.
- 2) The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.”
3. D104.3 Remoteness of the 2006 International Fire Code states “Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.”
4. A noise mitigation study shall be submitted to address the anticipated truck traffic on Grand Avenue. All walls shall be designed and constructed in accordance with the recommendations of the sound study.
5. No walls or retention shall be permitted with the PUE.
6. A retaining wall is necessary in addition to the existing 6’ block wall along the south side of the development. The City prefers that the existing wall be removed and replaced with a retaining wall. If this cannot be accomplished, no more than a 4” separation between the existing wall and the new wall is permitted.
7. This development will be permitted to utilize a 0.33% slope for the construction of the sewer line.
8. There shall be no 2-story homes on Lots 38 through 51 of the proposed subdivision.
9. The applicant shall apply for and pursue in good faith permission from the City to construct additional courses of block on the existing wall along the southern property line so that the height of the wall will be 6-feet measured from the pad grades of the lots within the proposed subdivision along the southern property line. The developer shall add the above-mentioned block courses to the existing wall (1) if the wall can structurally accommodate the additional courses of block and permission is secured from all of the adjacent single-family owners to allow for said additional blocks or (2) build a new, separate retaining wall and block wall of up to within the proposed subdivision which is immediately adjacent to the existing subdivision wall along the subject property’s southern property line.
10. If a new wall is constructed along the southern property line, the maximum wall height shall be up to 7 feet on the north side of the wall, and up to 10 feet on the south side of the wall, subject to review by the City Engineer or designee.

SECTION 3: Effective Date. This Ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria, Arizona this 19th day of November, 2013.

Bob Barrett, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times

Publication Dates: November 29 and December 6, 2013

Effective Date:

EXHIBIT A

Legal Description

Lots 1 through 86, inclusive, and Tracts A through G, inclusive, of Grand Manor, according to the plat of record in the Office of the County Recorder of Maricopa County, Arizona, recorded in Book 935 of Maps, Page 45.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 24R

Date Prepared: October 21, 2013

Council Meeting Date: November 19, 2013

TO: Carl Swenson, City Manager

FROM: Chris Jacques, AICP, Planning and Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: Z04-34A.7, Major Amendment to the Tierra del Rio PAD
107th Avenue and Happy Valley Parkway

Purpose:

This is a request for City Council to hold a Public Hearing to consider an application for a Major Amendment to the Tierra del Rio Planned Area Development (PAD) rezoning three parcels of land, totaling 71.2 acres, from Commercial PAD to Single-Family Residential PAD.

Background/Summary:

The request pertains to three parcels (formerly Parcels 2 and 3; now newly identified as Parcels 2 & 3A/3B), totaling 71.2 acres located at the southwest and southeast corners of Happy Valley Parkway and 107th Avenue, a signalized intersection of major arterial roadways. Parcel 2 totals 33.9 acres and is located at the southeast corner of Happy Valley Parkway and 107th Avenue, Parcel 3A consists of 27.0 acres and is located on the southwest corner of 107th Avenue and Happy Valley Parkway. Parcel 3B totals 10.3 acres and is located immediately south and adjacent to 3A. Although Parcel 3B is included in the current rezone application, there are no current development plans for the 10.3 acre site.

Contextually, the site is located within a quarter-mile of the corner of Happy Valley Parkway and Lake Pleasant Parkway, a major regional commercial node. All four corners of this intersection are commercially-zoned and currently include approximately 1.3 million square feet of commercial development including restaurants, personal services, retailers and big-box format anchor users such as Target, Home Depot, and Lowes.

The applicant is requesting to amend the approved Tierra del Rio Planned Area Development (TDR PAD) by rezoning Parcels 2, 3A, and 3B from PAD Commercial (C-2, Intermediate Commercial) to PAD Single-Family Residential to facilitate a 170-lot single-family residential subdivision with a gross density of 2.7 du/ac. This change will increase the overall TDR PAD from 2,102 dwelling units (2.02 du/ac) to 2,272 dwelling units 2.18 du/ac).

Overall, approximately 13.8% of the project site will be contained as open space. Parcel 2 contains 2.52 (7.5%) acres of open space with 1.2 acres of natural open space being preserved at the southeast corner. Parcel 3A contains 5.65 (22.06%) of open space which will be utilized for local recreational opportunities. The percentages of open space have yet to be determined for Parcel 3B given there are no development plans associated with the current request to rezone.

Although currently zoned commercial in the TDR PAD, Parcels 2 and 3 are designated in the Peoria General Plan as Low Density Residential with a density range of 2-5 du/ac and a target density of 3.0 du/ac. This designation promotes moderately-sized, detached single-family residential lots. The proposed density of 2.8 du/acre falls within the range of the underlying land use category and is below the target density. The minimum lot sizes for Parcels 2 and 3A of 7,300 and 6,300 square feet, respectively, provides a standard that is consistent with adjacent TDR residential parcels (Parcels 1, 4A/4B) which permit minimum lot sizes of 5,500 square feet.

Through the analysis, while this proposal was in conformance to the underlying General Plan designation, staff was sensitive to the loss of 71-acres from the commercial inventory and asked the Developer to provide an Economic and Fiscal Impact Study. A Study was prepared by Elliott D. Pollack & Company (Exhibit F) and submitted to the City. The study concluded the following:

- a. Parcels 2 and 3 were not viable as a retail or employment site today or in the future.
- b. The site does not have direct access from Happy Valley Parkway thereby affecting its viability as a commercial site.
- c. The Agua Fria floodplain to the west provides a hindrance to commercial development as it does not provide for an enlarged customer base.
- d. Assertion that there is significant commercial space available at the Lake Pleasant & Happy Valley node along with future prospective sites in the area (zoned or designated commercial) including Happy Valley/Loop 303 located 1.5 miles to the west and the Vistancia commercial core.

Planning staff also consulted with the Economic Development Department. Again, while there is sensitivity to the loss of commercially-zoned parcels, the City is also sensitive to the continuing health of existing commercial centers and the potential “canibalization” or duplication of services in the area. Ultimately, vibrant, healthy centers require rooftops in the area. With the shift of the Loop 303 alignment, the major activity centers point to Lake Pleasant Parkway/Happy Valley and the Loop 303 corridor.

The applicant held a neighborhood meeting on June 12, 2013 at the Parkridge Elementary School to introduce this proposal to the neighboring community. Attendees asked questions regarding the proposed lot sizes in the development, potential road improvements to Happy

Valley Road, over head utilities, and the location of perimeter walls (see Exhibit F in the P&Z Staff Report).

With respect to lot size and compatibility, as discussed above, the development is in conformance with the General Plan and introduces a lot size in alignment with the designation while providing appropriate transition. The building height, two-stories (30 feet) is a uniform standard that is available to all residential zones, including the existing PAD. With regards to improvements along Happy Valley Parkway, additional dedication is not required for this development. However, the developer will be responsible for any off-site improvements that are adjacent to the parcels. With respect to the overhead utilities, at the time of preliminary plat submittal an infrastructure plan will be required. A portion of said submittal is a utility plan which will identify any power lines that are 69Kv or smaller that need to be placed under ground. Finally, perimeter walls are typically built along the subject property lines.

Previous Actions:

A public hearing was held for this item at the October 17, 2013 Planning and Zoning Commission Meeting. There was no public input either in support or opposition to the requested rezone . A motion was made to recommend approval of the application with conditions of approval. The Commission voted unanimously (5-0) in favor of the motion.

Options:

- A:** Approve Case Z04-34A.7, as recommended by Planning & Zoning Commission with conditions of approval; or
- B:** Approve Case Z04-34A.7, with City Council modifications; or
- C:** Deny; or
- D:** Remand to the Planning & Zoning Commission for further consideration.

Staff's Recommendation:

Staff recommends that the City Council concur with Option A above, and approve Case Number Z04-34A.7 as recommended by Planning & Zoning Commission.

Fiscal Analysis:

This request is not expected to have immediate budgetary impacts to the City.

Exhibit(s):

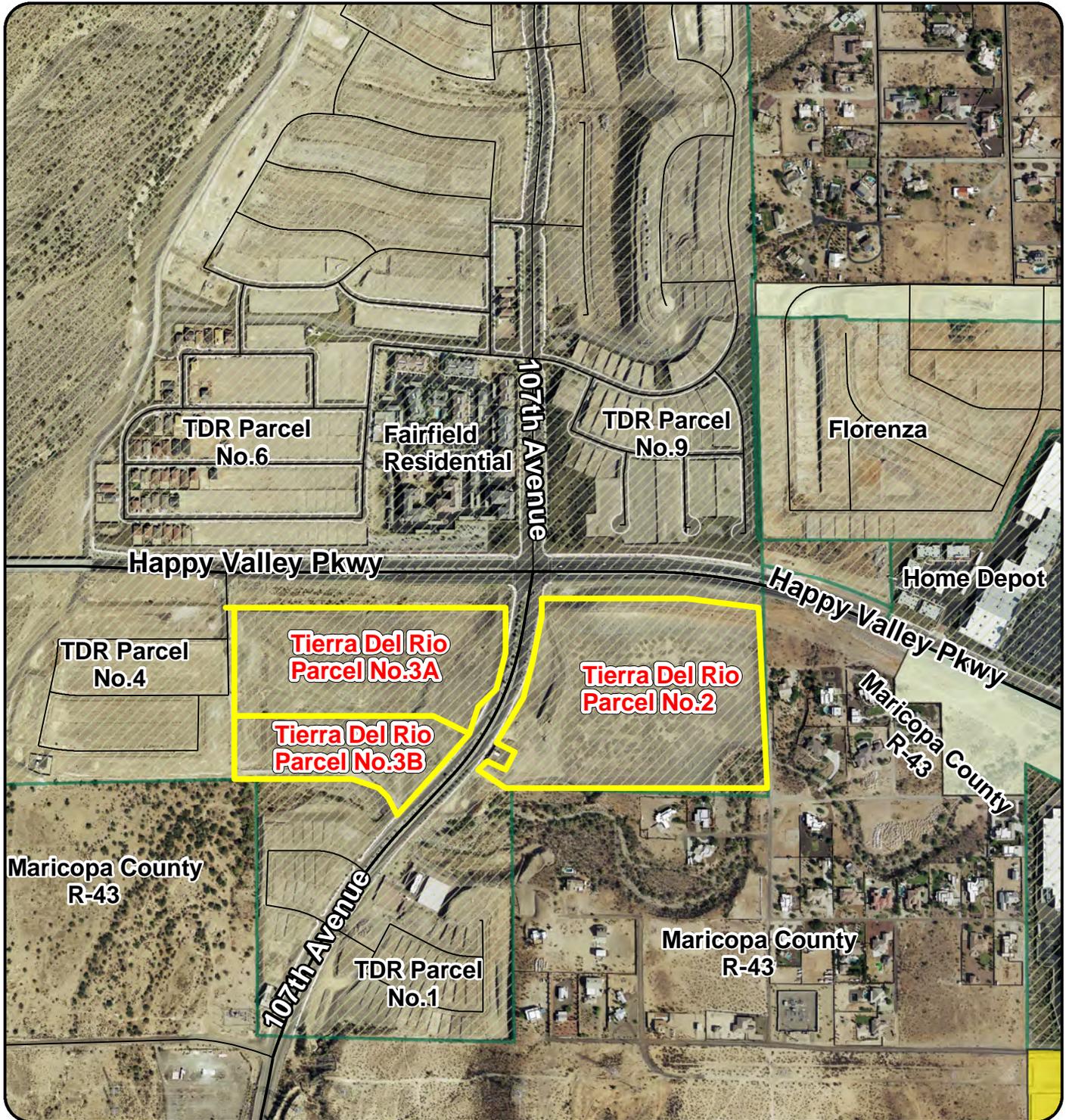
Exhibit 1: Vicinity Map

Exhibit 2: October 17, 2013 Planning and Zoning Commission Staff Report with Exhibits

Exhibit 3: Draft Ordinance

Contact Name and Number: Rick Williams, Planner, x7565

Z04-34A.7 Vicinity Map



Z04-34A.7 Major PAD Amendment

Applicant: Earl, Curley & LaGarde, PC.

Request: To rezone approximately 71.2 Acres from Commercial PAD to Single-Family Residential PAD in the approved Tierra Del Rio Planned Area Development



Not to Scale



REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z04-34A.7
DATE: October 17, 2013
AGENDA ITEM: 3R

Applicant: Earl, Curley & LaGarde, PC on behalf of Lennar Homes

Request: Major amendment to the Tierra del Rio Planned Area Development (PAD) rezoning Parcels 2 & 3 from Commercial PAD to Single-Family Residential PAD.

Proposed Development: Tierra del Rio Parcels 2 & 3: Tierra del Rio is a 1,041-acre master-planned community consisting of single-family and multi-family residential, commercial and open space parcels.

Location: Parcels 2 and 3 are located at the southwest and southeast corners of Happy Valley Parkway and 107th Avenue.

Site Acreage Approximately 71.2 acres

Support / Opposition: As of the date of this report, Staff has not received any correspondence or communication in opposition or support of this application

Recommendation: Recommend **approval** of case Z04-34A.7, with stipulations to the City Council.

AREA CONTEXT

Table 1: Existing Land Use, General Plan Designation, Current Zoning. (Exhibits A-C)

	LAND USE	GENERAL PLAN	ZONING
Site	Vacant, undeveloped	Residential/Low (2-5 du/ac)	TDR PAD – Commercial C-2
North	Happy Valley Parkway then single and multi-family residential	Residential/Low (2-5 du/ac)	TDR PAD – Medium and High-Density Residential and Single-Family Residential
South	Vacant (TDR Parcel 1), single-family residential	Residential/Low (2-5 du/ac)	TDR PAD Single-Family Residential) and Maricopa County, Rural-43 Zoning
East	Maricopa County single-family residences	Residential /Low (2-5 du/ac)	Maricopa County Rural-43 zoning
West	TDR Parcel 4, single-family residential	Residential/ Low (2-5 du/ac)	TDR PAD Single-Family Residential)

Tierra del Rio Development Master Plan and Annexation

1. Tierra del Rio (TDR) was originally entitled in 2002 in Maricopa County as a Development Master Plan (DMP). The TDR DMP had been assigned with three underlying zoning designations, a Residential Unit Plan of Development (RUPD), a Commercial Unit Plan of Development (CUPD) and a Planned Area Development Overlay (PAD). The development was subsequently annexed into the City of Peoria in 2005 (*Ordinance No. 05-05*) and provided with equivalent City zoning of Planned Area Development (PAD). The City also adopted an accompanying Pre-Annexation and Development Agreement.

Peoria TDR Planned Area Development (Case Z 04-34)

2. In 2005, the City Council adopted *Ordinance No. 05-07* applying the equivalent Peoria zoning of Planned Area Development for the Tierra del Rio entitlement. Subsequent amendments have occurred since the original approval. The amendments have included minor modifications to the single and multi-family development standards, screening and retaining wall heights and revisions to the public and regional trails.
3. The PAD today includes 28 single-family, multi-family, and open space parcels comprising approximately 962.7 gross acres permitting up to 2,102 dwelling units for a gross density of 2.02 du/ac; and three (3) commercial parcels totaling 78.3 gross acres for an overall 31 parcels across 1,041 gross acres (1.6 square miles).

PROJECT DESCRIPTION

Site and Project Details

1. The request pertains to three parcels (formerly Parcels 2 and 3; now newly identified as Parcels 2 & 3A/3B), totaling 71.2 acres located at the southwest and southeast corners of Happy Valley Parkway and 107th Avenue, a signalized intersection of major arterial roadways. Parcel 2 totals 33.9 acres and is located at the southeast corner of Happy Valley Parkway and 107th Avenue, Parcel 3A consists of 27.0 acres and is located on the southwest corner of 107th Avenue and Happy Valley Parkway. Parcel 3B totals 10.3 acres and is located immediately south and adjacent to 3A. The topography of the area slopes from east towards the Agua Fria river bottom to the west with Parcel 2 being slightly elevated as compared to Parcels 3A, 3B and Happy Valley Parkway. Parcels 3A and 3B sit six to eight feet below grade as compared to Parcel 2 and Happy Valley Road which is consistent with TDR Parcel 4 located immediately west. Although Parcel 3B is included in the current rezone application, there are no current development plans for the 10.3 acre site.
2. Contextually, the site is located within a quarter-mile of the corner of Happy Valley Parkway and Lake Pleasant Parkway, a major regional commercial node. All four corners of this intersection are commercially-zoned and currently include

approximately 1.3 million square feet of commercial development including restaurants, services, retailers and big-box format anchor users such as Target, Home Depot, Lowes and others.

- The applicant is requesting to amend the approved Tierra del Planned Area Development (PAD) by rezoning Parcels 2, 3A, and 3B from PAD Commercial (C-2, Intermediate Commercial) to PAD Single-Family Residential to facilitate a 170-lot single-family residential subdivision with a gross density of 2.7 du/ac. This change will increase the overall TDR Planned Area Development from 2,102 dwelling units (2.02 du/ac) to 2,272 dwelling units 2.18 du/ac). A summary comparison of the existing and proposed PAD is provided in the table below. The differences are identified in bold text.

Land Use Summary	TDR PAD	Parcel 2	Parcel 3	Parcel 3B
Gross Acres	71.2	33.7	27.2	10.3
Proposed Land Use	C-2	91 Residential Lots	79 Residential Lots	TBD
Proposed Gross Density	NA	2.7 du/ac	2.9 du/ac	TBD
Proposed Residential Lot Size	NA	Minimum 7,300 sf	Minimum 6,325 sf	TBD
Proposed Open Space	NA	5.6 acres (16.7%)	2.5 acres (9.7%)	TBD

- The Tierra del Rio PAD Standards and Guidelines Report provides specific development standards that the applicant is proposing to amend. The difference in development standards are shown in bold text in the table below:

Development Standards	TDR Commercial Standards	Parcel 2	Parcel 3	Parcel 3B
Min. Lot Area	NA	6,325 sf	6325 sf	TBD
Min. Lot Width	60'	55'60'	55'	TBD
Min. Lot Depth	NA	120'	115'	TBD
Min. Front Setback	10'	18'	18'	TBD
Min. Rear Setback	3/25'	15'	15'	TBD
Min. Side Setback (min/total ft)	10/10'	5/10'	5/10'	TBD
Max. Building Height	40'	30'	30'	TBD
Max. Percentage Lot Coverage	60%	48%	48%	TBD

DISCUSSION AND ANALYSIS

Conformance with the General Plan

5. Since the original zoning case was approved in 2002, the area has been in transition. While the Happy Valley Road alignment in this area was originally intended to serve as the Loop 303 -- and therefore represented in the original land use planning for Tierra del Rio -- the Loop 303 alignment ultimately shifted north away from TDR to its current location. This change facilitated the development of Happy Valley Parkway into a six-lane limited-access arterial providing regional access from the Loop 303 to I-17. Additionally, as previously described, the Happy Valley and Lake Pleasant Parkway intersection has developed into a major regional commercial node.
6. Although currently zoned commercial in the TDR Planned Area Development, Parcels 2 and 3 are designated in the Peoria General Plan as Low Density Residential with a density range of 2-5 du/ac and a target density of 3.0 du/ac. This designation promotes moderately-sized, detached single-family residential lots. The proposed density of 2.8 du/acre falls within the range of the underlying land use category and is below the target density. The minimum lot sizes for Parcels 2 and 3A of 7,300 and 6,300 square feet, respectively, provides a standard that is consistent with adjacent TDR residential parcels (Parcels 1, 4A/4B) which permit minimum lot sizes of 5,500 square feet.
7. Overall, approximately 13.8% of the project site will be contained as open space. Parcel 2 contains 2.52 (7.5%) acres of open space with 1.2 acres of natural open space being preserved at the southeast corner. Parcel 3A contains 5.65 (22.06%) of open space which will be utilized for local recreational opportunities. The percentages of open space have yet to be determined for Parcel 3B given there are no development plans associated with the current request to rezone.
8. Through the analysis, while this proposal was in conformance to the underlying General Plan designation, staff was sensitive to the loss of 71-acres from the commercial inventory and asked the Developer to provide an Economic and Fiscal Impact Study. A Study was prepared by Elliott D. Pollack & Company (Exhibit F) and submitted to the City. The study concluded the following:
 - a. Parcels 2 and 3 were not viable as a retail or employment site today or in the future.
 - b. The site does not have direct access from Happy Valley Parkway thereby affecting its viability as a commercial site.
 - c. The Agua Fria floodplain to the west provides a hindrance to commercial development as it does not provide for an enlarged customer base.
 - d. Assertion that there is significant commercial space available at the Lake Pleasant & Happy Valley node along with future prospective sites

in the area (zoned or designated commercial) including Happy Valley/Loop 303 located 1.5 miles to the west and the Vistancia commercial core.

9. Planning staff also consulted with the Economic Development Department. Again, while there is sensitivity to the loss of commercially-zoned parcels, the City is also sensitive to the continuing health of existing commercial centers and the potential “canibalization” or duplication of services in the area. Ultimately, vibrant, healthy centers require rooftops in the area. With the shift of the Loop 303 alignment, the major activity centers point to Lake Pleasant Parkway/Happy Valley and the Loop 303 corridor.

Public Participation Plan

10. As a requirement of the Rezoning application process, the applicant conducted a neighborhood meeting and provided a Citizen Participation Report detailing the results of the meeting. The applicant notified all property owners within a 600 foot radius of the site and all registered Homeowner’s Associations within 1 mile for the required neighborhood meeting. This meeting was held on June 12, 2013 at the Parkridge Elementary School. Four (4) people attended the meeting along with the applicant and City staff. The applicant presented the details of the proposed project and meeting attendees provided several comments/concerns regarding the plans (Exhibit E).
11. Attendees generally expressed support for this proposal but did have questions pertaining to certain aspects of the development including building height; improvements to Happy Valley Parkway, the undergrounding of overhead utilities, and the location of perimeter walls.
12. The building height, two-stories (30 feet) is a uniform standard that is available to all residential zones, including the existing PAD. With regards to improvements along Happy Valley Parkway, additional dedication is not required for this development. However, the developer will be responsible for any off-site improvements that are adjacent to the parcels. With respect to the overhead utilities, at the time of preliminary plat submittal, an infrastructure plan will be required. A portion of said submittal is a utility plan which will identify any power lines that are 69Kv or smaller that need to be placed underground. Finally, perimeter walls are typically built along the subject property lines and will need to meet current requirements..

City Review

13. As previously discussed, this request has been reviewed and commented on through the City’s standard rezoning application review process. Recommended conditions of approval have been provided by the Planning, Site Development / Engineering, and Fire Safety Department as provided in the *Conditions of Approval* portion of this report.

Peoria Unified School District

14. This development lies within the boundaries of the Peoria Unified School District (PUSD). The Developer and the District have reached an agreement concerning developer assistance to the district and this agreement has received Governing Board approval.

Public Notice

15. Public notice was provided in the manner prescribed under Section 14-39-6. Additionally, the site was posted with a sign meeting the size and content requirements prescribed by the Planning Division.

Proposition 207

16. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

FINDINGS AND RECOMMENDATION

Based on the following findings:

- The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan.
- This amendment to the PAD zoning is consistent with General Plan Low Density Residential (2-5 du/ac, target of 3 du/ac) land use designation.
- This amendment to the PAD zoning will result in a residential development that is compatible with the existing adjacent neighborhood(s), and planned non-residential developments.

It is recommended that the Planning and Zoning Commission take the following action:

Recommend to the City Council approval of Case Z04-34A.7 subject to the following conditions:

1. The development shall be in substantial conformance with the amended Tierra del Rio Planned Area Development (case Z04-34A.7) date stamped October 1, 2013.
2. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original case Z04-34 (Tierra Del Rio PAD) and the subsequent amendments (Z04-34A 1-4 and 6). These conditions shall remain in force for the PAD.
3. The developer of Parcels 2 and 3 shall be responsible for its respective portion of the Agua Fria River/Happy Valley Road Bridge and other off-site improvements payments ("The Vistancia Payment") as agreed upon in the Tierra del Rio Pre-Annexation and Development Agreement, dated February 11, 2005.

