

# City Council Meeting Notice & Agenda

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Tuesday, April 07, 2015  
City Council Chamber  
8401 West Monroe Street  
Peoria, AZ 85345

## Special Meeting

5:00 P.M. Convene

### Roll Call

### Consent Agenda

**CONSENT AGENDA:** All items listed on the Consent Agenda 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

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

Discussion and possible action to authorize the holding of an Executive Session with representatives of the public body to consider its position and instruct its representatives regarding: (a) the potential acquisition of New River Water Utility pursuant to A.R.S. § 38-431.03.(A)3.; (b) the purchase, sale, or lease of real property located in the vicinity of 83rd Avenue and Peoria Avenue pursuant to A.R.S. §38-431.03.A.7.; (c) the purchase, sale, or lease of real property located in the vicinity of Peoria Avenue and State Route 101 pursuant to A.R.S. §38-431.03.A.7.; and (d) the purchase, sale, or lease of real property located in the vicinity of Olive Avenue and Grand Avenue pursuant to A.R.S. §38-431.03.A.7.

### Adjournment

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Mayor  
Cathy Carlat

Willow  
District  
Jon Edwards,  
Vice Mayor

Acacia  
District  
Vicki Hunt

Ironwood  
District  
Bill Patena

Mesquite  
District  
Bridget Binsbacher

Palo Verde  
District  
Michael Finn

Pine  
District  
Carlo Leone

## 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

2. An Executive Session for the discussion with representatives of the public body in order to consider its position and instruct its representatives regarding: (a) the potential acquisition of New River Water Utility pursuant to A.R.S. § 38-431.03.(A)3; (b) the purchase, sale, or lease of real property located in the vicinity of 83rd Avenue and Peoria Avenue pursuant to A.R.S. §38-431.03.A.7.; (c) the purchase, sale, or lease of real property located in the vicinity of Peoria Avenue and State Route 101 pursuant to A.R.S. §38-431.03.A.7.; and (d) the purchase, sale, or lease of real property located in the vicinity of Olive Avenue and Grand Avenue 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.

## Regular Meeting

7:00 P.M. Convene

### Pledge of Allegiance

### Roll Call

### Final Call To Submit Speaker Request Forms

### Presentation

3. Fiscal Year 2016 Recommended Budget Books

### Consent Agenda

**CONSENT AGENDA:** All items listed on the Consent Agenda 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

4. **C - Disposition of Absence**

Discussion and possible action to approve the absence of Council Youth Liaison Ian Mullane from the Special Meeting held on March 17, 2015 at 5:00 p.m.

5. **C - Minutes**

Discussion and possible action to approve the following minutes:

- February 17, 2015 Meeting Minutes
- March 3, 2015 Meeting Minutes

6. **C - Reappointments, Boards and Commissions**

Discussion and possible action to approve the recommendations from the Council Boards and Commissions Subcommittee pertaining to the following reappointments, and adopt the Resolutions as presented:

- Adopt **RES. 2015-26** reappointing MarleeJean Johnson and Pamela Potter as regular members to the Arts Commission,
- Adopt **RES. 2015-27** reappointing Shelley Bade and William Schindler as regular members to the Industrial Development Authority,
- Adopt **RES. 2015-28** reappointing Harold Gribow as a regular member to the Building Board of Appeals,
- Adopt **RES. 2015-29** reappointing Nancy Golden as a regular member to the Employee Benefits Trust Board,
- Adopt **RES. 2015-30** reappointing Katy O'Grady as a regular member to the Parks and Recreation Board,
- Adopt **RES. 2015-31** reappointing William Schindler as a regular member to the Public Defender Contract Review Committee,
- Adopt **RES. 2015-32** reappointing Alexander Obis as a regular member to the Public Safety Personnel Retirement Board - Fire,
- Adopt **RES. 2015-33** reappointing Alexander Obis as a regular member to the Public Safety Personnel Retirement Board - Police.

7. **C - Intergovernmental Agreement Amendment, Arizona Department of Transportation, Lake Pleasant Parkway Shoulder Pavement**

Discussion and possible action to adopt **RES. 2015-34** to approve Amendment No. 1 to the Intergovernmental Agreement with the Arizona Department of Transportation for the design and construction of the project to pave the shoulders along Lake Pleasant Parkway from Loop 303 to State Route 74.

8. **C - Intergovernmental Agreement, Arizona Department of Transportation, 75th Avenue Traffic Signal Communication Deployment**

Discussion and possible action to adopt **RES. 2015-35** to approve an Intergovernmental Agreement with the State of Arizona to execute the 75th Avenue Traffic Signal Communication Deployment.

9. **C - Intergovernmental Agreement Amendment, Maricopa County Library District, Library Assistance Program**

Discussion and possible action to approve Amendment No. 1 to the Intergovernmental Agreement with the Maricopa County Library District for the purpose of maintaining the Library Assistance Program, to facilitate the purchase of library materials for Peoria's Library system.

10. **C - Contract, Sun Life, Short-Term Disability**

Discussion and possible action to: (a) award a term contract with Sun Life for short-term disability insurance effective July 1, 2015; and (b) approve the expansion of the short-term disability coverage to all full-time, benefitted employees.

11. **C - Contract, SightCare, Vision Insurance**

Discussion and possible action to: (a) award a term contract with SightCare for vision insurance effective July 1, 2015; and (b) approve the transfer of the vision benefits to the Employee Benefits Trust Board.

12. **C - Contract, Minnesota Life, Life Insurance**

Discussion and possible action to: (a) award a term contract with Minnesota Life for basic life insurance, voluntary life insurance and accidental death and dismemberment insurance effective July 1, 2015; and (b) approve the expansion of basic life insurance coverage to two times the annual base rate of pay for all full-time, benefitted employees.

13. **C - Budget Amendment, Consulting Services, Intergovernmental Affairs Department**

Discussion and possible action to: (a) approve a budget amendment in the amount of \$41,500 to fund contracts with consultants to assist with community outreach activities; and (b) authorize a budget transfer in the amount of \$41,500 from the General Fund Contingency account to the Governmental Affairs Department - Other Professional Services account.

14. **C - Budget Amendment, New River Trail, Northern Avenue to Olive Avenue Trail and Underpass**

Discussion and possible action to: (a) allocate additional funding in the amount of \$295,000 for the construction of the 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; and (b) authorize a budget transfer in the amount of \$295,000 from the Transportation Sales Tax Street Systems account to the Transportation Sales Tax Park and Right-of-Way Improvements account.

15. **C - Notice of Intention, Water, Wastewater, and Reclaimed Water Rates Adjustment**  
Discussion and possible action to: (a) adopt the Notice of Intention to adjust the City's water, wastewater, and reclaimed water rates; and (b) establish May 19, 2015 as the date for the public hearing to consider adoption of the recommended rates.
16. **C - Updated Emergency Operations Plan, Maricopa County Department of Emergency Management**  
Discussion and possible action to approve the updated Emergency Operations Plan to provide direction on how the City would function during times of disaster and extreme emergencies.
17. **C - Resolution Amendment, Authorization to Acquire Land Rights, Beardsley Road and Loop 101 Connector Project**  
Discussion and possible action to adopt **RES. 08-04A** amending RES. 08-04 by removing the authorization to acquire land rights from the parcel identified as the site for construction of a trailhead.
18. **C - Deeds and Easements, Various Locations**  
Discussion and possible action to adopt **RES. 2015-36** accepting Deeds and Easements for Various Real Property interests acquired by the City.
19. **C - Designate Roadways, Establish Rights-of-Way, Various Locations**  
Discussion and possible action to adopt **RES. 2015-37** 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.
20. **C - Abandonment of City Interest, Non-Vehicular Access Easement, 91st Avenue and Greenbrian Drive**  
Discussion and possible action to adopt **RES. 2015-38** authorizing the release of a portion of the Non-Vehicular Access Easement located within Lot 3B of the Big Feat Ventures, LLC Subdivision Final Plat in the vicinity of 91st Avenue and Greenbrian Drive.

## Regular Agenda

### New Business

#### 21. **R - PUBLIC HEARING - Liquor Licenses, Various Locations**

**PUBLIC HEARING:** RE: (a) A New Off-Sale All Liquor License (Series 09) for Target #2227, located at 24890 North Lake Pleasant Parkway, Nicholas C. Guttilla, Applicant, LL#10007686; (b) New Restaurant Liquor License (Series 12) for Angry Crab Shack Restaurant, located at 7608 West Cactus Road #110, Ronald W. Lou, Applicant, LL#20012248; and (c) Sampling Privileges (Series 09S) to be added to the existing Off-Sale All Liquor License (Series 09) for Wal-Mart Supercenter #3896, located at 21655 North Lake Pleasant Parkway, Clare H. Abel, Applicant, LL#10010934.

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 Off-Sale All Liquor License (Series 09) for Target #2227, located at 24890 North Lake Pleasant Parkway, Nicholas C. Guttilla, Applicant, LL#10007686; (b) a New Restaurant Liquor License (Series 12) for Angry Crab Shack Restaurant, located at 7608 West Cactus Road #110, Ronald W. Lou, Applicant, LL#20012248; and (c) Sampling Privileges (Series 09S) to be added to the existing Off-Sale All Liquor License (Series 09) for Wal-Mart Supercenter #3896, located at 21655 North Lake Pleasant Parkway, Clare H. Abel, Applicant, LL#10010934.

#### 22. **R - PUBLIC HEARING - Code Amendment, Chapter 14, Establishing Regulatory Standards Governing Donation/Recycling Drop-Off Boxes**

**PUBLIC HEARING:** RE: City-initiated request to adopt an Ordinance establishing regulatory standards governing Donation/Recycling Drop-Off Boxes within the City of Peoria.

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 with staff modifications and adopt **ORD. 2015-08** amending Chapter 14 of the Peoria City Code (1977 Edition) by amending Article 14-2, Definitions; 14-3, "General Provisions"; 14-9, "Non-Residential Districts"; and Article 14-39, "Administrative Procedures" establishing regulatory standards governing Donation/Recycling Drop-Off Boxes within the City of Peoria.

## 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

23. **Council Calendar**

24. **Reports**

- A. Peoria Arts and Cultural Festival
- B. Party for the Planet - River and Trail Clean Up

## Reports from City Council Reports from the Mayor

## Adjournment

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

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

### **Public Notice**

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

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

**MINUTES OF THE PEORIA CITY COUNCIL**  
CITY OF PEORIA, ARIZONA  
CITY COUNCIL CHAMBER  
February 17, 2015

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 Cathy Carlat; Vice Mayor Jon Edwards; Councilmembers Michael Finn, Vicki Hunt, Carlo Leone, Bill Patena and Ben Toma.

**Council Youth Liaisons:** Ian Mullane and Michael Helt.

**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; Scott Whyte, Economic Development Services Director.

**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**

**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 Hunt, seconded by Vice Mayor Edwards, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

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

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 with United Phoenix Fire Fighters Association Local 493 pursuant to A.R.S. § 38-431.03.A.5; and (b) discussion and consultation with legal counsel and designated representatives of the public body pertaining to discussion or consideration of records that are exempt from public inspection pertaining to the security of city facilities pursuant to A.R.S. § 38-431.03.A.2.

**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 5:56 p.m.

**Members Present:** Mayor Cathy Carlat; Vice Mayor Jon Edwards; Councilmembers Michael Finn, Vicki Hunt, Carlo Leone, Bill Patena and Ben Toma.

**Council Youth Liaisons:** Ian Mullane and Michael Helt.

**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; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; John Sefton, Community Services Director; Scott Whyte, Economic Development Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

**Audience:** Approximately 15 members of the public were present.

## **STUDY SESSION AGENDA**

### **Subject(s) for Discussion Only**

#### 2. Huntington University Update

Scott Whyte, Economic Development Services Director, presented regarding Huntington University.

Mr. Whyte introduced Jeff Berggren, an official with Huntington University.

Mr. Whyte outlined the Economic Development Implementation Strategy with respect to target industries.

Mr. Berggren acknowledged the following individuals in attendance:

- Charles Klar, owner and developer of the property under consideration
- Matthew Earl Jones, founder of the Earl Jones Institute for Film and Television
- Remington Turner, BioAccel Portfolio Manager

Mr. Berggren updated Council regarding Huntington University including:

- Digital media arts program
- Why Huntington will bring digital media arts to Peoria
- Target audiences for digital media arts in Arizona
- Arrowhead Innovation campus location
- Huntington University collaborators
- Huntington University's vision with the City of Peoria

Discussion ensued regarding:

- Square footage of the University
- Whether digital arts will be the only program offered by Huntington University
- Timeframes for opening Huntington University
- Transferrable credits
- Tuition costs in comparison to Grand Canyon University
- Distance learning offerings
- Possible teaching majors at Huntington University
- The number and types of employees at Huntington University
- Graduated students working in the actual field of digital media arts
  - Employability and career placement
- Graduation rate
- Projected enrollment
- Scholarship opportunities
- Credentials for teaching

Mr. Whyte inquired if Council is interested in pursuing negotiations with Huntington University. It was the consensus of Council to pursue negotiations with Huntington University.

#### **ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 6:51 p.m.

### **EXECUTIVE SESSION AGENDA**

3. An Executive Session was convened immediately following the 5:00 p.m. Special Meeting for the purpose of: (a) discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations with United Phoenix Fire Fighters Association Local 493 pursuant to A.R.S. § 38-431.03.A.5; and (b) discussion and consultation with legal counsel and designated representatives of the public body pertaining to discussion or consideration of records that are exempt from public inspection pertaining to the security of city facilities pursuant to A.R.S. § 38-431.03.A.2.

**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 Finn led the Pledge of Allegiance.

**Members Present:** Mayor Cathy Carlat; Vice Mayor Jon Edwards; Councilmembers Michael Finn, Vicki Hunt, Carlo Leone, Bill Patena and Ben Toma.

**Council Youth Liaisons:** Ian Mullane and Michael Helt.

**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; Katie Gregory, Deputy Finance and Budget 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; Roy Minter, Police Chief; Dan Nissen, Assistant City Engineer; John Sefton, Community Services Director; Scott Whyte, Economic Development Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

**Audience:** Approximately 25 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. Mayor Carlat read aloud a Water Conservation Proclamation declaring March 16 through March 22, 2015 as "Fix a Leak Week".

**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 Carlat asked if any Councilmember wished to have an item removed from the Consent Agenda.

Councilmember Finn requested that Agenda Item 10C be removed for separate discussion.

Motion was made by Vice Mayor Edwards, seconded by Councilmember Toma, to approve the Consent Agenda with the exception of Agenda Item 10C. Upon vote, the motion carried unanimously 7 to 0.

5. **C - Minutes**

Approved the following minutes:

- January 6, 2015 Meeting Minutes
- January 13, 2015 Meeting Minutes
- January 20, 2015 Meeting Minutes
- January 31, 2015 Workshop Minutes

6. **C - General Plan Amendment, Land Use Map, Sunset Ranch II Parcel J, 99th Avenue and Pinnacle Peak Road**

Concurred with the Planning and Zoning Commission's recommendation and adopted **RES. 2015-16** approving an amendment to the General Plan Land Use Map by re-designating a site encompassing approximately 9.8 acres of land, located at the southwest corner of the 99th Avenue alignment and Pinnacle Peak Road from Estate Density Residential (0-2 du/ac, target of 1 du/ac) to Low Density Residential (2-5 du/ac, target of 3 du/ac) (GPA14-0005).

7. **C - Rezoning, Sunset Ranch II Parcel J, 99th Avenue and Pinnacle Peak Road**

Concurred with the Planning and Zoning Commission's recommendation and adopted **ORD. 2015-04** rezoning approximately 9.8 acres of land from General Agricultural to the Sunset Ranch Parcel J Planned Area Development for the development of 28 single-family residential lots (Z14-0009).

8. **C - Rezoning, Calderwood Court, 99th Avenue and Jomax Road**

Concurred with the Planning and Zoning Commission's recommendation and adopted **ORD. 2015-05** rezoning approximately 2.1 acres of land located one-quarter mile north of the northeast corner of 99th Avenue and Jomax Road from General Agricultural to the R1-18 Single-Family Residential Zoning District for the development of three single-family custom home lots (Z14-0008).

9. **C - Continuation of Contract Building Inspectors, Economic Development Services**

- (a) Authorized the reallocation of \$112,000 in one-time operational funds in the Building Development Divisions Other Professional Services account to continue providing contract building inspections; and
- (b) Approved a budget amendment in the amount of \$46,000 from the Building Development Other Professional Services account and \$66,000 from the Site Development Other Professional Services to the Building Development Contract Labor account.

10. **C - Budget Amendment, Storm Damage 2014, Parks and Recreation Facilities**

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

At the request of Councilmember Finn, Agenda Item 10C was pulled from the Consent Agenda for separate discussion.

John Sefton, Community Services Director, provided a brief overview of the request to authorize a budget amendment for costs to repair damage to City parks and recreation facilities sustained in August and September 2014.

Mr. Sefton reported that emergency repairs related to many user and public safety hazards were addressed quickly and mitigated utilizing Operational Budget funds.

Motion was made by Councilmember Finn, seconded by Councilmember Patena to:

- (a) Authorize a budget amendment in the amount of \$351,701 for repairs related to excessive storm damage in City parks and recreation facilities; and
- (b) Authorize a budget transfer from the General Fund Contingency account to various accounts within the Community Services Parks and Recreation Facilities budget.

Upon vote, the motion carried unanimously 7 to 0.

