

# City Council Meeting Notice & Agenda

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Tuesday, October 28, 2014  
City Council Chamber  
8401 West Monroe Street  
Peoria, AZ 85345

## Special Meeting & Study Session

5:00 P.M. Convene

**Pledge of Allegiance**  
**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 discussion with City staff in order to consider its position and instruct staff regarding negotiations for the purchase, sale, or lease of real property in the vicinity of 83rd Avenue and Washington Street pursuant to A.R.S. § 38-431.03.A.7.

### Study Session Agenda

**Subject(s) for Discussion Only**

2. Affiliated Partner Agencies
3. City of Peoria Procurement Process
4. P83 Entertainment District Capital Construction Update
5. Peoria Sports Park Development Update

### Adjournment

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Mayor  
Bob Barrett

Palo Verde  
District  
Ron Aames,  
Vice Mayor

Acacia  
District  
Tony Rivero

Ironwood  
District  
Bill Patena

Mesquite  
District  
Ben Toma

Pine  
District  
Carlo Leone

Willow  
District  
Jon Edwards

## 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

6. An Executive Session for the purpose of discussion with City staff in order to consider its position and instruct staff regarding negotiations for the purchase, sale, or lease of real property in the vicinity of 83rd Avenue and Washington Street 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.

## 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: October 22, 2014

Council Meeting Date: October 28, 2014

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**TO:** Mayor and Council  
**FROM:** Jeff Tyne, Deputy City Manager  
**SUBJECT:** Affiliated/Partner Agencies

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**Purpose:**

Consideration of a policy limiting political participation for agencies financially affiliated with the City of Peoria.

**Background/Summary:**

On August 27<sup>th</sup>, City Council discussed the current policies and practices with regard to political activity by agencies affiliated with the City of Peoria. At that time, City Council requested that City staff review the potential administrative and legal implications for imposing such a policy. Given this direction, City staff focused on clarifying potential agencies covered under such a policy, possible restrictions to be placed on political activity, various enforcement options, and expected administrative oversight.

At the October 21<sup>st</sup> study session, City staff intends to develop a framework for such a policy, which if enacted, would be brought back for possible action at a regular Council meeting.

Currently, no defined policy exists which restricts political activity for affiliated agencies. In addition, most contracts with larger affiliated agencies currently do not include conflict-of-interest provisions. That said, the City does utilize contractual and code provisions which limit conflict of interest for some parties. They include:

- **Chamber Contract Provisions**-The City's contract with the Peoria Chamber of Commerce includes a lobbying clause, stating that "(t)he Chamber shall not pay or influence an officer or employee of the City...if that action may have an impact of any nature on the subject of this Agreement."
- **General Fund "Not-for-Profit" grant**-Currently, the City has a non-lobbying clause included in contracts administered through the annual "Not-for-Profit" program. Exact language states that a grantee "...shall not pay or influence an officer or employee of the City of Peoria, State of Arizona or the Federal Government, if that action may have an impact of any nature on the subject contract." In addition, it states that "None of the

funds, materials, property, or services contributed by the City or the Grantee under this Agreement shall be used for any partisan political activity or to further the election or defeat of any candidate for public office.”

- **Vendor Activity**-Vendors doing business with the City of Peoria are precluded from engaging City Council during the solicitation period. In addition, vendors are subject to State statutory limitations as well.

For further detail, a summary of some current affiliated agency contract terms is attached.

### **Considerations for a Draft Policy**

The intended policy structure is included in the narrative discussion below, with options identified for Council consideration.

#### **Agency Definition**

The City of Peoria has financial relationships with a number of various community-based agencies. This includes various not-for-profit social agencies, art and cultural councils, educational institutions and various service groups. Most of these agencies include a governing board, as well as executive positions to administer agency operations.

In some instances, the City provides annual funding to these agencies, often identified in the annual budget process. The City also serves as a financial “pass-through” for various federal grants, such as the Community Development Block Grant and HOME Program.

For the purposes of this policy, City Council appears to concentrate their discussions on agencies receiving City operating funds, and which perform services deemed beneficial to the Peoria citizenry. Currently, the City has a policy for funding outside agencies, and in this development, Council defined a “Partner Agency” as an entity which

1. Provides community based services
2. Maintains a historical relationship
3. Contains a separate City budget appropriation
4. Maintains a not-for-profit (501c3) status under the IRS code.

In any given year, such agencies would include the Peoria Chamber of Commerce, Theater Works, the Peoria Diamond Club, Challenger Center, Fighter Country Partnership, and the Arizona Broadway Theater. In most instances, the City enters into a time-based use contract between an agency and the City of Peoria.

With this as background, the following are some options to define agencies subject to a political restrictions policy:

Council Communication

### **Agency Option #1-Substantial Financial Reliance on City Funds**

Agencies subject to restriction would be based on their reliance for City funds to perform their key operations.

This could be based on a minimum dollar threshold (example-funding over \$25,000), percentage of agency revenues (example-20% of annual agency revenue), or simply agencies receiving a direct line item budget allocation. Consideration can also be given to agencies receiving department operating support, grant allocations, and in-kind contributions.