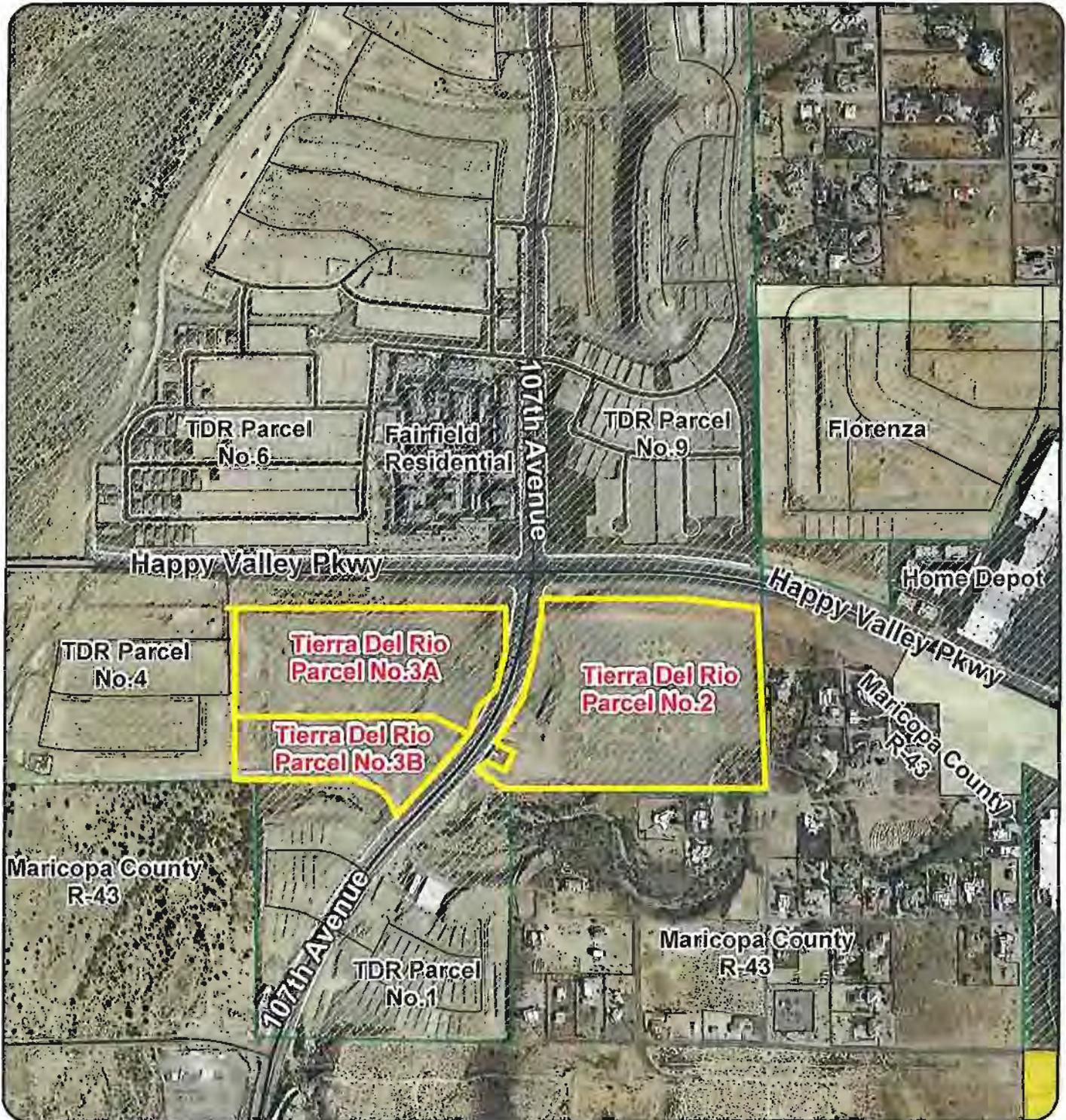
4. The Traffic Impact Analysis must be resubmitted with the preliminary plat. All previous comments must be addressed.
5. A Final Drainage Report shall be submitted with the Civil Improvement Plans.
 - Note that the City of Peoria has adopted the Maricopa County Uniform Drainage Design Standards, Policies and Procedures and Drainage Design Manual for Maricopa County for drainage criteria. Retention must be provided for the 100-year, 2-hour storm.
 - Provide a drainage report addressing onsite & offsite flows. The drainage report shall take into effect the adjacent drainage ways.
 - If utilized, all Drywells must be registered with the Arizona Department of Environmental Quality and drilling logs shall be provided to the City. The percolation rate shall be tested and the results provided to the City before the drywell is accepted.
 - On-site basins shall be provided to retain/detain 100% of the 100-year, 2-hour storm event for the sub-basin it serves. The volume shall be calculated based on the gross square footage of the site (including half-street areas).
6. The Developer shall purchase the excess ROW for Happy Valley Parkway. This shall be completed prior to the recordation of the Final Plat or permits being issued for either site.
7. It is the Developer's responsibility to relocate the gas line along the northern boundary line of Parcel 2.
8. The Developer shall construct the half-street improvements along Happy Valley Parkway (to include curb, gutter, 10' sidewalk, and streetlights).
9. The Developer shall submit a noise mitigation study in accordance with ADOT Noise Abatement Policy to address the anticipated truck traffic on Happy Valley and 107th Avenue. All walls shall be designed in accordance with the recommendations of the noise study.
10. The Developer shall dedicate an 8' PUE outside of the required ROW or private roadway Tract. No walls or retention shall be constructed within the PUE.
11. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at all intersections with collectors or arterials. The Developer shall dedicate a 20-foot by 20-foot ROW chamfer at all local/local roadway intersections

ATTACHMENTS

Exhibit A	Vicinity/Location Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Proposed Conceptual Site Plan (for reference)
Exhibit E	Citizen Participation Report
Exhibit F	Economic & Fiscal Impact Analysis (Elliot D. Pollack & Company)
Exhibit G	Tierra del Rio PAD

Prepared by: Rick Williams
Planner

Z04-34A.7 Vicinity Map



Z04-34A.7 Major PAD Amendment

Applicant: Earl, Curley & LaGarde, PC.

Request: To rezone approximately 71.2 Acres from Commercial PAD to Single-Family Residential PAD in the approved Tierra Del Rio Planned Area Development



Not to Scale

Z04-34A.7 Land Use Map



Z04-34A.7 Major PAD Amendment

Applicant: Earl, Curley & LaGarde, PC.

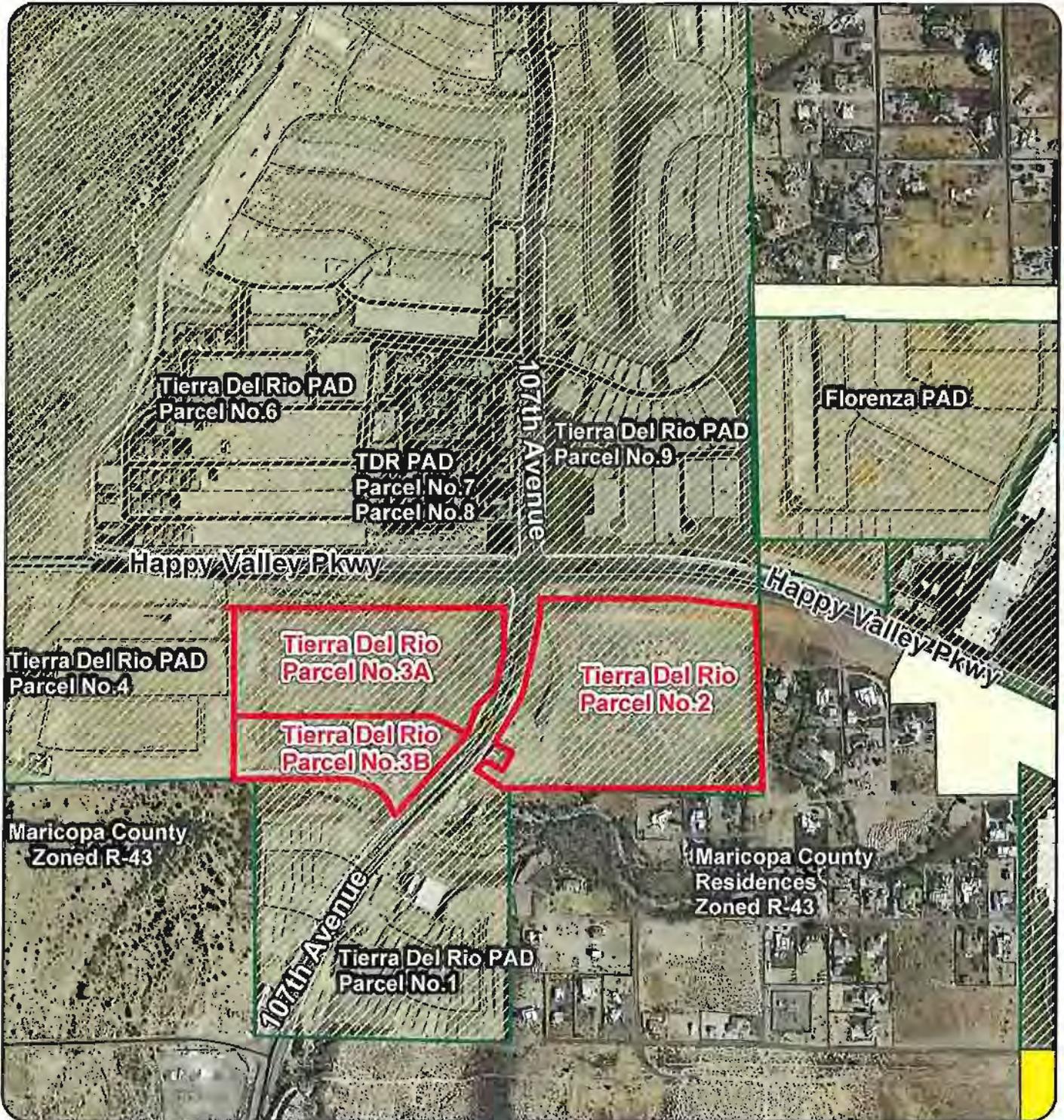
Request: To rezone approximately 71.2 Acres from Commercial PAD to Single-Family Residential PAD in the approved Tierra Del Rio Planned Area Development



Not to Scale



Z04-34A.7 Zoning Map



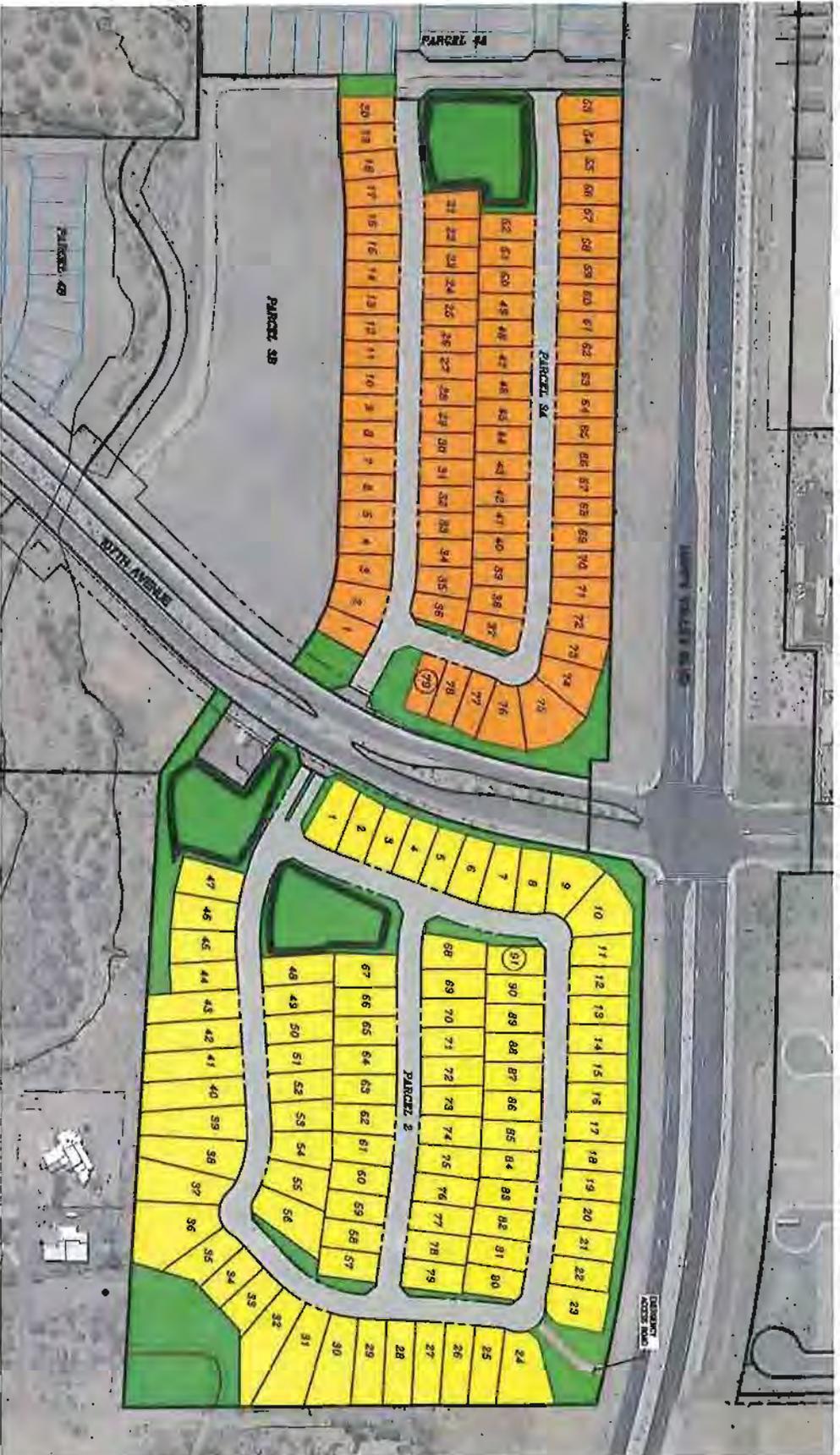
Z04-34A.7 Major PAD Amendment

Applicant: Earl, Curley & LaGarde, PC.

Request: To rezone approximately 71.2 Acres from Commercial PAD to Single-Family Residential PAD in the approved Tierra Del Rio Planned Area Development



Not to Scale



TIERRA DEL RIO - PARCELS 2, 3A, AND 3B

SITE PLAN EXHIBIT

SEPTEMBER, 2013 Proj. 1244

EXHIBIT D



Scale: 1" = 100' (AS SHOWN)

EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Fax (602) 265-2195
www.ecllaw.com

3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

June 30, 2013

Citizen Participation Plan

Tierra del Rio (Parcels 2 & 3) for Lennar
107th Avenue & Happy Valley Parkway
Request for a Major Amendment to a Planned Area Development

(Zoning Case No. Z04-34A 7)

The following is a summary of the public outreach efforts and results of the neighborhood meeting held on June 12, 2013 (6:00pm) at the Parkridge Elementary School located at 9970 W. Beardsley Road regarding the above-referenced request in accord with Article 14-39-6(E) of the Zoning Ordinance which addresses the requirements for the Citizen Participation Plan for a Major Planned Area Development request.

Public Participation

- *The identification of those property owners and other citizens that would be affected or have an interest in the project;*

On behalf of Lennar, our office sent written notice by first class mail on May 29, 2013 to the required recorded property owners within 600-feet and City-registered neighborhood associations and interested parties within 1-mile the subject +/- 60 acre property to inform them of the subject request. The attached letter provided a brief description of the zoning proposal and City review process and included details of a community meeting that was scheduled for June 12, 2013 in order to address any comments/questions regarding the residential project. The letter also included contact information in case of any questions as well as a conceptual plan to show the referenced area. The contact information for these property owners and stakeholders was obtained through the Maricopa County Assessor's records by the City of Peoria.

- *Identify the process for meeting with these persons;*

Upon submittal, our firm established a meeting time and location. The notification letters mentioned above were mailed out approximately 15 days prior to the meeting date. Additional notification of public hearings will be consistent with the regulations found in Article 14-39 of the Zoning Ordinance.

Exhibit E

- *Identify how comments will be collected and evaluated. The contents of a report to the City detailing the efforts to meet with and notify interested persons, the comments received, changes, mitigations or other actions taken in proposed in response to the comments and subsequent recommendations regarding the project, if any.*

Comments and questions (as enumerated below) were gathered at the neighborhood meeting held on June 12th and contact information was obtained for the (4) four individuals who attended the meeting (*See, Attached Sign-In Sheet*). The neighbors supported the request for a single-family residential development on Parcels 2 and 3 as improving the property will add value to the area and help support the existing commercial retail. A summary of the responses that our office provided to these individuals is also provided in detail below. It is our intent to maintain an open line of communication throughout the City's review process in order to provide feedback to interested parties.

Results of Neighborhood Meeting

On behalf of our client, Lennar, we held a neighborhood meeting on June 12, 2013 at the above-referenced location regarding a Major PAD amendment request to provide a single-family development (overall 2.87 dwelling unit/acre) on either side of 107th Avenue, just south of Happy Valley Parkway. Four individuals from the residential neighborhood attended the meeting. Following a brief PowerPoint presentation describing the details of the request, we answered the few questions the neighbors' had which are noted below. A summary of the neighbors' comments and questions are provided in greater detail below. (*See, Neighborhood Meeting Sign-In Sheet & PowerPoint Presentation Exhibits*).

Summary of Comments/Questions

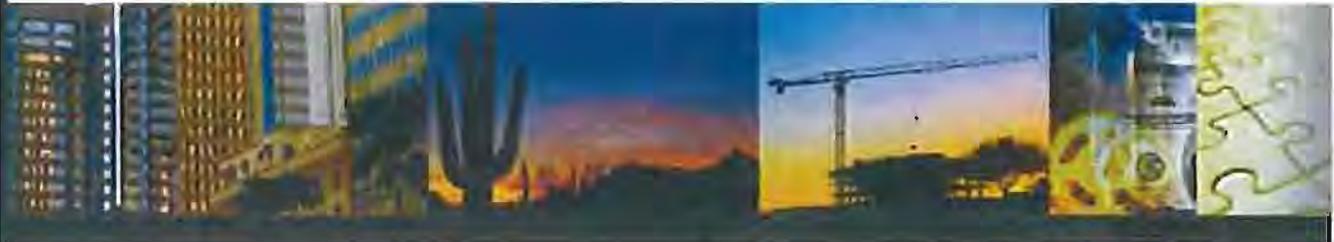
1. *Resident: What is the proposed building height for the project?*
ECL: The proposed building height of the 1 and 2-story homes will be a maximum of 30-feet. The site will be graded to a level commensurate with the adjacent elevations of the area per City requirements.
2. *Resident: What type of improvements are proposed along Happy Valley Parkway?*
ECL: The developer is required to build any off-site improvements that are adjacent to the subject parcels, on the south side of Happy Valley Parkway. The developer would not be required to install sidewalks, curb, gutter, etc. along the north side of the roadway.
3. *Resident: What is proposed for the overhead utilizes along the property boundary and will they be placed underground?*
ECL: The City will determine which (if any) utilities will be placed underground adjacent to the subject parcels.

October 8, 2013

Page 3

4. *Resident:* *Where will the perimeter walls be built?*
ECL: The perimeter walls are typically built along the subject property lines.

Economic & Fiscal Impact of the Proposed 107th Ave and Happy Valley Single Family Residential Development Peoria, Arizona



Prepared for:
Americor Development LLC

August 2013

DRAFT

EXHIBIT F

Prepared by:



Elliott D. Pollack & Company
7505 East 6th Avenue, Suite 100
Scottsdale, Arizona 85251

Table of Contents

1.0	Introduction	1
1.1	Purpose of Study	1
1.2	Limiting Conditions	1
2.0	Methodology & Assumptions	3
2.1	Project Description and Analysis Assumptions	3
2.2	Economic Impact Methodology	4
2.3	Fiscal Impact Methodology	5
3.0	Impacts of Construction	8
3.1	Economic Impact of Construction	8
3.2	Fiscal Impact of Construction	8
4.0	New Resident Impacts	10
5.0	10-Year Fiscal Impacts	11
6.0	Commercial Viability	13
6.1	Retail Market Trends	13
6.2	Office Market Trends	14
6.3	Existing Development and Available Land	15
6.4	General Plan Compatibility	20
6.5	Traffic Counts and Accessibility	22
6.6	Conclusions	23



1.0 Introduction

1.1 Purpose of Study

Elliott D. Pollack and Company was retained to perform an economic and fiscal impact analysis of a proposed single family residential development at the southwest and southeast corners of 107th Avenue and Happy Valley Road.

Economic impact analysis examines the regional implications of an activity in terms of three basic measures: output, earnings and job creation. Fiscal impact analysis, on the other hand, evaluates the public revenues and costs created by a particular activity. In fiscal impact analysis, the primary revenue sources of a city, county or state government are analyzed to determine how the activity may financially affect them.

In addition to the potential impacts of the construction of homes and the spending of future residents, the market area surrounding the two sites were analyzed in terms of current, planned, and available commercial and employment development.

1.2 Limiting Conditions

This study prepared by Elliott D. Pollack & Company is subject to the following considerations and limiting conditions.

- It is our understanding that this study is for the client's due diligence and other planning purposes. Neither our report, nor its contents, nor any of our work were intended to be included and, therefore, may not be referred to or quoted in whole or in part, in any registration statement, prospectus, public filing, private offering memorandum, or loan agreement without our prior written approval.
- The reported recommendation(s) represent the considered judgment of Elliott D. Pollack and Company based on the facts, analyses and methodologies described in the report.
- Except as specifically stated to the contrary, this study will not give consideration to the following matters to the extent they exist: (i) matters of a legal nature, including issues of legal title and compliance with federal, state and local laws and ordinances; and (ii) environmental and engineering issues, and the costs associated with their correction. The user of this study will be responsible for making his/her own determination about the impact, if any, of these matters.
- This study is intended to be read and used as a whole and not in parts.
- This study has not evaluated the feasibility or marketability of any site for planned uses.



- All estimates regarding specific land use, construction costs and operating data were provided by Grasshopper Development, LLC. Data has been reviewed and verified to determine its reasonableness and applicability to the project.
- This economic and fiscal impact study evaluates the potential “gross impacts” of construction and operations activities. The term “gross impacts” as used in this study refers to the total revenue, jobs and economic output that would be generated by the construction and operations. The study does not consider the potential impact on other businesses or real estate property in the trade area that may occur as a result of the proposed project.
- This analysis does not consider the costs to local governments associated with providing services to the development. Such analysis is beyond the scope of this study. In addition, the analysis is based on the current tax structure and rates imposed by the State, counties, and local governments. Changes in those rates would alter the findings of this study.
- All dollar amounts are stated in current dollars and, unless indicated, do not take into account the effects of inflation.
- Our analysis is based on currently available information and estimates and assumptions about long-term future development trends. Such estimates and assumptions are subject to uncertainty and variation. Accordingly, we do not represent them as results that will be achieved. Some assumptions inevitably will not materialize and unanticipated events and circumstances may occur; therefore, the actual results achieved may vary materially from the forecasted results. The assumptions disclosed in this study are those that are believed to be significant to the projections of future results.



2.0 Assumptions & Methodology

2.1 Project Description & Analysis Assumptions

The Subject Site is located in North Peoria along Happy Valley Road just west of Lake Pleasant Parkway. The site consists of two separate parcels known in the Tierra Del Rio Master Plan as "Parcel 2" and "Parcel 3". The entire project straddles 107th Avenue just south of Happy Valley Road. Access to the sites are located on 107th Avenue. The rezoning request includes a proposed 169-home single family development. Parcel 2 is 29.7 acres in size and is planned for 90 homes. Parcel 3 is an 18.1 acre site and is planned for 79 homes.



The assumptions used to estimate the economic and fiscal impacts of the construction and ongoing fiscal impacts of the proposed residential project are outlined below. The project plans for an average density of 3.5 units per acre. Housing is expected to range in size from 1,800 square feet to 4,000 square feet. Sales prices of these new homes are projected to start at range of \$250,000 to over \$400,000. Based on these sales

values, qualifying household incomes of these homes would be approximately \$85,000 though actual incomes could be higher.

Project Assumptions Tierra Del Rio Parcels 2 and 3	
Acres	47.8
Units	169
Average dwelling units per acre	3.5
Average unit size	2,900
Average sales price per unit	\$340,000
Total value of construction	\$14,365,000
Average household income	\$85,000
Person per household	2.7
Per capita State shared revenues	\$342

Source: Americor Development; EDPCo

The primary inputs of the economic and fiscal impact model are based on (1) project assumptions supplied by the client regarding the scale and size of the project and (2) basic economic source data such as the Consumer Expenditure Survey to determine spending patterns of employees and Census surveys showing live-work relationships. All values in this study are expressed in 2013 dollars. Unless otherwise indicated, an inflation factor has not been included in this analysis.

2.2 Economic Impact Methodology

Economic impact analysis examines the economic implications of an activity in terms of output, earnings, and employment. For this study, the analysis focuses on the impact during construction as well as the ongoing impact of the project once homes are sold out and occupied.