11. **C - Maintenance Improvement District No. 1169, Trilogy West Phase I Parcel C41, Upcountry Way and Vistancia Boulevard**

Approved the Petition for Formation and adopted **RES. 2015-14** intention and ordering the formation of proposed Maintenance Improvement District No. 1169, Trilogy West Phase I Parcel C41, located at Vistancia Boulevard south of Lone Mountain Road; and adopted **RES. 2015-15** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

12. **C - Deeds and Easements, Various Locations**

Adopted **RES. 2015-18** accepting Deeds and Easements for various Real Property interests acquired by the City.

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

Adopted **RES. 2015-19** 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.

## REGULAR AGENDA

### New Business:

14. **R - Old Town Commercial Revitalization Easement Agreement, Greenfield Townhomes, LLC and Wing Pointe Apartments Limited Partnership (State Trailer Supply)**

Scott Whyte, Economic Development Services Director, provided an overview of the request for approval of an Old Town Commercial Revitalization Easement Agreement with Greenfield Townhomes, LLC and Wing Pointe Apartments Limited Partnership.

Mr. Whyte identified the parties and their roles. Greenfield Townhomes, LLC, owner of the former Albertsons, and Wing Pointe Apartments Limited Partnership, owner of the former Walmart, are the legal entities that own property in Peoria Town Center in which State Trailer Peoria will operate its retail and wholesale supply business.

Mr. Whyte outlined the following:

- Economic Development Implementation Strategy
  - Old Town Investment Zone
- Economic Development Incentive and Investment Policy
  - Minimum project requirements
- Commercial revitalization challenges in Old Town
  - Years of disinvestment
  - Deferred maintenance in commercial property
  - Vacant buildings and inverted property values
  - Absentee and unmotivated land owners
  - Lack of private investment
  - Blight

Mr. Whyte reported that State Trailer Peoria will be the largest recreational vehicle and trailer parts accessory store in Arizona. Mr. Whyte further explained the store is expected to generate \$44.5 million in gross taxable sales, amounting to \$800,000 net sales tax to the City during the ten-year period of the agreement.

Mr. Whyte highlighted the terms of the agreement. Information included:

- Ten-year operating covenant
- Leases for the remainder of the space not occupied by State Trailer Peoria
- City approval rights on tenant selections
- Complete façade improvements within six months
  - Fifty percent reimbursement to State Trailer Peoria for construction costs of parking lot and façade improvements up to \$725,000
- No reimbursements prior to City approval of building and fire inspections
- City to provide assistance in the form of a reimbursable grant with 10 percent of the grant amount forgiven annually over the term of the grant and upon compliance with the terms of the agreement by State Trailer Peoria
- State Trailer to maintain improvements to the façade and parking lot

- No recreational vehicle, utility trailer, boat or vehicle sales will be allowed in the parking lot
  - Seasonal displays limited in scope and duration will be allowed for community events

Mr. Whyte introduced D. Ray Hult, the General Partner of Wing Pointe Apartments, Manager of Greenfield Townhomes, as well as the owner of State Trailer Peoria.

Mr. Hult expressed his appreciation to City staff for their efforts in the development of the new location.

In response to questions from Council, Mr. Hult confirmed there will be an indoor area for the installation of the accessory products sold at the facility. Mr. Hult reiterated that no recreational vehicle sales will be conducted, and no mechanical repairs will be performed at the site.

Motion was made by Councilmember Hunt, seconded by Councilmember Finn, to:

- (a) Authorize the City Manager to execute a City of Peoria Old Town Commercial Revitalization Easement Agreement with Greenfield Townhomes, LLC and Wing Pointe Apartments Limited Partnership;
- (b) Adopt **RES. 2015-20** whereas the City agrees to provide certain grant monies to owner and the City will receive an Easement in and to the property with a right of entry; and
- (c) Authorize a budget amendment in the amount of \$725,000 from the Half-Cent Sales Tax Fund Contingency account to the State Trailer Peoria Project, Half-Cent Sales Tax Fund, Economic Development Projects account.

Upon vote, the motion carried unanimously 7 to 0.

15. **R - Lease and Purchase Option, Lucidi Distilling Company, LLC, 8315 West Washington Street**

Scott Whyte, Economic Development Services Director, presented an overview of the proposed reuse of City-owned properties on West Washington Street by Lucidi Distilling Company, LLC.

Mr. Whyte reviewed the following related to the proposed project:

- Economic Development Implementation Strategy
  - Old Town Investment Zone
- Economic Development Incentive and Investment Policy
  - Return on Investment
  - Minimum project requirements
- Commercial revitalization challenges in Old Town
  - Years of disinvestment
  - Deferred maintenance in commercial property
  - Vacant buildings and inverted property values
  - Absentee and unmotivated land owners

- Lack of private investment
- Blight

Mr. Whyte reported that Lucidi Distilling Company's goal is to become the locally-based leader of craft-distilled spirits and intends to house its manufacturing headquarters in Old Town Peoria.

Mr. Whyte highlighted the four phases of the project as follows:

- Phase 1
  - A distillery operation and public tasting room in the former Fire Station No. 1
- Phase 2
  - A covered outdoor entertainment area to be constructed on a portion of the existing surface parking lot
- Phase 3
  - A limited food and beverage facility to be constructed on a portion of the existing surface parking lot
- Phase 4
  - Construction of a restaurant or sports bar to be located at the site of the former fire administration building and former Apostolic Church, depending on market acceptance of Phases 1 through 3.

Mr. Whyte outlined the terms of the Lease and Purchase Option agreements.

Mr. Whyte noted that Lucidi Distilling Company is required to secure all regulatory approvals to operate a distillery within 12 months of the effective date of the Lease or the Lease and Purchase Option will terminate for all properties.

Christopher Lucidi, sole member of Lucidi Distilling Company, LLC, reviewed a conceptual rendering of the proposed distillery and tasting room that will keep the design of the fire station.

Discussion ensued regarding:

- Timeframes for implementation of Phases 2 through 4
- Number of employees for the distillery

Motion was made by Councilmember Hunt, seconded by Councilmember Patena, to:

- (a) Authorize the City Manager to execute a Lease and Purchase Option for city-owned property at 8307 West Washington Street to revitalize the former Fire Station No. 1 property; and
- (b) Execute a Purchase Option for City-owned property at 8315 West Washington Street to develop new uses in compliance with the Old Town Revitalization Plan.

Upon vote, the motion carried unanimously 7 to 0.

**Call To The Public (Non-Agenda Items)**

None.

**Reports from City Manager:**

16. **Council Calendar**

17. **Reports**

- A. John Sefton, Community Services Director, provided information on the 2015 Arizona Chinese Lantern Festival to be held at Rio Vista Community Park from 5:00 p.m. to 10:00 p.m. on February 19-22 and February 26-March 1, 2015.
  
- B. John Sefton, Community Services Director, provided information on the Neighborhood ParkFest! Event to be held on Saturday, February 21, 2015 at Sunset Park, located at 29698 North Sunset Point, beginning at 2:00 p.m.

**Reports from City Council:**

Council Youth Liaison Helt reported that his Eagle Scout project encompassed approximately 150 hours and was showcased at the Greekfest event held February 6-8, 2015 at St. Haralambos Greek Orthodox Church.

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone encouraged residents to support the Peoria Diamond Club by volunteering to participate in the Spring Training operations at the Sports Complex. Councilmember Leone reminded citizens in the Mesquite District to vote in the Special Election to be held on March 10, 2015.

Councilmember Hunt announced that the Blue Yonders, a musical group formed as part of the United States Air Force's Band of the Golden West, would be performing at a free event at Theater Works on Sunday, February 22, 2015. Councilmember Hunt reminded residents in the Varney area of the bulk trash pickup scheduled for March 2-4, 2015.

Council Youth Liaison Mullane reported that he had received his voter registration card.

Councilmember Toma invited residents of the Mesquite District to attend the Parkfest! Event on Saturday, February 21, 2015 at Sunset Park, located at 29698 North Sunset Point, beginning at 2:00 p.m.

**Reports from the Mayor:**

None.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 8:28 p.m.

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Cathy Carlat, Mayor

ATTEST:

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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 17<sup>th</sup> day of February, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7<sup>th</sup> day of April, 2015.

(Seal)

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Rhonda Geriminsky, City Clerk

**MINUTES OF THE PEORIA CITY COUNCIL**  
CITY OF PEORIA, ARIZONA  
CITY COUNCIL CHAMBER  
March 3, 2015

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 Cathy Carlat; Vice Mayor Jon Edwards; Councilmembers Michael Finn, Vicki Hunt, Carlo Leone, Bill Patena and Ben Toma.

**Council Youth Liaison:** Michael Helt.

**Members Absent:** Council Youth Liaison Ian Mullane.

**Other Municipal Officials Present:** Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Bill Bock, Assistant City Attorney; Rhonda Geriminsky, City Clerk; Brent Mattingly, Finance and Budget Director; Roy Minter, Police Chief; John Sefton, Community Services Director; Scott Whyte, Economic Development Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

**Audience:** Approximately five members of the public were present.

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

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

**Clerk's Note:** At the request of staff, the request to hold an Executive Session was postponed.

No action was taken to authorize the holding of an Executive Session for the purpose of discussion with legal counsel of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contemplated litigation in the matter of City of Peoria v. Westover et al. pursuant to A.R.S. § 38-431.03(A)(4).

## **STUDY SESSION AGENDA**

**Subject(s) for Discussion Only**

2. Economic Development Implementation Strategy Part II Update

Scott Whyte, Economic Development Services Director, outlined the history and goals of the Economic Development Implementation Strategy (EDIS).

Mr. Whyte presented regarding:

- Focus location areas and current targeted industries in the City as they related to the EDIS
- Quality jobs versus quantity
- Advanced industries in the City and average salaries portfolio
- EDIS II agenda
- Strengths, weaknesses, opportunities and threats analysis for the City of Peoria
- Site selection factors
- 2013 top site selection factors
- Top quality of life site selection factors
- Workforce
  - Development needs
  - Out commuting
  - Labor sheds
- Real estate
  - Available and suitable sites and buildings
  - Opportunities based on market readiness
- Current economic development strengths and challenges in the City of Peoria

Discussion ensued regarding:

- Peoria Place infrastructure and uses
- Shovel-ready versus market-ready property
- Land-owner outreach strategies and timeframes between Northern Avenue and Bell Road
- Strategy for vacant buildings
- State land parcels at Lake Pleasant Parkway and the Loop 303

### 3. City of Peoria Investment Program

Katie Gregory, Deputy Finance and Budget Director, outlined the City's Investment Program.

Sonia Andrews, Finance Manager, presented regarding:

- Investing private funds versus public funds
- Cash and investment balances
- Quarterly Investment Report summary
- Investment Policy objectives
  - Protect public funds
  - Liquidity
  - Diversification
  - Yield

- Permitted investments
- Investment Policy maturity limits

Scott McIntyre, Senior Vice President of FirstSouthwest Asset Management, presented regarding:

- Indicative market rate levels
- The City's investment earnings
- Interest rate forecast

Ms. Andrews concluded the presentation with a summary of the proposed changes to the City's Investment Policy.

Discussion ensued regarding:

- Whether Community Facilities Districts are backed by the same investment policies
- Weighted average maturities greater than three years
- Policy maximums

#### **ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 6:12 p.m.

### **EXECUTIVE SESSION AGENDA**

4. An Executive Session for the purpose of discussion with legal counsel of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contemplated litigation in the matter of City of Peoria v. Westover et al. pursuant to A.R.S. § 38-431.03(A)(4) was postponed.

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 Hunt led the Pledge of Allegiance.

**Members Present:** Mayor Cathy Carlat; Vice Mayor Jon Edwards; Councilmembers Michael Finn, Vicki Hunt, Carlo Leone, Bill Patena and Ben Toma.

**Council Youth Liaison:** Michael Helt.

**Members Absent:** Council Youth Liaison Ian Mullane.

**Other Municipal Officials Present:** Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Bill Bock, Assistant City Attorney; Rhonda Geriminsky, 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; Tom Pendley, Deputy Fire Chief; John Sefton, Community Services Director; Scott Whyte, Economic Development Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

**Audience:** Approximately 25 members of the public were present.

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

**Presentation:**

5. Friends of the Peoria Public Library 25th Anniversary and Bravo Peoria Events

Mayor Carlat read aloud a proclamation honoring the Friends of the Peoria Public Library for its commitment to literacy and 25 years of service to the City of Peoria.

Colleen McElroy, president of the Friends of the Peoria Public Library, thanked Council for recognizing the service the organization provides to the citizens of Peoria. Ms. McElroy provided an update on its programs and fundraising efforts during 2014.

John Sefton, Community Services Director, invited citizens to attend the Bravo Peoria event, hosted by the Friends of the Peoria Public Library, to be held on Saturday, March 7, 2015 at the Sunrise Mountain Library and Camino a Lago Park beginning at 9:00 a.m.

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

6. **C - Annexation, 89th Avenue and Patrick Lane**

Adopted **ORD. 2015-06** approving the annexation of approximately 2.35 acres of privately-owned property located south of the southeast corner of 89th Avenue and Patrick Lane (ANX13-0003).

7. **C - Grant, Maricopa Association of Governments, Purchase PM-10 Certified Street Sweeper**

- (a) Accepted a grant from Maricopa Association of Governments in the amount of \$231,215 for the purchase of a PM-10 certified street sweeper; and
- (b) Approved a budget amendment in the amount of \$231,215 from the Streets/Transit Equipment Reserve Fund Other Vehicles account to the Federal CMAQ Streets Grant Fund Other Vehicles account.

8. **C - Contract Amendment No. 1, J. Banicki Construction, Reconstruction of Residential Roads, Esquire Manor Community**

Approved Contract Amendment No. 1 with J. Banicki Construction, Inc., in the amount of \$156,175.63 for the repair and restoration of residential roads in the Esquire Manor community.

9. **C - Investment Report, Quarter Ending December 31, 2014**

Reviewed and accepted the Investment Report as presented.

10. **C - Budget Amendments, Fiscal Year 2015**

Approved the Fiscal Year 2015 Second Quarter budget amendments.

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

Adopted **RES. 2015-17** accepting Deeds and Easements for various Real Property interests acquired by the City.

## **REGULAR AGENDA**

### **New Business:**

12. **R - Resolution, Support of Public Education in Arizona**

Carl Swenson, City Manager, introduced the agenda item regarding the Council's recognition of the importance of public education to the City.

Mayor Carlat read aloud the Resolution affirming Council's support for public education in Arizona.

Brooke Kistner, a parent and Peoria Unified School District employee, stressed the importance of public education and thanked the Council for their support.

Lisa Best, a parent and president of the Parent Teacher Student Association at Terramar Elementary School, reported on a rally organized to protest the State's proposed budget cuts to education.

Dr. Denton Santarelli, Superintendent of the Peoria Unified School District, thanked the Council for their collaboration and ongoing vision for the City.

Monica Martinez, a former school teacher in Peoria, thanked the Council for supporting the School District in order to continue the growth and prosperity of the City.

Discussion ensued regarding the lack of State funding for public education.

Motion was made by Councilmember Patena, seconded by Vice Mayor Edwards, to adopt **RES. 2015-21** affirming its support for public education in Arizona.

Upon vote, the motion carried unanimously 7 to 0.

13. **R - PUBLIC HEARING - Bingo License, Pleasant Harbor, Located at 8708 West Harbor Boulevard**

**Staff Report:**

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 Pleasant Harbor, located at 8708 West Harbor Boulevard, Cindy Smith, Applicant, #20009425.

**Public Hearing:**

Mayor Carlat 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 Pleasant Harbor, located at 8708 West Harbor Boulevard, Cindy Smith, Applicant, #20009425.

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

**Council Action:**

Motion was made by Councilmember Patena, seconded by Councilmember Toma, to recommend approval to the Arizona Department of Revenue for a Class A (Small Game) Bingo License for Pleasant Harbor, located at 8708 West Harbor Boulevard, Cindy Smith, Applicant, #20009425.

Upon vote, the motion carried unanimously 7 to 0.

14. **R - PUBLIC HEARING - Liquor License, QuikTrip #436, Located at 6739 West Happy Valley Road**

**Staff Report:**

Brent Mattingly, Finance and Budget Director, reported on staff's recommendation to recommend approval to the State Liquor Board for a New Wine and Beer (Series 10) Liquor License for QuikTrip #436, located at 6739 West Happy Valley Road, Troy C. DeVos, Applicant, LL#20004301.

**Public Hearing:**

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a New Wine and Beer (Series 10) Liquor License for QuikTrip #436, located at 6739 West Happy Valley Road, Troy C. DeVos, Applicant, LL#20004301.

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

**Council Action:**

Motion was made by Councilmember Toma, seconded by Councilmember Finn, to recommend approval to the State Liquor Board for a New Wine and Beer (Series 10) Liquor License for QuikTrip #436, located at 6739 West Happy Valley Road, Troy C. DeVos, Applicant, LL#20004301.

Upon vote, the motion carried unanimously 7 to 0.

15. **R - Memorandum of Understanding, United Phoenix Fire Fighters Association Local 493, Peoria Chapter**

Julie Ayers, Human Resources Director, provided an overview of the negotiations with the United Phoenix Fire Fighters Association Local 493, representing Peoria Fire Fighters (PFFA). Ms. Ayers reported that the meet and confer process began on October 16, 2014 and concluded on February 5, 2015. The City was notified by PFFA on February 26, 2015 that their membership had ratified the proposed contract.

Ms. Ayers highlighted the key provisions contained in the Memorandum of Understanding.

Discussion ensued regarding the market adjustments established in the agreement.

Motion was made by Vice Mayor Edwards, seconded by Councilmember Hunt, to recommend approval of a Memorandum of Understanding with the United Phoenix Fire Fighters Association Local 493, Peoria Chapter.