In the current environment, agencies with a direct financial link include the Peoria Chamber of Commerce, Peoria Diamond Club, Theater Works, Northwest Black History Committee and United Peoria Foundation. Social service agencies receiving funds from the General Fund not-for-profit grant may also fall under this category. Currently, this would exclude agencies like the Challenger Center, Peoria Historical Society, Arizona Broadway Theater, and Fighter Country Partnership.

Depending on the financial criteria, there is a possibility that identification and notification will require moderate staff work to properly monitor agency qualification.

### **Agency Option #2-As Defined by Council Action**

Agencies subject to restriction would be individually identified by City Council. For example, City Council could formally note such “affiliated agencies” by Council action. This could be performed on an “as-needed” basis, or as part of the annual budget process.

Such a selection method affords some latitude by City leadership. However, a static listing of qualified agencies could create inconsistencies, as new agency relationships emerge, and as financial agreements evolve.

It is expected that oversight and monitoring of such listings will require a minimal level of City staff time.

### **Restrictions on Political Activity**

A policy will be expected to clearly define the political activities subject to restriction. Some activities may include:

**Agency Activities**-Defined affiliated agencies can be restricted from:

- Contributing to City elections
- Contributing to sitting Councilmember activities
- Contributing to municipal ballot items

- Sponsorship and/or donations to political events

**Agency Officials**-Executives associated with defined affiliated agencies can be restricted from:

- Holding Mayor and Councilmember positions in the City
- Contributing to City elections
- Contributing to sitting Councilmember activities
- Contributing to municipal ballot items

Clarification should be given to which agency officials are subject to restrictions. For example, many agencies include governing officers which oversee the overall policy and direction. In addition, agencies commonly have executive director and other high-level positions to help administer the direction of the agency board. The City's legal staff can also provide guidance on any legal restrictions placed on individuals involved in political activity.

In some states, a Conflict-of-Interest Disclosure Statement is used to identify possible associations with a jurisdiction. Often these are focused on clarifying property and investment holdings.

### **Enforcement**

A formal document can also include enforcement and compliance provisions for violating the terms of the policy. Possible enforcement measures can include:

- Cancellation of contract between the agency and the City. This could be performed administratively, or by explicit Council action.
- Financial withholding-The City may include provisions to limit funding, or require refunding of City funds.
- Violations could trigger a financial review or audit of agency expenditures and activities.

### **Compliance**

Based on policy provisions, options exist for the oversight and monitoring of qualified agencies. Currently, many election issues are handled on a complaint basis only. However, a policy could dictate that City staff ensures contractual compliance with contract provisions. Moreover, a data repository could be established which identifies an active list of agencies, records policy complaints, agency officials, and disclosure documents.

It is important to note that an effort to maintain an active and accurate repository of information could be a significant administrative effort.

**Previous Actions:**

On August 27, 2014, City Council discussed an Affiliate-Agency policy on political activities in Study Session.

On October 21, 2014, City Council discussed an Affiliate-Agency policy in Study Session and decided to continue the discussion in Study Session at a Special City Council meeting on October 28, 2014.

**Next Steps:**

Based on Council direction, staff is prepared to craft a proposed policy for review and action at a regular City Council meeting.

**Exhibit 1:** Current Partner Agency Contract Terms

**Contact Name and Number:** Jeff Tyne – 623-773-7114.

Study Session - October 28, 2014  
Affiliated/Partner Agencies  
Exhibit 1 - Current Partner Agency Contract Terms

## Summary of Contractual Arrangements Peoria-Affiliated Agencies

Agency	City Funding	Funding Source	Contract Through	Terms	Comments
Peoria Chamber of Commerce	\$ 77,000	General Fund Direct Appropriation	1-Jul-2015	*Used for direct costs related to Chamber activities *Complete/Submit a year-end impact report on use of awarded funds *Funds not expended to be returned to City	"Conflict-of-Interest" provision included in contract terms
Arizona Broadway Theater	\$ -	Land Lease Contract	1-Jul-2032	*Land lease rental payment schedule *Extension options *Land reverts back to City at end of lease	No "Conflict-of-Interest" provision included in contract
Theater Works	\$ -	Land and Facility Lease Contract Periodic General Fund Support	1-Jul-2025	*Agency to manage City facility *Lease of \$1/year to City, while City maintains ownership *Agency to maintain property and building *\$1 Ticket Surcharge for repair/replacement of systems *City receives days of use of facility	No "Conflict-of-Interest" provision included in contract
Peoria Diamond Club	\$ 64,000 \$ 75,000 \$ 45,000	Service contract Shared Ticket Revenue (Average) Spring Training Revenue Share	1-Apr-2015	*PDC provides ticketing services, offers parking/usher assistance *PDC receives share of Spring Training gate revenue to offset box office manager & ticket staff *PDC receives share of Spring Training net parking/scorecard revenue to offset parking/ticket taker/usher services	No "Conflict-of-Interest" provision included in contract
Not-for-Profit Grants	\$ 105,000	General Fund	1-Jul-2015	*Agency receives funding support through fiscal year *Agency must provide information regarding the use of funds, and the performance of activities	"Conflict-of-Interest" provisions included in contract terms

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 3

**Date Prepared: October 13, 2014**

**Council Meeting Date: October 28, 2014**

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**TO:** Carl Swenson, City Manager

**FROM:** Brent Mattingly, CFO  
Steve Kemp, City Attorney

**THROUGH:** Jeff Tyne, Deputy City Manager

**SUBJECT:** Study Session on Peoria Procurement Process

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**Purpose:**

On August 27, 2014, the City Council met in Study Session to discuss the City's procurement process. The Council asked staff to bring this topic back to a future Council Study Session for further discussion.