The different types of economic impacts are known as direct, indirect, and induced, according to the manner in which the impacts are generated. For instance, direct employment consists of permanent jobs held by construction employees. Indirect employment is those jobs created by businesses that provide goods and services essential to the construction of the project. These businesses range from manufacturers (who make goods) to wholesalers (who deliver goods). Finally, the spending of the wages and salaries of the direct and indirect employees on items such as food, housing, transportation and medical services creates induced employment in all sectors of the economy, throughout the metropolitan area. These secondary effects are captured in the analysis conducted in this study.



Multipliers have been developed to estimate the indirect and induced impacts of various direct economic activities. The Minnesota IMPLAN Group developed the multipliers used in this study. The economic impact is categorized into three types of impacts:

- (1) **Employment Impact** – the total wage and salary and self employed jobs in a region. Jobs include both part time and full time workers.
- (2) **Earnings Impact** – the personal income, earnings or wages, of the direct, indirect and induced employees. Earnings include total wage and salary payments as well as benefits of health and life insurance, retirement payments and any other non-cash compensation.
- (3) **Economic Output** – also referred to economic activity, relates to the gross receipts for goods or services generated by the company's operations.

Economic impacts are by their nature regional in character. Such impacts are best illustrated when not assigned to a specific city or locality, although clearly the primary impact of job creation would be on the city where the project is located. However, many other communities in the surrounding region would also benefit from the construction and operations of the project.

2.3 Fiscal Impact Methodology

Fiscal impact analysis studies the public revenues associated with a particular economic activity. The primary revenue sources of local, county, and state governments (i.e., taxes) are analyzed to determine how an activity may affect the various jurisdictions. This section will evaluate the impact of the development on State and local government revenues.

The fiscal impact figures cited in this report have been generated from information provided by a variety of sources including the U.S. Bureau of the Census; the U.S. Department of Labor; the Internal Revenue Service; the State of Arizona; the Arizona Tax Research Association; and the U.S. Consumer Expenditure Survey. Elliott D. Pollack and Company has relied upon the estimates of construction cost and operating revenues outlined in this study. Unless otherwise stated, all dollar values are expressed in 2013 dollars.

Fiscal impacts are categorized by type in this study, similar to economic impact analysis. The major sources of revenue generation for governmental entities are related to the proposed construction and ongoing operations.

Construction impacts relate to the revenues generated from construction of the project and include state and local sales taxes levied on construction materials. These are the "primary" revenues generated from the construction. In addition, the direct, indirect and induced employees supported by the construction activity also generate revenues to



local and state governments. For instance, employees will spend part of their salaries on retail goods (thereby paying sales taxes), pay property taxes on real estate they own and contribute to the other revenue sources that are shared by the State with counties and local cities. In addition, part of the State's collection of sales taxes on construction materials is also shared with counties and local cities. All of these revenues create benefits for counties and local cities. They are referred to in this report as "secondary" impacts.

New residents will also create beneficial fiscal effects. Households will spend part of their salaries on local goods and services and pay taxes on the homes they occupy. This spending will contribute to revenues collected by the City of Peoria. Additionally, the City of Peoria will benefit in terms of state shared revenue as the project will increase the City's population and the share of revenue that they receive from state sales taxes, state income taxes, and other fees as outlined below.

Following is a description of the applicable revenue sources that will be considered for this analysis.

- Construction Sales Tax
The State, counties and cities levy a sales tax on materials used in the construction of buildings and land improvements. That tax is calculated by State law under the assumption that 65% of the construction cost of the facility and its land improvements are related to construction materials with the remaining 35% devoted to labor. The sales tax rate is then applied to the 65% materials figure. The sales tax on construction materials is a one-time collection by the governmental entity. The State currently levies a 5.6% sales tax on construction activity (a portion of which is shared with local governments) while the Maricopa County rate is 0.7% and the City of Peoria sales tax rate for contracting is 1.8%.
- Sales Tax
The State, counties, and local cities in Arizona charge sales tax on retail goods. The sales tax rate for the State is 5.6%. Portions of this tax are redistributed through revenue sharing to counties and cities throughout Arizona based on population. The County's sales tax rate is 0.7% while the City of Peoria levies 1.8%. These tax rates are applied to the spending of residents as well as to the spending of direct, indirect and induced employees. Based on data from the U.S. Consumer Expenditure Survey, the projected extent of retail spending and resulting sales tax receipts was calculated. In addition, the employees of the project are projected to spend money retail and restaurant establishments or other local goods.
- Property Taxes
Employees supported by the construction of the project will pay property taxes on the homes they occupy. In order to estimate property taxes, the assessed full cash value of a typical housing unit has been calculated based on expected wage levels.



Residents of the newly built homes will also pay property taxes on their homes and the value of these homes will expand the net assessed value base of the City and other taxing districts.

- State Shared Revenues

Each city in Arizona receives a portion of State revenues from four different sources - State sales tax (see description above), State income tax, vehicle license tax and highway user tax. The formulas for allocating these revenues are primarily based on population. Counties also share in the revenue sources of the State, with the exception of income tax.

- State Income Tax

The State of Arizona collects taxes on personal income. The tax rate used in the analysis averages about 1.6% for earnings. This percentage is based on the most recently available income tax data from the Arizona Department of Revenue. The factor is applied to the projected wage levels of direct, indirect and induced employees supported by the construction and operations of the project. Portions of this tax are redistributed through revenue sharing to cities throughout Arizona based on population.

- HURF Taxes

The State of Arizona collects specific taxes for the Highway User Revenue Fund (HURF). Both the registration fees and the motor vehicle fuel tax (gas tax) are considered in this analysis. The motor vehicle fuel tax is \$0.18 per gallon and is calculated based on a vehicle traveling 12,000 miles per year at 20 miles per gallon. Registration fees average \$66 per employee in the State of Arizona. These factors are applied to the projected direct and indirect employee count. Portions of these taxes are distributed to cities and counties throughout Arizona based on a formula that includes population and the origin of gasoline sales.

- Vehicle License Tax

The vehicle license tax is a personal property tax placed on vehicles at the time of annual registration. This factor is applied to the projected direct, indirect and induced employee count. The average tax used in this analysis is \$325 and portions of the total collections are distributed to the Highway User Revenue Fund. The remaining funds are shared between cities and counties in accordance with population-based formulas.

The above tax categories represent the largest sources of revenues that would be generated to city, county, and State governments. This analysis considers gross tax collections and does not differentiate among dedicated purposes or uses of such gross tax collections.



3.0 Impact of Construction

Construction phase impacts are short-term effects related to onsite and offsite construction employment as well as other supporting industries. The long-term consequences of a project are the new resident impacts (Section 4.0).

3.1 Economic Impact of Construction

The following table describes the economic impact of construction. This table reflects the total impact regardless of how many years the project takes to build out.

In total, the estimated \$34.1 million hard cost of construction will generate 267 direct jobs earning over \$18.1 million in wages. An additional 220 indirect and induced jobs will be created from the ripple effects throughout the economy for a total of 486 jobs created during the construction period. Total wages are estimated at \$29.5 million during the construction process with total economic activity of nearly \$64.7 million.

Economic Impact of Construction Tierra Del Rio Parcels 2 and 3 Greater Phoenix (2013 Dollars)			
Impact Type	Person Years of Employment	Wages	Economic Output
Direct	267	\$18,109,000	\$34,074,000
Indirect	71	\$4,444,000	\$10,761,000
Induced	149	\$6,959,000	\$19,860,000
Total	486	\$29,512,000	\$64,695,000
1/ The total may not equal the sum of the impacts due to rounding. All dollar figures are in constant dollars. Inflation has not been included in these figures.			
Source: Eliott D. Pollack & Company; WPLAN			

3.2 Fiscal Impact of Construction

The tables included in this section summarize the revenues that would ultimately flow to the City of Peoria from construction of the 169-home project. Some revenues are more direct and definable than others. Revenues have been defined in this analysis as either primary or secondary, depending on their source and how the dollars flow through the economy into government tax accounts. For instance, some revenues, such as



construction sales taxes, are definable, straightforward calculations based on the value of construction. These revenues are described in this study as primary revenues.

Secondary revenues, on the other hand, flow from the wages of those direct, indirect and induced employees who are supported by the project as well as revenues distributed by the State from various tax categories. Revenue projections are based on typical wages of the employees working in the project, their spending patterns, projections of where they might live, and other assumptions outlined earlier in this report.

The City of Peoria will receive \$717,600 in tax revenues generated by the construction of the residential project. This includes \$672,300 generated by the City's 1.8% prime contracting sales tax rate and an additional \$45,300 from the construction employees projected to live and spend their incomes within City limits.

Fiscal Impact of Construction Tierra Del Rio Parcels 2 and 3 City of Peoria (2013 Dollars)					
Impact Type	Primary Revenues	Secondary Revenues			Total Revenues
	Speculative Builders Sales Tax	Employee Spending Sales Tax	Resident Property Tax	State Shared Revenues	
Direct	\$672,300	\$14,100	\$8,000	\$4,100	\$698,500
Indirect	N/A	\$3,600	\$2,100	\$900	\$6,600
Induced	N/A	\$6,500	\$4,500	\$1,500	\$12,500
Total Revenues	\$672,300	\$24,200	\$14,600	\$6,500	\$717,600

1/ The figures are intended only as a general guideline as to how the City could be impacted by the project. The above figures are based on the current economic structure and tax rates of the State of Arizona and City

Source: Elliott D. Pollack & Company, MFLAN; Arizona Department of Revenue; Arizona Tax Research Association



4.0 New Resident Impact

Once construction is completed and the project is fully occupied, the City of Peoria will benefit in terms of ongoing annual tax revenues. The fiscal impacts described below are anticipated to occur at build-out. This means they would occur when construction is complete and residences are at full capacity.

Primary revenue sources would total \$287,100 annually at build-out. The bulk of impact will be realized due to the increase in population for the City. Sales taxes from resident spending and property taxes are expected as well.

Annual Fiscal Impact at Buildout			
Tierra Del Rio Parcels 2 and 3			
City of Peoria			
(2013 Dollars)			
Resident Spending Sales Tax	State Shared Revenues	Property Tax	Total Annual Revenues
\$64,300	\$151,600	\$71,200	\$287,100
<p>1/ The total may not equal the sum of the impacts due to rounding. All dollar figures are in constant dollars. Inflation has not been included in these figures. All of the above figures are representative of the major revenue sources for the City.</p>			
<p>Source: EDPCo; IMPLAN; AZ Department of Revenue; AZ Tax Research Association</p>			



5.0 Fiscal Impacts over 10 Years

The following tables provide the fiscal impact over a 10-year time frame.

During construction, the City of Peoria will collect \$672,300 from primary revenue sources (construction sales taxes) and \$45,300 in secondary revenues from construction employees. Also during construction, the project will be delivering homes each year that will be occupied by residents and will begin to generate revenue from resident spending.

Once the project is completely built out and occupied, the City will collect \$287,100 each year, mainly from state shared revenues (as soon as new population is officially counted) as well as property taxes and sales taxes. Overall, the City is forecasted to collect nearly \$2.2 million in revenues generated by the construction and subsequent years of resident impacts as illustrated in the table below.



**10-Year Fiscal Impact on the City of Peoria
 Tierra Del Rio Parcels 2 and 3
 (2013 Dollars)**

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Home Sales	40	40	40	40	40	40	40	40	40	40	400
Primary Revenues											
Speculative Builders Tax	\$159,124	\$159,124	\$159,124	\$159,927	-	-	-	-	-	-	\$672,300
Sales Tax	-	\$15,219	\$30,438	\$45,657	\$64,310	\$84,300	\$94,300	\$64,300	\$64,300	\$64,300	\$477,114
Property Tax	-	\$16,852	\$33,704	\$60,956	\$71,200	\$71,200	\$71,200	\$71,200	\$71,200	\$71,200	\$528,312
State related Revenues	-	-	\$71,793	\$71,793	\$71,793	\$71,793	\$71,793	\$151,600	\$151,600	\$151,600	\$813,617
Secondary Revenue											
Employee Sales Tax	\$5,728	\$5,728	\$5,728	\$7,017	-	-	-	-	-	-	\$24,200
Residential Property Tax	\$3,458	\$3,458	\$3,458	\$4,233	-	-	-	-	-	-	\$14,600
State Shared Revenues	\$1,538	\$1,538	\$1,538	\$1,886	-	-	-	-	-	-	\$6,500
Total Impact*	\$163,945	\$201,917	\$166,527	\$181,111	\$287,263	\$207,263	\$207,263	\$287,100	\$287,100	\$287,100	\$2,102,691

* The total may not equal the sum of the impacts due to rounding. All dollar figures are in constant dollars. Inflation has not been included in these figures. All of the above figures are representative of the major revenue sources for the City. The figures are intended only as a general guideline as to how the City could be impacted by the project. The above figures are based on the current economic structure and tax rates of the City.

Source: Elliott D. Pollock & Company, IMPLAN, Arizona Department of Revenue, Arizona Tax Research Association



6.0 Commercial Viability

The Tierra Del Rio Master Plan initially envisioned the subject site to have Commercial Retail Centers that would serve the Tierra Del Rio community and surrounding communities. The plan listed potential big box anchors such as Home Depot or Costco. This section provides an overview of broader commercial trends as well as analyzes commercial and employment development in the North Peoria market.

6.1 Retail Market Trends

The Greater Phoenix retail market is currently experiencing some of its highest vacancy rates in history resulting from the effects of the Great Recession. According to Cassidy Turley Commercial Real Estate Services, the vacancy rate across the Valley reached 15% in 2011 and has since trended downward to 12.4% in the second quarter of 2013. Nearly 80% of this vacancy is in neighborhood and unanchored strip retail space as retailers either went out of business, closed non-performing stores or exited the Greater Phoenix market. Recent construction activity has been driven by outlet malls with the 360,000 square foot Phoenix Premium Outlets on the Gila River Indian Community and the 328,000 square foot Tanger Outlets Westgate which opened in Glendale in 2012.

Cassidy Turley estimates the retail vacancy rate for the Northwest Valley market area through the second quarter of 2013 at 12.8%, slightly above the Greater Phoenix vacancy rate. The vacancy data is not disaggregated to the individual cities or smaller regions, so the vacancy rate for North Peoria could vary from the total. However, of significance is the vacancy rate for neighborhood shopping centers at 15.0% and strip or unanchored centers at 14.9%. These two categories of retail centers account for over 75% of all vacant retail space in the Northwest Valley market area.

Retail Vacancy Rates Northwest Valley and Greater Phoenix					
	Inventory	Total Vacant	% Vacant	Net Absorption	Average Asking Rate
Northwest Valley					
Neighborhood	18,283,981	2,739,555	15.0%	95,903	\$12.97
Power	4,580,041	177,528	3.9%	(3,418)	\$26.56
Regional	6,114,870	766,873	12.5%	-	\$16.46
Specialty/Theme	1,073,344	70,627	6.6%	(17,588)	\$37.23
Strip	2,550,981	381,000	14.9%	(1,450)	\$12.73
TOTAL	32,583,027	4,156,162	12.8%	73,460	\$14.08
Greater Phoenix					
Neighborhood	31,623,146	13,383,766	14.0%	762,066	\$13.03
Power	20,032,864	1,350,326	6.7%	163,364	\$20.36
Regional	28,621,349	2,207,357	7.7%	(4,970)	\$18.97
Specialty/Theme	3,014,289	333,821	11.1%	13,007	\$24.54
Strip	12,673,911	2,114,358	16.7%	101,674	\$13.77
TOTAL	155,965,559	19,389,628	12.4%	906,006	\$14.81

Source: Cassidy Turley



Bricks and mortar retailing has been significantly affected over the past decade by several trends. Internet sales have had a major effect on store sales and the trend is expected to continue in the future. Retailers in electronics products and books have been especially hard hit. The rise of big box retailers and large power and community shopping centers has also dominated the retail market over the past two decades. The two largest retailers who anchor these centers, Target and Wal-Mart, have ventured into grocery sales, resulting in the curtailment of the development of traditional neighborhood shopping centers anchored by grocery retailers. In Greater Phoenix, there has been significant consolidation in the grocery industry as a result of this trend. The traditional grocery store industry today is down to four major chains – Safeway, Fry's, Albertson's and Basha's. The entrance of natural foods grocers such as Whole Foods has also cut into the traditional grocery store business.

Greater Phoenix is generally considered to be over-retailed. As one of the country's fastest growing regions, Greater Phoenix drew a wide variety of national retailers to the area over the last ten to twenty years, all hoping to take advantage of the rapidly growing population base. When the housing bust and Great Recession occurred, store closures occurred, resulting in the unexpectedly high retail vacancy rates. The market is now recovering, consumer confidence is increasing and retail vacancy rates are moderating. However, the market still needs a few more years to fully restore itself.

Based on current trends, it is the opinion of this firm that the retail market will continue to be dominated by power and community centers anchored by big box retailers. The buying power of these chains will continue to place pressure on traditional grocery retailers who have been the primary drivers behind the development of smaller neighborhood shopping centers.

6.2 Office Market Trends

The office in Greater Phoenix is also considered overbuilt. Overall office vacancy has been relatively stagnant and is currently reported at 22.1% according to Cassidy Turley. While this is down from peak vacancy experienced in 2010, it is still nowhere near a stabilized occupancy rate that would spur additional development. Most projects completed in recent years have been build-to-suit buildings.

Cassidy Turley estimates the office vacancy rate for the Northwest Valley market area in the second quarter of 2013 at 22%, approximately even with the Greater Phoenix vacancy rate. Much of the office inventory is located in more mature markets with a higher population base such as the Deer Valley Airport area, Camelback Corridor, Scottsdale Airpark, and the Downtown Phoenix/Sky Harbor region.



Office Vacancy Rates Northwest Valley and Greater Phoenix						
Northwest Valley	Bldgs	Inventory	Total Vacant	% Vacant	Net Absorption	Average Asking Rate
Class A	1	80,849	-	0.0%	6,900	N/A
Class B	19	833,957	203,702	24.4%	13,962	\$20.91
Class C	1	29,998	4,572	15.2%	(1,469)	\$16.96
TOTAL	21	944,804	208,274	22.0%	19,393	\$20.82
Greater Phoenix						
Class A	235	38,864,033	7,735,266	19.9%	242,429	\$23.24
Class B	800	53,620,322	12,633,564	23.6%	(178,960)	\$18.96
Class C	115	4,396,017	1,070,097	24.3%	(59,542)	\$15.78
TOTAL	1,150	96,880,372	21,438,927	22.1%	3,927	\$20.39

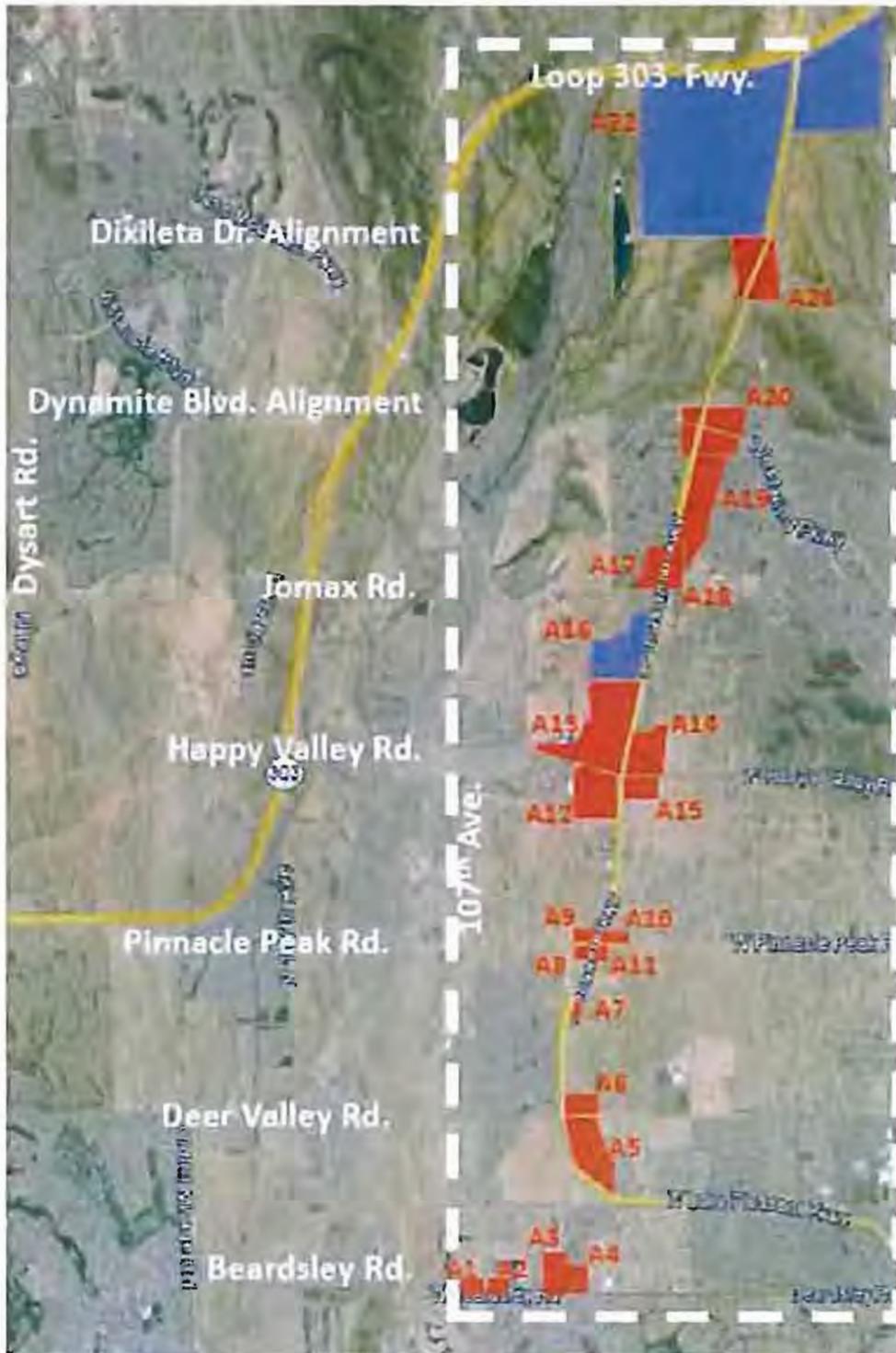
Source: Cassidy Turley

6.3 Existing Development and Available Land

Two study areas were analyzed in terms of commercial and employment land that is currently zoned. This was done to assess the availability of land for future development and to compare it to the subject site from a competitive standpoint. The first study area is the Lake Pleasant Parkway Corridor. This corridor has proven to be the preferred location for a wide variety of retailers and that trend is expected to continue. The second study area includes the Loop 303 Corridor which has great long term potential, especially as the region grows in population.

The following map illustrates the Lake Pleasant Parkway Corridor from Beardsley Road up to the Loop 303 interchange. Commercial uses make up a majority of individual parcels along this corridor. However, a significant amount of employment has been planned further north near the Loop 303. In total, there are over 1,281 acres of commercial and employment land along this corridor. Of that total, only 282.5 acres have been developed. That amounts to 17.8% of the total land zoned for commercial or employment purposes. This leaves nearly 1,054 acres left to be developed in this region alone.