Upon vote, the motion carried 6 to 1, with Councilmember Toma voting "no".

16. **R - Amendment, Parking Facilities and Development Agreement, Peoria Sports Park, LLC**

Scott Whyte, Economic Development Services Director, presented on a proposed amendment to an agreement with Peoria Sports Park, LLC for development of The Avenue Shoppes at P83 project.

Mr. Whyte summarized the provisions and performance milestones contained in the proposed amendment.

In response to questions from Council, Mike Oliver, Manager of Peoria Sports Park, LLC, explained an extension was requested in order to finalize and submit complete project financing and retail co-development partner proposals for the project.

Discussion ensued regarding evaluation of the project financing and retail co-development partner proposals.

Motion was made by Vice Mayor Edwards, seconded by Councilmember Patena, to authorize the City Manager to execute the First Amendment to the Parking Facilities and Development Agreement with Peoria Sports Park, LLC effective from the date of approval through October 30, 2015.

Upon vote, the motion carried unanimously 7 to 0.

17. **R - Amendment, Council Policy 1-10, Council Committees, Subcommittees, Ad Hoc Committees**

Tammy Shreeve, Strategic Management Officer, provided a brief overview of the proposed amendment to Council Policy 1-10 regarding Council Committees and City policy items.

Motion was made by Councilmember Hunt, seconded by Councilmember Finn, to adopt an amendment to Council Policy 1-10 to change the composition of the Council Subcommittees to a Council Policy Committee of the Whole.

Upon vote, the motion carried unanimously 7 to 0.

**Call To The Public (Non-Agenda Items)**

None.

**Reports from City Manager:**

18. **Council Calendar**

19. **Reports**

A. ICMA Credentialed Manager Certificate

Carl Swenson, City Manager, recognized Jeff Tyne, Deputy City Manager, for achieving the Credentialed Manager designation from the International City/County Management Association.

B. 2015 Spring Training Kickoff

John Sefton, Community Services Director, announced the 2015 Spring Training season begins at 1:05 p.m. on Wednesday, March 4, 2015 with the annual Peoria Diamond Club Charity Game between the San Diego Padres and the Seattle Mariners.

### C. Neighborhood ParkFest! Series

John Sefton, Community Services Director, provided information on the ParkFest! event to be held at Varney Park, located at 11820 North 81<sup>st</sup> Avenue, on Saturday, March 14, 2015 beginning at 10:00 a.m.

#### **Reports from City Council:**

Council Youth Liaison Helt announced that he would be a youth delegate at the upcoming National League of Cities Congressional City Conference to be held March 7-11, 2015 in Washington, DC.

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone extended his congratulations to former Peoria Mayor Ron Travers for being inducted into the Cactus League Hall of Fame. Councilmember Leone reported on the Shred-a-Thon event held in the Maranatha Baptist Church parking lot on Saturday, February 28, 2015.

Councilmember Hunt thanked the Friends of the Peoria Public Library volunteers for supporting the Peoria Public Library System. Councilmember Hunt reported on the Council Not-for-Profit Review and Housing Subcommittee meetings held in February. Councilmember Hunt thanked the Theater Works Board of Directors for utilizing the Peoria Community Center during the Theater Works Gala on Saturday, February 28, 2015. Councilmember Hunt encouraged residents to attend the ParkFest! event at Varney Park.

Councilmember Finn reminded residents of the upcoming bulk trash collection in the Palo Verde District. Councilmember Finn thanked Skyview Elementary School for giving him an opportunity to read to its fourth-grade students.

Councilmember Toma reported on his attendance at a ribbon cutting for the Sandra Day O'Connor High School Sports Medicine building addition. Councilmember Toma commended the Community Services Department staff on the Parkfest! event held in the Mesquite District.

Vice Mayor Edwards reported on the various City of Peoria activities he attended. Vice Mayor Edwards announced that a public meeting regarding digital billboards will be conducted on March 18, 2015 at Arrowhead Elementary School, located at 7490 West Union Hills Drive in Glendale. Vice Mayor Edwards encouraged constituents of the Willow District to attend the meeting in order to voice their opposition to the digital billboards being proposed at the exit of the Loop 101 and Bell Road.

#### **Reports from the Mayor:**

Mayor Carlat reported on the opportunity she was provided to read to the kindergarten students at Skyview Elementary School. Mayor Carlat addressed the digital billboards being proposed in Glendale and their impact on Peoria residential communities.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 8:28 p.m.

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Cathy Carlat, Mayor

ATTEST:

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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 3<sup>rd</sup> day of March, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7<sup>th</sup> day of April, 2015.

(Seal)

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Rhonda Geriminsky, City Clerk

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 6C

**Date Prepared: March 30, 2015**

**Council Meeting Date: April 7, 2015**

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

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**Purpose:**

This is a request for City Council to reappoint board and commission members as recommended by the Council Boards and Commissions Subcommittee as follows:

Reappointments

<b>Board/Commission</b>	<b>Name</b>	<b>Term Expiration</b>
Arts Commission	MarleeJean Johnson	June 2019
	Pamela Potter	June 2019
Industrial Development Authority	Shelley Bade	June 2021
	William Schindler	June 2021
Building Boards of Appeals	Harold Gribow	June 2019
Employee Benefits Trust Board	Nancy Golden	June 2019
Parks and Recreation Board	Katy O'Grady	June 2019
Public Defender Contract Review Committee	William Schindler	June 2019
Public Safety Personnel Retirement Board – Fire	Alexander Obis	June 2019
Public Safety Personnel Retirement Board – Police	Alexander Obis	June 2019

**Background/Summary:**

The Council Boards and Commissions 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 February 24, 2015, the Council Boards and Commissions Subcommittee recommended appointments/reappointments to various boards and commissions.

On February 26, 2015, a memorandum was submitted to Mayor and Council, outlining the appointment recommendations from the February 24, 2015 Subcommittee meeting, asking for concerns to be submitted in writing to the Mayor. No comments were received.

**Options:**

**A.** Reappoint 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 Boards and Commissions Subcommittee pertaining to the following reappointments and adopt the Resolutions as presented:

Adopt RES. 2015-26 reappointing MarleeJean Johnson and Pamela Potter as regular members to the Arts Commission, and

Adopt RES. 2015-27 reappointing Shelley Bade and William Schindler as regular members to the Industrial Development Authority, and

Adopt RES. 2015-28 reappointing Harold Gribow as a regular member to the Building Board of Appeals, and

Adopt RES. 2015-29 reappointing Nancy Golden as a regular member to the Employee Benefits Trust Board, and

Adopt RES. 2015-30 reappointing Katy O'Grady as a regular member to the Parks and Recreation Board, and

Adopt RES. 2015-31 reappointing William Schindler as a regular member to the Public Defender Contract Review Committee, and

Adopt RES. 2015-32 reappointing Alexander Obis as a regular member to the Public Safety Personnel Retirement Board - Fire, and

Adopt RES. 2015-33 reappointing Alexander Obis as a regular member to the Public Safety Personnel Retirement Board - Police.

**Fiscal Analysis:**

There is no fiscal impact regarding this item.

**Narrative:**

If reappointed, the reappointed board and commission members will receive Certificates of Appointment.

**Exhibit(s):**

- Exhibit 1: Resolution No. 2015-26
- Exhibit 2: Resolution No. 2015-27
- Exhibit 3: Resolution No. 2015-28
- Exhibit 4: Resolution No. 2015-29
- Exhibit 5: Resolution No. 2015-30
- Exhibit 6: Resolution No. 2015-31
- Exhibit 7: Resolution No. 2015-32
- Exhibit 8: Resolution No. 2015-33

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

RESOLUTION 2015-26

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING MARLEEJEAN JOHNSON AND PAMELA POTTER TO THE ARTS COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, there exists two vacant regular positions on the Arts Commission;  
and

WHEREAS MarleeJean Johnson and Pamela Potter desire to be members of  
and reappointed to the Arts Commission; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm  
said reappointment of MarleeJean Johnson and Pamela Potter, as regular members, to  
the City of Peoria Arts Commission.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the  
City of Peoria that MarleeJean Johnson and Pamela Potter are reappointed as regular  
members to the City of Peoria Arts Commission.

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

MarleeJean Johnson	June 2019
Pamela Potter	June 2019

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria,  
Arizona this 7th day of April, 2015.

CITY OF PEORIA, an Arizona municipal  
corporation

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

RESOLUTION NO. 2015-26  
Page 2 of 2

Approved as to Form:

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Stephen M. Kemp, City Attorney

RESOLUTION 2015-27

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING SHELLEY BADE AND WILLIAM SCHINDLER TO THE INDUSTRIAL DEVELOPMENT AUTHORITY AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, there exists two vacant regular positions on the Industrial Development Authority; and

WHEREAS Shelley Bade and William Schindler desire to be members of and reappointed to the Industrial Development Authority; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said reappointment of Shelley Bade and William Schindler, as regular members, to the City of Peoria Industrial Development Authority.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Shelley Bade and William Schindler are reappointed as regular members to the City of Peoria Industrial Development Authority.

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

Shelley Bade	June 2021
William Schindler	June 2021

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 7th day of April, 2015.

CITY OF PEORIA, an Arizona municipal corporation

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Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

RESOLUTION NO. 2015-27  
Page 2 of 2

Approved as to Form:

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Stephen M. Kemp, City Attorney

RESOLUTION 2015-28

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

WHEREAS, there exists one vacant regular position on the Building Board of Appeals; and

WHEREAS, Harold Gribow desires to be a member of and reappointed to the Building Board of Appeals; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said reappointment of Harold Gribow, as a regular member, to the City of Peoria Building Board of Appeals.

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

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

Harold Gribow                      June 2019

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 7th day of April, 2015.

CITY OF PEORIA, an Arizona municipal corporation

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

Approved as to Form:

RESOLUTION NO. 2015-28  
Page 2 of 2

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Stephen M. Kemp, City Attorney

RESOLUTION 2015-29

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING NANCY GOLDEN TO THE EMPLOYEE BENEFITS TRUST BOARD AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, there exists one vacant regular position on the Employee Benefits Trust Board; and

WHEREAS, Nancy Golden desires to be a member of and reappointed to the Employee Benefits Trust Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said reappointment of Nancy Golden, as a regular member, to the City of Peoria Employee Benefits Trust Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Nancy Golden is reappointed as a regular member to the City of Peoria Employee Benefits Trust Board.

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

Nancy Golden                      June 2019

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 7th day of April, 2015.

CITY OF PEORIA, an Arizona municipal corporation

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

Approved as to Form:

RESOLUTION NO. 2015-29  
Page 2 of 2

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Stephen M. Kemp, City Attorney

RESOLUTION 2015-30

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING KATY O'GRADY TO THE PARKS AND RECREATION BOARD AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, there exists one vacant regular position on the Parks and Recreation Board; and

WHEREAS, Katy O'Grady desires to be a member of and reappointed to the Parks and Recreation Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said reappointment of Katy O'Grady, as a regular member, to the City of Peoria Parks and Recreation Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Katy O'Grady is reappointed as a regular member to the City of Peoria Parks and Recreation Board.

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

Katy O'Grady                      June 2019

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 7th day of April, 2015.

CITY OF PEORIA, an Arizona municipal corporation

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

Approved as to Form:

RESOLUTION NO. 2015-30  
Page 2 of 2

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Stephen M. Kemp, City Attorney

RESOLUTION 2015-31

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING WILLIAM SCHINDLER TO THE PUBLIC DEFENDER CONTRACT REVIEW COMMITTEE AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, there exists one vacant regular position on the Public Defender Contract Review Committee; and

WHEREAS, William Schindler desires to be a member of and reappointed to the Public Defender Contract Review Committee; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said reappointment of William Schindler, as a regular member, to the City of Peoria Public Defender Contract Review Committee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that William Schindler is reappointed as a regular member to the City of Peoria Public Defender Contract Review Committee.

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

William Schindler          June 2019

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 7th day of April, 2015.

CITY OF PEORIA, an Arizona municipal corporation

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

RESOLUTION NO. 2015-31  
Page 2 of 2

Approved as to Form:

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Stephen M. Kemp, City Attorney

RESOLUTION 2015-32

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING ALEXANDER OBIS TO THE PUBLIC SAFETY PERSONNEL RETIREMENT BOARD - FIRE AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, there exists one vacant regular position on the Public Safety Personnel Retirement Board - Fire; and

WHEREAS, Alexander Obis desires to be a member of and reappointed to the Public Safety Personnel Retirement Board - Fire; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said reappointment of Alexander Obis, as a regular member, to the City of Peoria Public Safety Personnel Retirement Board - Fire.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Alexander Obis is reappointed as a regular member to the City of Peoria Public Safety Personnel Retirement Board - Fire.

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

Alexander Obis                      June 2019

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 7th day of April, 2015.

CITY OF PEORIA, an Arizona municipal corporation

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

RESOLUTION NO. 2015-32  
Page 2 of 2

Approved as to Form:

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Stephen M. Kemp, City Attorney

RESOLUTION 2015-33

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING ALEXANDER OBIS TO THE PUBLIC SAFETY PERSONNEL RETIREMENT BOARD - POLICE AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, there exists one vacant regular position on the Public Safety Personnel Retirement Board - Police; and

WHEREAS, Alexander Obis desires to be a member of and reappointed to the Public Safety Personnel Retirement Board - Police; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said reappointment of Alexander Obis, as a regular member, to the City of Peoria Public Safety Personnel Retirement Board - Police.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Alexander Obis is reappointed as a regular member to the City of Peoria Public Safety Personnel Retirement Board - Police.

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

Alexander Obis                      June 2019

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 7th day of April, 2015.

CITY OF PEORIA, an Arizona municipal corporation

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

RESOLUTION NO. 2015-33  
Page 2 of 2

Approved as to Form:

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Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 7C

**Date Prepared:** March 9, 2015

**Council Meeting Date:** April 7, 2015

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**TO:** Carl Swenson, City Manager

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

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

**SUBJECT:** Resolution No. 2015-34 , Amendment One, Intergovernmental Agreement, Arizona Department of Transportation, Pave Shoulders along Lake Pleasant Parkway, between Loop 303 and State Route 74

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**Purpose:**

This is a request to adopt Resolution No. 2015-34 to approve Amendment One to the Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) for the design and construction of the project to pave the shoulders along Lake Pleasant Parkway from Loop 303 to State Route (SR) 74.

**Background/Summary:**

The Environmental Protection Agency has mandated that all agencies mitigate airborne dust down to the size of 10 microns in size, hence reduce the Particulate Matter to 10 microns (PM-10). While new roads require curbing and/or landscaping to control the dust, many of the older roads still have unpaved shoulders. The Arizona Department of Environmental Quality requires that cities control fugitive dust in the Salt River monitoring site portion of Maricopa County PM-10 Serious Nonattainment Area by either paving or covering the shoulders to reduce the dust that is kicked up by passing vehicles. This project was developed to comply with those requirements.

While there are approximately 50 lane miles of road abutted by dirt shoulders in the City, this project furthers the process of compliance by paving 1.9 miles of shoulders along Lake Pleasant Parkway from the Loop 303 north to SR 74. Construction of the project will be funded through a combination of federal funds programmed through the Maricopa Association of Governments (MAG) along with City matching funds. The cost for design of the project has been paid by the City.

The Public Works-Utilities Department submitted an application for Federal Highway Administration funds through MAG to be used to pay for the design and construction of paved shoulders along Lake Pleasant Parkway. The application was approved and Congestion

Mitigation and Air Quality (CMAQ) funds were successfully programmed in the FY2014-FY2015 Transportation Improvement Program (TIP), specifically the design was approved in FY2014, while the construction will be executed in FY2015.

This project required the City to choose an on-call designer from the ADOT list and pay for that design. ADOT will then advertise the project for bid, award and administer the construction of the project.

The City is not certified through ADOT to administer federally funded projects. Therefore, an IGA was required to authorize ADOT to act as the City's agent to design and construct the project.

On March 4, 2014 the City Council adopted a Resolution to approve an Intergovernmental Agreement (IGA), JPA13-0003851-I, with ADOT for the design and construction of the project to pave the shoulders along Lake Pleasant Parkway from Loop 303 to SR 74.

During the design phase of the project, it was determined that the project was underestimated. Staff has worked with MAG as part of the close-out process to increase the amount of federal funding for construction. This amendment increases the federal funding applicable to the project by the amount of \$397,000.

**Previous Actions:**

- March 4, 2014 – Council approved the IGA with ADOT to pave the unpaved shoulders along Lake Pleasant Parkway from Loop 303 to SR 74.

**Options:**

**A:** Approve the adoption of the amendment to the IGA with ADOT.

**B:** Deny approval of the amendment to the IGA with ADOT. The result will be that the City will be 100% responsible for the additional funds to complete the construction.

**Staff's Recommendation:**

Staff recommends the adoption of the Resolution approving the Amendment One to the IGA with ADOT.

**Fiscal Analysis:**

- Payment for construction of this project is anticipated to be 94.3% federally funded with CMAQ funds for the construction of the project.

- The City will fund 5.7% of the construction.
- The City may also extend the size of the construction budget with a 100% City contribution to bring the cost of the project up to the projected City CIP program.
- The City will fund 100% of the design.

A summary of the costs is as follows:

	Original IGA	IGA after Amendment 1	Increase
City funds for Construction	\$ 24,298	\$ 48,000	\$ 23,702
Federal Funds for Construction	\$401,983	\$793,983	\$392,000
Total construction cost estimate	\$426,281	\$841,983	\$415,702

The total estimated City cost of the design and construction of the project is \$134,298. Payment will be from the Highway User Fund, Street System Account, 7000-7050-543001-CIPST-PW01001.