**Background/Summary:**

Pursuant to a request by a Councilmember, the Council Subcommittee on General Government met to understand the procurement process policy as explained in Chapters 2-301 to 2-327 of the City Code, as it relates to contracts awarded for services. At the Subcommittee meeting the Finance & Budget Department presented an overview of the City's current procurement practices and procedures. Following the presentation and discussion, the Council Subcommittee voted to forward this topic to the Council at a Study Session. The Council Subcommittee did not make any specific recommendations regarding the City's procurement process.

On August 27, 2014 the topic of the city's procurement process was presented to the entire City Council. At the conclusion of the Study Session, Council directed staff to bring back any language revisions needed to the current Council policy on subcommittees or to the City Procurement Code, should the Council be interested in following the City of Phoenix's procurement process that incorporates the use of Council subcommittees.

**Options:**

After the staff presentation and Council discussion, determine if there is Council direction for staff to revise Peoria's current procurement process.

**Exhibit:** DRAFT “redlined” version of Council Policy 1-10 (CP 1-10) “Council Committees to include Standing Policy Subcommittees, Ad Hoc Committees and Regional Committees”

**Contact Names and Numbers:** Brent Mattingly, CFO, 623-773-7134  
Steve Kemp, City Attorney, 623-773-7331

 <p style="text-align: center;"><b>CITY COUNCIL POLICY</b></p>	<b>CP 1-10</b>
	Category: General Department: City Manager's Office
<b>TITLE:</b> Council Committees to include Standing Policy Subcommittees, Ad Hoc Committees and Regional Committees	Approved: March 6, 2012

- A. Purpose  
 Pursuant to City Charter and City Code, this document institutes policy to establish, modify and terminate Council standing policy subcommittees, ad hoc committees and regional committees and describe their powers, duties, and responsibilities. This policy is being implemented for a trial period of one year. The Council shall review this policy within one year of adoption.
- B. General Provisions
1. The Mayor shall file with the City Clerk a list of all subcommittees and ad hoc committees, together with the members, chairperson, and charge of each subcommittee and ad hoc committee. Any changes in subcommittee or ad hoc committee information shall also be filed with the City Clerk.
  2. CP 1-6 *Public Body Meeting Procedures* shall govern all standing subcommittee and ad hoc committee meetings.
  3. Pursuant to City Code 2-63 City Manager-City Council relations, a standing policy subcommittee, ad hoc committee and its individual members shall deal with the administrative services of the city only through the City Manager, except for the purpose of inquiry. Neither a subcommittee or ad hoc committee nor any member thereof shall give orders or instructions to any subordinates of the City Manager.
    - a. Standing Policy Subcommittees  
 The purpose of standing policy subcommittees is to address policy issues as defined in Section E. of this Council Policy. Subcommittees are intended to be a public forum for council members "to make inquiries, analyze information, and provide recommendations" - not for departmental oversight. The purpose is not to address administrative matters, procedures or practices or to give direction to city staff regarding either policy or administrative matters.

Category: General

Title: *Council Committees to include Standing Policy Subcommittees,  
Ad Hoc Committees and Regional Committees*

CP 1-10

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- 1) The Mayor with the consent of the Council shall establish various Council standing subcommittees to include but not limited to those in Section D of this document.
- 2) The Mayor with the consent of the Council shall appoint three Council Members to each Council standing policy subcommittee for a one-year term. The Mayor shall make a good faith effort to equalize membership on subcommittees among the six Council Members. The Mayor with the consent of the Council may remove a subcommittee member.
- 3) Subcommittees are subject to Open Meeting Laws, rules of procedure and other laws and regulations deemed applicable by the City Attorney.
- 4) The Mayor may be a non-voting ex-officio member of all subcommittees, if he/she chooses.
- 5) Approximately one month prior to the first regular Council meeting of the calendar year, the Mayor shall inquire of subcommittee members any requests for subcommittee appointments. The Mayor will make a good faith effort to accommodate those requests. Initial appointments and/or changes shall be reviewed by the Council for possible consent at the first regular Council meeting of the calendar year.
- 6) One month prior to the first regular Council meeting each year, the Mayor may reassign subcommittee memberships, based on councilmember interests. Changes shall be reviewed by the Council for possible consent at the first regular Council meeting of the calendar year.
- 7) Members of each subcommittee shall select a chairperson at the first subcommittee meeting of the calendar year. The chairperson shall determine the agenda for the subcommittee consistent with the subcommittee's charge. A specific date and time each month will be set for each subcommittee. However, meetings will be held only as needed based on agenda items.
- 8) The City Manager shall assign appropriate staff and resources to support subcommittee meetings.
- 9) The City Manager shall create an administrative procedure to ensure the proper and efficient functioning of the subcommittee process. The

Category: General

Title: *Council Committees to include Standing Policy Subcommittees,  
Ad Hoc Committees and Regional Committees*

CP 1-10

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procedure shall be followed by all Council members and staff to ensure appropriate roles and responsibilities and relationships are adhered to by all parties.