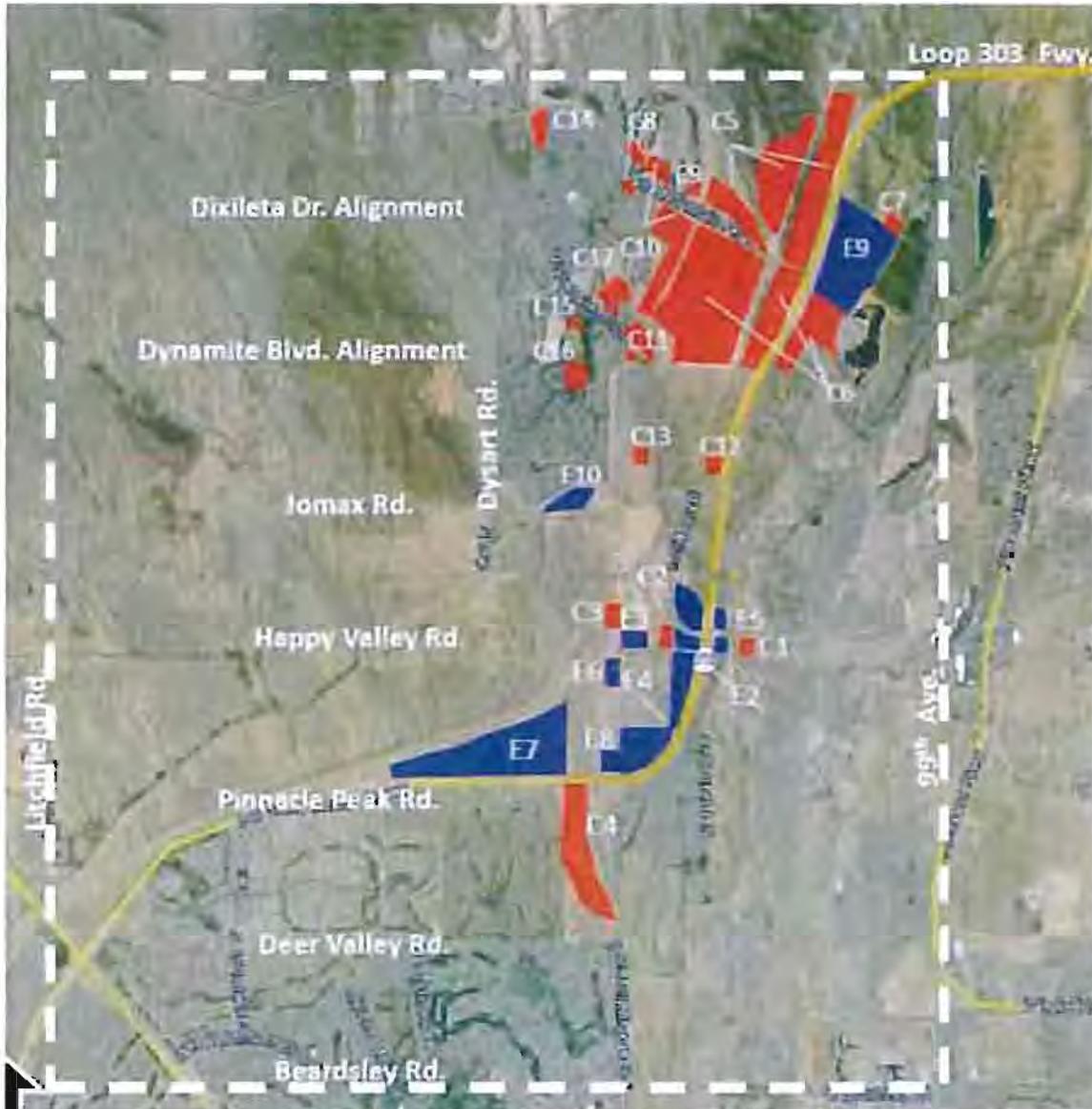




The second region of commercial and employment land along the Loop 303 corridor is displayed on the following map. As discussed previously, this region has very strong



long term prospects but may not experience significant development in the short term. There is approximately 2,529 acres of commercial and employment land in this area and only 41 acres have been developed. That represents less than 2% of available land. Indeed, there are decades of available commercial land in this area which will provide a significant retail and employment base for the City for years to come.



While much of the undeveloped land is in the northern part of this region, there is also a significant amount of available land in close proximity to the subject site. Undeveloped parcels surrounding the Happy Valley Road area total 113.58 acres (between Pinnacle



6.3.1 Immediate Region – Lake Pleasant Parkway and Happy Valley Road Intersection

Since the publishing of the Tierra Del Rio Master Plan report, over 1.3 million square feet of retail development has occurred at the intersection of Happy Valley Road and Lake Pleasant Parkway. This includes big box anchors such as Home Depot, Lowe's, Target, Michaels, Ross, Pier 1 and Mountainside Fitness. Dozens of restaurants and specialty retailers have occupied space within these retail centers as well, including auto and tire centers, pet supplies, cell phone, bedding, office supplies, banks, and personal care, among many others.



There is existing available space and vacancies within these existing developments. Future phases on improved land are planned for these projects as well. The following is a description of available space at each of the four developments located at this intersection.

Lake Pleasant Crossing (Northeast corner of Lake Pleasant & Happy Valley Road)

- Phase I has five pads available and a significant amount of shop space available in three other buildings. **Over 40,000 square feet.**
- Phase II (planned future phase) has an Anchor Space available, two spaces for Majors, one space for a Minor, two pads planned for shop space and three general pads available. **Approximately 180,000 square feet.**

Mountainside Crossing (Southeast corner of Lake Pleasant & Happy Valley Road)

- There are three pads available totaling **108,000 square feet.**
- Five shop spaces also available in two buildings. **6,443 square feet.**

Lake Pleasant Town Center (Northwest corner of Lake Pleasant & Happy Valley Road)

- There are two Majors, six pads, and shop space available. **97,866 square feet available.**
- Second phase state land frontage along Lake Pleasant Parkway could accommodate an additional **160,655 square feet.**

Lake Pleasant Pavilion (Southwest corner of Lake Pleasant & Happy Valley Road)

- There is a Junior Anchor space, pads, and shop space available. **49,174 square feet available.**

All totaled, there currently exists over **642,000 square feet** of available space at the existing centers at this intersection. Brokers representing these developments were all contacted and the response was consistent: Additional retail space would hurt existing space absorption and there is no apparent demand for more space for the foreseeable future.

6.4 General Plan Compatibility

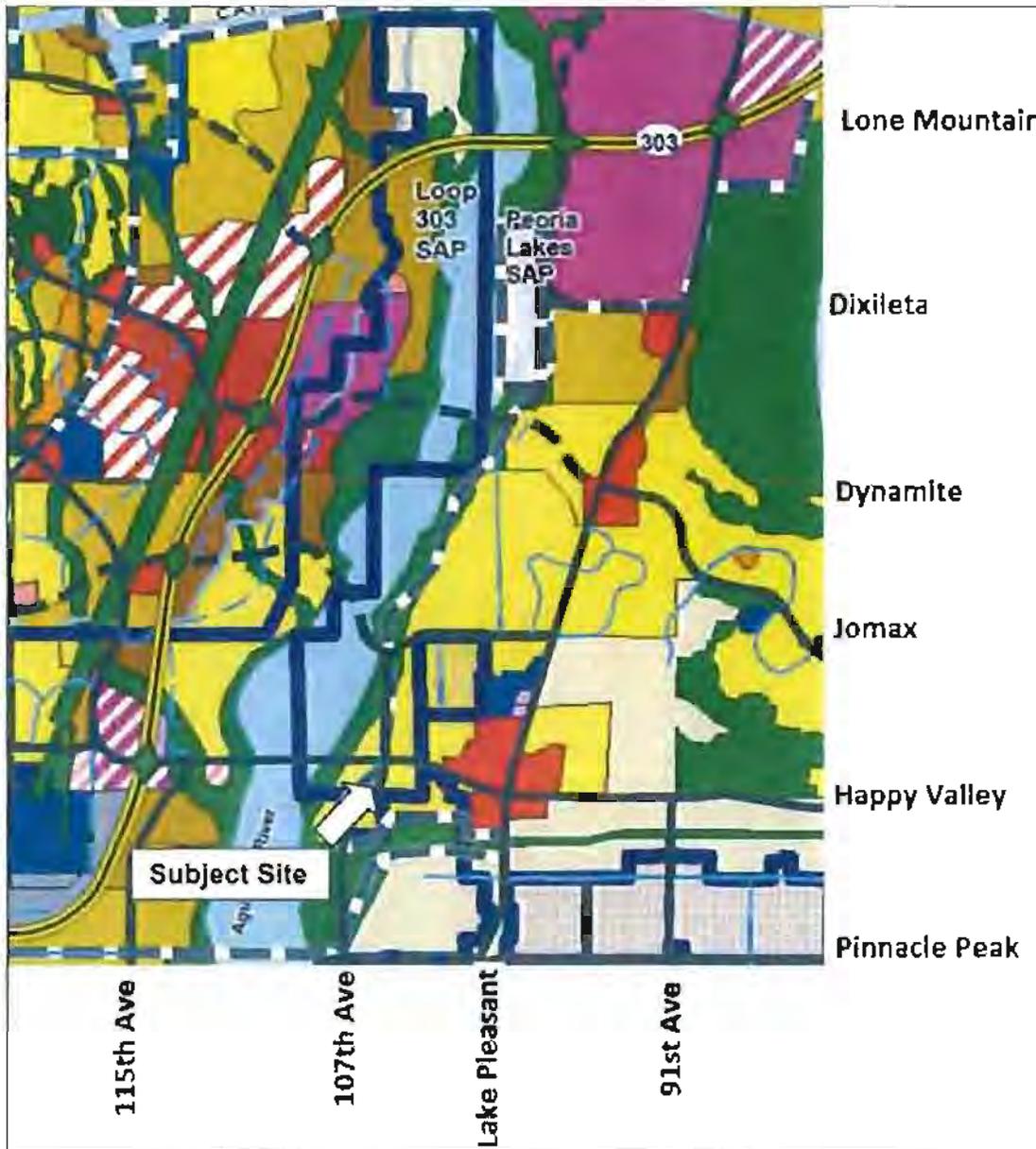
The 2011 General Plan Land Use Map designates the subject site as low density residential. This would be compatible with residential development both to the north and to the south of the site.

In addition to the subject site's suitability for residential development, the General Plan illustrates the compatibility of Lake Pleasant Parkway and the Loop 303 corridor for extensive retail and employment uses. Retail development has already occurred in



earnest at the intersection of Lake Pleasant and Happy Valley Road, with future phases planned on adjacent parcels.

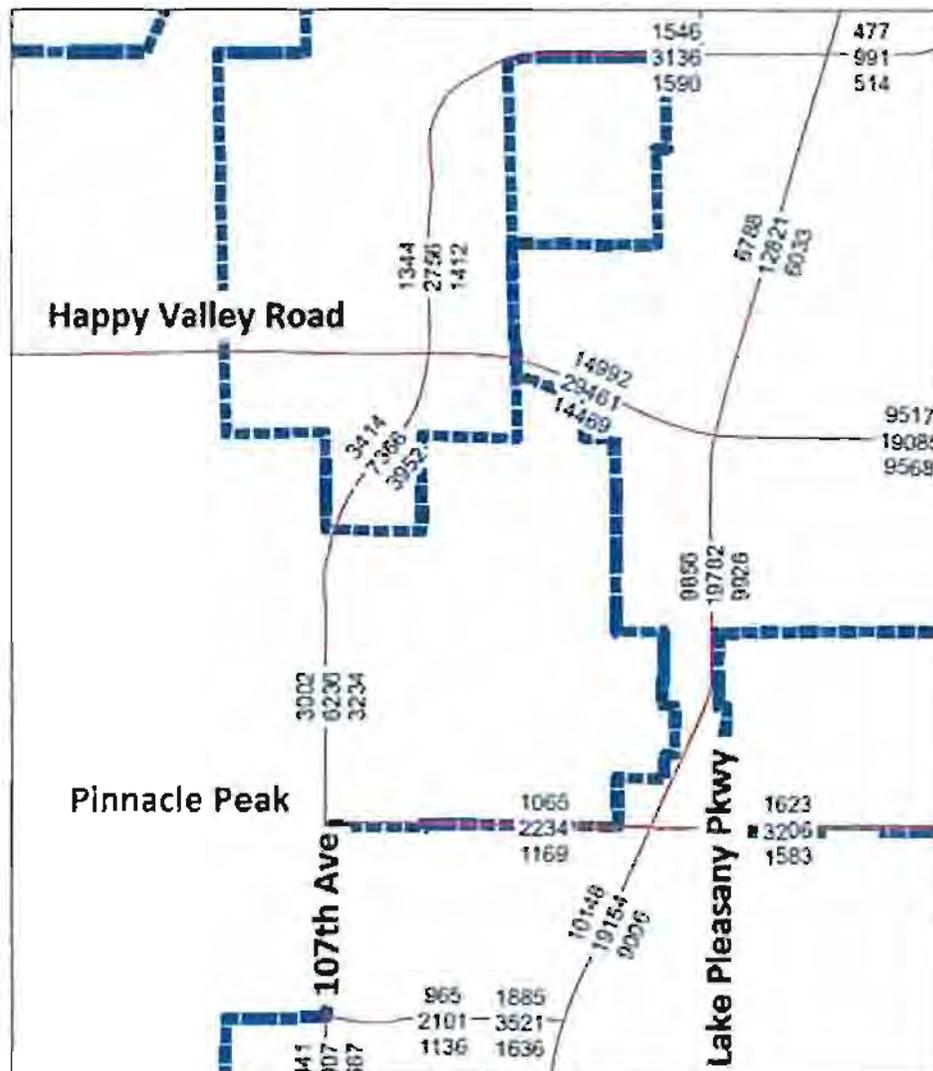
2011 City of Peoria General Plan Land Use Map



6.5 Traffic Counts and Accessibility

The following illustration shows the traffic counts for major roads surrounding the intersection of 107th Avenue and Happy Valley Road. Traffic data has been acquired from 2011 Peoria traffic counts.

Currently, Lake Pleasant Parkway's traffic counts south of Happy Valley Road are 2.7 times higher than the counts on 107th Avenue and 4.7 times higher than the counts on 107th Avenue north of Happy Valley Road.



Traffic counts are an important factor for shopping center tenants. High traffic intersections are highly sought after by developers as well as retailers. This concept is proven by the significant amount of retail developed and planned at the Lake Pleasant Parkway and Happy Valley Road intersection.



Happy Valley Road itself generates significant traffic, but access solutions are currently nonexistent from Happy Valley Road. The fact that the subject sites do not have access from Happy Valley Road is a significant factor that will affect its viability for neighborhood retail or employment uses.

6.6 Conclusions

In our opinion, the two parcels comprising the subject site at the southwest and southeast corners of 107th Avenue and Happy Valley Road currently zoned for commercial uses is not viable as a retail or employment site today or in the future. We base this opinion on the findings of the analyses contained in this report as outlined below.

- Lake Pleasant Parkway's traffic counts south of Happy Valley Road are 2.7 times higher than the counts on 107th Avenue and 4.7 times higher than the counts on 107th Avenue north of Happy Valley Road.
- The retail market in Greater Phoenix will continue to be dominated by power and community centers anchored by big box retailers for the foreseeable future. The buying power of these chains will continue to place pressure on traditional grocery retailers who have been the primary drivers behind the development of smaller neighborhood shopping centers. Unanchored shopping centers have historically had much higher vacancy rates than anchored centers.
- The site has no access from Happy Valley Road. Access could only be gained from 107th Avenue, a four-lane road separated by a raised, landscaped median.
- The Agua Fria River floodplain is located directly to the west and does not allow for either residential or commercial development. This is a hindrance to prospective commercial development because the area cannot provide any additional customer base.
- The Lake Pleasant Parkway corridor has proven to be a superior retail destination, especially at the Happy Valley Road intersection. Over 642,000 square feet is available in existing buildings, ready-to-build pads or in future phases at this intersection alone.
- Additional retail development is also expected less than 1.5 miles to the west at the intersection of the Loop 303 and Happy Valley Road.
- Both the Lake Pleasant Parkway corridor and the Loop 303 corridor have been extensively planned and are expected to be a significant draw for both retail and employment centers along their routes through North Peoria. The Lake Pleasant Parkway has already established itself as a retail draw due mainly to high traffic



counts as a major travel route. The subject site is located between these two major corridors.

With lower traffic counts, limited accessibility and a significant amount of existing and planned retail development in very close proximity, the subject site would be suitable for residential development.

While it is understandable that the City of Peoria desires to expand its commercial retail inventory, the development of retail shopping centers does not necessarily lead to additional retail sales, particularly when retail vacancy rates are at high levels. Retail sales originate from the spending of a community's residents, meaning there is a finite amount of spending that can occur based on the size of the resident population. Given that the area is in the northern portion of Peoria, the City is additionally not at risk of retail leakage to surrounding communities nor would the area have any real potential to capture spending from residents outside of the community.

We would advise Peoria to work to strengthen its existing retail real estate assets as opposed to protecting potential future commercial centers where they are not warranted or demanded. In the end, the addition of new retail centers in a community may have no effect on growing retail sales and may only disperse sales among competing shopping centers. A viable alternative strategy is to support and strengthen existing retail establishments where they are clearly demanded. This includes promoting residential development to support the retail base.



ORDINANCE NO 2013-25

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE TIERRA DEL RIO PLANNED AREA DEVELOPMENT REZONING APPROXIMATELY 71.2 ACRES OF LAND FROM COMMERCIAL PAD TO SINGLE-FAMILY RESIDENTIAL PAD; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on October 17, 2013 in zoning case Z04-34A.7 in the manner prescribed by law for the purpose of considering an amendment to the district boundaries of property within the City of Peoria, Arizona to provide for an amendment to the Tierra del Rio PAD rezoning 71.2 acres of land from Commercial PAD to Single-Family Residential PAD;

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times Newspaper on September 30, 2013; and

WHEREAS, the City of Peoria Planning and Zoning Commission has recommended to the Mayor and the Council of the City of Peoria, Arizona, the zoning of property as aforesaid and the Mayor and the Council of the City of Peoria, Arizona desires to accept such recommendation and rezone the property as described below as aforesaid.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona that:

SECTION 1. A parcel of land in Peoria, Maricopa County, Arizona, which is more accurately described in Exhibits A and B to this Ordinance, is hereby amended to provide a Single-Family Residential PAD zoning for 71.2 acres of land in the Tierra del Rio Planned Area Development.

SECTION 2. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

1. The development shall be in substantial conformance with the amended Tierra del Rio Planned Area Development (case Z04-34A.7) date stamped October 1, 2013.

2. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original case Z04-34 (Tierra Del Rio PAD) and the subsequent amendments (Z04-34A 1-4 and 6). These conditions shall remain in force for the PAD.
3. The developer of Parcels 2 and 3 shall be responsible for its respective portion of the Agua Fria River/Happy Valley Road Bridge and other off-site improvements payments ("The Vistancia Payment") as agreed upon in the Tierra del Rio Pre-Annexation and Development Agreement, dated February 11, 2005.
4. The Traffic Impact Analysis must be resubmitted with the preliminary plat. All previous comments must be addressed.
5. A Final Drainage Report shall be submitted with the Civil Improvement Plans.
 - Note that the City of Peoria has adopted the Maricopa County Uniform Drainage Design Standards, Policies and Procedures and Drainage Design Manual for Maricopa County for drainage criteria. Retention must be provided for the 100-year, 2-hour storm.
 - Provide a drainage report addressing onsite & offsite flows. The drainage report shall take into effect the adjacent drainage ways.
 - If utilized, all Drywells must be registered with the Arizona Department of Environmental Quality and drilling logs shall be provided to the City. The percolation rate shall be tested and the results provided to the City before the drywell is accepted.
 - On-site basins shall be provided to retain/detain 100% of the 100-year, 2-hour storm event for the sub-basin it serves. The volume shall be calculated based on the gross square footage of the site (including half-street areas).
6. The Developer shall purchase the excess ROW for Happy Valley Parkway. This shall be completed prior to the recordation of the Final Plat or permits being issued for either site.
7. It is the Developer's responsibility to relocate the gas line along the northern boundary line of Parcel 2.
8. The Developer shall construct the half-street improvements along Happy Valley Parkway (to include curb, gutter, 10' sidewalk, and streetlights).
9. The Developer shall submit a noise mitigation study in accordance with ADOT Noise Abatement Policy to address the anticipated truck traffic on Happy Valley and 107th Avenue. All walls shall be designed in accordance with the recommendations of the noise study.
10. The Developer shall dedicate an 8' PUE outside of the required ROW or private roadway Tract. No walls or retention shall be constructed within the PUE.

11. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at all intersections with collectors or arterials. The Developer shall dedicate a 20-foot by 20-foot ROW chamfer at all local/local roadway intersections

SECTION 3. Amendment of Zoning Map. The City of Peoria zoning map is herewith amended to reflect the change in districts referred to in Section 1 above and as defined by the Legal Description as represented in Exhibit A and the corresponding parcel map as shown as Exhibit B.

SECTION 4: Effective Date. This Ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria, Arizona this 19th day of November, 2013.

Bob Barrett, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times

Publication Dates: _November 29 and December 6, 2013

Effective Date:

EXHIBIT A

Legal Description Tierra del Rio

A Portion of Sections 32 of Township 5 North, Range 1 East and Portions of Sections 5, 6, 7 and 8 of Township 4 North, Range 1 East

Parcel 3 of the Replat of Tierra Del Rio, as recorded in Book 949, Page 13, records of Maricopa County, Arizona.

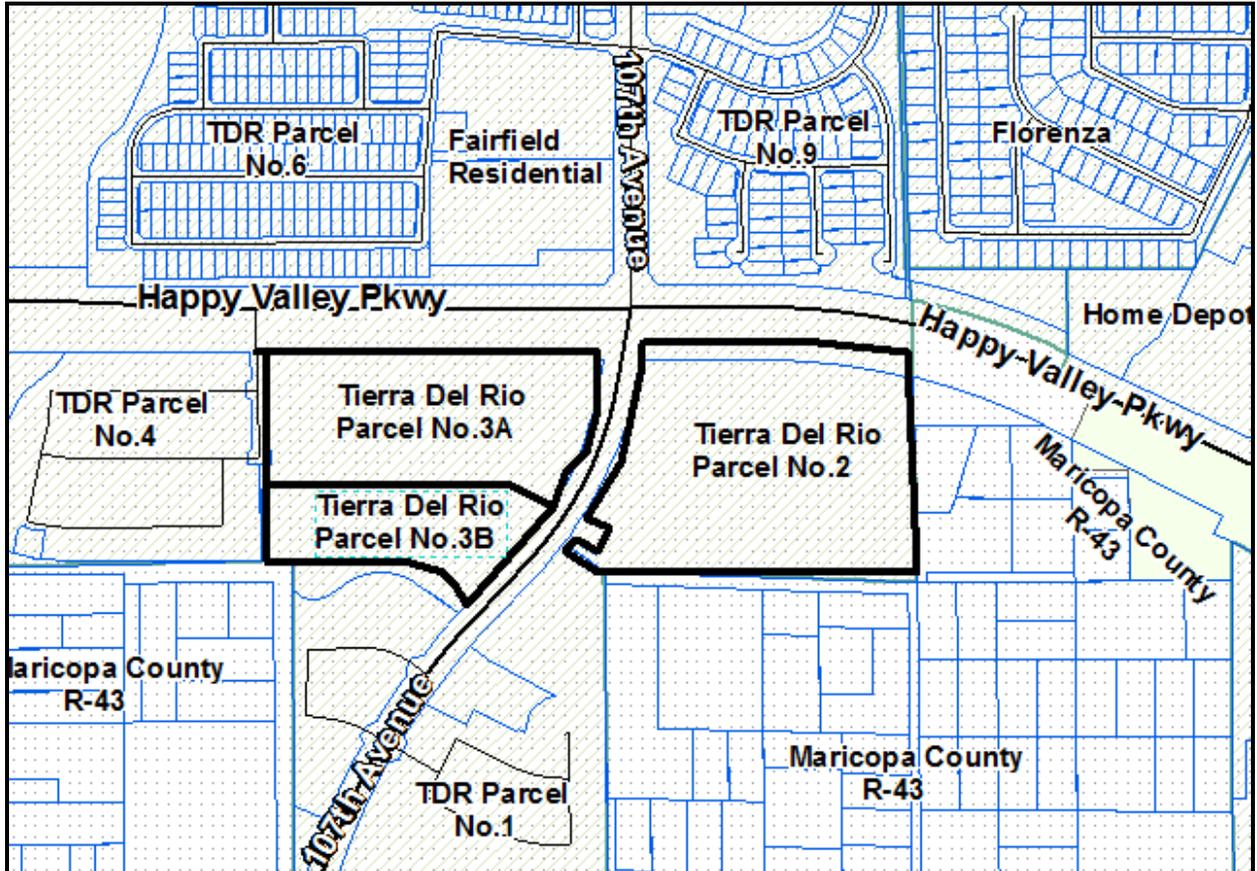
The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

The above described parcel contains 1,236,189 Square Feet (28.3790 acres) more or less.

Prepared by: HilgartWilson
1661 East Camelback Road
Suite 275
Phoenix, AZ
Job No. 1244
February 11th, 2013



EXHIBIT B
Map



**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 25R

Date Prepared: November 5, 2013

Council Meeting Date: November 19, 2013

TO: Carl Swenson, City Manager

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

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Arizona Sports and Tourism Authority FY 2014 Biennial Grant – Lighting of Youth/Amateur Sports Field – Sunset Heights Elementary School (PUSD #33)

Purpose:

This is a request for City Council to accept a grant from the Arizona Sports and Tourism Authority in the amount of \$127,008 for the lighting of the youth/amateur sport field at Sunset Heights Elementary School (PUSD #33), to enter into the FY 2014 Biennial Grant Funding Agreement (Exhibit 1), and to authorize the appropriate budget amendment.

Background/Summary:

City Council identified the need for lighting of youth/amateur sports fields in the northern portion of the city during the Fiscal Year 2014 budget discussions. \$125,000 was earmarked this fiscal year in the Community Works budget in the Capital Improvement Program.