The City's 2014-2024 CIP program contains \$459,622 in the budget for this project. Currently, there are no construction costs identified in the project that are ineligible for federal funding, and there is no anticipation of exceeding the maximum amount of federal funding available.

The estimated operating and maintenance costs associated with these improvements should actually be a slight decrease in costs. Although this project paves approximately 1.9 miles of unpaved shoulder, it does not eliminate the need for on-going routine maintenance.

**Narrative:**

Approval of the amendment will allow the pavement of the shoulders along Lake Pleasant Parkway in FY2015.

The schedule is as follows:

- Summer 2015      Deliver final plans
- Fall 2015        Begin construction
- Winter 2015     Estimated completion of construction

The IGA has been reviewed by the City Attorney's office and the Public Works-Utilities Department.

**Exhibits:**

**Exhibit 1:** Location Map

**Exhibit 2:** Resolution

**Exhibit 3:** Amendment One to the IGA

**Contact Name and Number:** Geoffrey Zinnecker, P. E., Civil Engineer, X7293



NOT TO SCALE



**LEGEND**

 Roadway Improvements



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

RESOLUTION NO. 2015-34

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING AMENDMENT ONE TO THE INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA AND THE CITY OF PEORIA TO PAVE THE SHOULDERS ALONG LAKE PLEASANT PARKWAY FROM LOOP 303 TO STATE ROUTE 74.

WHEREAS, the City of Peoria (City) 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 enter into Amendment One to the Intergovernmental Agreement with the State of Arizona to pave the shoulders along Lake Pleasant Parkway from Loop 303 to State Route 74; and

THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Peoria, Arizona approves and adopts this Resolution to enter into Amendment One to the Intergovernmental Agreement with the State of Arizona, and the City of Peoria (attached) to pave the shoulders along Lake Pleasant Parkway from Loop 303 to State Route 74

PASSED AND APPROVED by the Mayor and City Council of the City of Peoria, Arizona this 7<sup>th</sup> day of April, 2015

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Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

Resolution No. 15-34  
IGA Amendment One - State of Arizona  
Pave Shoulders along Lake Pleasant Pkwy; Loop 303 to SR74  
April 7, 2015  
Page 2

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

*Attachment:*

1. Intergovernmental Agreement Amendment One

ADOT File No.: IGA/ JPA 13-0003851-I  
Amendment No. One: 15-0005155-I  
AG Contract No.: P001201400096  
Project: Lake Pleasant Parkway  
Section: Loop 303 to SR 74  
Federal-aid No.: PEO-0(220)T  
ADOT Project No.: SZ111 01C 01D  
TIP/STIP No.: MAG TIP: PEO13-102  
CFDA No.: 20.205 - Highway Planning  
and Construction  
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 INTERGOVERNMENTAL AGREEMENT (the "Amendment No. One")**, entered into this date \_\_\_\_\_, 2015, 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 13-0003851-II, A.G. Contract No. 13-0003851, was executed on March 27, 2014, (the "Original Agreement").

**WHEREAS**, the State is empowered by Arizona Revised Statutes § 28-401 to enter into this Amendment No. One and has delegated to the undersigned the authority to execute this Amendment No. One on behalf of the State;

**WHEREAS**, the City is empowered by Arizona Revised Statutes § 48-572 to enter into this Amendment No. One and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Amendment No. One and has authorized the undersigned to execute this Amendment No. One on behalf of the City; and

**NOW THEREFORE**, in consideration of the mutual agreements expressed herein, the purpose of this Amendment No. One is to increase the funding for the construction phase of the Project. The Parties desire to amend the Original Agreement, as follows:

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**I. RECITALS**

**Section I. Paragraph 6. Is revised as follows:**

**SZ111 01C construction**

Federal-aid funds @ 94.30%	\$ 793,983.00
City's contribution @ 5.7%	\$ <u>48,000.00</u>
<b>Subtotal – Construction**</b>	<b>\$ 841,983.00</b>
<b>Summary:</b>	
<b>Total Estimated City Funds</b>	<b>\$ 48,000.00</b>
<b>Total Federal Funds</b>	<b>\$ <u>793,983.00</u></b>
<b>Total Estimated Project Cost</b>	<b>\$ 841,983.00</b>

**II. SCOPE OF WORK**

**Section II, Paragraph( 1.f. is revised as follows:**

1. The State will:

f. 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 **\$48,000.00**. Once the Project construction costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual costs.

**Section II, Paragraph 2.g. is revised as follows:**

2. The City will:

g. Upon completion of design and within thirty (30) days of receipt of an invoice from the State and prior to bid advertisement, pay to the State, the City's Project construction costs, currently estimated at **\$48,000.00**. Once the Project construction costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual costs.

**III. MISCELLANEOUS PROVISIONS**

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

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**THIS AMENDMENT NO. ONE** shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.

**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 Amendment No. One and that the Amendment No. One is in proper form.

**IN WITNESS WHEREOF**, the Parties have executed this Amendment No. One the day and year first above written.

**CITY OF PEORIA**

**STATE OF ARIZONA**

Department of Transportation

By \_\_\_\_\_  
**CATHY CARLAT**  
Mayor

By \_\_\_\_\_  
**STEVE BOSCHEN, P.E.**  
ITD Division Director

ATTEST:

By \_\_\_\_\_  
**RHONDA GERIMINSKY**  
City Clerk

ADOT File No.: IGA/ JPA 13-0003851- I  
Amendment No. One :15-0005155-I

**ATTORNEY APPROVAL FORM FOR THE CITY OF PEORIA**

I have reviewed the above referenced Amendment No. One to the Original 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 Amendment No. One 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 Amendment No. One.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
City Attorney

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 8C

Date Prepared: January 27, 2015

Council Meeting Date: April 7, 2015

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**TO:** Carl Swenson, City Manager

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

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

**SUBJECT:** Resolution No. 2015-35, Intergovernmental Agreement, Arizona Department of Transportation, 75<sup>th</sup> Avenue Traffic Signal Communication Deployment

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**Purpose:**

This is a request for City Council to adopt Resolution No. 2015-35 to approve the Intergovernmental Agreement (IGA) with the State of Arizona to execute the 75<sup>th</sup> Avenue Traffic Signal Communication Deployment.

**Background/Summary:**

There are 115 signalized intersections in the City of Peoria. The traffic signals are controlled from a cabinet that is located on the ground adjacent to one of the signal poles. That cabinet houses the electronic equipment that runs the single traffic signal.

The purpose of this project is to connect the traffic signal cabinets in the field with the Traffic Management Center (TMC), allowing staff to operate the traffic signals as an integrated system. Staff will be able to see in real time the vehicular traffic that is passing through the intersections. Further, they can manipulate the timing of the traffic signals to clear backups or move traffic more efficiently during emergencies.

In order to connect the traffic signal cabinets to the TMC, conduit and a fiber optic connection is needed. The City has already placed many miles of conduit and a fiber optic back bone throughout the City. Now the branch circuits are being installed, allowing the system to be looped and creating system redundancy. Several years ago, the Engineering Department/Traffic Engineering Division requested FHWA (Federal Highway Administration) funds through Maricopa Association of Governments (MAG) to be used to extend the conduit and fiber optic system along 75<sup>th</sup> Avenue north of Greenway, and along Paradise from 75<sup>th</sup> Avenue to 77<sup>th</sup> Avenue. Staff's application was accepted and Congestion Mitigation and Air Quality (CMAQ) funds were programmed in the MAG FY16 budget.

The City is not certified to administer federally funded projects; therefore, an IGA is required for ADOT to act as the City's agent to administer the project through the design and construction phases.

The project will include the following tasks:

- Purchase and installation of fiber along 75<sup>th</sup> Avenue from the existing vault on 75<sup>th</sup> Avenue north of Greenway Road to 75<sup>th</sup> Avenue/Paradise Lane; Paradise Lane from 75<sup>th</sup> Avenue to 77<sup>th</sup> Avenue.
- No utility relocations are anticipated as the fiber will be placed to avoid existing facilities.
- No additional right of way will be required to perform this work.
- An environmental clearance will be required as the ground will be disturbed by the project.

A summary of the terms of the agreement is provided below.

The State Will:

- Upon execution of this IGA, and prior to performing or authorizing any work, invoice the City for the State's design review fee, currently estimated at \$20,000.
- Upon receipt of the design review fee, review and approve the documents required by the FHWA to qualify the project and to receive federal funds, providing comments to the City as appropriate.
- Upon receipt of the scoping/design costs contract with one of the State's on-call consultants to prepare all pertaining documents.
- Request the maximum programmed federal funds for the construction of this project.
- Upon approval by the FHWA, proceed to advertise for, receive and open bids, enter into contract with low bidder, administer the contract, and make all payments.

The City Will:

- Upon execution of the IGA, designate the State as authorized agent for the City.
- Upon execution of the IGA, remit to the State the State's design review fee, estimated at \$20,000, when invoiced.
- Transfer to the State scoping/design costs estimated at \$77,500.
- Transfer to the State construction funds estimated at \$12,499.
- Be responsible for all costs in excess of the maximum amount of federal funds and for any costs ineligible for federal funds.
- Insure that the project will remain within existing right of way.
- Prevent any unauthorized encroachment into the right of way.
- Allow ADOT access to the City's right of way for the construction of this project.
- Be responsible for claims or additional costs of the project.

- Assume responsibility for maintenance of and electricity for the new equipment after construction.
- Repay federal funds if the project is not advanced within 10 years.

**Previous Actions:**

No previous Council Actions on this item.

**Options:**

**A:** Approve the IGA with the State of Arizona.

**B:** Deny approval of the IGA. The result will be the cancellation of the project and the estimated \$206,772 in federal funds will be in jeopardy. This will also delay the extension of the fiber optic system within the City causing functionality issues and ultimately resulting in the City having to expend capital improvement funds to complete the fiber.

**Staff's Recommendation:**

Staff recommends approval of the IGA with the State of Arizona.

**Fiscal Analysis:**

The estimated total cost to the city of this IGA is \$109,999. The funding is available in the FY 2015 capital budget in the Traffic Signal Interconnect Project (PW00133). Payments to the state will be made from the Transportation Sales Tax Fund Street System Account 7010-7075-543001-CIPTC-PW00133. This project is anticipated to be 94.3 percent federally funded with CMAQ funds for construction of the project. The City will pay 100 percent of the design and 5.7 percent of construction.

The estimated operating and maintenance costs associated with these improvements is \$2,000 per year to pay for the ongoing maintenance of the fiber and the blue stake activities associated with the new facilities.

**Narrative:**

Approval of the agreement will allow the installation of the fiber beginning in the fall of 2016.

The schedule is as follows:

- June 2015                      Begin Right of Way Clearance
- June 2015                      Begin Utility Clearance

- June 2015                      Begin Environmental Clearance
- February 2016                Finalize design and begin review process
- April 2016                     Finish clearances and clear the project through ADOT
- August 2016                  Commit the funds
- September 2016              Estimated start of construction
- December 2016              Estimated completion of construction

The IGA has been reviewed by the City Attorney's office.

**Exhibits:**

**Exhibit 1:** Location Map

**Exhibit 2:** Intergovernmental Agreement

**Exhibit 3:** Resolution

**Contact Name and Number:** Steve McKenzie, P. E., PTOE, ITS Engineer, X7994



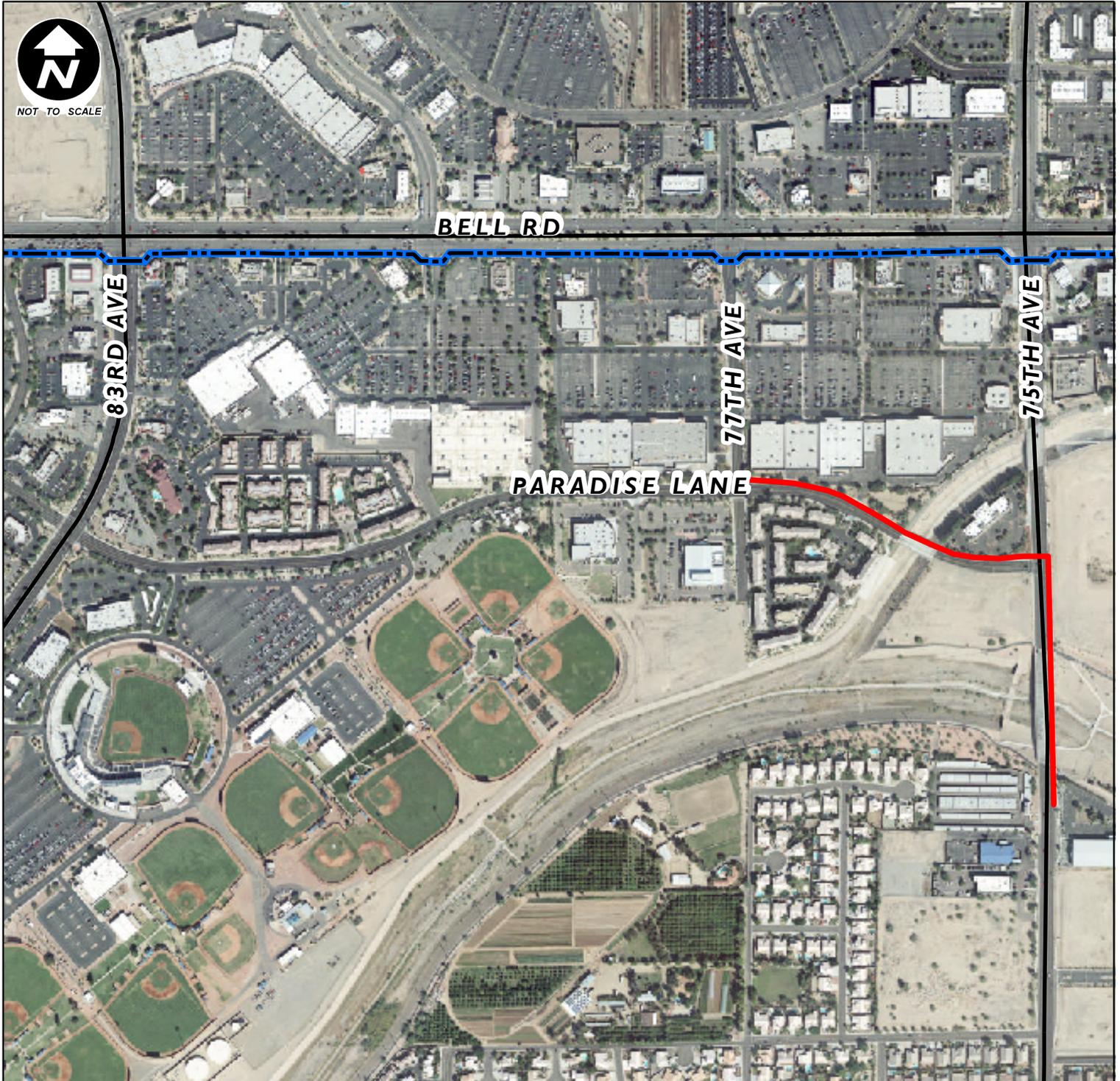
# City of Peoria

ENGINEERING

75th Ave; North of Greenway  
Paradise Lane, 75th Ave to 77th Ave  
**Location Map**



NOT TO SCALE



## LEGEND



Traffic Interconnect Fiber



Peoria Corporate Limits



### NOTE

Map based on imprecise source information, subject to change and FOR GENERAL REFERENCE ONLY.

RESOLUTION NO. 2015-35

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION AND THE CITY OF PEORIA FOR THE 75<sup>TH</sup> AVENUE TRAFFIC SIGNAL COMMUNICATION DEPLOYMENT.

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 enter into an Intergovernmental Agreement with the Arizona Department of Transportation (State) for the 75<sup>th</sup> Avenue Traffic Signal Communication Deployment;

WHEREAS, by the City entering into 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 enter into an Intergovernmental Agreement with the State for the 75<sup>th</sup> Avenue Traffic Signal Communication Deployment.

Resolution No. 2015-35  
Arizona Department of Transportation  
75<sup>th</sup> Avenue Traffic Signal Communication Deployment, Project PW00133  
April 7, 2015  
Page 2 of 2 Pages

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Maricopa County, Arizona, this 7th day of April 2015.

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Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

ADOT File No.: IGA/JPA 14-0004663-I  
AG Contract No.: P0012014003719  
Project: 75<sup>th</sup> Ave Traffic Signal  
Communications Deployment  
Section: 75<sup>th</sup> Avenue, Greenway Road  
to Paradise Lane, , Paradise Lane, 75<sup>th</sup>  
Avenue to 77<sup>th</sup> Avenue  
**Federal-aid No.: PEO-0(222)T**  
**ADOT Project No.: SZ169 01D/01C**  
**TIP/STIP No.: MAG PEO16-401 CMAQ**  
**CFDA No.: 20.205 - Highway Planning  
and Construction**  
**Budget Source Item No.: N/A**

## INTERGOVERNMENTAL AGREEMENT

BETWEEN  
THE STATE OF ARIZONA  
AND  
CITY OF PEORIA

**THIS AGREEMENT** is entered into this date \_\_\_\_\_ 2015, 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 are collectively 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 work proposed under this Agreement consists of installation/construction of conduit, pull boxes and fiber optic cable and associated equipment on 75<sup>th</sup> Avenue from 2,5000 feet North of Green Way Road to Paradise Lane, Paradise Lane to 75<sup>th</sup> Avenue to 77<sup>th</sup> Avenue, hereinafter referred to as the "Project". The City will use an ADOT on-call firm for the design, and the State will facilitate contracting the design consultant and oversee the City's administration of the design. In addition, the State will advertise, bid, award, and administer the construction of the Project. The plans, estimates and specifications for the Project will be prepared and, as required, submitted to the State and Federal Highway Administration (FHWA) for its review and approval.
  4. The City, in order to obtain federal funds for the construction of the Project, 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, including actual construction engineering and administration costs (CE).
-

5. The interest of the State in this Project is the acquisition 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. The State shall be the designated agent for the City for the Project, if the Project is approved by FHWA and funds for the Project are available. The Project will be performed, completed, accepted and paid for in accordance with the requirements of the Project specifications and terms and conditions.