- 10)The Mayor and individual Council Members may request ~~an item~~ a Policy matter as defined in Paragraph E., be placed on a subcommittee agenda for the purpose of collecting information, providing analysis, and making recommendations to the City Council or the City Manager.
- 11)The City Manager or the Council acting as a body may refer ~~matters~~ a Policy matter as defined in Paragraph E., to a subcommittee(s) for the purpose of collecting information, providing analysis, and making recommendations to the City Council.
- 12)Referrals and individual requests for discussion items to a subcommittee(s) must be in a format established by the City Manager. This format ensures that all Council members understand how to get an item on a subcommittee agenda.
- 13)The City Manager shall make the final decision about which subcommittee an item is assigned to, based on subject matter, in a timely manner, without undue delay.
- 14)The chairperson of a subcommittee shall place an item requested by the Mayor or individual Council Members for discussion on the subcommittee agenda in a timely manner without undue delay.
- 15)Subcommittees shall conduct public meetings on all matters referred to them in a timely manner without undue delay. Subcommittee agendas shall conform to Council rules. Citizen participation is encouraged.
- 16)When an item is referred to the Council as a whole from a subcommittee, it shall be referred in one of two ways: (1) with a unanimous recommendation or, (2) lacking a unanimous recommendation, it shall be referred without a recommendation. There may be a separate staff recommendation on subcommittee items forwarded to City Council. No subcommittee can “kill” an item.
- 17)All items referred from a subcommittee shall be reviewed by the Council sitting as a committee of the whole in study session in a timely manner without undue delay, with the exception of Procurement matters, which at the discretion of the Mayor and/or City Manager may be placed on a City Council agenda for discussion and possible action. However, if an item is considered routine, of a time-sensitive or emergency nature, it may go directly to the Council for formal action.

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18) The Council sitting as a committee of the whole in study session shall discuss the item referred from a subcommittee and determine that (1) the item should go to the full Council for formal action at a regular meeting, (2) further discussion is needed at a future Study Session, (3) further study is needed at the subcommittee level or at the staff level, or (4) no further discussion or action is needed.

19) Subcommittee meetings shall not be televised. No subcommittee shall be authorized to hold executive session except for the subcommittee charged with Council ethics investigations and only for that purpose.

~~19)~~20) The staff shall periodically report back to the Subcommittee hearing a procurement item the results of the procurement as an informational report.

~~20)~~21) \_\_\_\_\_ The attached flow charts are intended to illustrate how items are processed.

b. Ad Hoc Committees

The purpose of ad hoc committees is to study, review, and make recommendations to the City Council regarding specific issues designated by the Mayor and Council.

1. The Mayor with the consent of the Council may establish, modify, and terminate ad hoc committees of the Council and charge them with their powers, duties, and responsibilities.
2. The Mayor with the consent of Council shall appoint and remove the members and chairperson for each ad hoc committee.
3. Membership of an ad hoc committee may include citizens and up to three Council Members.
4. Ad hoc committees shall be established only for a limited, clearly defined, time and at the end of the designated time shall automatically be abolished unless the time is extended by the Mayor with the consent of the Council.

c. Regional Committees

Pursuant to Article 2 Section 7 of the City Charter, the Mayor is the sole representative of the city on regional committees. The Mayor may appoint one or more Council Members to represent the Mayor on a regional committee either temporarily or for an extended time. Examples of regional committees include the Maricopa Association of Governments, Regional Public Transportation Authority and Westmarc.

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Ad Hoc Committees and Regional Committees*

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C. Intent of this Policy

1. It is the intent of this document to modify and affirm the standing policy subcommittee, ad hoc committee and regional committee process, pursuant to City Charter and City Code.
2. It is the intent of this document to allow Mayor and Council Members through the subcommittee process to make inquiries, analyze information, and provide recommendations to the City Council. This process is intended to engage Council members and the public more thoroughly in city-related policy discussions in an informal public setting, encouraging greater citizen and Council input on policy creation at inception.
3. The option of rotating standing policy subcommittee membership on an annual basis is intended to provide Council members with broad knowledge of the city in order to enhance Council policymaking.
4. It is the intent of this document that discussion of issues with potential city policy implications be discussed at the subcommittee level. All issues will be referred with or without a recommendation to the Council as a whole in a study session, [with the exception of Procurement matters which shall be addressed in accordance with this policy.](#)
5. It is the intent of this document that the City Manager and Mayor, in the course of their duties, shall refer items they believe may impact city policy or require study, analysis or recommendation to a standing policy subcommittee(s).
6. It is NOT the intent of this document that the City Manager and Mayor refer items to a subcommittee(s) that they deem routine in nature or that do not impact city policy.
7. It is the intent of this document to acknowledge that from time to time issues which impact city policy may be of an emergency or time sensitive nature which require immediate Council review and will bypass the subcommittee procedure at the recommendation of the City Manager and Mayor. These occurrences, however, will be the exception and not the rule.

D. Subcommittee Titles and Descriptions

The list below is illustrative of the types of policy issues each subcommittee will discuss. The full Council will determine the specific charge of each subcommittee, and shall confirm or amend that charge on an annual basis.