Staff identified and researched two possible locations to receive youth/amateur sport field lighting. Sunset Park in Vistancia (an existing park) and Camino a Lago Park (a planned park with construction in FY2014) were targeted because the site conditions are conducive for sporting activities, which include: established sport field turf/amenities, essential parking, access, and proximity to adjacent elementary schools.

Staff started a public input process to seek feedback from adjacent homeowners through a series of public meetings and on-line questionnaires. Public meetings were scheduled as follows and held in conjunction with Park and Recreation Board meetings:

- June 20th at Parkridge Elementary to discuss the Camino a Lago location
- July 18th at Vistancia Elementary to discuss the Vistancia location
- August 15th at Sunrise Mountain Library to discuss both locations
- September 25th at Sunrise Mountain Library to discuss the Camino a Lago location

In all, 6,582 public meeting notices were mailed regarding the potential lighting of these facilities. In June, 2,806 letters were mailed to residents within the new school boundary located in the Camino a Lago subdivision and in September, 2,275 notices were mailed to residents within a ¼ mile of the Camino a Lago school/park site. In July, 1,501 were mailed to Vistancia residents within a ¼ mile of the Vistancia Elementary School/Sunset Park site. The notices advised residents of meeting dates and locations, as well as an invitation to visit Peoriaaz.gov/ParksRecPlanning to provide input via an on-line survey (Exhibit 2). Approximately 141 residents were in attendance at the four public meetings and the City received approximately 120 responses online. (Exhibit 3)

The Parks and Recreation Board took action at the August 15th meeting recommending to no longer pursue the lighting at Sunset Park in Vistancia, noting the site was not appropriate and there was strong and significant opposition to the project from the public meetings and online comments. However, the Board also recommended seeking another location in the Vistancia community in the area of a future community park to provided lighted sports fields.

At this same meeting, the Board also requested staff to seek additional citizen input regarding the Camino a Lago site because there was no definitive support or opposition for the project. Therefore, staff distributed additional information notices to the Camino a Lago community for the September 25th public meeting and once again allowed for comment online.

At the September 25th Park and Recreation Board meeting, there was much more support than opposition to the lighting project. After much discussion about the lighting amenity and park design modifications, the Board voted unanimously to recommend moving forward with the project at the Sunset Heights school site. (Exhibit 4)

While the public meeting process was underway this past summer, staff submitted an application to the Arizona Sports and Tourism Authority (AZSTA) to seek funding for lighting youth sports fields. Staff believed it would be a good idea to leverage the city funds from the Community Works program with grant funding to help light youth sports fields in northern Peoria.

AZSTA offers biennial grants to identify, solicit, develop and allocate funding for youth and amateur sports projects within Maricopa County that serve a wide variety of sporting and physical activity experiences. The city's lighting project at Sunset Heights Elementary School (PUSD #33) met the grant goals and objectives of AZSTA and the committee is recommending the award of \$127,008 to Peoria. The total project cost is \$252,008 and the proposal involves lighting the field at the southwest corner of the school site. The city had conducted communication with the executive staff at Peoria Unified School District (PUSD) to determine if there was support to light the ballfields at the school site. The City and PUSD have entered into similar successful arrangements at Cheyenne Elementary, Coyote Hills Elementary and Sunrise Mountain High School.

If City Council supports the field lighting project, staff will work closely with PUSD during construction of the school site to insure the lighting project works cooperatively with the new elementary school. Operational arrangements will be discussed with PUSD and an Intergovernmental Agreement will be established for this location that is similar with our previous agreements. Field usage is similar to other agreements that are in place with PUSD as this cooperative relationship has been very effective for several years.

Previous Actions:

There has been no previous action on this item.

Options:

A: City Council can accept the approved grant and move forward with lighting youth sports fields at the Sunset Heights Elementary School; entering into Agreement with AZSTA and authorizing budget amendment.

B: City Council could reject the grant funds.

C: Council can request additional information from staff.

Staff's Recommendation:

Recommend action to: a) accept the Youth and Amateur Sports FY 2014 Biennial Grant Funding Agreement; and b) and approve a budget transfer from the Proposed Grant contingency account to the parks and right-of-way improvement account in the amount of \$127,008.

Fiscal Analysis:

Staff requests a budget amendment in the amount of \$127,008 from Proposed Grant Contingency account 7990-7990-570000 to the parks and right of way improvements account 1000-1560-543005 and to authorize the use of the funds. The Community Works program account 1000-0310-543005-CIPPK-COP0001 has \$125,000 budgeted for this project.

Narrative:

If approved, staff will coordinate design and construction with the Peoria Unified School District.

Exhibit 1: FY 2014 Biennial Grant Funding Agreement

Exhibit 2: Notification Letter / Postcards

Exhibit 3: Survey Results

Exhibit 4: Site Map

Contact Name and Number: Kirk Haines, Parks Manager 773-7120

YOUTH AND AMATEUR SPORTS

FY 2014 BIENNIAL GRANT FUNDING AGREEMENT

By and Between

**TOURISM AND SPORTS AUTHORITY d/b/a
THE ARIZONA SPORTS AND TOURISM AUTHORITY,**

and

CITY OF PEORIA

Pertaining To

Camino a Lago Ball field and Lights

November 19, 2013

THIS AGREEMENT (the "Agreement") is made to be effective as of the ___ day of _____, 2013 by and between City of Peoria, a(n) Arizona Municipal Corporation (hereinafter called the "Recipient" or a "Party"), and the TOURISM AND SPORTS AUTHORITY d/b/a THE ARIZONA SPORTS AND TOURISM AUTHORITY, existing pursuant to the provisions of Arizona Revised Statutes ("A.R.S.") §§ 5-801 et seq., as the same may be modified or amended (collectively, the "Act"), as a corporate and political body of the State of Arizona and, except as otherwise limited, modified or provided by the Act, as a tax levying public improvement district (hereinafter called the "Authority" or a "Party"). The Recipient and the Authority are sometimes hereinafter collectively called the "Parties".

RECITALS

A. Pursuant to A.R.S. § 5-804, the Authority is authorized to enter into contracts and agreements as necessary to carry out the purposes and requirements of the Authority.

B. Pursuant to A.R.S § 5-809(A), the Authority is authorized to: (i) provide funds to acquire land or construct, finance, furnish, improve, market or promote the use of community youth and amateur sports facilities, recreational facilities and other community facilities or programs in Maricopa County; and (ii) do all things necessary or convenient to accomplish those purposes.

C. The Recipient has agreed to the Camino a Lago Ball field and Lights (hereinafter more particularly described and referred to as the "Project") to be used for community youth and amateur sports and recreation activities.

D. Pursuant to A.R.S. §5-809(B), the Board of Directors of the Authority (the "Authority Board") must require that the Recipient contribute to the development of the Project that amount that is equal to a minimum of one-half of the funds to be contributed, spent or distributed by the Authority with respect to the Project.

E. The Authority Board has determined that the Authority will, pursuant to this Agreement, provide partial funding for the Project.

AGREEMENT

NOW, THEREFORE, in consideration of the premises, the mutual obligations of the Parties hereto, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties acknowledge and agree as set forth in this Agreement:

ARTICLE I DEFINITIONS

Section 1.1 The following terms shall have the meanings set forth below whenever used in this Agreement, except where the context clearly indicates otherwise:

(a) "Act" means A.R.S. Title 5, Chapter 8, as amended.

(b) "Authority Contribution" means a maximum of \$127,008 based on the Project Costs. This represents approximately 50 percent of the total project costs of \$252,008 with the remaining balance to be provided by the Recipient (see Recipient Contribution) provided, however, that the total Authority Contribution shall not exceed the dollar amount equal to two thirds of the Project Costs (as defined in subsection (i) below). A reduction in the Project Costs will reduce the Authority Contribution on a pro-rata basis. An increase in the Project Costs will not increase the Authority Contribution but will be an obligation of the Recipient. _____(Grantee Initials)

(c) "Authority Representative" means the person or persons designated by the Authority to act on its behalf.

(d) "Contractor" means any person or entity entering into a Project Contract or other agreement associated with development of the Project.

(e) "Event of Default" means any one of the events described in Sections 9.1 and 9.2.

(f) "Project Scope" means the plans and specifications or other descriptions for the Project, as set forth on Exhibit A attached hereto and made a part hereof, together with such other plans and specifications or other descriptions which are hereafter prepared by and for the Recipient and approved by the Authority pursuant to Section 4.2(a) of this Agreement.

(g) "Project" means the project undertaken by the Recipient for or in connection with a youth and amateur sports and recreational facility consisting generally of placing field lights at the Camino a Lago site (Lake Pleasant Parkway and 98 Avenue, Peoria), all as more particularly set forth and described in the Project Scope.

(h) "Project Contract" means any agreement or agreements for the design, development, acquisition, installation, implementation and construction of all or a substantial part of the Project by and between a Contractor and the Recipient.

(i) "Project Costs" means the total costs for development, design, survey, land acquisition, installation, construction, engineering, construction administration and expenses directly related to the Project, all as set forth on Exhibit B attached hereto and made a part hereof together with such costs as may result from a change of plans pursuant to Section 4.2 of this Agreement.

(j) "Project Start and Completion Dates" means the anticipated or, if known, actual start and completion dates for the Project.

(k) "Recipient Contribution" means the Project Costs less the Authority Contribution.

(l) "Recipient Representative" means the person or persons designated by the Recipient to act on its behalf.

(m) "YAS Account" means the youth and amateur sports facilities account created pursuant to A.R.S. § 5-838 and maintained by the Authority.

ARTICLE II
PURPOSE; EFFECTIVE DATE; TERM

Section 2.1 Purpose. The purpose of this Agreement is to provide for the following:

(a) The design, development, acquisition, installation, implementation and construction of the Project; and

(b) The respective rights and obligations of the Parties with respect to the Project.

Section 2.2 Effective Date; Term; Automatic Termination. This Agreement shall be in full force and effect upon the date hereof and shall continue in full force and effect and shall be binding on the Parties until completion of the Project. Provided further that, notwithstanding anything contained in this Agreement to the contrary, the Parties agree that the rights and obligations of the Parties contained in Article 6 hereof shall survive termination of this Agreement.

Section 2.3 Notice of Award. The Recipient shall promptly notify the Authority in writing and provide written evidence of the award of the first Project Contract.

ARTICLE III
OBLIGATIONS OF THE PARTIES

Section 3.1 Recipient Contribution. The Recipient shall fully fund or cause to be funded the Recipient Contribution prior to the execution of this Agreement and prior to the actual expenditure of any funds or use of any in-kind contributions toward the Project and the Project Costs. The Recipient shall document and provide evidence as part of Exhibit C from all sources totaling the Recipient Contribution.

Section 3.2 Recipient Representative. The Recipient shall designate Kirk Haines, Parks Manager, City of Peoria, 9875 N. 85 Avenue, Peoria, Arizona 85345, Kirk.Haines@peoriaaz.gov, 623-773-7120 as the Recipient Representative.

Section 3.3 Authority Contribution; Payments.

(a) From funds lawfully deposited or to be deposited in the YAS Account the Authority shall deliver the Authority Contribution to the Recipient on a pro-rata, reimbursement basis as expenditures for Project Costs are incurred. The Recipient, prior to delivery of funds by the Authority, shall present to the Authority's satisfaction sufficient documentary evidence of all expenditures requiring reimbursement. The Recipient shall use the form "Project Cost Reimbursement Request Form" (Exhibit E) to create the reimbursement request. This form may also be available for download at www.az-sta.com

(b) The Authority Contribution shall not be used for expenditures related to fixed overhead/administrative expenses (e.g. salaries, rent, utilities, etc.), loans or endowments, conferences, individuals, golf tournaments or benefit tables, travel expenses outside of Maricopa County, capital campaigns, funding to maintain the sustainability of an organization or program, or anything else deemed by the Authority, in its sole and absolute discretion, as not serving the youth and amateur sports community within Maricopa County.

(c) Except as otherwise provided herein, no obligation of the Authority under or arising out of this Agreement or any document executed by the Authority in connection with the Project shall impose, give rise to or be construed to authorize or permit a debt or pecuniary liability, or a charge against the general credit of the Authority. After the Authority has delivered to the Recipient the Authority Contribution as required by Section 3.3(a) above, the Authority shall have no further obligation to contribute to payment of the Project Costs. The Authority makes no representation or warranty express or implied that the Authority Contribution together with the Recipient Contribution will be sufficient to pay the Project Costs.

(d) A reduction in the Project Costs shall proportionately reduce the Authority Contribution. An increase in the Project Costs shall not increase the Authority Contribution but will be an obligation of the Recipient who must provide evidence to the Authority that these funds have been secured prior to the work related to the increase being undertaken. _____(Grantee Initials)

Section 3.4 Authority Representative. The Authority shall designate Robin Lea-Amos, Grants Program Coordinator, as the Authority Representative. Her contact information is One Cardinals Drive, Glendale, AZ 85305 or robin@az-sta.com.

Section 3.5 Obligation of the Recipient to Complete the Project. The Recipient shall complete the Project in accordance with the Project Scope (as such Project Scope may be modified or amended pursuant to Section 4.2 hereof).

ARTICLE IV PROJECT COSTS AND PROJECT SCOPE

Section 4.1 Changes in Project Costs. Any increase in the Project Costs because of a change in Project Scope provided by Section 4.2 shall not increase the Authority's financial obligation beyond the Authority Contribution in any manner.

Section 4.2 Project Scope.

(a) Changes to Project Scope. Any Project Scope not finalized or completed as of the effective date hereof and, thereafter, any change in the Project Scope, shall be submitted, upon their completion, to the Authority for review and written approval of the Authority Representative. Notwithstanding the foregoing, minor changes to the Project Scope shall not be subject to approval of the Authority. Minor changes are defined as ten percent of the Project Costs or \$10,000, whichever is smaller.

(b) Changes to Project Start and Completion Dates. The project must be completed within 12 months of the funding agreement's execution unless otherwise agreed to by the Authority and documented in the funding agreement. Any change to the Project which will delay the Completion Date by more than thirty (30) days shall be submitted to the Authority for review and written approval by the Authority Representative. Included in the extension request should be the revised projected completion date and explanation of delay. _____ (Grantee Initials)

ARTICLE V
DEVELOPMENT OF THE PROJECT

Section 5.1 Development of the Project. The Recipient shall promptly commence and diligently pursue the Project to completion in accordance with the development schedule described to the Authority. The Recipient shall perform such duties as may be necessary to complete development of the Project pursuant to the Project Scope and in a good and workmanlike manner and all in full compliance with all applicable laws, zoning ordinances, municipal ordinances, regulations and orders of Federal, State, County, local and regulatory authorities of every kind and with all covenants, conditions and restrictions affecting the Project.

Section 5.2 Acknowledgement of Authority Contribution. The Recipient will indicate or will cause to be indicated, on all construction and permanent signage at the Project, that the Authority has provided partial funding for construction of the Project.

Section 5.3 Owner's Policy. The Recipient shall maintain an "Owners and Contractors Protective Liability" insurance policy or some other appropriate insurance policy with a coverage amount equal to the full amount of the estimated Project Costs (the "Recipient's Policy"). The Authority shall be named as an additional insured under the Recipient's Policy. _____ (Grantee Initials)

ARTICLE VI
MANAGEMENT, OPERATION AND MAINTENANCE

Section 6.1 Management, Operation and Maintenance by the Recipient. The Recipient, at its own cost and expense, shall manage, operate, maintain and insure the Project in a manner in compliance with law and good operating practices over the course of the useful life of the Project. This project is determined to have a minimum useful life of 25 years.

Section 6.2 Reimbursement of the Authority Contribution. If the Authority reasonably determines that the Recipient has not or is not able to maintain and preserve the Project so that the minimum useful life is achieved, the Authority has the right to be reimbursed, on a straight-line, pro-rata basis, for its Authority Contribution. The Authority must notify the Recipient in writing of its determination and its request for reimbursement. The Recipient will be granted up to sixty (60) days to remedy the situation after which the Authority will reasonably determine whether or not a remedy has been implemented or to require reimbursement. If reimbursement is required, the reimbursement amount will be calculated by the Authority as the Authority Contribution less the Authority Contribution divided by the minimum useful life in years times the number of actual years of useful life achieved (based on the Completion date of the Project). The Recipient shall deliver the reimbursement to the Authority within thirty (30) days of the Authority's final written decision to the Recipient.

Section 6.3 Maintenance of Required Insurance. The Recipient shall maintain insurance in an amount and with the terms and conditions sufficient to fully cover all losses related to the Project. The Recipient shall name the Authority as an additional insured for all such policies.

Section 6.4 Books and Records Maintained by the Recipient. Subject to applicable law, during development of the Project and for a period of five (5) years after completion of the Project, Recipient shall at all times keep accurate and complete books, records and accounts with respect to all of Recipient's activities related to the Project, such books, records and accounts to be maintained at Recipient's principal place of business. Subject to applicable laws, during development of the Project and for a period of five (5) years after completion of the Project, Authority, or any persons designated by it, shall have the right, without hindrance or delay, but only upon three (3) days prior written notice and during normal business hours, to inspect, audit, check and make extracts from the Recipient's books, records and accounts, including, without limitation, all journals, orders, receipts and any correspondence and other data relating to the books, records and accounts related to the Project as may be maintained, generated or stored; provided, however, that at any time after such five (5) year period the Authority requests reasonable access to the Recipient's books, records and accounts, the Recipient shall not deny the Authority reasonable access. Recipient hereby irrevocably authorizes any person, including, without limitation, any of Recipient's employees or agents, having possession or control of any such books, records and accounts to make them available for the Authority's inspection upon Authority's request or, at the option of the Authority, make any computer programs or mechanical devices or program related thereto and related to the Project available to the Authority.

Section 6.5 No Assignments or Changes in Use. The Recipient shall not sell, convey, transfer, assign, dispose of or further encumber the Project or any part thereof or any interest therein or enter into any lease covering all or any portion thereof or an undivided interest therein, either voluntarily, involuntarily or otherwise, or enter into an agreement or contract to do so that would materially affect the Recipient's ability to fulfill its obligations under or carry out the transactions contemplated by this Agreement or operate and maintain the Project as a youth and amateur sports and recreational facility or that would materially affect the Authority's ability to exercise any of its rights set forth in this Agreement, without the prior consent of the Authority which consent shall be at the Authority's sole and absolute discretion. The Recipient shall give the Authority at least thirty (30) days prior written notice of any transaction that would require the consent of the Authority pursuant to this Section 6.5.

Section 6.6 No Liens on the Project. With the exception of liens which the Recipient is actively contesting or which allow periodic payments leading to their complete satisfaction so long as such payments are not in default, if any, the Recipient shall not create or place, permit to be created or placed or, through any act or failure to act, acquiesce in the creation or placing of, or allow to remain, any mortgage, lien (statutory, constitutional or contractual), pledge, security interest, encumbrance or charge or conditional sale or other title retention agreement on the property, either real or personal, comprising the Project other than liens, encumbrances or conveyances consented to by the Authority which consent shall be at the sole and absolute discretion of the Authority.

Section 6.7 Monitoring and Reporting Requirements. The Authority Representative, or a duly appointed agent of the Authority, shall monitor and inspect the progress of the Project during the course of development and construction as well as during the expected useful life of the Project.

(a) Monthly Report. The Recipient shall, during the course of development and construction and/or acquisition of the Project, provide the Authority with a monthly progress report. The report

shall be provided to the Authority by no later than the fifteenth of the following month. The Recipient shall use the Project Progress Reporting Form as defined in Exhibit D and may be made available through the Authority's website (www.az-sta.com) in order to provide the Authority with Project progress information as defined in the template in addition to digital photographs. The Authority may withhold payment of reimbursement requests if complete and accurate Monthly Reports are not filed with the Authority as required. _____(Grantee Initials)

(b) Wrap-Up Report. The Recipient shall provide a final report using the Project Progress Reporting Form (Exhibit D) at the completion of the project. This report shall be provided to the Authority within thirty (30) days of the completion of the project and coincide with the final reimbursement request to the Authority.

(c) Sending the Monthly and Wrap-Up Reports. The monthly and wrap-up reports shall be transmitted electronically to the Authority along with applicable digital photographs to the following email address: robin@az-sta.com, or to such other address as is proscribed by the Authority.

ARTICLE VII WARRANTIES, REPRESENTATIONS AND COVENANTS

Section 7.1 Representations, Warranties and Covenants by the Recipient. The undersigned, on behalf of the Recipient, but not individually, represents and warrants to, and covenants with, the Authority that:

(a) The Recipient is a(n) Municipality duly organized and existing under the laws of the State of Arizona, and has full legal right, power and authority to: (i) enter into this Agreement and (ii) carry out and consummate the transactions contemplated by this Agreement;

(b) The Recipient's Board of Directors (i) has duly authorized and approved the execution and delivery of, and the performance of its obligations under this Agreement and (ii) has duly authorized and approved the consummation of all other transactions contemplated by this Agreement;

(c) This Agreement has been duly executed and delivered by the Recipient and is a legal, valid and binding agreement of the Recipient enforceable in accordance with its terms, subject as to enforcement of remedies to applicable bankruptcy, insolvency, reorganization, moratorium and similar laws in effect from time to time affecting the rights of creditors generally and subject to the availability of equitable relief;

(d) To the knowledge of the Recipient, the consummation of the transactions contemplated in this Agreement does not conflict with or constitute a material breach of or material default under any provision of applicable law or administrative regulation of the State of Arizona or the United States of America or any department, division, agency or instrumentality thereof or any applicable judgment or decree or any loan agreement, bond, note, resolution, ordinance, indenture, agreement or other instrument to which the Recipient is a party or may be otherwise subject, to the extent that such conflict, breach or default would materially adversely affect or impact the terms or performance of this Agreement;

(e) To the knowledge of the Recipient, the Recipient is not in material breach of or material default under any loan agreement, bond, note, resolution, ordinance, indenture, agreement or other instrument to which the Recipient is a party or may be otherwise subject and no event has occurred and is continuing that constitutes, or that with the passage of time or the giving of notice or both would constitute, a material breach of or a material default under any such agreement, to the extent that such conflict, breach or default would materially adversely affect or impact the terms or performance of this Agreement or any of the transactions contemplated by this Agreement;

(f) To the knowledge of the Recipient, there are no events or conditions, either in any single case or in the aggregate, that materially adversely affect or in the future might materially affect the Recipient's condition, financial or otherwise, or materially affect the Recipient's ability to fulfill its obligations under or carry out the transactions contemplated by this Agreement;

(g) The Recipient has made or will make all required filings with and has obtained all material approvals, consents and orders of any government authority, board, agency or commission having jurisdiction that would constitute a condition precedent to performance by the Recipient of its obligations under this Agreement.

Section 7.2 Representations, Warranties and Covenants by the Authority. The undersigned, on behalf of the Authority but not individually, represents and warrants to, and covenants with, the Recipient as follows:

(a) Except as otherwise modified by the Act, the Authority is organized and existing under the laws of the State of Arizona as a corporate and political body having all the rights, powers and immunities of a municipal corporation, and has full legal right, power and authority to (i) enter into this Agreement and (ii) carry out and consummate the transactions contemplated by this Agreement;

(b) Any and all hearings, ordinances and approvals prerequisite to the execution and delivery of this Agreement have been held, enacted or granted and in the processing thereof all notice and hearing requirements under applicable law have been fully complied with, including, but not limited to, open meeting laws of the State of Arizona;

(c) The Authority Board (i) has duly authorized and approved the execution and delivery of, and the performance of its obligations under this Agreement and (ii) has duly authorized and approved the consummation of all other transactions contemplated by this Agreement;

(d) This Agreement has been duly executed and delivered by the Authority and is a legal, valid and binding agreement of the Authority enforceable in accordance with its terms, subject as to enforcement of remedies to applicable bankruptcy, insolvency, reorganization, moratorium and similar laws in effect from time to time affecting the rights of creditors generally and subject to the availability of equitable relief;

(e) To the knowledge of the Authority, the consummation of the transactions contemplated in this Agreement will not conflict with or constitute a breach of or default under any provision of applicable law or administrative regulation of the State of Arizona or the United States of America or any department, division, agency or instrumentality thereof or any applicable judgment or decree or any loan agreement, bond, note, resolution, ordinance, indenture, agreement or other instrument to

which the Authority is a party or may be otherwise subject, to the extent that such conflict, breach or default adversely affects or impacts the terms or performance of this Agreement, any of the transactions contemplated by this Agreement;

(f) To the knowledge of the Authority, the Authority is not in material breach of or default under any such provision, and no event has occurred and is continuing that constitutes, or that with the passage of time or the giving of notice or both would constitute, a breach of or a default under any such provisions, to the extent that such conflict, breach or default adversely affects or impacts the terms or performance of this Agreement or any of the transactions contemplated by this Agreement;

(g) To the knowledge of the Authority, there are no events or conditions that, either in any single case or in the aggregate, materially adversely affect or in the future might (so far as can reasonably be foreseen) materially affect the Authority's condition, financial or otherwise, or materially affect the Authority's ability to fulfill its obligations under or carry out the transactions contemplated by this Agreement;

(h) The Authority has made or will make all required filings with and has obtained all material approvals, consents and orders of any government authority, board, agency or commission having jurisdiction that would constitute a condition precedent to performance by the Authority of its obligations under this Agreement.