6. The Parties shall perform their responsibilities consistent with this Agreement and any change or modification to the Project will only occur with the mutual written consent of both Parties.

7. The federal funds will be used for the installation/construction of the Project, including the construction engineering and administration cost (CE). The estimated Project costs are as follows:

**SZ169 01D (ADOT Project Management & Design Review (PMDR) Cost, non-federal-aid):**

PMDR costs @ 94.3% (CMAQ funding)*	\$ 28,290.00
City's match @ 5.7%	\$ <u>1,710.00</u>

**SZ169 03D (Scoping and Design)**

Project Design Cost @ 94.3% (CMAQ funding)	\$ 60,352.00
City's contribution @ 5.7%	\$ 3,648.00
City's contribution @ 100%	\$ <u>14,000.00</u>

Subtotal –Scoping/Deign/PMDR	\$ 108,000.00
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**SZ169 01C (construction)**

Federal-aid funds @ 94.3%	\$ 206,772.00
City's match @ 5.7%	\$ <u>12,499.00</u>

TOTAL Estimated Construction Costs**	\$ 219,271.00
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Total Estimated City Funds	\$ 31,857.00
Total Federal Funds	\$ <u>295,414.00</u>

Estimated Project Costs**	\$ 327,271.00
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\* (Included in the City estimated funds)

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

The Parties acknowledge that the final Project costs may exceed the initial estimate(s) shown above, and in such case, the City is responsible for, and agrees to pay, any and all 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 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. Upon execution of this Agreement, be the designated agent for the City for the Project, if the Project is approved by FHWA and funds for the Project are available.

b. Upon execution of this Agreement, and prior to performing or authorizing any work, invoice the City for the initial PMDR costs, currently estimated at **\$1,710.00**. If, during the development of the design, additional funding from the City is required, the State will invoice the City in increments of \$5,000.00 to cover projected PMDR costs. Once the Project costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual design review costs.

c. Upon execution of this Agreement, and prior to performing or authorizing any work, invoice the City for the City's share of the Project scoping/design costs, currently estimated at **\$17,648.00**. Once these costs have been finalized, the State will either invoice or reimburse the City for the difference between the estimated and approved scoping/design costs of the Project.

d. Upon receipt of the PMDR cost and City's estimated share of the Project scoping/design costs, on behalf and with consent of the City, contract with one of the State's on-call consultants ("Consultant") to prepare all pertaining documents for the scoping/design of the Project, incorporating the City's comments as appropriate. Such documents may consist of, but are not specifically limited to, environmental documents, including 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 requirements and activities and such other related tasks essential to the achievement of the objectives of this Agreement.

e. Review and approve documents required by FHWA to qualify the Project for and to receive federal funds, including the issuance of appropriate clearance documents required for construction.

f. Upon completion of design and prior to bid advertisement, invoice the City for the City's share of the Project installation/construction costs, currently estimated at **\$12,499.00**. Once the Project costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual Project construction costs.

g. Upon receipt of the City's estimated share of the Project construction costs, submit all documentation required to FHWA with the recommendation that funding be approved for construction and request the maximum programmed federal funds for the construction of this Project. Should costs exceed the maximum federal funds available, it is understood and agreed that the City will be responsible for any overage.

h. Upon FHWA authorization and with the aid of the City, proceed to administer construction, advertise for, receive and open bids, subject to the concurrence of the City to whom the award is made, and enter into a contract(s) with a firm(s) for the construction of the Project.

i. Be granted, without cost requirements, the right to enter City right-of-way as required to conduct any and all construction and pre-construction related activities for said Project, including without limitation, temporary construction easements or temporary rights of entry on to and over said rights-of-way of the City.

j. Enter into an agreement with the design consultant which states that the design consultant shall provide professional post-design service as required and requested throughout and upon completion of the construction phase of the Project. Upon completion of the construction phase of the Project, require its consultant to provide an electronic version of the as-built plans to the City.

k. Notify the City that the Project has been completed and is considered acceptable, coordinating with the City as appropriate to turn over full responsibility of the Project improvements. De-obligate or otherwise release any remaining federal funds from the construction phase of the Project within ninety (90) days of final acceptance.

l. 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 for the Project.

b. Upon execution of this Agreement, prior to the State performing or authorizing any work and within thirty (30) days of receipt of an invoice from the State, pay the initial PMDR costs, currently estimated at **\$1,710.00**. If, during the development of the design, additional funding to cover PMDR costs is required, pay the invoiced amount to the State within thirty (30) days of receipt. Be responsible for any difference between the estimated and actual design review and construction costs.

c. Upon execution of this Agreement, and prior to performing or authorizing any work, and within thirty (30) days of receipt of an invoice from the State, remit to the State the scoping/design costs, currently estimated at **\$17,648.00**. Be responsible for any difference between the estimated and approved scoping/design costs of the Project.

d. Allow the State to enter into an agreement with the selected Consultant to provide services as required and requested throughout the design and post-design of the Project. Review the design plans, specifications and other such documents and services required for the construction bidding and construction of the Project, including scoping/design plans and documents required FHWA to qualify projects for and to receive federal funds. Provide design review comments to the State as appropriate.

e. Monitor, and as required be involved with, all right-of-way activities and functions performed by the Consultant, including, but not specifically limited to, right-of-way survey, delineation, appraisal, review appraisal, acquisition, and relocation and property management, as applicable.

f. Be responsible for all costs incurred in performing and accomplishing the work as set forth under this Agreement, not covered by federal funding. Should costs be deemed ineligible or exceed the maximum federal funds available, it is understood and agreed that the City is responsible for these costs, payment for these costs shall be made within thirty (30) days of receipt of an invoice from the State.

g. 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 **\$12,499.00**. Once the Project costs have been finalized, the State will either invoice or reimburse the City for the difference between estimated and actual costs.

h. Be obligated to incur any expenditure should unforeseen conditions or circumstances increase the cost of said work required by a change in the extent of scope of the work requested by the City. Such changes require the prior approval of the State and FHWA. Be responsible for any contractor claims for additional compensation caused by Project delays, payment for these costs shall be made within thirty (30) days of receipt of an invoice from the State.

i. 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, in accordance with The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended; 49 CFR 24.102 Basic Acquisition Policies; 49 CFR 24.4 Assurances, Monitoring and Corrective Action, parts (a) & (b) and ADOT ROW Manual: 8.02 Responsibilities, 8.03 Prime Functions, 9.07 Monitoring Process and 9.08 Certification of Compliance. Coordinate with the appropriate State's Right-of-Way personnel during any right-of-way process performed by the City, if applicable.

j. 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.

k. 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.

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

### **III. MISCELLANEOUS PROVISIONS**

1. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of said Project, including related deposits and/or reimbursements. Any provisions for maintenance/electrical power and/or landscaping maintenance shall be perpetual by the City. 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 City will be responsible for all costs incurred by the State up to the time of termination. It is further understood and agreed that should the City terminate this Agreement, the State shall in no way be obligated to maintain said Project.

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 solely 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 liability, costs and/or damage incurred by any of the above arising or resulting from this Agreement; and from any other liability, 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. The cost of 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 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 pay the difference between actual costs of the Project and the federal funds received.

4. Should the federal funding related to this Project be terminated or reduced by the federal government, or Congress 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.

5. The cost of the Project under this Agreement includes indirect costs approved by FHWA, as applicable.

6. The Parties 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. The City acknowledges compliance with federal laws and regulations and may be subject to the Office of Management and Budget (OMB), Single Audit, Circular A-133 (Audits of States, Local Governments, and Non-Profit Organizations). Entities that expend \$500,000.00 or more (prior to 12/26/14) and \$750,000.00 or more (on or after 12/26/14) of federal assistance (federal funds, federal grants, or federal awards) are required to comply by having an independent audit. Either an electronic or hardcopy of the Single Audit is to be sent to Arizona Department of Transportation Financial Management Services within the required deadline of nine (9) months of the sub recipient fiscal year end.

ADOT – FMS  
Attn: Cost Accounting Administrator  
206 S 17<sup>th</sup> Ave. Mail Drop 204B  
Phoenix, AZ 85007  
[SingleAudit@azdot.gov](mailto:SingleAudit@azdot.gov)

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

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

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

11. 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".

12. 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.

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. The Parties shall comply with the applicable requirements of Arizona Revised Statute § 41-4401.

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

16. 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. 17<sup>th</sup> Avenue, Mail Drop 637E  
Phoenix, Arizona 85007  
(602) 712-7124  
(602) 712-3132 Fax

**The City of Peoria**  
Attn: Steve McKenzie, P.E. PTOE  
Intelligent Transportation Systems Engineer  
9875 N. 85<sup>th</sup> Avenue  
Peoria, Arizona 85345  
(623) 773-7994  
Steve.mckenzie@peoriaaz.gov

17. 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.

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**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 \_\_\_\_\_  
**CATHY CARLAT**  
Mayor

By \_\_\_\_\_  
**STEVE BOSCHEN, P.E.**  
ITD Division Director

ATTEST:

By \_\_\_\_\_  
**RHONDA GERIMINSKY**  
City Clerk

IGA/JPA 14-0004663-I

**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 \_\_\_\_\_ 2015.

\_\_\_\_\_  
City Attorney

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 9C

**Date Prepared:** March 17, 2015

**Council Meeting Date:** April 7, 2015

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**TO:** Carl Swenson, City Manager

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

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

**SUBJECT:** First Amendment, Intergovernmental Agreement - Maricopa County Library District, Library Assistance Program

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**Purpose:**

This is a request for City Council to approve the First Amendment to an Intergovernmental Agreement (IGA) with the Maricopa County Library District (MCLD) for the purpose of maintaining the Library Assistance Program, to facilitate the purchase of library materials for Peoria's Library System.

**Background/Summary:**

The MCLD continues its Library Assistance Program IGA. Under this IGA, MCLD will identify an annual funding amount and facilitate purchases for Peoria's Library System. The purchase of library materials is facilitated directly from County vendors and financial resources. The Peoria system is projected to receive approximately \$129,000 in library materials in FY16. The First Amendment amends the following:

- 1) The Term of the IGA is amended to July 1, 2015 to June 30, 2018.
- 2) Changes the allocation formula based on the 2012 voter approval of Prop 117 and State Statute regarding property taxation.
- 3) All other terms and conditions remain the same.

**Previous Actions:**

The original IGA for the Library Assistance Program was approved by the City Council on August 20, 2013.

**Options:**

- A. The Council can approve the First Amendment to the IGA with the MCLD to maintain the Library Assistance Program.
- B. The Council can elect to disapprove the First Amendment to the IGA; however, the City will not be eligible for MCLD funds to purchase library materials.
- C. Council can request additional information from staff.

**Staff's Recommendation:**

Staff recommends that City Council approve the First Amendment to the Intergovernmental Agreement with the Maricopa County Library District for the Library Assistance Program.

**Fiscal Analysis:**

This Library Assistance Program allows Peoria's library system to receive additional materials outside of its operational budget.

**Exhibit 1:** First Amendment to the Intergovernmental Agreement between the Maricopa County Library District and the City of Peoria for the Library Assistance Program

**Exhibit 2:** Intergovernmental Agreement between the Maricopa County Library District and the City of Peoria for the Library Assistance Program

**Contact Name and Number:** Mary Roberts, 623-773-7557

FIRST AMENDMENT TO  
INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE  
MARICOPA COUNTY LIBRARY DISTRICT  
AND THE CITY OF PEORIA  
FOR  
THE LIBRARY ASSISTANCE PROGRAM

Agenda # C-65-14-020-M-01

THIS FIRST AMENDMENT (“Amendment”) TO INTERGOVERNMENTAL AGREEMENT C-65-14-020-M-00, that was effective July 1, 2013, by and between the City of Peoria (“City”) and the Maricopa County Library District (“Library District”), with reference to the following facts:

RECITALS

WHEREAS A.R.S. §§ 48-3901 and 11-903 allow a City to elect to become a part of, or participate in a county library district, which is a political taxing subdivision of this state for purposes of providing library services to district residents;

WHEREAS the City is a member of the Library District program and wishes to participate in the Library Assistance Program of the Library District;

WHEREAS, pursuant to its charter and A.R.S. § 9-411 et seq., the City has established and provided for a City library and library facilities and services which are owned and funded by the City and its governing body;

WHEREAS, the Library District has established a Library Assistance Program for the benefit of its members in order to expand the availability of Library Services;

WHEREAS, the City and the Library District are authorized to act and enter into this intergovernmental agreement regarding the Library Assistance Program pursuant to A.R.S. § 11-952; and

WHEREAS the City wishes to have its municipal library participate and benefit from the Library Assistance Program by purchasing library materials in an amount to be determined based on the percentage of assessed valuation and the percentage of cards issued for the use of its library and library services by Non-Residents of the City who are entitled to the benefits of the Maricopa County Library District.

NOW, THEREFORE, in consideration of the covenants hereinafter set forth, the parties agree as follows:

AMENDMENTS

- 1.1. The Term for services under this Agreement shall be amended to: July 1, 2015 to June 30, 2018.
- 1.2. Section II, paragraph 3 of the original agreement shall be amended to require the assessed valuation allocation to be based on the primary net assessed value for all participating municipal libraries as opposed to secondary net assessed valuation.
- 1.3. All other terms and conditions of the IGA shall remain in full force and effect.

IN WITNESS WHEREOF, the CITY OF PEORIA and the MARICOPA COUNTY LIBRARY DISTRICT have executed this Agreement effective on the date first above written.

CITY OF PEORIA

MARICOPA COUNTY LIBRARY DISTRICT

By: \_\_\_\_\_  
City Manager  
City of Peoria

By: \_\_\_\_\_  
Chairman, Board of Directors  
Maricopa County Library District

ATTEST:

ATTEST:

By: \_\_\_\_\_  
City Clerk Date

By: \_\_\_\_\_  
Clerk of the Board Date

The foregoing Agreement has been reviewed by the undersigned counsel who has determined that it is in proper form and within the power and authority granted under the laws of the State of Arizona.

By: \_\_\_\_\_  
Attorney Date  
City of Peoria

By: \_\_\_\_\_  
Attorney Date  
Maricopa County Library District

**INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE  
MARICOPA COUNTY LIBRARY DISTRICT  
AND CITY OF PEORIA  
FOR  
THE LIBRARY ASSISTANCE PROGRAM**

Agenda # C-65-14-020-M-00

The governing bodies of the City of Peoria (hereinafter "City") and the Maricopa County Library District (hereinafter "Library District") authorize and approve this Intergovernmental Agreement to be effective on the 1<sup>st</sup> day of July, 2013 for provision of certain library services and reimbursements.

WHEREAS A.R.S. Section 48-3901 and Section 11-903 allow a City to elect to become a part of, or participate in a county library district, which is a political taxing subdivision of this state for purposes of providing library services to district residents;

WHEREAS the City is a member of the Library District program, and wishes to participate in the Library Assistance Program of the Library District.

WHEREAS, pursuant to its charter and A.R.S. Section 9-411 et seq., the City has established and provided for a City library and library facilities and services which are owned and funded by the City and its governing body.

WHEREAS, the Library District has established a Library Assistance Program for the benefit of its members in order to expand the availability of Library Services;

WHEREAS, the City and the Library District are authorized to act and enter into this intergovernmental agreement regarding the Library Assistance Program pursuant to A.R.S. § 11-952;

WHEREAS the City wishes to have its municipal library participate and benefit from the Library Assistance Program by purchasing library materials in an amount to be determined based on the percentage of assessed valuation and the percentage of cards issued for the use of its library and library services by Non-Residents of the City who are entitled to the benefits of the Maricopa County Library District;

NOW, THEREFORE, in consideration of the covenants hereinafter set forth, the parties agree as follows:

## SECTION I – OBLIGATIONS OF THE CITY

1. Services Offered. The City shall provide the following library services to persons who are Non-Residents of that City but entitled to the benefits of the Library District (hereinafter referred to as “Non-Residents”) to the same extent and pursuant to the same rules and regulations as the City provides these facilities and services to City residents. “Non-Residents” as used in this agreement means only those persons entitled to Library District benefits, and does not include other Non-Residents. The services include access to and use of City library facilities, materials and services.
2. Accounting and Documentation. The City agrees to identify “Non-Residents” utilizing the services listed in paragraph 1 hereof and provide within thirty (30) days after the end of each fiscal year an accounting and documentation (as described in Attachment “A” to this IGA).