1. **Policy and Appointments**

Relating to Public Policy concerning:

Category: General

Title: *Council Committees to include Standing Policy Subcommittees,  
Ad Hoc Committees and Regional Committees*

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Appointments to Boards and Commission, Ethics, Charter Officers, Council Policies, City Charter

2. **Community Culture and Public Safety**

Relating to Public Policy concerning:

Arts, Libraries, Education, Cultural Events & Promotions, Parks, Recreation and Veteran's Affairs, Police & Fire Services, Code Enforcement, Homeland Security, Terrorism, and Emergency Preparedness

3. **Sustainable Development and Public Services**

Relating to Public Policy concerning:

Not-for-Profit & Housing, Environment, Building Safety, Neighborhoods, Revitalization, Historic Preservation, Planning, Zoning, Economic Development and Business Retention, Transportation, Streets, Public Works, Utilities, Technology, Traffic and NTMP Program

4. **General Government**

Relating to Public Policy concerning:

Budget, Finance, Taxes, Any and All Rates, Any and All Fees, Intergov, Elections, General Government Activities, any topic not included in other Subcommittees

E. Definitions

1. **Policy:** Public policies are the particular goals and directions of a local government. Common examples include community growth, land use development, strategic planning, and capital improvement and financing. City Council policy decisions focus on the purpose, services, and programs necessary to achieve the council's goals and objectives. Policy provides a high-level overall plan to achieve adopted goals and objectives. A policy will often contain the 'what' and 'why'. [Procurements referred to a subcommittee by the staff or a council member are deemed to be policy item.](#)

Administrative decisions provide for the effective, efficient and equitable implementation of the policies approved by Council. They align the local government's administrative systems with the values, mission, and policy goals defined by the community and elected officials. Administrative tasks include establishing practices and procedures to implement adopted policy as well as the oversight of daily operations. Implementation will often contain the 'what', 'how', 'where', and 'when'.

2. **Consent:** Majority vote of the Peoria City Council in a regular or special meeting.

Category: General

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Ad Hoc Committees and Regional Committees*

CP 1-10

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3. **Regular Meetings:** Regular Meetings are held for the purpose of discussion or action of the Council on various issues deemed necessary to further the business of the City. Regular Meetings may include Consent Agenda items.
4. **Study Sessions:** Study Sessions are held for the purpose of presentations and discussions on such issues that require more in-depth consideration of the City Council. No formal action of the City Council may be taken at such meetings, other than general consensus or conveying direction to staff for further action.

**ATTACHMENTS:**

1. Council Subcommittee Flow Chart for Staff Submitted Items
2. Council Subcommittee Flow Chart for Council Submitted Items
3. Council Subcommittee Flow Chart for Boards and Commissions

APPROVED:

/S/

Bob Barrett, Mayor

APPROVED AS TO FORM:

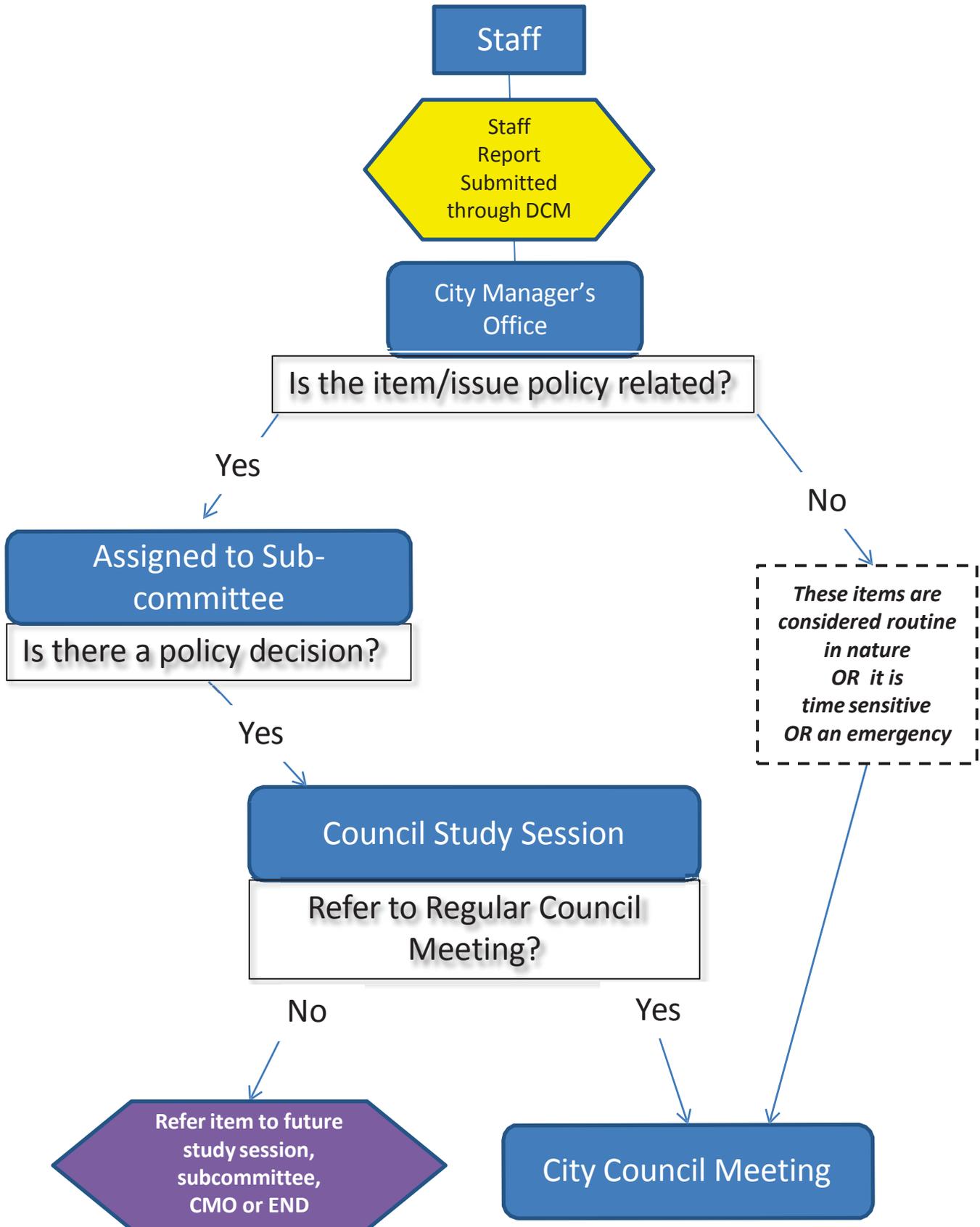
/S/

Stephen M. Kemp, City Attorney

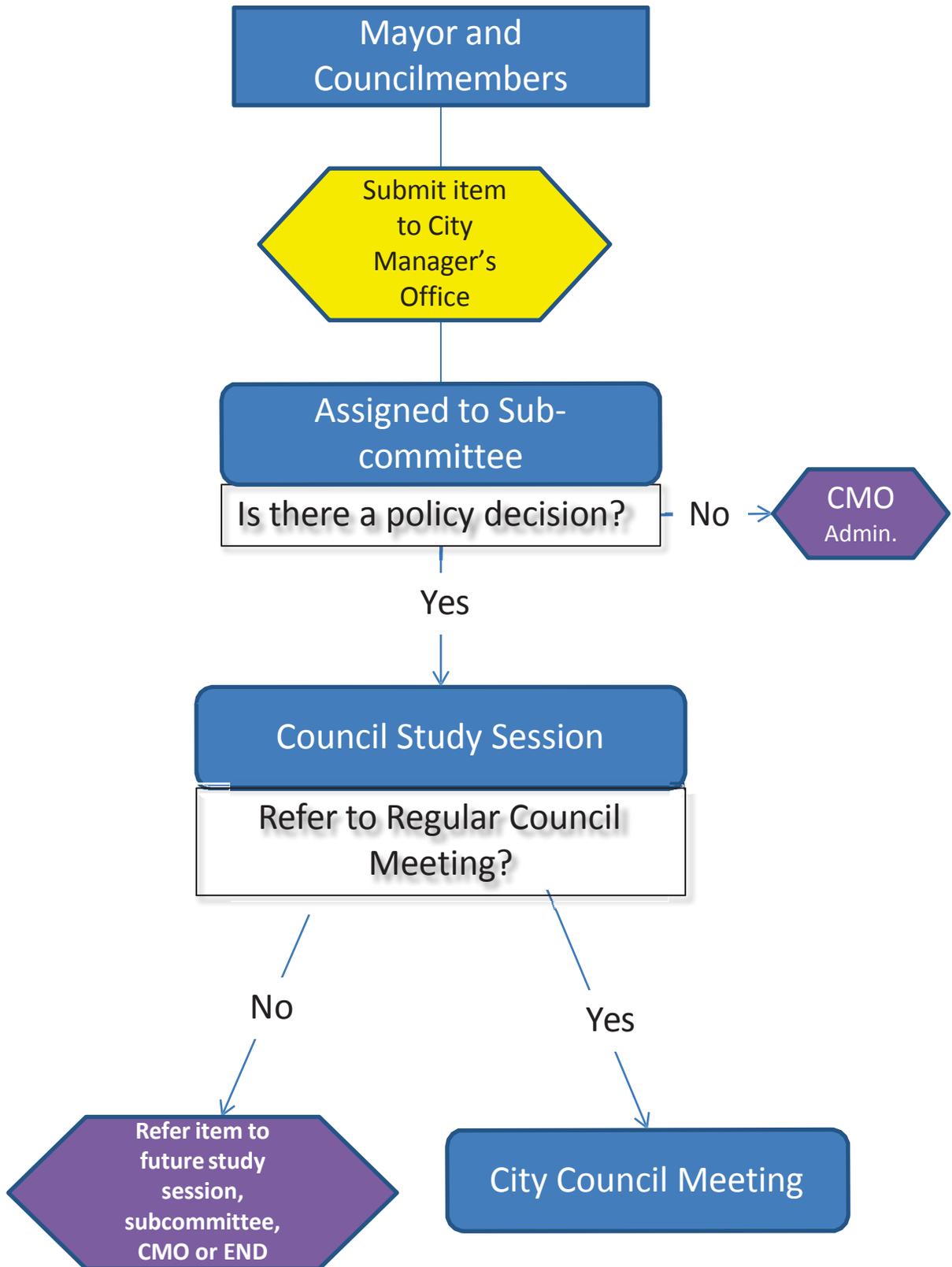
Adopted: 9/20/11, CC #18R

Amended: 03/06/12, CC #11R

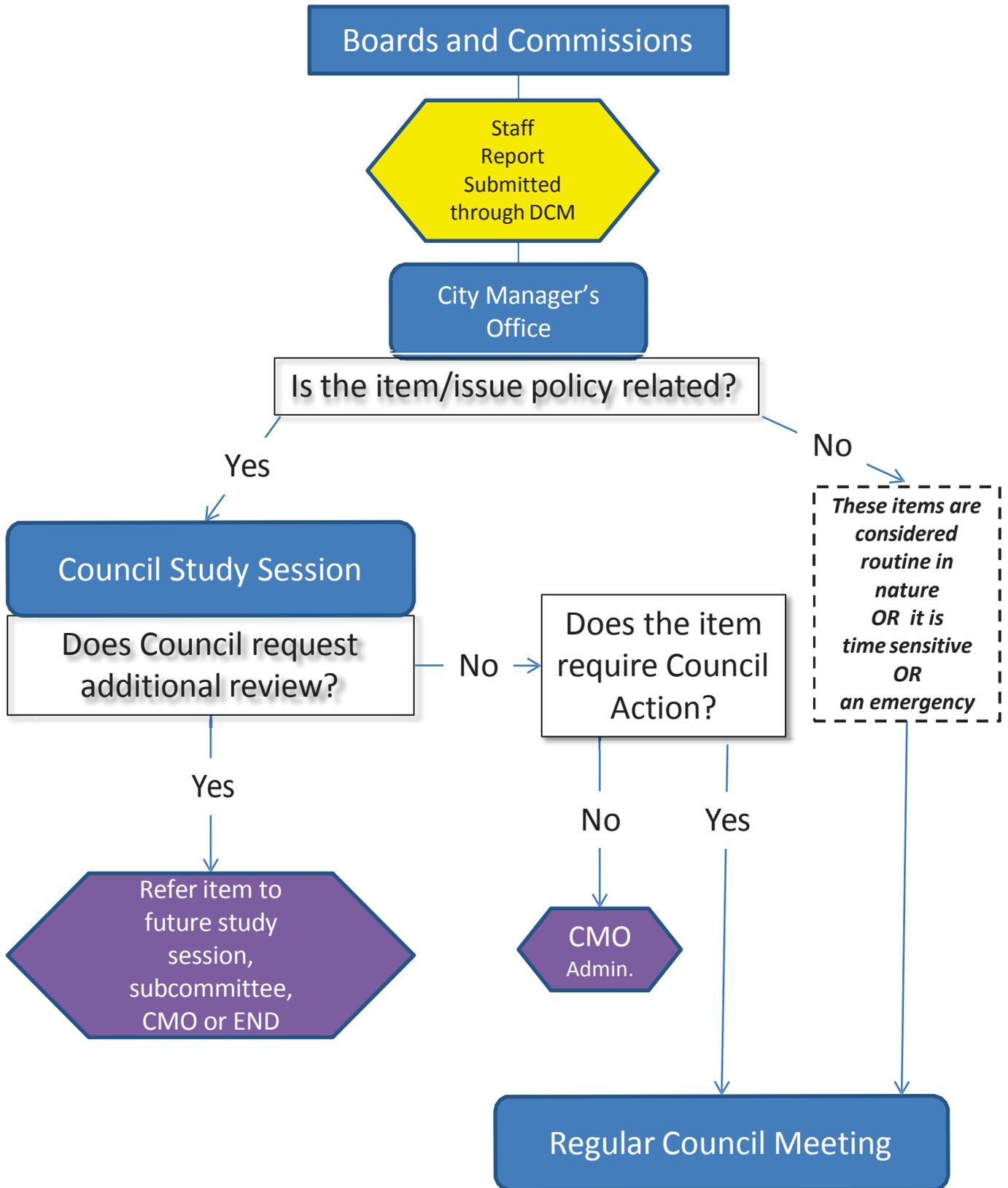
# Council Subcommittee Flow Chart For Staff Submitted items



# Council Subcommittee Flow Chart For Council Submitted items



# Council Subcommittee Flow Chart For Boards and Commissions



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 4

**Date Prepared: October 22, 2014**

**Council Meeting Date: October 28, 2014**

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**TO:** Carl Swenson, City Manager  
**FROM:** Andrew Granger, P. E., Engineering Director  
**THROUGH:** Susan J. Daluddung, Deputy City Manager  
**SUBJECT:** P83 Entertainment District Update

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**Purpose:**

The Engineering Department will provide an update on the progress of the capital projects within the P83 Entertainment District. These projects include the P83 Streetscape Improvements, the Sports Complex Stadium Improvements, and the new Skunk Creek Trailhead.

**Background/Summary:**

N/A

**Previous Actions:**

N/A

**Options:**

N/A

**Staff's Recommendation:**

N/A

**Fiscal Analysis:**

N/A

**Narrative:**

N/A

**Contact Name and Number:** Andrew Granger, P. E., Engineering Director, X7215

Date Prepared: October 23, 2014

Council Meeting Date: October 28, 2014

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**TO:** Carl Swenson, City Manager

**FROM:** Scott Whyte, Economic Development Services Director

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

**SUBJECT:** Update on The Avenue Shoppes at P83 Project

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**Purpose:**

This is an update to the City Council on the status of The Avenue Shoppes at P83 mixed-use redevelopment project with Peoria Sports Park, LLC (PSP).