ARTICLE VIII ASSIGNMENT

Section 8.1 This Agreement may not be assigned by the Authority or the Recipient without the prior written consent of the other Party.

ARTICLE IX EVENTS OF DEFAULT

Section 9.1 Recipient Events of Default. The following shall be "Events of Default" by the Recipient under this Agreement:

(a) If any warranty or representation of the Recipient herein contained shall prove to be false, misleading, untrue or incorrect in any material respect.

(b) If the Recipient breaches or defaults in the performance or observance of any material covenant, promise, undertaking or agreement contained in this Agreement and fails to cure the same or fails to diligently and continuously pursue or perform the actions necessary to cure the same within thirty (30) days after written notice to the Recipient by the Authority of such breach or default; provided, however, if the failure stated in the written notice cannot be corrected within the applicable period, the Authority may consent to an extension of such time if corrective action is instituted by the Recipient as appropriate, within the applicable period and diligently pursued until the default is corrected. In no event shall the cure period set forth in this Section 9.1(b) be longer than one hundred eighty (180) days from the Recipient's receipt of notice from the Authority.

(c) If the Recipient (i) files a voluntary petition in bankruptcy, (ii) fails to promptly lift any execution, garnishment or attachment, (iii) is adjudicated as a bankrupt, (iv) fails or is unable to pay its debts generally as they become due, (v) admits in writing its inability to pay its debts, (vi) makes a general assignment for the benefit of creditors, (vii) enters into an agreement of composition with creditors, or files a petition applicable to the Recipient in any proceedings instituted under the provisions of the Federal Bankruptcy statute, as amended, or under any similar acts that may hereafter be enacted, and such petition is not dismissed within sixty (60) days after service on the Recipient; or if a receiver or trustee or custodian has been appointed in any proceeding for all or substantially all of the Recipient's property or assets; or if the Recipient has requested the appointment of such receiver, trustee or custodian; or if the Recipient is adjudged insolvent under any state insolvency law.

(d) If any suit or legal action materially affecting the Project, the construction of the Project or the operation and use of the Project is filed and the Recipient fails to take steps that the Authority, in its sole and absolute discretion, determines is satisfactory to defend or resolve such action within ninety (90) days after written notice to the Recipient by the Authority.

(e) If the Project shall be damaged or destroyed by fire or other casualty. However, this shall not be an Event of Default if the Recipient receives insurance proceeds or uses other funds sufficient to repair or restore the Project to its original condition and quality and the Recipient promptly repairs or restores the Project. In no event shall such repair or restoration commence later than sixty (60) days after receipt of said funds.

Section 9.2 Authority Events of Default. The following shall be "Events of Default" by the Authority under this Agreement:

(a) If any warranty or representation of the Authority herein contained shall prove to be false, misleading, untrue or incorrect in any material respect.

(b) If the Authority breaches or defaults in the performance or observance of any of its covenants, promises, undertakings or agreements contained in this Agreement or fails to perform any requirements under the Act necessary to the satisfaction of its requirements hereunder and shall fail to cure the same or fails to diligently and continuously pursue or perform the actions necessary to cure the same within thirty (30) days after written notice to the Authority by the Recipient of such breach or default; provided, however, if the failure stated in the written notice cannot be corrected within the applicable period, the Recipient shall not unreasonably withhold its consent to an extension of such time if corrective action is instituted by the Authority, as appropriate, within the applicable period and diligently pursued until the default is corrected. In no event shall the cure period set forth in this Section 9.2(b) be longer than one hundred eighty (180) days from the Authority's receipt of notice from the Recipient.

(c) If the Authority (i) files a voluntary petition in bankruptcy, (ii) fails promptly to lift any execution, garnishment or attachment, (iii) is adjudicated as a bankrupt, (iv) fails or is unable to pay its debts generally as they become due, (v) admits in writing its inability to pay its debts, (vi) makes a general assignment for the benefit of creditors, (vii) enters into an agreement of composition with creditors, or files of a petition applicable to the Authority in any proceedings instituted under the provisions of the Federal Bankruptcy statutes, as amended, or under any similar acts that may

hereafter be enacted, and such petition is not dismissed within sixty (60) days after service on the Authority; or if a receiver or trustee or custodian has been appointed in any proceeding for all or substantially all of the Authority's property or assets; or if the Authority has requested the appointment of such receiver, trustee or custodian; or if the Authority is adjudged insolvent under any state insolvency law.

Section 9.3 Termination Related to Severed Provision. If any action, rule, law or decision of any legislative or administrative body or of any court should materially impair or materially and adversely affect the enforceability of any term or provision of this Agreement, the Authority and the Recipient shall take all steps necessary to contest the same and, if not successful in such contest, to extent permissible under applicable law, shall amend this Agreement to further the purpose and intent hereof.

ARTICLE X MISCELLANEOUS

Section 10.1 Waiver. In the event any agreement contained in this Agreement should be breached by any Party and thereafter waived by the other Party, such waiver shall be in writing and signed by an authorized representative of the Party granting the waiver and shall not be deemed to waive any other breach hereunder.

Section 10.2 Accuracy of Representations and Warranties. The Parties acknowledge that each and every representation and warranty in this Agreement shall be true and accurate as of the date of execution of this Agreement, shall constitute a material part of the consideration hereunder and shall survive the execution of this Agreement.

Section 10.3 Amendments. This Agreement may not be changed, modified or rescinded, except in writing, signed by the Parties hereto, and any attempt at oral modification of this Agreement shall be void.

Section 10.4 Notices.

(a) The Authority and the Recipient shall notify each other in writing:

(i) Promptly of any claim, demand, action, or dispute that involves the rights, interests, properties or obligations of the Parties, particularly those which involves the interpretation of any of the provision of, or the rights of the Parties under, this Agreement or any other claim, demand, action or dispute that may, directly or indirectly, materially affect the Project.

(ii) Immediately of the attachment or seizure, by process of law or otherwise, the Project or any monies held by either Party for the purpose of funding the Project.

(b) Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if (i) delivered to the party at the address set forth below, (ii) deposited in the U.S. Mail, registered or certified, return receipt requested, to the address set forth below, (iii) given to a recognized and reputable overnight delivery service, to the address set forth below or (iv) delivered by facsimile transmission to the number set forth below:

As to the Authority: President, Chief Executive Officer
Tourism and Sports Authority
1 Cardinals Drive
Glendale, Arizona 85305
Attention: Thomas R. Sadler
Facsimile: (623) 433.7510

With a copy to: General Counsel
Tourism and Sports Authority
c/o Fennemore Craig, P.C.
3003 N. Central Avenue, Suite 2600
Phoenix, Arizona 85012
Attention: Sarah A. Strunk, Esq.
Facsimile: (602) 916-5527

As to the Recipient: Kirk Haines, Parks Manager
City of Peoria
9875 N. 85 Avenue
Peoria, AZ 85345
Facsimile: (623) 773-7180

or at such other address, and to the attention of such other person or officer, as any party may designate in writing by notice duly given pursuant to this Section. Notices shall be deemed received (i) when delivered to the party, (ii) three (3) business days after being placed in the U.S. Mail, properly addressed, with sufficient postage, (iii) the following business day after being given to a recognized overnight delivery service, with the person giving the notice paying all required charges and instructing the delivery service to deliver on the following business day, or (iv) when received by facsimile transmission during the normal business hours of the recipient. If a copy of a notice is also given to a party's counsel or other recipient, the provisions above governing the date on which a notice is deemed to have been received by a party shall mean and refer to the date on which the party, and not its counsel or other recipient to which a copy of the notice may be sent, is deemed to have received the notice.

Section 10.5 Entire Agreement. This Agreement represents the entire agreement of the Parties with respect to its subject matter, and all agreements, oral or written, entered into prior to this Agreement are revoked and superseded by this Agreement.

Section 10.6 Severability. If any provision of this Agreement is declared void or unenforceable, such provision shall be deemed severed from this Agreement and this Agreement shall otherwise remain in full force and effect.

Section 10.7 Time is of the Essence. Time is of the essence of this Agreement in each and all of its provisions.

Section 10.8 Governing Law. This Agreement shall be construed in accordance with the law of the State of Arizona.

Section 10.9 Disadvantaged Business Entities. The Authority has a strong desire and interest in encouraging disadvantaged business enterprises in the same manner and respect as for the multipurpose facility as contemplated by A.R.S. §5-813. Therefore, the Authority strongly encourages the Recipient to consider implementing disadvantaged business enterprise participation goals for the design, engineering, construction and operation of the Project.

Section 10.10 Conflicts of Interest. The provisions of A.R.S. § 38-511 (cancellation of contracts with State or political subdivisions for conflict of interest) are applicable to this Agreement and the terms thereof are incorporated herein by this reference.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of this ____ day of _____, 2013.

"Recipient"

CITY OF PEORIA

Bob Barrett, Mayor

Date

Approved as to form and found to be within the powers and authority of the City of Peoria under the laws of the State of Arizona.

Attest:

Stephen Kemp, City Attorney
City of Peoria

Rhonda Geriminsky, City Clerk

"Authority"

**TOURISM AND SPORTS AUTHORITY
d/b/a THE ARIZONA SPORTS AND
TOURISM AUTHORITY**

By: _____
Name: Thomas R. Sadler
Title: President, Chief Executive Officer

**APPROVED AS TO FORM AND IN
ACCORDANCE WITH A.R.S. §11-952(D)**

By: _____
General Counsel

EXHIBIT A

PROJECT SCOPE

Must be completed by Grantee

Estimated project start date: December 2013

Estimated completion date: August 2014

Description (scope) of project:

Electrical Design and Engineering Design of the field lights – December 2013 to February 2014

Permitting and Utility – February 2014 to April 2014

Placement of Lighting at the field – April 2014 to August 2014

EXHIBIT B

PROJECT COSTS

Must be completed by Grantee

Enter values on the Excel worksheet below by DOUBLE CLICKING on it to open it up. When you are finished press 'Esc' to exit and save the worksheet

Arizona Sports and Tourism Authority Final Budget for Project Funding Agreement - Facility Construction/Renovation and/or					
#	Project Item Description	Cost	Source of Funding - Applicant		
			Cash	In-Kind	Total
Facility Construction/Renovation					
1	Land (_____ acres@\$ _____ /ac)				\$ -
Infrastructure and Parking					
2	On-site access roads and drives				-
3	Electrical distribution				-
4	Site utilities and storm drainage				-
5					-
6					-
7					-
					-
	Subtotal:Infrastructure & Parking	\$ -	\$ -	\$ -	\$ -
Site Work/Landscaping/Irrigation					
8					-
9					-
10					-
11					-
12					-
13					-
					-
	Subtotal:Site Work/Landscaping/Irrigation	\$ -	\$ -	\$ -	\$ -
Facility Construction/Renovation (hard costs)					
14	Lighting				-
15					-
16					-

EXHIBIT C

RECIPIENT CONTRIBUTION SOURCES

The City of Peoria's matching funds of \$125,000 are secured in the City's Capital Improvement Program – Community Works Program Budget.

EXHIBIT D

SAMPLE PROGRESS REPORTING FORM

(can be downloaded at: <http://www.az-sta.com/>)



**ARIZONA SPORTS AND TOURISM AUTHORITY
YOUTH AND AMATEUR SPORTS
Project Progress Reporting Form**

NOTE: This report is to be submitted to the Arizona Sports and Tourism Authority by the **fifteenth** of each month during the project's implementation phase (please keep your report to a maximum of two pages). This report and related digital photographs are to be transmitted electronically to the following email address: robin@az-sta.com

If you have questions about the use of this form, please email Robin Lea-Amos at robin@az-sta.com. A current Project Progress Report must be submitted to the Authority prior to a Project Cost Reimbursement being fulfilled by AZSTA.

Organization Name:	
Person Submitting the Report:	
Program Name and Brief Description:	
Period being Reported on:	
Program Start Date:	
Program Completion Date:	
Total Program \$ Value:	
Program \$ Value Completed:	
% of Program Value Completed:	
Describe the work that was completed/implemented during the reporting period:	
At project completion please describe how successful the project was in meeting the goals and objectives stated in the original grant application:	
Other comments:	
# of Photographs Submitted:	
Subject Matter of Photographs:	



Peoria Resident
Re: Recreation Amenity/Ball Field Lighting

June 10, 2013

The City of Peoria Community Services Department is in the process of updating the Parks, Recreation, Open Space and Trails Master Plan (PROST). Over the past several months, the Department and its planning consultants have held stakeholder and public meetings. Through this endeavor, the team has identified a need for lighted recreational amenities in the northern areas Peoria; specifically, amenities that will serve youth/amateur sports including baseball, soccer, softball and the like.

In response to this input, the Department is seeking resident feedback related to the benefits, opportunities and challenges with this type of recreation amenity.

Two potential locations for lighted amenities have been identified at co-located school/park sites including **Camino a Lago** (new park and school) and **Sunset Park/Vistancia Elementary** in Vistancia.

As you may be aware, the Peoria Unified School District has begun planning construction of its newest elementary school at Camino a Lago set to open fall 2014. The City and School District have successfully partnered on several school/park amenities and Camino a Lago poses another opportunity to collaborate.

Several public meetings have been held regarding the design and amenities of the City's new Camino a Lago Park, planned adjacent to the Sunrise Mountain Library and the new school. The June 20th Parks and Recreation Commission meeting (details below) will provide an update on how the design and amenities of the library, park and school will work together to meet community needs.

Your feedback and input is important to these projects. Please attend a meeting, visit **PeoriaAZ.gov/ParksRecPlanning** or email **CommunityServices@peoriaaz.gov** with your support, suggestions and concerns.

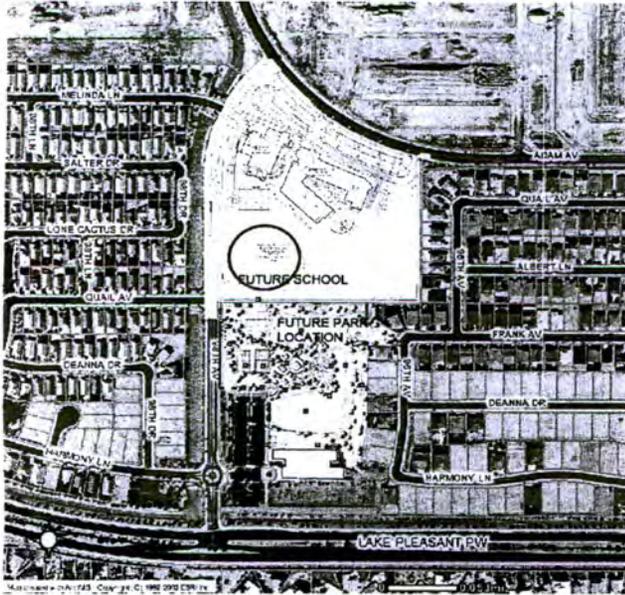
City of Peoria Parks and Recreation Board meetings on the following dates:

- June 20th, 2013 at 6:30 p.m. at Parkridge Elementary School located at 9970 W. Beardsley Road
- July 18th, 2013 at 6:30 p.m. at Vistancia Elementary School located at 30009 N. Sunrise Point

Initial public feedback on amenity lighting at the Camino a Lago and Vistancia School will be taken through August 7, 2013. Plans and conclusions will be communicated through the City website.

Please contact Kirk Haines at 623-773-7137 if you have any questions.

Please visit <http://www.peoriaaz.gov/buildingpeoria> to keep informed of the status of Camino a Lago Park and all construction projects throughout the city of Peoria.



○ Lighting Study Area



NOT TO SCALE

CAMINO-A-LAGO NEIGHBORHOOD PARK & SCHOOL



[ABOUT PEORIA](#)
[RESIDENTS](#)
[BUSINESSES](#)
[VISITORS](#)

[CITY DEPARTMENTS](#)
[CONTACT THE CITY](#)

Peoria IA Gov Home >> About Peoria >> Building Projects >> Camino a Lago Park




Project Name: Camino a Lago Park

Project Location: 98th Ave & Lake Pleasant Parkway

Project Phase	Consultant / Contractor	% Complete
Design:	Rtch Powell & Associates	95%
Construction:	TBD	0%

Project Description

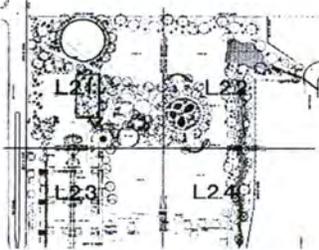
This project is for the basic park development (6.1 acres) in the Camino a Lago area, located directly north of the Sunrise Mountain Branch Library. The park and library share the same parking lot and approximately one acre of grass area has been developed to date. This funding request is to complete the neighborhood park improvements once the master plan for the park is developed with neighborhood input. Planned improvements may include infrastructure and amenities such as utilities, restroom, landscaping, play equipment, picnic shelters, and turf areas.

Project Status

5/2/2013 - The City of Peoria continues to work with the Peoria School District to identify shared recreation components between Camino-a-Lago Park and the new K-8 elementary school.

Latest Public Engagement

5/2/2013 - There were no activities that had direct involvement with the public this month. A meeting with the community is expected in the near future to describe coordination with the new school building.



Project Information:

Project Number: CS00054

Total Budget: \$1,873,518.06

Council District: Willow

Contact Information:

Project Manager: Dan Davis, Construction Projects Coordinator

Phone: (623) 773-7290

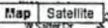
E-mail: dan.davis@peoriaaz.gov

Key Features:

- 6.8 acre neighborhood park
- Design integrated with Sunrise Library
- Shared parking with Sunrise Library
- Substantial storm water drainage retention

Interesting Fact:

Peoria Unified School District postponed plans to construct an elementary school on the adjacent school district parcel. The park design will not be integrated with an adjacent school at opening, but will accommodate future integration.





Public Meeting Notice

The Peoria Parks & Recreation Advisory Board
Invites You to Provide Input on

Ball Field Lighting

Study Area: Sunset Park/Vistancia Elementary School

THURSDAY, JULY 18, 2013 - 6:30 p.m.
Vistancia Elementary School Library,
30009 N. Sunrise Pt.

This notice has been direct-mailed to homes in the 1/4 mile radius of the study site;
please help notify your neighbors who may have an interest in this process.



City of Peoria
COMMUNITY SERVICES

For more information, email communityservices@peoriaaz.gov
or visit www.peoriaaz.gov/parksrecplanning (online survey available)



City of Peoria
COMMUNITY SERVICES

8401 West Monroe Street
Peoria, AZ 85345

IMPORTANT
Public Meetings



PRSR STD
U.S. POSTAGE
PAID
SUN CITY, AZ
PERMIT NO. 228

Local Postal
Customer
*****ECRWSEDDM****

Public Meeting Notice

*The Peoria Parks & Recreation Advisory Board
Invites You to Provide Input on*

Camino a Lago Park and Youth Sports Field Lighting

Wednesday, September 25, 2013 - 6:30 p.m.
Sunrise Mountain Library
21109 North 98th Avenue

This notice has been direct-mailed to homes in the ¼ mile radius of the site;
please help notify your neighbors who may have an interest in this process.



City of Peoria
COMMUNITY SERVICES

For more information, email communityservices@peoriaaz.gov
or visit www.peoriaaz.gov/parksrecplanning

www.peoriaaz.gov



City of Peoria

COMMUNITY SERVICES

8401 West Monroe Street
Peoria, AZ 85345

IMPORTANT
Public Meetings

PRSRT STD
U.S. POSTAGE
PAID
SUN CITY, AZ
PERMIT NO. 228

*****ECRWSSDDM****
Local Postal
Customer

City of Peoria Lighting Study Survey Results

Date Started	Considered Duplicate	Name:	Resident Address:	Do you support the lighting at the proposed school/park locations to serve youth/amateur sports including baseball, soccer and the like?	What community benefits will this type of amenity provide?	What community challenges does this type of amenity provide?	Which Neighborhood do you live in? Camino a Lago, Vistancia, Other
6/26/2013				No		The back of my home borders the park site and I DO NOT WANT to have to deal with light and noise pollution in my backyard every night. We recently bought this property knowing a park would be put in, which we were fine with. Had we known it would be turned into a sports/recreational area with lighting we WOULD NOT have bought the property. The biggest draw to this property was how peaceful and quiet the neighborhood is and one week after getting here we got the notice about this proposed lighting. Frustrated...The shared library parking lot hardly seems adequate to accommodate a park where sports activities will be held and cars parking in the street would be a great nuisance. I have children that may play sports and would rather drive them to their activities then have them practically in my own backyard.	Camino a Lago
7/9/2013				No	I cannot see any benefits for the residents of vistancia. With the bright lights comes more noise. We treasure the quiet and low lighting. I cannot see how bright lights or noise coming through into the resident's homes can be a benefit. There are far too many other options where there is no residential area that will be compromised. Perhaps near a highly commercial area where bright lighting and noise are excepted.	The community of Vistancia has many activities already. It attracts people from everywhere because of its calm and peaceful setting. Part of this allure is that there are no bright lights throughout the community. The sunset park is right across the street from the pool which people use year round ... Morning , noon, and night. It also serves as an oasis with a nicely lit atmosphere.	Vistancia
7/10/2013	D			No	None, from my immediate needs in the way of City services for the Community. There are more pressing needs that the City of Peoria needs to address in Vistancia, such as, an increased police presence, better street maintenance, etc.	Over the past several years there has been an increase in vandalism to the Community assets in Vistancia, i.e. irrigation system damage, trail lighting damage, graffiti, vandalism to established vegetation, etc. I strongly believe that a lighted area, for youth gathering, will only provide further opportunities for undesirables in the Community to gather which can lead to further vandalism in the immediate area. There is a lack of police presence in Vistancia and that would need to be addressed in the event a lighted facilities becomes available during the evening hours of such activities. Also, noise and light pollution will be a detraction for home owners that live near such a lighted facility.	Vistancia
7/10/2013				Yes	Increase field use during the evening, especially summer evenings when it is cooler. I coached soccer and little league for about a decade and finding and sharing lit fields was always a challenge.	Just the cost, however the benefits far out weigh the cost.	Vistancia
7/10/2013				Yes	Keeps our kids in their community. Right now we have to travel to lighted fields.	None	Vistancia

Date Started	Considered Duplicate	Name:	Resident Address:	Do you support the lighting at the proposed school/park locations to serve youth/amateur sports including baseball, soccer and the like?	What community benefits will this type of amenity provide?	What community challenges does this type of amenity provide?	Which Neighborhood do you live in? Camino a Lago, Vistancia, Other
7/11/2013				Yes	This will increase the number of youth that are able to play. So many residents do not enjoy having to transport our children to Rio Vista, Varney Park, etc, just to be able to play evening games or have evening practices; specifically on a school night. When a child has a game on a school night, it is often that he/she doesn't get home, showered, and in bed until 10pm on a school night. This is unacceptable. There were also many scheduling issues and over crowding in some instances. Having fields with lights out here could alleviate the problem by adding space and time. Also, the ability to have elementary K-8 school events after dark without having to rent lights will help tremendously. Being able to play after the sun goes down when it cools off will be an added blessing. Vistancia has grown so much and is continuing to grow. We need this.	Light pollution in the neighborhood directly behind it. This could be taken care of with timers that have an auto shut off so they never have to worry about the lights being on after a certain time.	Vistancia. Monterra Subdivision. Within 1/4 mile radius of the study area.
7/11/2013				Yes	It will allow residents and sports teams to use these play areas during the cooler evening hours.		Terracina at Vistancia
7/11/2013				Neutral	bring sports closer to our home, less driving, more community opportunities, later night practices and games	noise, change lighting in community, possible hang out for teens that isn't supervised	Vistancia - Monterra
7/11/2013				No	Benefit will be to a limited population in the community, be an eyesoar during the day and night and would cost taxpayers much in the way of needed limited resources.	Part of the reason my family moved here was to enjoy natural desert scenery, including night skies, see the stars and planets through our telescope and generally avoid light pollution. I have had my children in virtually all matters of sporting activities and was willing to travel to bright night sky areas, such as Rio Vista, for those purposes.	Vistancia.
7/11/2013	D			Yes	Lighting would support more youth and adult recreational activities including several different sports, cheerleading, school and community events, general outdoor activities, etc. The best time to play sports is cooler weather and during those months it gets dark the earliest. Youth sports leagues are forced to drive long distances to get to a sports park with lighting for practices. Our community would very much benefit from the lighting.	Possibly homes located close to the lighted parks may have some disturbance from the bright lights so nearby??? I believe the benefits far outweigh any negatives.	Vistancia
7/12/2013				Yes	More options for sports leagues/recreation in northern part of Peoria	Security issues possibly	Vistancia
7/12/2013				No	None. Vistancia is designated a low light level community and is enjoyed this way by the majority of the tax paying home owners.	High traffic, noise and night light pollution. Additional police, fire and city personnel. Higher taxes.	Vistancia
7/12/2013				Yes	there is a shortage of fields in Peoria and Glendale areas to support all theyouth sports programs, particulary baseball and soccer. By providing lights it allows more teams to practice and play by providing extended hours for the same fields.	None that i can think of. It keeps young people engaged and involved in healthy activities; although from financial perspective there will be costs of installation, maintenance and upkeep.	Vistancia