## SECTION II – OBLIGATIONS OF THE LIBRARY DISTRICT

3. Allotment to City. The Library District shall make an allotment to the City based on the percentage of the assessed valuation from the preceding February State Abstract and on the percentage of gross cards issued to Non-Residents of the City that are entitled to the benefits of the Maricopa County Library District. This allotment will be a not to exceed amount at a library materials vendor that is on contract with the Library District. The allotment will be calculated as follows:
  - a. Assessed Value Allocation (40% of Total) – The sum total of secondary net assessed value for all participating municipal libraries will be calculated. Then, the percentage for each municipality will be calculated using the aforementioned total. Forty percent (40%) of the total allocated for the Library Assistance Program will be multiplied by each municipal percentage to find the individual assessed value allocation.
  - b. Cards Issued Allocation (60% of Total) – Each Library will submit to the Library District accounting and documentation as required in Section I(2). This will be submitted on or before January 31 of each year, for the CALENDAR YEAR. The submissions will be totaled and the percentage for each participating municipality will be calculated. The Allocation for each library system will be calculated by multiplying their percentage times 60% of the funding available for the Library Assistance Program.

## SECTION III – OTHER TERMS AND CONDITIONS

4. Term. This Agreement shall terminate June 30, 2015, unless sooner terminated by the parties hereto and is renewable only upon written amendment executed by both parties.

5. Termination. Either party may terminate this Agreement upon 90 days notice to the other party.
6. Severability and Savings. If any part of this Agreement is held to be invalid or unenforceable, such holding will not affect the validity or enforceability of any other part of this Agreement so long as the remainder of the Agreement is reasonably capable of completion without inequity to the party(ies). If any part of this Agreement is held to be invalid or unenforceable, such holding and any actions taken subsequent thereto shall not require a return or reimbursement, nor affect in any way, the receipt or expenditure by the City, of tax revenues paid or payable as of the date of such holding pursuant to this or any similar Agreement. The provision of this agreement for payment of funds by the Library District shall be effective when funds are appropriated for purposes of this agreement and are actually available for payment. The District shall be the sole judge and authority in determining the availability of funds under this agreement and the District shall keep the City fully informed as to the availability of funds for its program.
7. Entire Agreement Supersedes Any Other. This Agreement comprises the entire agreement of the parties and supersedes any and all other agreements or understandings, oral and written, whether previous to the execution hereof or contemporaneous herewith.
8. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona and the laws rules and regulations of the City and the Library District.
9. Cancellation. The parties hereto acknowledge that this agreement is subject to cancellation pursuant to A.R.S. Section 38-511.
10. E-Verify. The parties verify compliance with the requirements in A.R.S. § 41-4401 and A.R.S. § 23-214.
11. Scrutinized Business with Sudan/Iran. The parties warrant compliance with the requirements in A.R.S. §§ 35-391.06 and 35-393.06.

IN WITNESS WHEREOF, THE CITY OF PEORIA and the MARICOPA COUNTY LIBRARY DISTRICT have executed this Agreement effective on the date first above written.

CITY OF PEORIA

MARICOPA COUNTY LIBRARY DISTRICT

By: Bob Barnett  
Mayor  
City of Peoria

By: [Redacted]  
Chairman, Board of Directors  
Maricopa County Library District

ATTEST:

ATTEST:

By: Rosada Herminia SEP 23  
City Clerk Date



By: [Redacted] SEP 25 2013  
Clerk of the Board Date

The foregoing Agreement has been reviewed by the undersigned counsel who has determined that it is in proper form and within the power and authority granted under the laws of the State of Arizona.

By: [Signature] 21/11/2013  
Attorney Date  
City of Peoria

By: [Redacted] SEP 11 2013  
Attorney Date  
Maricopa County Library District

ATTACHMENT "A"  
INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE MARICOPA COUNTY LIBRARY DISTRICT  
AND  
THE CITY OF PEORIA  
FOR  
THE 2013 - 2015  
LIBRARY ASSISTANCE PROGRAM  
POLICY AND PROCEDURES

Policy:

Any resident of Maricopa County may obtain a free library card from a participating library upon presentation of current identification and proof of residence. Any borrower participating in this project must conform to the rules, policies, and regulations of the library from which the materials are borrowed. Non-resident library cards will be issued from January 1 through December 31 each fiscal year covered by the Agreement.

Procedures:

- A. Issuance of a Non-Resident Library Card
  - 1. A resident of Maricopa County must present current identification and proof of residence. Resident is defined as any individual showing proof of residence, business ownership or property ownership in Maricopa County. Visitors who are in Maricopa County for less than a month do not qualify as residents.
  - 2. A card will be given with an expiration date, which is one year from date of issue.
  
- B. Statistical Reporting
  - 1. In order to be eligible for the Library Assistance Program, each participating library must submit an Annual Non-Resident Report by January 31 for the prior calendar year. The report must provide the following information for each borrower:
    - a. Name
    - b. Street Address
    - c. City/Town and ZIP code of residence
    - d. Date of registration/renewal
    - e. Card number

This information can be a computer report prepared by the City Library automation system.

**Additionally, a summary sheet totaling the number of non-resident library cards issued per Municipality/Unincorporated County for the year submitted must be included.**

2. The County will prepare and distribute an annual statistical report.

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 10C

**Date Prepared: March 24, 2015**

**Council Meeting Date: April 7, 2015**

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**TO:** Carl Swenson, City Manager  
**FROM:** Julie Ayers, Human Resources Director  
**SUBJECT:** Award Term Contract – Short Term Disability

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**Purpose:**

Discussion and possible action on the following items:

1. Consider awarding a term contract for short term disability insurance effective July 1, 2015.
2. Consider expanding the short term disability coverage to all full-time, benefitted employees.

**Background/Summary**

The City of Peoria offers short term disability coverage to City employees as part of its comprehensive employee benefit program. The current contract for short term disability coverage with Sun Life Financial expires June 30, 2015. Last Fall the City initiated a process to secure a new contract and to review coverage levels to ensure we continue to offer a competitive benefits package.

The City received proposals from Sun Life Financial, Standard Insurance, Unum and Minnesota Life. These proposals were evaluated by Human Resources, the City's benefits consultant and a committee that included personnel from the Information Technology department and the City of Peoria Police Supervisors (COPPS). As a result of this process our recommendation is as follows:

- Approve a contract for short term disability benefits with Sun Life, the City's current provider, for two (2) years with the option of three (3) one-year extensions with a two (2) year rate guarantee.
- Expand the short term disability benefit to provide coverage for Peoria Police Officers Association (PPOA) and Peoria Fire Fighters Association (PFFA). PPOA and PFFA are the only groups in the City that are currently not eligible for short term disability insurance.

The anticipated annual cost will be \$20,404 during the first two (2) years of the contract which is an annual decrease of \$43,774 for providing this enhanced benefit.

**Options:**

- A. Approve the term contract as outlined above, which includes extending the benefit to PPOA and PFFA employees.
- B. Approve the term contract as outlined above, without extending the benefit to PPOA and PFFA employees.
- C. Deny approval and provide direction to staff.

**Staff's Recommendation:**

It is recommended that the Mayor and Council approve the term contract as detailed above.

**Fiscal Analysis:**

Total annual cost is anticipated to be \$20,404 and is budgeted and funded in each department's insurance account of 512000 throughout the City's budget.

**Exhibit(s):** n/a

**Contact Name and Number:** Julie Ayers, Human Resources Director, x7580

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 11C

**Date Prepared: March 24, 2015**

**Council Meeting Date: April 7, 2015**

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**TO:** Carl Swenson, City Manager  
**FROM:** Julie Ayers, Human Resources Director  
**SUBJECT:** Award Term Contract – Vision Insurance

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**Purpose:**

Discussion and possible action on the following items:

1. Consider awarding a term contract for vision insurance effective July 1, 2015.
2. Consider shifting vision coverage to the Employee Benefits Trust Board.

**Background/Summary**

The City of Peoria offers vision coverage as part of its comprehensive employee benefit program. The current contract for vision coverage with SightCare expires June 30, 2015. Last Fall the City initiated a process to secure a new contract and to review coverage levels to ensure we continue to offer a competitive benefits package.

The City received proposals from United Healthcare, SightCare, Superior, MetLife, VSP and Avesis. These proposals were evaluated by Human Resources, the City's benefits consultant and a committee that included personnel from the Community Services Department and Peoria Fire Fighters Association (PFFA). As a result of this process our recommendation is as follows:

- Approve a contract for vision benefits with SightCare, the City's current provider, for two (2) years with the option of four (4) one-year extensions with a two (2) year rate guarantee.
- Increase the vision benefit to include lens, frames and contacts every twelve (12) months as well as an increase in the allowance for frames and contacts to \$150 per member per year. Present coverage only allows for frames every 24 months and \$120 frame and contact allowance. This benefit increase is in alignment with industry standards.

The anticipated annual cost will be \$151,440 during the first three (3) years of the contract which is an annual increase of \$47,952 for providing this enhanced benefit.

Additionally, this is a request for Council to consider moving the vision coverage under the City's Employee Benefits Trust Board. City Council has previously delegated responsibility for employee medical and dental coverage to the Trust Board, and the addition of vision coverage

will allow the Trust Board to take a broad and comprehensive approach to employee health benefits.

**Options:**

- A. Approve the term contract as outlined above and move vision benefits to the Employee Benefits Trust Board.
- B. Approve the term contract as outlined above and do not transfer vision benefits to the Employee Benefits Trust Board.
- C. Deny approval and provide direction to staff.

**Staff's Recommendation:**

It is recommended that the Mayor and Council approve the term contract as detailed above and transfer the vision benefits to the Employee Benefits Trust Board.

**Fiscal Analysis:**

Total annual cost is anticipated to be \$151,440 and is budgeted and funded in each department's insurance account of 512000 throughout the City's budget.

**Exhibit(s):** n/a

**Contact Name and Number:** Julie Ayers, Human Resources Director, x7580

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 12C

**Date Prepared: March 24, 2015**

**Council Meeting Date: April 7, 2015**

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**TO:** Carl Swenson, City Manager  
**FROM:** Julie Ayers, Human Resources Director  
**SUBJECT:** Award Term Contract – Life Insurance

---

**Purpose:**

Discussion and possible action on the following items:

1. Consider awarding a term contract for basic life insurance, voluntary life insurance and accidental death and dismemberment (AD&D) insurance effective July 1, 2015.
2. Consider expanding the basic life insurance coverage to two times the annual base rate of pay for all full-time, benefitted employees.

**Background/Summary**

The City of Peoria offers life insurance and AD&D insurance coverage to City employees as part of its comprehensive employee benefit program. Employees may choose to elect additional life insurance through the same vendor at their personal cost.

The current contract for life insurance, voluntary life insurance and AD&D insurance coverage with Unum expires June 30, 2015. Last Fall the City initiated a process to secure a new contract and to review coverage levels to ensure we continue to offer a competitive benefits package.

The City received proposals from Sun Life Financial, Standard Insurance, Unum and Minnesota Life. These proposals were evaluated by Human Resources, the City's benefits consultant and a committee that included personnel from the Information Technology department and the City of Peoria Police Supervisors (COPPS). As a result of this process our recommendation is as follows:

- Approve a contract for basic life insurance, voluntary life insurance, and AD&D benefits with Minnesota Life, for two (2) years with the option of three (3) one-year extensions with a three (3) year rate guarantee.
- Approve a change to the coverage levels for Peoria Police Officer Association (PPOA) employees for basic life insurance from one (1) times the annual earnings to two (2) times the annual earnings. PFFA negotiated this same change to the coverage level during last negotiations, to be effective July 1, 2015. This change to PPOA employees is

in alignment with all other groups within the City with the exception of the City Attorney, where the level is two and one half (2.5) times the annual earnings.

The anticipated annual cost will be \$228,819 during the first three (3) years of the contract which is an annual increase of \$13,868.

**Options:**

- A. Approve the term contract as outlined above, which includes the change in coverage levels for PPOA employees.
- B. Approve the term contract as outlined above, without the change in coverage levels for PPOA employees.
- C. Deny approval and provide direction to staff.

**Staff's Recommendation:**

It is recommended that the Mayor and Council approve the term contract as detailed above.

**Fiscal Analysis:**

Total annual cost is anticipated to be \$228,819 and is budgeted and funded in each department's insurance account of 512000 throughout the City's budget.

**Exhibit(s):** n/a

**Contact Name and Number:** Julie Ayers, Human Resources Director, x7580

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 13C

Date Prepared: March 19, 2015

Council Meeting Date: April 7, 2015

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**TO:** Honorable Mayor and City Council  
**FROM:** Susan Daluddung, Deputy City Manager  
**THROUGH:** Carl Swenson, City Manager  
**SUBJECT:** Budget Amendment for Consulting Services

---

**Purpose:**

For the Council to consider approval of a \$41,500 budget amendment to fund contracts with consultants that will assist with community outreach activities.

**Background/Summary:**

The City of Glendale has again received a zoning change application that would allow for two 85 foot high static and digital billboards at the northwest corner of the Loop 101 and Bell Road along the river corridor. This is in close proximity to Peoria Neighborhoods and will have a strong impact on views and quality of life. The City's concern is not only just this billboard site, but other billboards being placed along the 101 Freeway.

Currently, the Intergovernmental Affairs Director position is vacant. Assistance is needed to coordinate community outreach activities such as efforts to inform community members and conduct grassroots work. The funds will be used to contract with consultants to assist in our community outreach activities.

**Previous Actions:**

None.

**Options:**

- A:** Approve the budget amendment.
- B:** Do not approve the budget amendment.

**Staff Recommendation:**

Staff recommends the Council to approve a budget amendment and the use of reserves for \$41,500 to fund contracts with consultants that will assist with community outreach.

**Fiscal Analysis:**

The proposed budget amendment funds governmental relations services related to community issues such as proposed bill boards in a neighboring community and other professional services as needed by the City. These services will be funded through a budget adjustment from the General Fund Contingency account (1000-0300-570000) to the Governmental Affairs Department – Other Professional Services account (1000-0025-520099) in the amount of \$41,500.

**Exhibit(s):**

**Contact Name and Number:** Tamara Shreeve, Strategic Management Officer, x5143

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 14C

**Date Prepared: March 12, 2015**

**Council Meeting Date: April 7, 2015**

---

**TO:** Carl Swenson, City Manager

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

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

**SUBJECT:** Allocate Additional City Funding, New River Trail; Northern Avenue to Olive Avenue Trail and Underpass

---

**Purpose:**

This is a request for City Council to allocate additional City funding in the amount of \$295,000 for the construction of the 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.

Additionally, staff requests a budget adjustment to provide expenditure authority for this change.

**Background/Summary:**

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

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. 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 an at-grade crossing in the New River at the Northern Avenue Bridge;
- Landscape and rest nodes within the buffer area west of the multi-use trail.

The original project construction budget was established at \$1,138,600. During the design phase it was determined that the construction estimate exceeded the project budget.

On November 19, 2013, Council approved Amendment One to the IGA which allocated an additional \$188,600 of federal funds. As a result of the additional funding, the revised project construction budget was increased to \$1,384,889.

The design has been completed and ADOT advertised and opened the bids. The low bid came in at \$1,679,635 which exceeds the project construction budget.

The purpose of this Council Communication is to recommend that Council approve the allocation of additional City funds in the amount of \$295,000 to cover the additional cost.

**Previous Actions:**

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

- November 19, 2013 Council approved an amendment to the IGA adding federal funds
- April 2012 Approval of the IGA with ADOT for the Northern to Olive Trail
- January 2011 Award Contract for New River Trail 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 the additional City funds for the completion of the trail. Additionally approve the staff request for a budget adjustment to provide expenditure authority for this change.

**B:** Deny approval of this funding request, which will leave the City in violation of the previously signed IGA.

**Staff's Recommendation:**

Staff recommends that Council approve the additional funds request for the trail and the budget adjustment.

**Fiscal Analysis:**

The current amount of funding required to complete the project is as follows:

CMAQ Federal Funds @ 94.3%	\$	700,000
TEA Federal Funds @ 94.3%	\$	250,000
New TEA Funds @ 94.3%	\$	188,600
<b>Total Federal Funds Currently Available</b>	<b>\$</b>	<b>1,138,600</b>
Budgeted City Funds	\$	246,289
Request City Funds	\$	295,000
<b>Total City Construction Funding Required</b>	<b>\$</b>	<b>541,289</b>
<b>Total Project Construction Cost</b>	<b>\$</b>	<b>1,679,889</b>

In conclusion, staff requests a budget adjustment in the amount of \$295,000 from the Transportation Sales Tax Street Systems Account (4550-4550-543001-CIPST-EN00241) to the Transportation Sales Tax Park and Right of Way Improvements Account (4550-4550-543005-CIPRT-CS00125). This budget adjustment utilizes savings from the Lake Pleasant Parkway project.

**Narrative:**

Approval of this request will allow for the construction of these improvements to be completed by summer 2015.