**Background/Summary:**

The Avenue Shoppes at P83 Project has a Development Agreement and Amended Ground Lease that was approved in March 2014. The Development Agreement has several developer stipulations that must be completed by March 2015 in order to move to the next phase of the project, which includes the City proceeding with financing documents for the design and construction of the planned parking structures. The Development Agreement and Ground Lease stipulations include, but are not limited to:

- PSP shall enter into an agreement with a national or regional retail developer who has demonstrated experience, expertise and tenant relationships with the tenant mix necessary for the success of the project, and for the design, construction and marketing of Phase 1 of the project. The City has approval rights to the retail development partner proposed by PSP;
- PSP shall secure 100% of the equity financing needed for construction of the project as evidenced in a written commitment to invest from a bona fide investment entity;
- PSP shall secure 100% of the debt financing needed for the construction of the project as evidenced by an unconditional, written commitment to lend from a bona fide construction lender;
- PSP has obtained and provided to the City executed leases for at least 80% of the Phase 1 retail, restaurant and entertainment space consistent with the type of tenants contained in the City approved tenant mix matrix;
- PSP has supplied the City with documentary evidence for the design, construction and subsequent operation of the project hotel;
- No digital billboards along the Loop 101 Freeway will be a part of this project; and
- PSP shall submit to the city construction and operating pro forma documents evidencing final project construction cost estimates and clearly demonstrating that the debt and equity financing secured is sufficient to fund the construction of the project.

If PSP has satisfied all of the developer stipulations except for having executed leases for 60% of the Phase 1 retail, restaurant and entertainment space, the City, in its sole discretion, may extend the term of the development agreement for an additional 120 days in order to meet the tenant lease stipulation. If PSP has not met the developer stipulations by March 2015, then the development agreement and amended ground lease automatically terminate.

Other activities relating to the project include:

- The City completed a PAD Zoning Amendment in May 2014 for the project.
- PSP's marketing efforts include attendance at the International Council for Shopping Centers (ICSC) retail trade show in Las Vegas in May 2014 and in San Diego in October 2014. In addition, a marketing brochure and video have been produced to distribute to prospective investors/tenants.
- The City received a letter dated August 26, 2014, acknowledging that PSP has accepted clarifications concerning the construction of the parking garages:
  - The cost of final design and construction of the Alter Group site improvements shall be funded as part of, and not in addition to, the City's not to exceed contribution of \$30,000,000 toward the design and construction of the parking garages;
  - At the City's discretion, subject to Section 4(a) of the development agreement, PSP will be retained for the final design and construction of the Alter Group site improvements;
  - Construction of the parking garage located on 83<sup>rd</sup> Avenue, adjacent to the Alter Group leasehold, shall be completed prior to the Alter Group site improvements commencing; and
  - Any parking spaces lost temporarily on the Alter Group leasehold as a result of site improvement construction activity shall be replaced, on a one-for-one basis, in the Project parking garage on 83<sup>rd</sup> Avenue for use by bona fide Alter Group tenants during the period of time that the site improvements are being constructed.
- The City responded to requested information from the San Diego Padres and Seattle Mariners, including:
  - An exhibit identifying the height of all structures to be built as depicted on the most recent Project site plan
  - Exhibits revealing view modeling from the second floor of the Mariners/Padres clubhouse indicating how the Project would affect views from the offices and decks of the building; and
  - An updated Project parking usage memorandum reflecting the most recent site plan configuration.

In summary, the following items are in process:

- The project financing package for private equity and construction debt is due in the next two weeks. A separate package on the retail co-development partner, which the City has approval rights on, is due after the financing package; and
- Ernst and Young (EY) will conduct a 3<sup>rd</sup> party review of the financing and retail co-development partner package. Upon completion of the review, Economic Development Services will return to a City Council study session planned for the end of January 2015 to discuss the outcome.

**Previous Actions:**

Following is a list of previous Council actions on this project:

- City Council approved an amended Ground Lease Agreement with the Alter Group on September 16, 2014
- City Council approved a Development Agreement between the City and PSP on March 4, 2014
- City Council approved an amended Ground Lease to extend the term for one year between the City and PSP on March 4, 2014
- On December 10, 2013 staff provided an update on the financial analysis for The Avenue Shoppes at P83 revised project proposal
- On June 25, 2013 a Council study session was held on the results of the EY review of The Avenue Shoppes at P83 initial project proposal
- City Council approved the Ernst and Young consultant contract on April 9, 2013
- A Ground Lease was approved by City Council on January 22, 2013
- A Memorandum of Understanding (MOU) was approved by City Council with PSP on October 23, 2012
- A request to extend the Exclusive Negotiating Agreement for another year was approved by the City Council on February 8, 2012
- The City Council approved an Exclusive Negotiating Agreement on March 22, 2011

**Staff's Recommendation:**

Staff does not have a recommendation at this time.

**Fiscal Analysis:**

There is no fiscal impact as a result of this status report.