Date Started	Considered Duplicate	Name:	Resident Address:	Do you support the lighting at the proposed school/park locations to serve youth/amateur sports including baseball, soccer and the like?	What community benefits will this type of amenity provide?	What community challenges does this type of amenity provide?	Which Neighborhood do you live in? Camino a Lago, Vistancia, Other
7/12/2013	D			No	It provides benefit to those individuals & associations that need the baseball fields for evening and late night use. They may or may not live in the Vistancia community.	For homeowners that have purchased homes, with view lots, at premium prices it provides a negative esthetic for them & their families. This will impact their ability to enjoy their property as well as sell their property, in the future, if huge ball field lights are flooding the sky near their homes. Many people purchase homes in this area for the beauty & peace that comes with living here. If huge ball field lights are jutting up into the air within view of the homes then the overall appearance of the neighborhood will change and not for the better. The lighting is not a compatible amenity to the greenbelt and intentionally dimly lit nature trails.	Vistancia
7/12/2013				No		Lighted ballfields are meant to be in regional parks and/or industrial/commercial areas. Not in parks immediately surrounded by homes.	Vistancia
7/12/2013				No	I do not see any at this time.	Our area in Vistancia was built to blend in with the natural surroundings. The street lights in the area are already minimal to coincide with that natural plan. We do not welcome the type of disruption to that natural environment that a baseball/sport field would bring to this area. Those lights are bright and they would shine not only into the natural wash that was required to be maintained near this park/school but also into the yards of many residents that paid premiums for those view lots to back dark spaces during the evening hours.	We have lived in Vistancia for the past 6 years and LOVE IT!
7/12/2013				No	None	More drugs and crime. More late nights at the field. Horrible brightness. Loud noise at night. Danger to the private trails being used by non-residents and having more non-residents use the public park which is adjacent to private trails.	Vistancia
7/12/2013	D			No	Lighting for sports fields allows slightly longer times of utilization for said amenities providing the use of fields into the night, which in the summer here means 9-10PM. A nuisance to most in a neighborhood built around the said fields.	Sports field lighting is best utilized in centrally located parks not those placed in the middle of neighborhoods. It would promote night use of fields that were intended for use for youth sports that should never go beyond 7 or 8 PM in my opinion as a physician. It promotes loitering after dark, (usually by adults and teens) as well as the light and sound intrusion into the nearby neighborhood homes. We all understand the need for activity for our children but it would not be fair to the community to introduce so many problems with really no logical increase in the availability of our sports fields to our children. I grew up an athlete in 4 sports in a small town in Hawaii of about 15K people with one central park that was lighted. It most often was left vacant with lights blaring and fields empty. I know it seems logical to some to have lighted fields but it really has no place within a neighborhood, whose HOA by the way, will not even allow me to build a basketball hoop (unlighted court) in my own back yard.	Vistancia
7/12/2013				No		Light Pollution. Vistancia is supposed to be a night-sky friendly community. Happy Valley Road and Surprise have fields with very bright lights already.	Vistancia
7/12/2013	D			No	It will not provide any ammentities to the subdivision near the fields.	The major challenge would be too much lighting coming into the neighborhoods. Our cc&rs do not allow bright excessive lighting without occuring a fine. Why would big bright stadium light be acceptable.	Vistancia Serenade

Date Started	Considered Duplicate	Name:	Resident Address:	Do you support the lighting at the proposed school/park locations to serve youth/amateur sports including baseball, soccer and the like?	What community benefits will this type of amenity provide?	What community challenges does this type of amenity provide?	Which Neighborhood do you live in? Camino a Lago, Vistancia, Other
7/15/2013				No		The decision to purchase a home in Vistancia was driven by the secluded, small-town, away-from-the-city feeling one gets here. Our family enjoys walking and biking under the dimmed street lights and highly visible stars at night. We also chose Vistancia for the strict building guidelines that create a sense of peace and serenity. We do have several children all very involved in various sports and understand the need for lighted fields; however, driving to alternate locations for such amenities is part of living in Vistancia. Lights at Sunset Park could create an eyesore that eliminates the sense of calmness here and will likely attract more traffic, taking away our seclusion from city life. Lighting the fields at Sunset Park would take away the very reasons we purchased our home here and have held on through years of unfavorable market conditions. Please consider lighting locations that are already a part of city life and expected traffic.	Vistancia
7/15/2013				No		parking for large events, shielding of lights as not to shine to homes, more insects into the area attracted to the lights. the vistancia field is, in my opinion, intended for a small community not a town. i do not see a need or desire lighting in my community.	vistancia
7/15/2013				No			Vistancia
7/15/2013				No	None. This park as never originally designed or presented as a park to be given lights or extended night time activities.	Light pollution, noise pollution, litter. I live in a view lot and this costs extra. My back yard faces the ball field for Sunset Park. The lighting proposal will adversely affect my property and enjoyment of the view I have payed for.	Vistancia
7/15/2013	D			Yes	Providing quality parks and fields promote the health and work ethic of our children. And there isn't anything more American than having the lights of your local ball field guide you home.	Some may disapprove of the light pollution as we are community that cherishes our connection with the desert.	Vistancia
7/15/2013	D			No	I live directly adjacent to the elementary school and adjoining park area. These ball fields have been under utilized and do not require lighting in order to increase ball field availability. Some user groups (perhaps quite a few outside the Vistancia subdivision) might prefer to play games or practice in the evenings versus hotter times of the day.	Vistancia is an extremely well thought out and well planned community that has invested substantial resources to create an environment that is aesthetically pleasing and attempts to sustain and enhance the natural beauty of the high Sonoran desert landscape. The developer and the City of Peoria Planning Department did an exquisite job integrating HOA open space amenities with park department amenities and the elementary school. This specific area of Vistancia is the center piece of the entire development that establishes the environment that draws people to want to buy and live in Vistancia. The developer purposely developed home sites surrounding this open space area with view fences that further enhanced the open spaces, but also allowed the developer to charge substantially higher lot prices (premiums). I purchased one of the homes directly adjacent to this area and have since invested another \$100,000.00 in patio and back yard amenities because I felt that the view that the developer created for my lot was deserving of the investment. Adding tall light towers and the ensuing light will totally destroy what is currently in place! The proposed lighting project will denigrate years of planning (which the City provided specific requirements from the beginning), years of development (which the	Vistancia
7/15/2013				No	An evening place for games to be played	Lighting will disrupt the quiet and natural environment Vistancia residents pay their HOA to have.	Vistancia
7/15/2013				No		Our community is quiet and has low lighting with not a lot of shops or traffic and we like it that way. A lighted sports field would ruin the feel of this community. Also having a lighted field this far away from most Peoria families would be a waste. The camino a lago location would make much more sense because it would be more central to a multitude of Peoria residents.	Vistancia
7/15/2013				No		There would be so much light pollution in the area that it would ruin the visibility of the beautiful starry sky. That's one of the reasons why we moved to Vistancia which is away from the city.	Vistancia

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7/16/2013	D			Yes	More opportunity for kids to play ball. This is the most important benefit.	None	Our home backs up to the fields at Vistancia Elementary.
7/16/2013				Yes	It will provide a safe place for children to play/practice within a reasonable driving distance for parents living in our community.	None	Vistancia
7/16/2013				No	N/A	The community is small and homes are right next to the field, the lighting would be very disturbing for the home owners. Vistancia is such a well planned out community that is inviting for homeowners and families, would hate to disturb what is already considered our home.	Vistancia
7/16/2013				Neutral	More activities for residents/children. Could benefit in sales of real estate if sports venues are important to a homebuyer.	Will hurt property values for homes that are directly impacted by these lights.	Vistancia
7/16/2013				No	None that I can think of.	This Park is in the middle of a neighborhood of homes. Not near any main streets and will invade the homes with bright light. We like the Darkness of the desert night where you can see the stars clearly. That's why we moved here.	Vistancia
7/16/2013				Yes	More excitement having lighted fields & improvement for those playing on the fields. Hearing the sounds of ball games & activity brings a feeling of community & life. Possibly more security.		Vistancia
7/17/2013				No		The addition of these lights will detract from the environment people bought in to when purchasing homes in Vistancia. Vistancia is supposed to be a dark sky community with minimal lighting. This will ruin that aspect of the community.	Vistancia
7/17/2013				Neutral	I can only see a benefit for the baseball team. Last year the football youth were using the field and were told they had to leave because they had reserved the whole field even though the football youth were on the far side of the field. This was done by one of the baseball coaches.	The cost of lighting these fields has to be paid by someone. How will this affect our HOA fees and our taxes?	Vistancia
7/17/2013				No		Bright lights infringing on our current tranquil night environment is the easy complaint. However, the significant size of the lights will decrease the daylight ambiance just as much. Our community already struggles with raking issues during day events; installing lighting to increase park availability will compound parking issues. Why not are plans to light fields at the future high school in Vistancia? This location is already lit by current and planned commercial properties, so lighting and light pole presence is centralized. It WILL decrease my house value.	Vistancia - Serenade neighborhood, with view fence that backs to Vistancia Elementary
7/18/2013				No		interference for residents. light pollution. there are already a LOT of placed in the metro area to cater to night events, this type of thing should be kept our of residential neighborhoods	vistancia
7/18/2013				No	There is no benefit to neighboring residents of school/park lighting for evening events. The lights with be shinning in peoples houses and create additional traffic and noise when the residents want to enjoy the quiet and comfort of their own backyards.	This will increase traffic and noise in evening hours. It will mean more trash and litter as additional people use the facility. If lighted it will become a hang out place with little supervision. Residents who do not have lighted facilities will come to use these facilities and as we know if it is not in their backyard they will the respect residents property and quality of life of those who live close.	Camino a Lago
7/18/2013				No	None	Too bright near my home	Vistancia

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7/18/2013				Neutral		It would be nice to know who is paying for these lights, how many lights, and shut off time for the lights	Vistancia
7/18/2013				No		Reduction in property value.	Vistancia
7/18/2013				Yes	The children in the northernmost communities will have the opportunities to participate and play sports in their neighborhoods. Additionally, adults teams could also be facilitated in our area instead of having to commute down to Rio Vista. By having adult leagues, as well as student teams from other schools coming to our area, revenue could be brought into our local area stores.	I don't see it as a challenge.	Vistancia
7/18/2013				Yes	1-Allow more kids a chance to take part in Sidewinder Little League and not have a situation where some kids can't participate based on limited fields with lights. This is my number one concern. I would probably drive to Tuscon if I had to in order for my child to use a field, that's not the issue. My son possibly NOT having an opportunity to participate at all because of not enough fields is the issue.- Many children in the community will be able to walk or ride to lighted fields if they are built in Vistancia-Opportunities for games and practices to take place when the weather is cooler.-Many local businesses and Peoria will benefit from the fact that more money will be spent by the participants using the fields rather than have their money being spent in places like Phoenix.-To me, there will be small challenges at both Vistancia and Camino a Lago. The fact that building the lights at the Vistancia location could possibly allow for up to three lighted fields instead of just one, makes it the best and most logical location.	Some but in the big picture they are either small, isolated to only a few, or could have solutions to the challenge. It's my opinion that the benefits to the OVERALL community far outweigh any challenges to it.	Vistancia

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7/18/2013				No	I have 4 children ages 3, 5, 9, and 11, so I do realize the importance of youth sports in our community and I do see the need for more facilities in the Northern part of Peoria. However, I do feel the challenges of 3 lighted ball fields at Sunset Park in Vistancia outweigh the benefits. Therefore I feel a different location or a compromise (see question 7 - One lighted field vs. 3; established days and hours; additional landscaping) would be better options than 3 lighted ball fields in Vistancia.	Adding sports field lighting to 3 fields in Vistancia will put a big bright area right in the middle of a community that was designed using low level lighting and is marketed to be a community away from the city lights where you can see the stars. Here is an excerpt taken from http://www.vistancia.com/so-much-life.aspx under Discovery Trails and Parks: "Stargazing: Away from the city lights, experience views of starry night skies all year long . The lights in our commercial centers, parking lots, our street lights and even the lights on the 303 were designed using low level lighting to lessen the effect of light pollution on our community. Even if you use the newest 70% directed Musco Green lights you discussed at the meeting, they will still be the brightest lights in Vistancia. I'm concerned the lights will especially affect those homes bordering Sunset Park because the lights and noise from later playing times could affect the residents' enjoyment of their homes/yards and even hinder younger children trying to sleep. I know if my 3 year old sees any light outside, he tries to convince me its still daytime and not bed time. I am also concerned with my home value if we would need to sell our property because I know if I had a choice I would not purchase a large, expensive home next to lighted ball fields, and I'm sure other potential home buyers may feel the same way. When we purchased our home, we realized we were purchasing next to a school and a community park, but there was no way for us or our neighbors to know that we were purchasing a home near a community park that could be converted into 3 lighted ball fields.	I live in Serenade in Vistancia at the corner of 125th Dr and Red Hawk Dr. A lot of my neighbors back up to Sunset Park. The side of my home faces Vistancia Elementary and Sunset Park with one row of homes (those on Red Hawk Dr) between us. I would like to see a different area chosen for the lighted ball fields that would not affect the already established residences near Sunset Park and would not impact the entire design
7/19/2013				No	none	light, noise, and traffic pollution	vistancia
7/19/2013				Yes	This will allow our youth to play games and practice at our local community locations instead of outer areas that are farther away. Further, these activities will promote the family atmosphere of our neighborhoods.	Increase in costs for material and maintenance. But I believe the benefits far outweigh the challenges.	Aria
7/19/2013				Yes	Very much needed lighted baseball fields in Peoria!! also think this is a benefit for our community, being a lite further on the outskirts of the community, may be a selling point to have this amenity closer!	Parking, traffic, garbage?	Vistancia!
7/19/2013				No		I live in the neighborhood adjacent to Sunset Park and our neighborhood would be negatively impacted by the placement of lighting at Sunset Park.	Vistancia
7/19/2013				No		It will add a tremendous amount of light pollution to not only the adjacent neighborhood but to our entire community. Much of the reason many of us move to this area was because of the beautiful night sky. Our community is peaceful and quiet and we would like it to stay that way.	Serenade

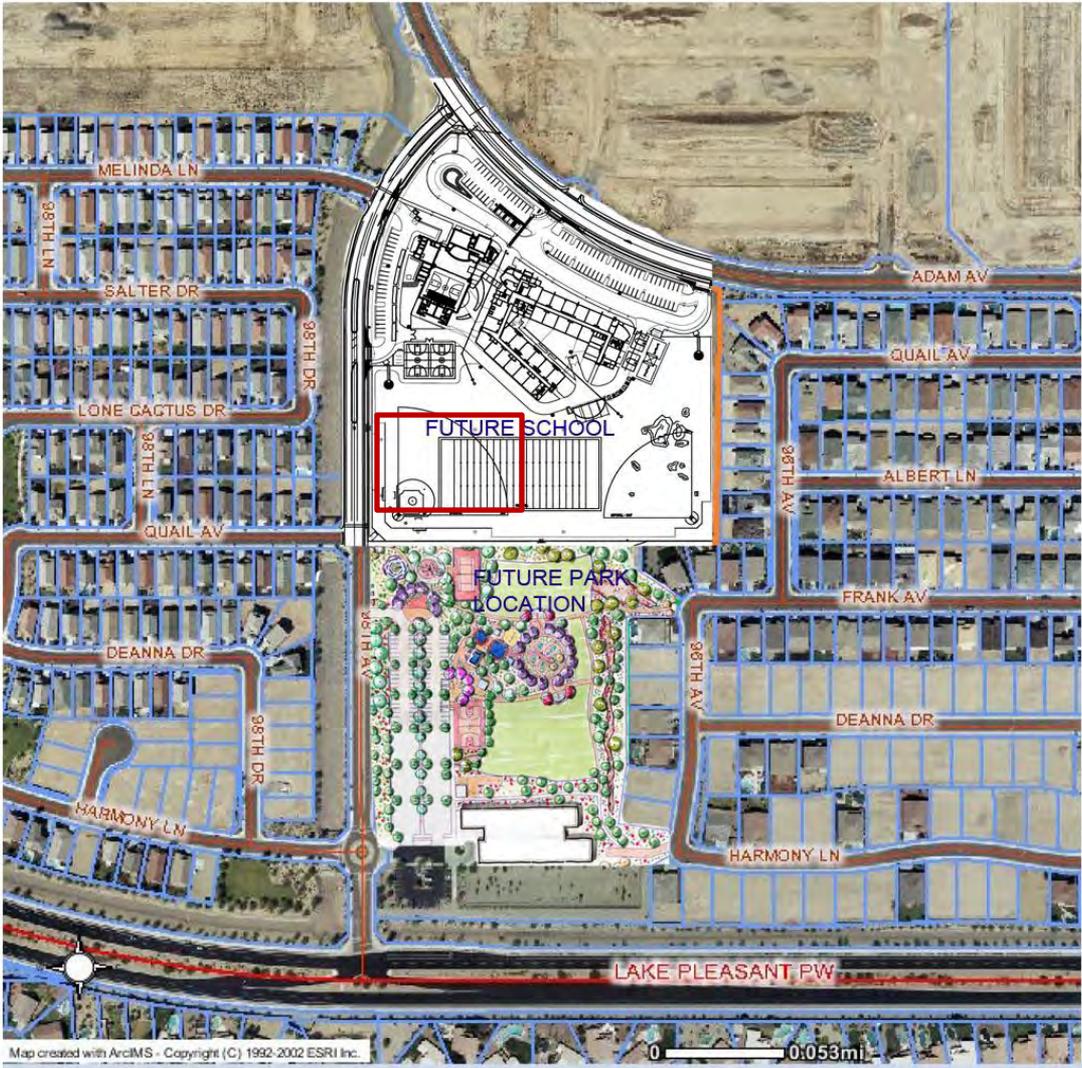
Date Started	Considered Duplicate	Name:	Resident Address:	Do you support the lighting at the proposed school/park locations to serve youth/amateur sports including baseball, soccer and the like?	What community benefits will this type of amenity provide?	What community challenges does this type of amenity provide?	Which Neighborhood do you live in? Camino a Lago, Vistancia, Other
7/20/2013	D			No		The Vistancia community was designed as a low light community in the desert. The Sunset neighborhood park, by the city of Peoria's own definition, was not meant to be lit. It is a neighborhood park, not a community park. To add these types of lights to the park would not only destroy the intent of the neighborhood but since we reside where there are so few lights, it would illuminate numerous houses and HOA areas that are not for public use. The Discovery trail, which is maintained by HOA fees paid for by the residents of Vistancia, is located directly behind Sunset Park. The Vistancia community center and pools, which is maintained by HOA fees paid for by the residents of Vistancia, are located directly across the street from Sunset Park. Keeping the additional visitors, that lights would bring to the park, off of the trail and out of the HOA areas would be extremely difficult due to the location. This is a selling bullet off of Vistancia's website Stargazing: Away from the city lights, experience views of starry night skies all year long . If lights are added to Sunset Park, one of the main reasons why people have moved to Vistancia is taken away. Sunset park is not on the way to anywhere, which is one of the reasons why we moved here. We moved to a community where the only people in the community resided there or were invited by residents of the community, people who care about our community. If lights are added, that community aspect is gone and a large number of people visiting our community will not care about it or take care of it the way we do. There is not a large commercial area with restaurants, gas, and grocery nearby. Vistancia was not designed to support a 3 field, lit, baseball, multi use park. In addition, the park is located on a round a bout that is not conducive to traffic.	Vistancia - I have children who play youth sports and understand the need for more fields with lights. Developing lit fields should be well thought out and placed in an area that is commercial and not in someone's backyard. Take the time to do the right thing and build a park system that can adequately be utilized and is not an intrusion into someone's privacy.
7/21/2013				No		The lights will negatively impact my property and my privacy.	vistancia
7/21/2013				No		We chose this neighborhood and particularly the development adjacent to the parks for the easy accessibility and the fact that they weren't lighted parks. We like the fact that it is quiet and dark at night and do not want to see an influx of activities going on at all hours of the evening.	Vistancia - serenade neighborhood
7/21/2013				No		I feel that lighted fields would be beneficial in northern Peoria, however, I feel that they should be put in at a location that is not as established as Vistancia already is. The lights would take away from the communities ability to use the parks as they have been already.	Vistancia
7/22/2013				No	lighted fields - but neither location is the correct place for lighted fields	places lighting in an area not properly planned to have lighting spends money on lighting fields - whereas the money would be better used for lighting of fields in other locations.	Other
7/23/2013				No	None. Extra traffic, destruction of our dark skies.	Traffic, congestion, reduction in quality of living.	Vistancia
7/24/2013				Yes	Activities for those who live here and ability to use facilities after dark when it is cooler.	More traffic and possibly undesirable activity	Vistancia
7/24/2013				Yes	When my child was in little league it would have provided a lter time to preactice. Also it allows you to take your child to the park after dark. The lights might also be a deterrent to some people who may have caused vandalisum or problems at the park.		Siena Trails

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7/24/2013				No	None	It will create noise, traffic problems and congestion , crime and the increased light will ruin the night sky. Additional police protection and patrol will be needed. We already have a limited police presence in our community.	Silver Creek
7/24/2013				No	If it is ONLY for the residents in Vistancia, Trilogy areas, and everybody walked there-no problem	Insufficient parking for team or teams.Lights are brighter than the 'low lights' and will be on longer.Noise to closer neighborhoods. Traffic I can hear the music from my home when there is an event at the HOA	Vistancia
7/24/2013				Yes	youth sports for my kids	increase traffic	vistancia
7/24/2013				Yes	many benefits to youth sports--ability to expand the Sidewinder Little League to more participants because there is a lack of lighted fields for games and practices, keeping the park safer at night when there are lights, expanded opportunities for programs by the Vistancia lifestyle directors to add more programs, makes the community more marketable as a full-package for families to live and play here	those mentioned at the meeting were addressed--parking, lighting over-flow, hours of operation...I was at the meeting at Vistancia Elementary and all the people who spoke out against this lighting and claimed they backed up to the fields, actually live on the OTHER side of the school, not the side where the fields in question are...the people who ACTUALLY live adjacent to the fields were not the vocal minority that were speaking out at the meeting.	Vistancia
7/24/2013				No		The night peace and tranquility at Vistancia will be damaged. Property values will be lowered. Vistancia residents HOA fees will be increased due to increased wear and tear of our facilities. Vistancia Elementary will suffer from increased wear and tear. The City of Peoria needs to construct a regional park complex in northern Peoria. The growing population of northern Peoria coupled with a strong demand for lighted sports, and a proposal that the City of Peoria admits does little to mitigate demand indicates this is not a good solution. The City of Peoria needs to realize that a proposal that lowers property values and generates many complaints for their flagship development is not a good idea.	Vistancia
7/24/2013				Yes	evening sports. Won't have to drive as far to see sports events.	Can't think of any except the lighting bothering some residents, but only occasionally.	Monterra
7/24/2013				Yes	Ability for recreation to take place during evening hours.	Not many, as the fields are place so that residents have minimal intrusion.	Vistancia
7/24/2013				No	Few if any. Please see below.	People moved out to and are moving out to Vistancia due to the dark nights and starry skies. Placing these large lighted fields will deter if not completely erase this feature that has been drawing people out here for over 7 years. Even the freeway lights on the 303 can be seen and make an impact on the dark skies and they are a few miles out. Plus Vistancia is not centrally located despite the 303 and other roads, locations closer in town would make more sense for lighted fields.	Vistancia
7/24/2013				Yes	It will provide the kids a safe place to practice/play sports. We know it doesnt cool down around here most of the year until the sun goes down.	idk	Entrada
7/24/2013				No	The school/park and surrounding community was not designed to support this.	Too much traffic for inside the heart of the Vistancia community, late night lighting in an area that was designed for low light usage. A park with lightening should be planned for near the propsed new high school location on Vistancia Blvd/El Mirage area this would be far better long term strategy which wouldn't have as severe impact on either community.	Vistancia
7/24/2013				Yes	Ability to play ball in the dark	Houses nearby can see the lights when they don't want to. More people may hang out at the park. Increase electric bill.	The Cliffs
7/24/2013				No	More local games	I am concerned about the intrusive lighting in the residential area.	Vistancia