**Exhibits:**

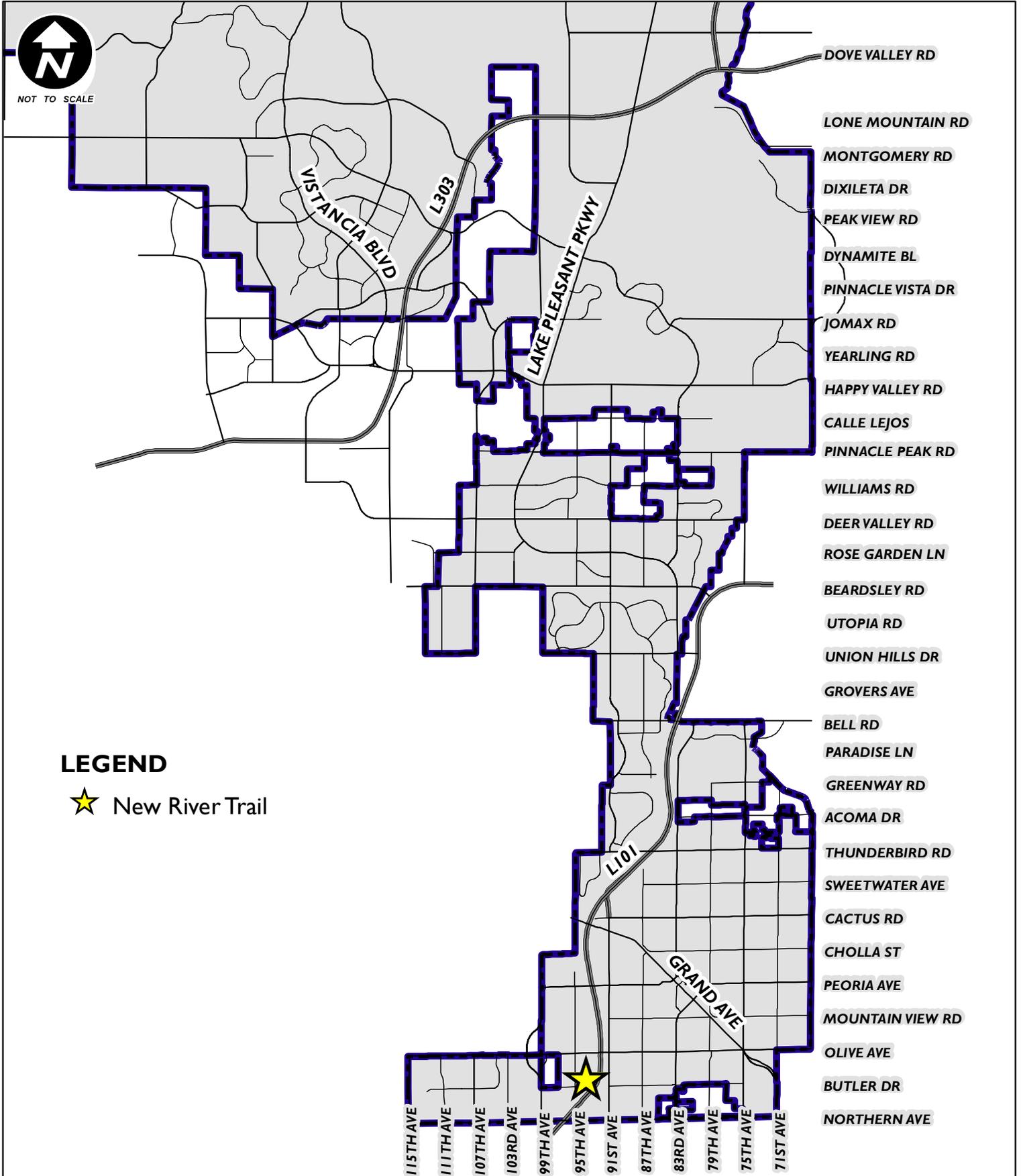
**Exhibit 1:** Vicinity Map

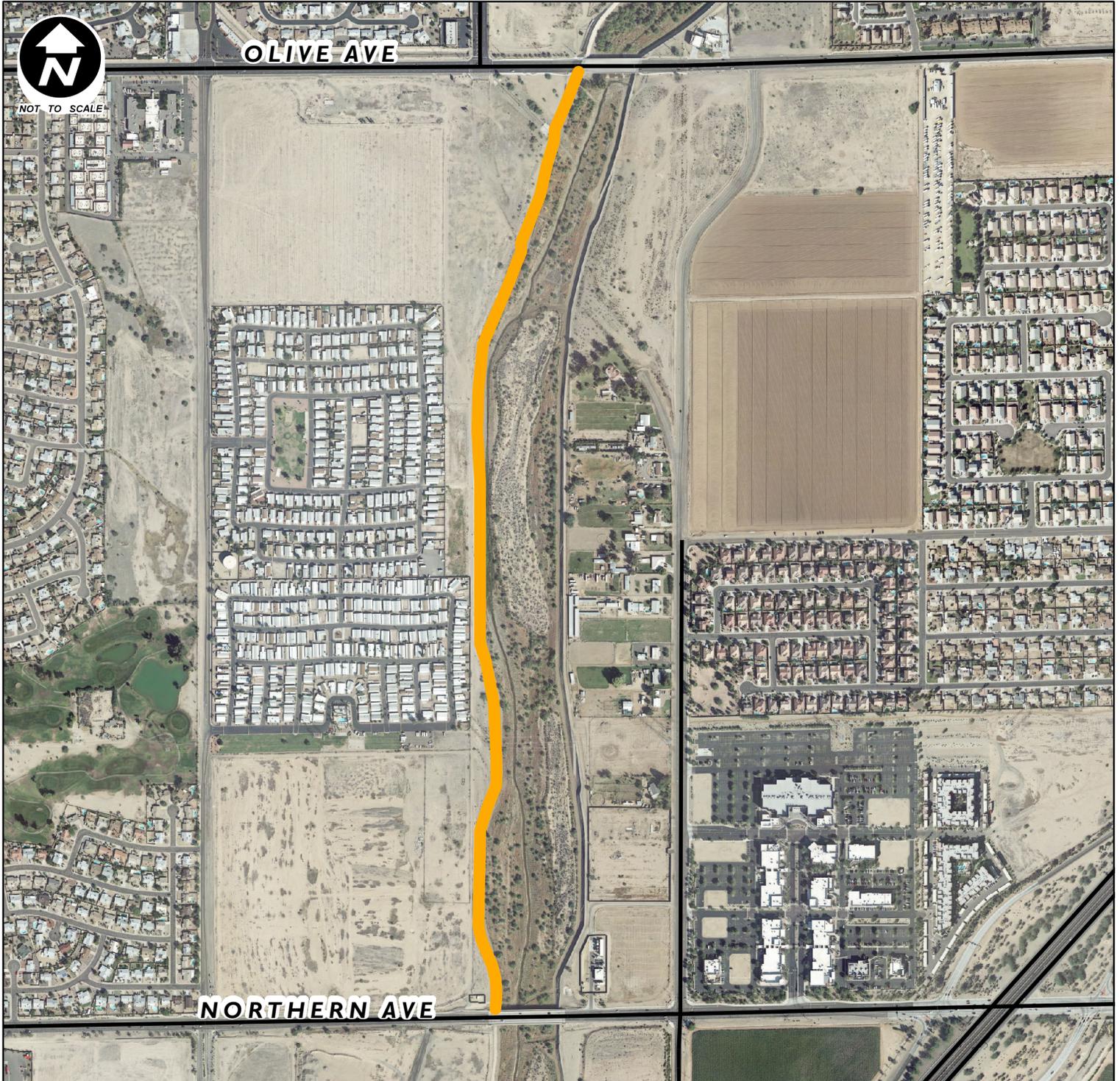
**Exhibit 2:** Location Map

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



NOT TO SCALE





**LEGEND**

 Trail



**NOTE**  
Map based on imprecise source  
information, subject to change and  
**FOR GENERAL REFERENCE ONLY.**

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 15C

**Date Prepared: March 24, 2015**

**Council Meeting Date: April 7, 2015**

---

**TO:** Carl Swenson, City Manager

**FROM:** Katie Gregory, Deputy Director, Finance

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

**SUBJECT:** **Adoption of Notice of Intention to Consider Adjusting Rates and Establish the Public Hearing Date.**

---

**Purpose:**

This is a request for the City Council to consider possible action to adopt a Notice of Intention to adjust the City's water, wastewater and reclaimed water rates and establish May 19, 2015 as the date for a public hearing on the proposed adjustments. The City must comply with Arizona statute, which establishes a notification process when a municipality is considering the adjustment of water and wastewater rates.

**Background/Summary:**

City staff is recommending that water, wastewater and reclaimed water rates for FY2016 be adjusted, effective July 1, 2015. Water and Wastewater rate adjustments must be formally adopted in a public hearing 30 days prior to their effective date. Staff is recommending that the Public Hearing be held at the May 19, 2015 Council Meeting. At least 30 days prior to the public hearing date, the City must adopt a Notice of Intention to adjust rates and notice the public on the date of the public hearing.

Adopting the Notice of Intention will satisfy the initial requirements of ARS §9-511.10 for notifying the public of the City's intention to consider water and wastewater rate adjustments at a future public hearing. Following the adoption of the Notice of Intention, the City is required to publish the Notice in local newspapers at least 20 days in advance of the public hearing. City staff plan to publish this notice on both April 17<sup>th</sup> and April 24<sup>th</sup> to comply with this requirement.

**Previous Actions:**

At the February 2, 2015 Council Study Session, staff presented a Financial Overview to the Council with background information on the Water and Wastewater rate process for FY2016 –

FY2020 prior to a consultant-led study that was developing rate recommendations for water, wastewater and reclaimed rates for FY2016 – FY2020.

**Options:**

A: The Council can approve the Notice of Intention item, which will continue the process of considering the adoption of water and wastewater rates. Council will discuss Water and Wastewater rates at the April 15, 2015 Budget Study Session. The public hearing planned for May 19, 2015 will continue, at which time the Council will formally vote to adopt (or not adopt) the recommended rates and make them effective July 1, 2015.

B: The Council may elect to not approve the Notice of Intention item, which will delay and/or stop the adoption of water and wastewater rates planned to be effective on July 1, 2015. A public hearing would need to be rescheduled to a later date, delaying the effective date.

**Staff's Recommendation:**

Staff recommends that the Council adopt the Notice of Intention at the April 7, 2015 Council Meeting and establish May 19, 2015 as the date for the public hearing to consider adoption of the recommended rates.

**Fiscal Analysis:**

There is no fiscal impact to the adoption of this item.

**Narrative:**

Staff have updated the Utility Rate forecasts prepared in FY2015 to incorporate new cost and consumption assumptions as well as updated infrastructure requirements. Staff anticipate receiving further guidance from the Council at the April 15, 2015 Budget Study Session. Following this direction, staff will bring rate adjustments for formal consideration and adoption at the May 19, 2015 Public Hearing. As part of the rate adoption process, the City must properly notice the public on the City's intent to consider rate adjustments and the date on which they will be considered. Adoption of this Notice of Intent will maintain the City's compliance with these requirements.

**Contact Name and Number:** Katie Gregory, Deputy Director, Finance  
773-7364

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 16C

Date Prepared: January 12, 2015

Council Meeting Date: April 7, 2015

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**TO:** Carl Swenson, City Manager  
**THROUGH:** Jeff Tyne, Deputy City Manager  
**FROM:** Bobby Ruiz, Fire Chief  
**SUBJECT:** Updated Emergency Operations Plan

---

**Purpose:**

For the Mayor and Council to accept and approve the use of the updated Emergency Operations Plan for the City of Peoria.

**Background/Summary:**

The Fire Department, and the Office of Emergency Management, has collaborated with planners from the Maricopa County Department of Emergency Management to develop the updated Emergency Operations Plan for the City of Peoria. The city has an IGA in place with Maricopa County Department of Emergency Management for this document to be produced. The plans are updated approximately every five years, with the last plan being adopted in 2009.

**Previous Actions:**

The last Emergency Operations Plan was adopted by the Mayor and Council.

**Options:**

**A:** Accept the proposed updated Emergency Operations Plan.

**B:** Reject the proposed updated Emergency Operations Plan.

**Staff's Recommendation:**

Accept the proposed updated Emergency Operations Plan.

**Fiscal Analysis:**

None

**Narrative:**

The Emergency Operations Plan is the plan that provides direction on how the City of Peoria would function during times of disaster and extreme emergencies. It incorporates all jurisdictions on a county-wide level, and then onto a state and federal level.

**Exhibit(s):**

Exhibit 1 - Letter of Promulgation

Exhibit 2 - Approval and Implementation

**Contact Name and Number:**

Bobby Ruiz, Fire Chief (623-773-7380)

CITY OF PEORIA  
EMERGENCY OPERATIONS PLAN  
**LETTER OF PROMULGATION**

In the event of a natural, technological, or national security disaster affecting the **City of Peoria**, City government must be prepared to implement plans and procedures to protect lives and property.

This plan is published in support of the State of Arizona Emergency Response and Recovery Plan (SERRP) and the Maricopa County Emergency Operations Plan. It is in accordance with Arizona Revised Statutes, Title 26, Chapter 2. This plan supersedes all previously published copies of the **City of Peoria Emergency Operations Plan**.

The purpose of this plan is to provide direction and guidance to City departments, personnel, and supporting agencies. It constitutes a directive to City departments to prepare for and execute assigned emergency tasks to ensure maximum survival of the population and to minimize property damage in the event of a disaster. It is applicable to all elements of City government and the private sector engaged in, or acting in support of emergency operations.

The Mayor and City Council authorize City officials, as directed by the City Manager, to make changes and updates to this plan that do not materially affect the overall planning approach or do not radically change responsibilities of senior City officials. Changes will be recorded on page xiii – Record of Changes.

This plan is effective for planning purposes and for execution when an emergency declaration is made by the Mayor or when placed in effect by the City Manager or other authorized official.

A copy of this plan has been filed in the **Office of the City Clerk of the City of Peoria**, under the provisions of the Arizona Revised Statutes, Section 26-307B.

CITY OF PEORIA, an Arizona municipal  
corporation

\_\_\_\_\_  
Cathy Carlat, Major

\_\_\_\_\_  
Date Signed

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

CITY OF PEORIA, ARIZONA  
EMERGENCY OPERATIONS PLAN  
**APPROVAL AND IMPLEMENTATION**

This is the City of Peoria Emergency Operations Plan. This plan is the framework for emergency responders, City government, departments, and supporting departments to effectively coordinate and collaborate, before, during, and after a disaster, in order to provide a comprehensive response to all emergencies.

The Mayor and the City Council authorize the Emergency Manager as directed by the City Manager, to make changes and updates to this plan that do not materially affect the overall planning approach and do not radically change responsibilities of senior City officials or City departments. Changes will be recorded in the “Record of Changes” (see following page).

This plan is published in support of the State of Arizona Emergency Response and Recovery Plan and is in accordance with Arizona Revised Statutes, Title 26, Chapter 2, and the State of Arizona Emergency Response and Recovery Plan. This plan supersedes all previously published copies of the City of Peoria Emergency Operations Plan.

CITY OF PEORIA, an Arizona municipal  
corporation

\_\_\_\_\_  
Cathy Carlat, Major

\_\_\_\_\_  
Date Signed

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:** March 16, 2015

**Council Meeting Date:** April 7, 2015

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**TO:** Carl Swenson, City Manager

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

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

**SUBJECT:** Amendment to Resolution 08-04 for Authorization to Acquire Land Rights, Beardsley Road and Loop 101 Connector Project

---

**Purpose:**

This is a request for City Council to approve the amendment to Resolution 08-04 removing the authorization to acquire land rights from the parcel identified as the site for construction of a trailhead.

**Background/Summary:**

On January 15, 2008, Council approved Resolution 08-04 which authorized the acquisition of land rights necessary for the Beardsley Road and Loop 101 Connector improvements. This resolution included the acquisition of property for a proposed trailhead in the vicinity of 81<sup>st</sup> Avenue and Beardsley Road.

It was determined that the City would not move forward with the construction of a trailhead at the location identified in Resolution 08-04, therefore the acquisition of the land rights did not take place. Recent development activity has prompted the City to amend the existing Resolution to remove the land identified for a trailhead allowing for greater development potential.

**Previous Actions:**

January 15, 2008 – Council approved Resolution 08-04 authorizing the acquisition of land rights necessary for the Beardsley Road and Loop 101 Connector project.

**Options:**

**A:** City Council authorizes the amendment to Resolution 08-04, removing the parcel identified for trailhead improvements.

**B:** City Council denies the amendment maintaining the current title issues on the property which may hinder future development of the parcel.

**Staff's Recommendation:**

Staff recommends the adoption of the amended Resolution which will remove the property identified for trailhead improvements and authorize the City Clerk to record this amendment.

**Fiscal Analysis:**

There is no fiscal impact to the City associated with this Resolution amendment.

**Narrative:**

By amending the Resolution this will remove the title issue from the property and allow more flexibility for future development.