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7/24/2013				No	will not benefit vistancia	-destroy the dark skies that are so wonderful in vistancia (this would be so sad to us, as it was one thing that drew us to this community)-invites non residents to neighborhood, who may not have the same attitude about the community that residents have:	vistancia- desert trails
7/24/2013				No			Aria
7/24/2013	D			No	It would provide more ball fields.....if numbers show they are needed	Brings a lot more traffic to our area,more noise pollution.Parking could be an issue as well. Blaring lights could disturb neighbors near the park and school...and animal wildlife that inhabit the area. We are also experiencing some vandalism on our Discovery Trail, and the incidence of this could escalate.More people coming to this area that are not residents could mean more vandalism,period.We moved here to Vistancia because it held a quiet peaceful place near the desert and the city. We don't want that taken away.Non residents will be less respectful of our area and those paying to live here.	Vistancia.....Sandstone Ridge, near the school.Please consider other areas .We like our area just the way it is!
7/24/2013				No		Noise, litter, parking, night sky!	Sandstone PassOne of the reasons I chose this area was because of the quiet nights and the dark sky. Perhaps those of us that are impacted could have a reduction in our property taxes.
7/24/2013				No	The positives do not outweigh the negatives (in my opinion). Vistancia is known (and sold as) a community where you can look up and see the stars - any extra lighting will certainly harm this selling point.	Parking, smog, traffic!! And lighting at in the evening (which in the Winter months would be from 6:00 p.m. - 9:30 p.m. (or later). I think this is a very, very bad idea!!	Monterra
7/24/2013				Yes	allow sports, practices, games to be played in vistanciaparents will save time and money by not having to drive kids 40 miles more each day to get their kids to sporting eventsBring more value to homes when we provide lit parks for our kids to play in at night	none it only takes away from the beauty of the stars for 3-6 hours	vistancia
7/24/2013				Neutral		Lights being on to long, who is going to pay for them. How much is the property value going down?	Vistancia

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7/25/2013				No	I do not believe it will benefit our community as a whole, at all.	Traffic, noise, bright light in nearby neighborhoods and increased light in area in general, the need for more police patrol in the entire area due to increased traffic, and more security and maintenance of the area entering and adjacent to the field. Our covenants specifically say lighting is to be designed to protect the night sky. It is just unfair to subject so many people to conditions they did not buy into and in actuality decrease property values because of that. I realize our community children as well as others outside the community will benefit. However, we have many people living here that do not have children, and we have the right to expect the standards under which we bought our property/homes are also maintained for us. There are other, non densely residential areas with better traffic patterns that can accommodate lighted fields. If the city needs to change property use within an area, it should first be done to those areas that are still in the planning/construction stages so that people are aware of what they are buying into. Thank you for your consideration of our concerns.	Vistancia
7/25/2013	D			No	NONE!!!!	I DO NOT WANT BALL FIELD LIGHTING in our neighborhood park in Vistancia. The master plan of Vistancia is to have neighborhood parks not community parks. Neighborhood parks do not have the same standards as community parks. I am not in favor of changing the status of our neighborhood parks in Vistancia to community parks standards.	Vistancia
7/25/2013				Yes	Safer play areasLight in dark areas to deter mischief	None	Vistancia
7/25/2013				No	None	Traffic, noise	Vistancia
7/25/2013				Yes	ability to play later games, when it's cooler. more sports teams	criminal potential,	Vistancia
7/25/2013	D			No	I understand the need for night play as I played night ball growing up and love to see kids and families enjoying the benefits of a park. This is just a horrible place to put lights.	This would completely and utterly change the landscape and environment of Vistancia as we know it. We are original owners since 2005 and paid \$50,000 for a lot view which would look directly over these lights. Cache home sales team specifically told us these parks would not be lit. We would have never purchased this lot if it was a possibility. There are numerous homeowners against this plan. We have even gone so far as starting a search for an appropriate attorney to represent us in the event the City plans to move forward. PLEASE do not put lights here. It would be devastating. Thank you for this opportunity to voice our concerns.	Vistancia
7/26/2013				No		Placing of outside light fixtures on homes was based on keeping the community lighting to a minimum so that the night sky is visually pleasing. Large and bright lights will ruin this effect.This could also become a gathering place for unsupervised teenagers and we already have issues with major vandalism in our community	Canyon Crest
7/26/2013				No		Lower property values for those living near the ball fields.Natural desert ambiance is lost with high powered lighting.KEEP VISTANCIA DARK	Vistancia
7/27/2013				No	None! We are suppose to be a low-light community!	Same as above and I don't think all the surrounding homes, including mine, want these lights on at night shining nice and bright. So much for the telescope we bought!	Vistancia
7/27/2013				No	It will not provide positive benefits to our community.	I believe this type of amenity will bring much traffic to our quiet neighborhood. There is a reason why our crime rate is the lowest in Peoria. Bringing crowds to our community will create a parking, noise, crime nightmare. We love the quiet nights of darkness that we moved out here for. We are one of the last communities in which we can actually see stars at night. Please don't take this away from us.	Vistancia
7/27/2013				No			Monterra
7/27/2013				Yes	Extended physical exercise, youth sports practices, and night time events	Extra traffic, potentially more exposure to crime	Vistancia
7/29/2013	D			No		Traffic, noise, trash, disruption of dark sky neighborhood	vistancia

Date Submitted	Name	Address	Comments
9/22/2013 20:47			NO LIGHTED SPORTS FIELD-absolutely not!!!! I'm also against the entry on 98th/Quail-entry/exit should be as the original plan through existing parking at library and there should be a painted crosswalk for residents when completed at 98th/Quail. Everything else is fine/great!!Efforts of the city and the board are appreciated.
9/21/2013 12:17			For 16 years I have live at this address and have watched the beautiful Arizona night skies slowly die with the loss of stars (all but a few) from "Light Pollution". I now feel that the close proximity of the lighted school area and park lights all the stars will be lost...
9/16/2013 8:20			I appreciate the collaboration the City has with the District. As a citizen I am sad to see the sand volleyball courts go but I support the new design 95%. The pedestrian path from 9600 and Quail to 9800 and Quail is essential and should remain a component of the park.
9/15/2013 10:44			Cover the parking (for those hellishly hot summer days) and install solar panels on top to generate electricity for all park uses. The solar panels can be acquired for zero cost to the City (contact PUSD and ask them how
9/14/2013 9:19			Please keep the volleyball. Many children in the neighborhood love to play. Even if a net is set up on the grassy area.
9/13/2013 23:48			I highly oppose lighted towers so close to our neighborhood and homes. This will provide even more traffic for longer periods of time in our quiet neighborhood. There are plenty of empty lots for lighted fields just south of Deer Valley and access is so much better. It is disappointing that the people approving this do not put themselves in the shoes of the people who live right across the street.
9/13/2013 22:56			No School lighting!!!!!! We do not want it.
9/13/2013 17:37			We have all but destroyed the night sky with need to light up everything. I sold my telescope after you built Wal-Mart and Liberty. I have lived here 16 years and you keep bringing the light pollution closer to our home. Now you want to bring it across the street! I play tennis, golf and sports during the day and I am 65+. Can't we preserve something for those of us that bought and moved here for the night sky? This is horrible idea. Spend money on classroom and teachers! Do this and never ask for money for schools again-you do not know where the true needs are!
e-mails			
9/16/2013			If possible please keep the sand volleyball courts at least one, some kind of water feature for kids for summer time if possible.
9/16/2013			The new plans look great, however I thought the school was going to have a gate in the back, where the fields are located, so the kids in the neighborhood could walk right to school. The plan appears to show the neighborhood kids having to walk all the way around the school before they can get on campus. I would love to see a walking path from the neighborhood right to the school gate in the back. Please let me know if that works or if I will need to bring this up to the school board. Thank you for all work on getting the plans ironed out for our new park. We really appreciate it!
9/25/2013			Little League president e-mailed to say numerous families are in favor of the lights.
phone call			Received phone call in opposition of lighting and parking lots



Lighting Study Area



NOT TO SCALE

09.09.13

CAMINO-A-LAGO NEIGHBORHOOD PARK & SCHOOL



City Council Calendar

Color Key:
City Council

< October	November 2013					December >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 <u>Regular City Council Meeting</u> <u>Special Meeting & Study Session</u>	6	7	8	9
10	11	12	13	14	15	16
17	18	19 <u>Regular City Council Meeting</u> <u>Special Meeting & Study Session</u>	20 <u>Council Subcommittee on Policy and Appointments Meeting</u>	21	22	23
24	25 <u>City Council Subcommittee on Community Culture & Public Safety</u>	26	27	28	29	30



City Council Calendar

Color Key:
City Council

< November	December 2013					January >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 <u>Special Study Session</u>	4	5	6 <u>City Council Workshop</u>	7
8	9	10 <u>Regular City Council Meeting</u> <u>Special Meeting & Study Session</u>	11	12	13	14
15	16	17	18	19	20	21
22	23 <u>City Council Subcommittee on Community Culture & Public Safety</u>	24	25	26	27	28
29	30	31				

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

Agenda Item: RCM 27A

Date Prepared: November 6, 2013

Council Meeting Date: November 19, 2013

TO: Carl Swenson, City Manager

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

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Presentation, Valley of the Sun United Way 2013 Campaign

Summary:

The City of Peoria has maintained a long-standing partnership with the Valley of the Sun United Way by helping those in need in Maricopa County. Each year, the annual giving campaign is managed by a different City department and this year, the opportunity was given to the Engineering Department.

Staff has prepared a brief presentation to highlight this year's fundraising events and campaign results. In addition, staff would also like to present the City Council with a plaque in recognition of the successful 2012 Valley of the Sun United Way campaign.

Contact Name and Number: Adam Pruett, X7165

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

Agenda Item: RCM 28A

Date Prepared: November 5, 2013

Council Meeting Date: November 19, 2013

TO: Carl Swenson, City Manager
FROM: John R. Sefton Jr., Community Services Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: 27TH Annual Peoria's Oldtown Holiday

Summary:

The City of Peoria invites the community out to enjoy the 27th Annual Oldtown Holiday Festival on Friday, December 6, 2013 from 5:00-9:00p.m. Come take a stroll through Oldtown Peoria and enjoy all the holiday activities. The event will feature live entertainment, a visit from Santa, snow play area, inflatables, hay rides, the Kids Zone with cookie decorating and other kids' activities. Make sure to stop by the Crafter's Market area where you can do some last minute holiday shopping and visit the historical museums and jail. The Choral Contest will start at 5:00p.m. inside the Peoria Center for Performing Arts. Following this, Theater Works will also be hosting a performance of *A Christmas Carol*. Tickets will be given to various organizations around Peoria to be special guests at this special preview. The festival will take place south of 83rd and Grand Avenues in and around Osuna Park. Parking and admission are free; some activities have a nominal cost. Food and beverage concessions will be available for purchase.

Exhibit(s): Flyer

Contact Name and Number: Matt Kalcevich, (623)773-7133

PRESENTED BY **sears** VACATIONS

Peoria's Oldtown Holiday Festival

FRIDAY, DECEMBER 6TH, 5-9 PM
Oldtown Peoria (South of 83rd & Grand avenues)

High School Choral Contest
Kids Zone * Snow Village
Arts & Crafts * Santa & More!

FREE
Admission
and Parking

Sponsored by



For more information, call 623-773-7137



MINUTES OF THE VISTANCIA COMMUNITY FACILITIES DISTRICT BOARD
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
September 3, 2013

A **Special Meeting** of the Vistancia Community Facilities District Board was convened at 8401 West Monroe Street in open and public session at 8:04 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; Jeff Tyne, Deputy District Manager; Steve Kemp, District Counsel; Rhonda Geriminsky, District Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Brent Mattingly, Finance and Budget Director; Roy Minter, Police Chief; Bobby Ruiz, Fire Chief; John Sefton, Community Services Director; Scott Whyte, Economic Development Services Director; Corina Russo, Assistant to the District Manager; and Linda Blas, Deputy District Clerk.

Audience: Approximately five members of the public were present.

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

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 Board Member Aames, seconded by Board Member Edwards, 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.

27C. **Minutes**

Approved the June 18, 2013 Special Meeting minutes.

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

Approved the Investment Report for the Year Ended June 30, 2013.

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 8:05 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 3rd day of September, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19th day of November, 2013.

(Seal)

Rhonda Geriminsky, District Clerk

**CITY OF PEORIA, ARIZONA
VISTANCIA COMMUNITY FACILITIES DISTRICT
DISTRICT COMMUNICATION**

Agenda Item: 30C

Date Prepared: November 4, 2013

District Meeting Date: November 19, 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 Quarter Ended September 30, 2013

Purpose:

This is a request for the District Board to review and accept the Investment Report for the Quarter Ended September 30, 2013.

Background/Summary:

The Finance Department has prepared a quarterly report in compliance with Peoria's adopted Investment Policy. The report summarizes the District's investment activity for the period from July 1, 2013 to September 30, 2013. The District's total investment portfolio earned an average yield of 0.31% for the 1st Quarter of FY 2014. This represents investment income of \$11,816 for the quarter. The average cash balance of the District's portfolio during the quarter was \$15,208,858 and the ending balance for the total investment portfolio was \$15,207,697 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 Quarterly Investment Report as presented
- B:** Not accept the Quarterly 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 Quarter ended September 30, 2013 as presented.

Fiscal Analysis:

This item has no financial implications.

Narrative:

The quarterly 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 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 Quarter Ended September 30, 2013

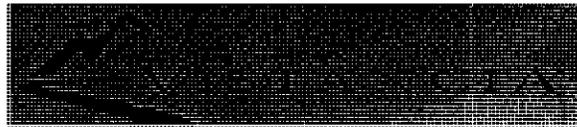
Exhibit 2: Inventory Holdings Report for the Quarter Ended September 30, 2013

Exhibit 3: Glossary of Security Definitions

Contact:

Deborah Card, Treasury Manager, X7148

**VISTANCIA COMMUNITY FACILITIES
DISTRICT
PEORIA, ARIZONA**



INVESTMENT PERFORMANCE REPORT

Quarterly Report

Period Ended

September 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, 2013 to September 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 Ended September 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	FY14 Q1
CFD Bonds, Series 2002 (Reserve)	0.60	0.54	0.51	0.51	0.53
CFD Bonds, Series 2005	0.69	0.64	0.61	0.46	0.48
CFD Bonds, Series 2006	0.33	0.27	0.24	0.22	0.23
Total Portfolio	0.41	0.35	0.32	0.29	0.31

The quarter's average yield of 0.31% for the total portfolio increased by 0.03% from 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 – Q2		FY 13 – Q3		FY 13 – Q4		FY 14 – Q1	
	Amt	%	Amt	%	Amt	%	Amt	%
Money Market	3.2	17.5	1.9	12.0	2.9	18.6	2.3	14.9
Agency Securities	10.5	57.8	10.0	62.9	10.0	62.6	9.9	65.4
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	24.7	4.0	25.1	3.0	18.8	3.0	19.7
Repurchase Agreements	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
TOTALS:	18.2	100.0	15.9	100.0	15.9	100.0	15.2	100.0

B. Average Invested Cash Balances. The average investment cash balance for the portfolio for the Quarter Ending September 30, 2013 was \$15,208,858 as compared to \$15,934,426 for the Quarter Ended June 30, 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 1st Quarter of FY14 was \$11,816 which represents a decrease of 1.8% from the \$12,036 earned in the 4th 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 1st Quarter of FY 14 was 281 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 Q2	FY 13 Q3	FY 13 Q4	FY 14 Q1
Total Portfolio	0.35	0.32	0.29	0.31
3 Month T-Bill	0.08	0.08	0.05	0.03
Money Market Fds	0.01	0.01	0.01	0.01
6 Month T- Bill	0.13	0.11	0.08	0.06
1 Year T-Bill	0.17	0.14	0.12	0.11
2 Year Treasury	0.26	0.25	0.26	0.36

E. Average Maturity of the Portfolio. For the Quarter ended September 30, 2013, the average maturity of the portfolio was 281 days as compared to 296 days on June 30, 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	\$15,936,147
Beginning Market Value	\$15,936,738
Ending Book Value	\$15,207,697
Ending Market Value	\$15,213,798

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 \$6,101.

ECONOMIC REVIEW AS OF 9-30-13:

Gross Domestic Product (GDP): The average annual GDP growth rate for the U.S. economy since WWII is 3.2%. In the four years following the last recession, fueled by massive amounts of federal stimulus, GDP has averaged just 2.3%. The most recent second quarter 2013 GDP growth was revised upward from 1.8% to 2.5%, but much of this was an adjustment in the trade balance and not likely to be repeated. Third quarter GDP is estimated at approximately 2% and the government shutdown is believed to have shaved half a percentage point off of fourth quarter growth. Slower growth has pushed back the expected timeframe for tapering of asset purchases from late 2013 into 2014, and few expect the Fed to raise the overnight funds target before early-to-mid-2015.

Nonfarm Payrolls: Nonfarm payrolls rose by just 148k in September, well below the Bloomberg median forecast for 180k jobs. July payrolls were revised downward by 15k to 89k, while August was revised up by 27k to 193k for a two month net revision of +9k. So far in 2013, job gains have averaged 177k, but during the third quarter they averaged just 143k. Normally, job creation would have to be well above the 150k mark in order to drive down the unemployment rate, but with the participation rate at a 35-year low, (official) unemployment fell to 7.2%, the lowest level in five years. However, the U6 measure of unemployment, which includes everyone who would accept a fulltime position if one were offered, is still at a lofty 13.6%, well above the 8.4% rate recorded in November 2007, the month before the recession began.

Housing: Mortgage rates rose by more than 125 basis points from early May to early September, a move that had a significant impact on affordability. New home sales averaged 446k for the first half of 2013, but fell to a 390k pace in July, before rebounding somewhat in August. September new home sales figures will be delayed until November due to the government shutdown. Existing home sales (which currently make up 93% of all sales) fell by 1.9% in September to an annualized rate of 5.29 million. August sales were actually the strongest since 2009, although much of this reflected transactions that were already in the deal pipeline. The median price for an existing home in the U.S. rose by 11.7% year-over-year to \$199,200. The increase in prices combined with higher borrowing rates pushed the affordability index to a five-year low.

Retail Sales: A return to higher payroll taxes combined with higher borrowing costs and a less optimistic labor outlook seem to be taking a toll on consumers. Retail sales were actually negative in September, falling by 0.1%, after an anemic 0.2% rise in August. Auto and clothing sales were two of the main contributors to the September decline as the traditional back-to-school spending spree fell short of expectations, and auto dealers reported their worst sales numbers in almost a year. Consumer attitudes sagged in early October as Americans considered the impact of the government shutdown and the remote possibility of a technical default on U.S. Treasury debt. Although vehicle sales slumped in September, the 16 million annualized sales pace in August was the strongest since before the recession began in 2007.

- Scott McIntyre, First Southwest Asset Management

SUMMARY DATA

Table 4

PORTFOLIO COMPOSITION				
Vistancia CFD Bonds, Series 2002*				
Security Type	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 3/31/13	FY 13 – Q4 Ending 6/30/13	FY 14 – Q1 Ending 9/30/13
Money Market	\$10,473	\$19,410	\$21,598	\$28,457
Agency Securities	\$2,043,210	\$2,040,118	\$2,037,061	\$2,035,948
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:	\$2,053,683	\$2,059,528	\$2,058,659	\$2,064,406
Avg Yield	0.54	0.51	0.51	0.53
Avg Maturity (Years)	1.95	1.68	1.43	1.48

* Represents Debt Service Reserve Funds

Table 5

PORTFOLIO COMPOSITION				
Vistancia CFD Bonds, Series 2005*				
Security Type	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 03/31/13	FY 13 – Q4 Ending 06/30/13	FY 14 – Q1 Ending 09/30/13
Money Market	\$5,481	\$9,356	\$6,127	\$7,923
Agency Securities	\$2,357,086	\$2,355,637	\$2,354,039	\$2,354,594
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:	\$2,362,567	\$2,364,993	\$2,360,166	\$2,362,517
Avg Yield	0.64	0.61	0.46	0.48
Avg Maturity (Years)	2.42	2.15	1.90	1.91

* Represents Debt Service Reserve Funds

Table 6

PORTFOLIO COMPOSITION				
Vistancia CFD Bonds, Series 2006				
Security Type	FY 13 – Q2 Ending 12/31/12	FY 13 – Q3 Ending 03/31/13	FY 13 – Q4 Ending 06/30/13	FY 14 – Q1 Ending 09/30/13
Money Market	\$3,165,981	\$1,885,581	\$2,941,587	\$2,229,104
Agency Securities	\$6,129,079	\$5,603,048	\$5,578,575	\$5,554,101
Treasury Notes	\$0	\$0	\$0	\$0
Treasury Bills	\$0	\$0	\$0	\$0
Commercial Paper	\$4,493,497	\$3,993,547	\$2,997,160	\$2,997,570
Repurchase Agreements	\$0	\$0	\$0	\$0
Totals:	\$13,788,557	\$11,482,176	\$11,517,322	\$10,780,775
Avg Yield	0.27	0.24	0.22	0.23
Avg Maturity (Years)	0.61	0.52	0.48	0.38

City of Peoria

Detail of Security Holdings

As of 09/30/2013

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											
31398A3G5	03/29/12	AGCY BULET	FNMA	1.500	09/08/14			28,457.47	100.000	28,457.47	28,457.47	100.000	28,457.47	1
313379ER6	08/09/13	AGCY BULET	FHLB	0.500	06/12/15			1,025,000.00	102.382	1,049,415.50	1,034,396.74	101.120	1,036,480.00	343
3133EAUE6	07/26/12	AGCY CALL	FPCB	0.875	06/14/16	Anytime	CONT	500,000.00	100.337	501,683.00	501,551.39	100.240	501,200.00	620
								500,000.00	100.150	500,750.00	500,000.00	100.010	500,080.00	988
Total for Vistancia Project 2002 - Debt Service Re								2,053,457.47		2,080,305.97	2,064,405.60		2,066,187.47	562
Vistancia Project 2005 - Reserve Fund														
WF-ADVG0V		MMF	Wells Fargo Adv Govt MMF											
31398A3G5	03/29/12	AGCY BULET	FNMA	1.500	09/08/14			7,923.49	100.000	7,923.49	7,923.49	100.000	7,923.49	1
313379ER6	08/09/13	AGCY BULET	FHLB	0.500	06/12/15			350,000.00	102.382	356,337.00	353,208.64	101.120	353,920.00	343
3135G0WH2	04/30/13	AGCY CALL	FNMA	0.375	10/29/15	10/29/13	QRTLY	500,000.00	100.337	501,683.00	501,551.39	100.240	501,200.00	620
3133EAUE6	07/26/12	AGCY CALL	FPCB	0.875	06/14/16	Anytime	CONT	1,000,000.00	99.960	999,800.00	999,833.47	99.860	998,600.00	759
								500,000.00	100.150	500,750.00	500,000.00	100.010	500,050.00	988
Total for Vistancia Project 2005 - Reserve Fund								2,357,923.49		2,368,493.49	2,362,516.99		2,361,693.49	713
Vistancia Project 2006 - Construction														
WF-ADVG0V		MMF	Wells Fargo Adv Govt MMF											
313397NG2	03/28/13	AGCY DISCO	FILMC		10/22/13			2,229,103.46	100.000	2,229,103.46	2,229,103.46	100.000	2,229,103.46	1
302A40Z65	03/12/13	CP - DISC	FCAR Owner Trust		12/06/13			1,500,000.00	99.922	1,498,830.00	1,499,881.88	100.000	1,500,000.00	22
89233HBB9	07/17/13	CP - DISC	Toyota Mtr Cr		02/11/14			1,500,000.00	99.701	1,495,516.67	1,498,900.01	99.955	1,499,329.50	67
3128X23A1	09/26/12	AGCY BULET	FILMC	4.500	04/02/14			1,500,000.00	99.861	1,497,910.00	1,498,670.00	99.926	1,498,884.00	134
3135G0B11	09/26/12	AGCY BULET	FNMA	1.125	06/27/14			2,000,000.00	106.334	2,126,680.00	2,042,060.94	102.180	2,043,600.00	184
								2,000,000.00	101.440	2,028,800.00	2,012,158.58	100.750	2,015,000.00	270
Total for Vistancia Project 2006 - Construction								10,729,103.46		10,876,840.13	10,780,774.87		10,785,916.96	116
Total for City of Peoria								15,140,484.42		15,325,639.59	15,207,697.46		15,213,797.92	270



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.

Commercial 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.