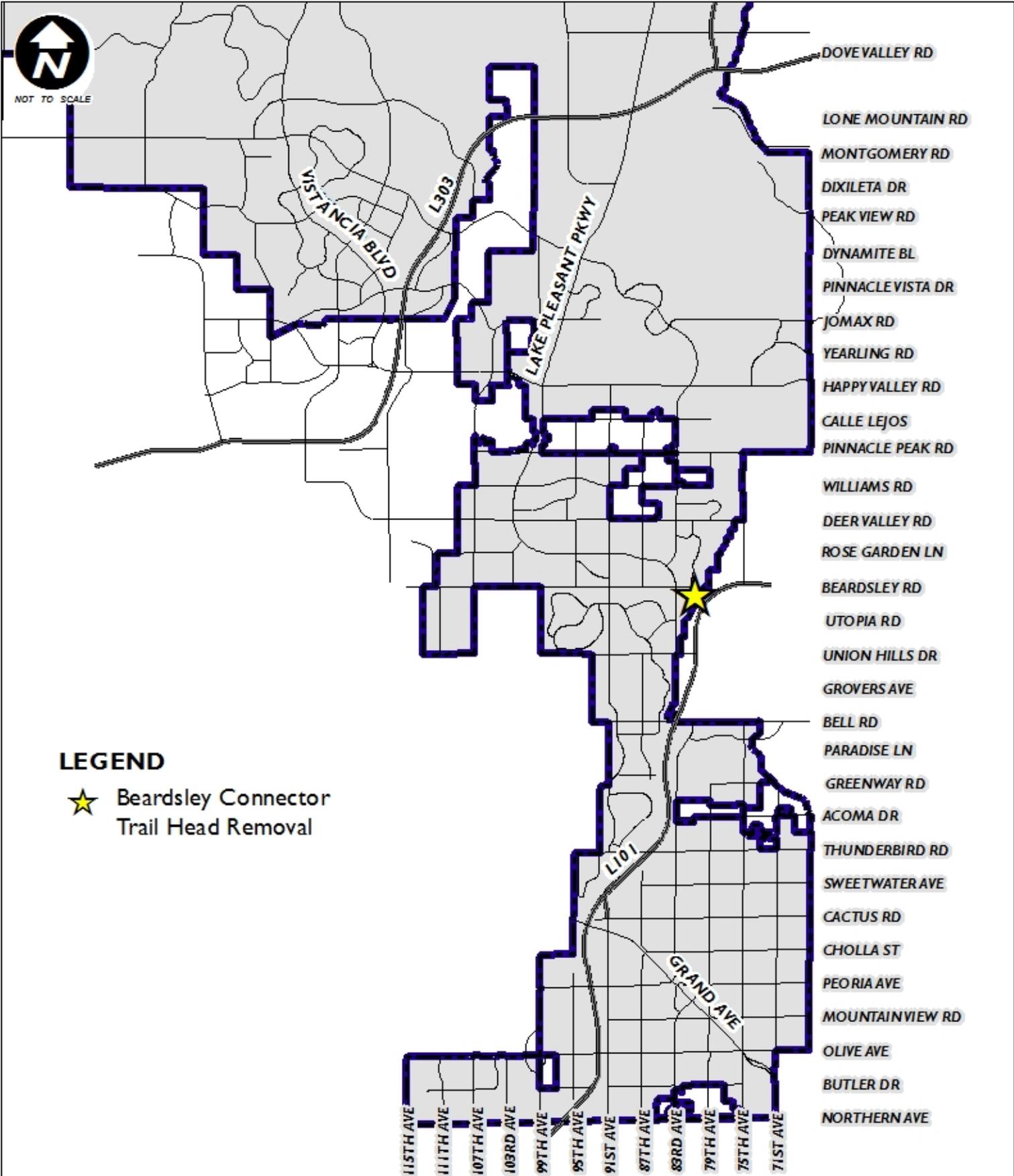
**Exhibit(s):**

**Exhibit 1:** Vicinity Map

**Exhibit 2:** Location Map

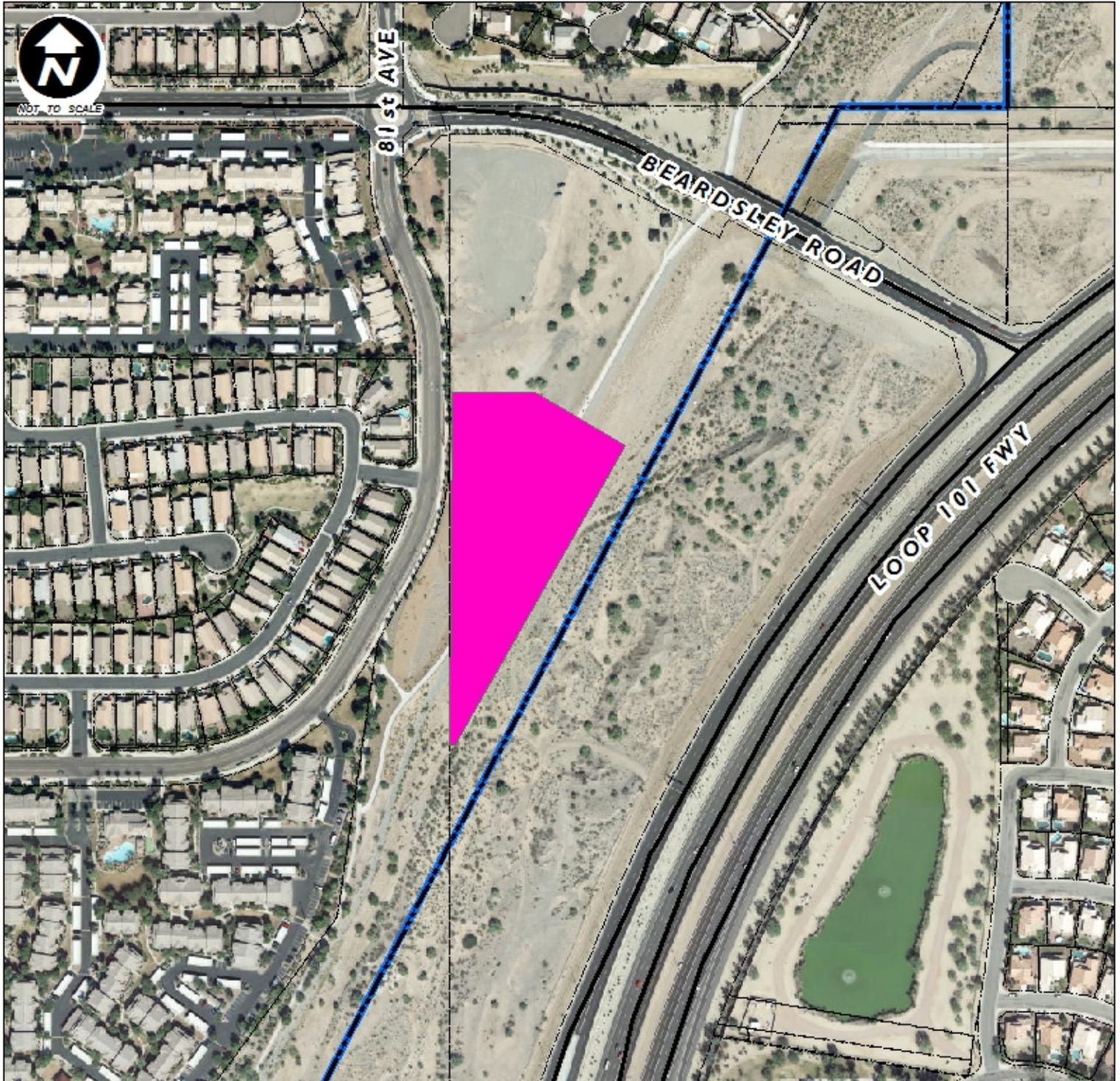
**Exhibit 3:** Resolution

**Contact Name and Number:** William Bock, Asst City Attorney, x7330/Angela Manuel, Real Property Coordinator, x7728



**LEGEND**

- ★ Beardsley Connector Trail Head Removal



**LEGEND**

-  Trail Head Removal Amendment to Resolution
-  Parcels



**NOTE**  
Map based on a private source  
Information subject to change and  
without warranty. © 2014. All rights reserved.

RESOLUTION NO. 08-04A

A RESOLUTION OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING RESOLUTION 08-04, ADOPTED JANUARY 15, 2008 TO REMOVE THE AUTHORIZATION TO ACQUIRE CERTAIN LEGALLY DEFINED AND IDENTIFIED PROPERTY BY PURCHASE OR EMINENT DOMAIN BETWEEN THE LOOP 101 AND 81<sup>ST</sup> AVENUE FOR THE PURPOSE OF ESTABLISHING A TRAILHEAD SITE BECAUSE THE LOCATION OF THE TRAILHEAD SITE HAS BEEN RELOCATED, AND THE ORIGINAL PROPERTY IS NOT NEEDED FOR A TRAILHEAD, AND THE RESOLUTION HAS CREATED A CLOUD ON THE TITLE TO THE PROPERTY; AND THE INTENT OF THIS RESOLUTION IS TO DELETE SAID PARCEL FROM THE ORIGINAL AUTHORIZATION FOR PURCHASE OR ACQUISITION BY EMINENT DOMAIN, SUCH THAT RESOLUTION 08-04 SHALL NO LONGER APPLY TO SAID PARCEL.

WHEREAS, Resolution 08-04 was adopted by the City of Peoria on January 15, 2008 which authorized the City Attorney to purchase several different properties for the purpose of developing and improving the area of Beardsley Road between the Loop 101 and 81<sup>st</sup> Avenue; and

WHEREAS, one of the properties authorized to be acquired was identified with APN 200-30-010G (which property has been subsequently divided further and the specific parcel originally designated for the trailhead is now referenced as APN 200-30-010P) for the purpose of developing a trailhead; and

WHEREAS, the City has decided not to construct the trailhead at that location, and as a result no longer needs to acquire said property; and

WHEREAS, the fact that the City authorized the purchase of the property has created a cloud on the title to the specific property now identified with APN 200-30-010P; and

WHEREAS, in order to remove that cloud, it is necessary to amend Resolution 08-04 by deleting those portions of the Resolution and Exhibits that authorized the purchase of said property for the purpose of creating a trailhead.

Resolution No. 08-04A  
Amendment to Resolution  
April 7, 2015  
Page 2

THEREFORE IT IS RESOLVED by the Mayor and Council of the City of Peoria, AZ as follows:

SECTION 1. That Resolution 08-04 is hereby amended by deleting that certain property contained on Page 2 of the resolution as specifically identified below:

200-30-010G, now identified as 200-30-010P, for a trailhead or any other purpose. As to this specific parcel with APN 200-30-010P, the City Resolution 08-04 is now null and void and to no effect.

SECTION 2. That Resolution 08-04 is further amended by deleting the following legal description and map from Exhibit A of the Resolution relating to the parcel designated with APN 200-30-010G (now known as APN 200-30-010P), which are likewise null and void and of no further effect.

Resolution No. 08-04A  
Amendment to Resolution  
April 7, 2015  
Page 3

Resolution No. 08-04

**LEGAL DESCRIPTION  
BEARDSLEY CONNECTOR  
TRAIL HEAD ACQUISITION  
A.P.N. 200-30-010G**

A PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 4 NORTH, RANGE 1 EAST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 26;

THENCE SOUTH 89°52'21" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 26, A DISTANCE OF 1321.72 FEET, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION BEARS SOUTH 89°52'21" EAST, A DISTANCE OF 1321.82 FEET;

THENCE DEPARTING SAID NORTH LINE, SOUTH 00°00'15" WEST, ALONG THE EAST LINE OF THE FINAL PLAT FOR FLETCHER HEIGHTS, PHASE 4 AMENDED, AS SHOWN IN BOOK 583, PAGE 20, MARICOPA COUNTY RECORDS, A DISTANCE OF 621.36 FEET TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID EAST LINE, SOUTH 89°52'21" EAST, A DISTANCE OF 193.00 FEET;

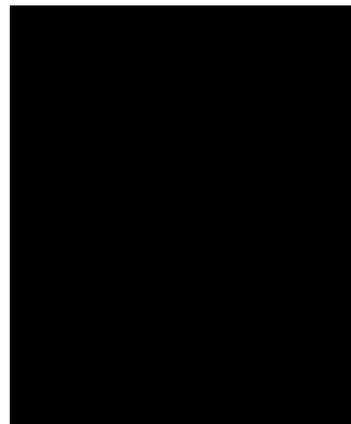
THENCE SOUTH 60°30'30" EAST, A DISTANCE OF 237.43 FEET;

THENCE SOUTH 29°24'14" WEST, A DISTANCE OF 791.44 FEET;

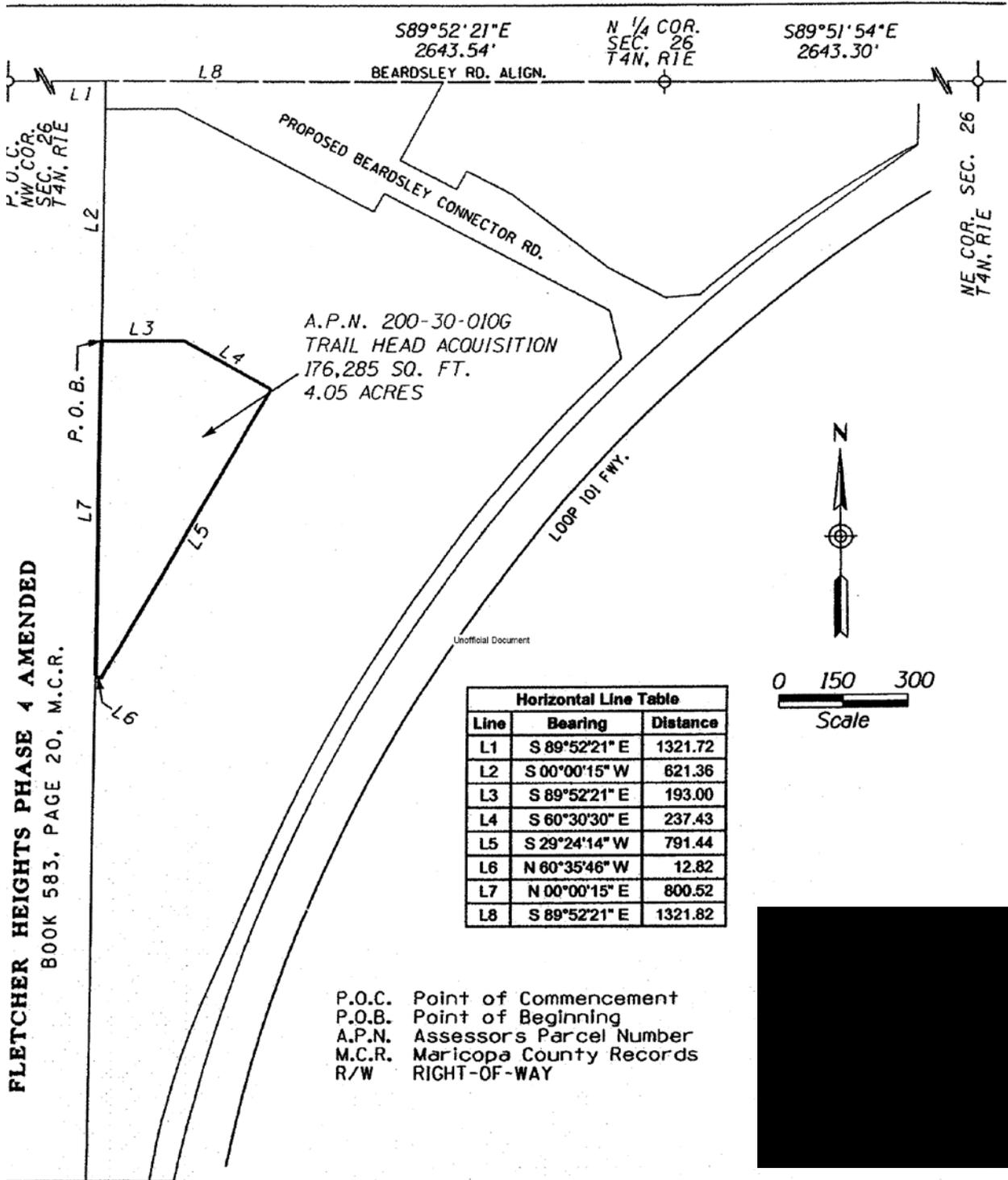
THENCE NORTH 60°35'46" WEST, A DISTANCE OF 12.82 FEET TO THE EAST LINE OF SAID FINAL PLAT;

THENCE NORTH 00°00'15" EAST, ALONG SAID EAST LINE, A DISTANCE OF 800.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 176,285 SQUARE FEET OR 4.05 ACRES, MORE OR LESS.



Resolution No. 08-04



TRAIL HEAD ACQUISITION  
 BEARDSLEY CONNECTOR

CITY OF PEORIA

Resolution No. 08-04A  
Amendment to Resolution  
April 7, 2015  
Page 5

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Arizona, this 7<sup>th</sup> day of April, 2015.

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Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 18C

**Date Prepared:** March 18, 2015

**Council Meeting Date:** April 7, 2015

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**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

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**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:** Angela Manuel, Real Property Coordinator, (623) 773-7728

RESOLUTION NO. 2015-36

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.

Old Carefree Highway Improvements  
Agua Fria Investments, LLC  
FINAL ORDER OF CONDEMNATION  
Maricopa County Recording No. 2014-0804677

Old Carefree Hwy & Beardsley  
Canal

Lake Pleasant Parkway, West Wing to Loop 303  
Flood Control District of Maricopa County  
NON-EXCLUSIVE ROADWAY/PUE  
Maricopa County Recording No. 2015-0086079

Lake Pleasant Parkway, North of  
West Wing

Resolution No. 2015-36  
Acceptance of Deeds and Easements  
April 7, 2015  
Page: 2

New River Trail Connection  
Big Boys' Toys Storage  
RECREATION EASEMENT  
Maricopa County Recording No. 2015-0146412

99<sup>th</sup> Avenue, North of Olive Ave

SECTION 2. Public Easement and Land Rights

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

SECTION 3. Recording Authorized

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 7<sup>th</sup> day of April, 2015.

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Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 19C

**Date Prepared:** March 19, 2015

**Council Meeting Date:** April 7, 2015

---

**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:** Angela Manuel, Real Property Coordinator, (623) 773-7728

RESOLUTION NO. 2015-37

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. 2015-37  
Authorizing Establishment of Public Streets  
April 7, 2015  
Page 2

Old Carefree Highway  
Agua Fria Investments, LLC  
FINAL ORDER OF CONDEMNATION  
*Minor Arterial*  
Maricopa County Recording No. 2014-0804677

Old Carefree Highway &  
Beardsley Canal

### 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.

Resolution No. 2015-37  
Authorizing Establishment of Public Streets  
April 7, 2015  
Page 3

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Peoria, Arizona this 7<sup>th</sup> day of April, 2015.

\_\_\_\_\_  
Cathy Carlat, Mayor

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 20C

**Date Prepared:** March 18, 2015

**Council Meeting Date:** April 7, 2015

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**TO:** Carl Swenson, City Manager

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

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

**SUBJECT:** Abandonment of City Interest, Non-Vehicular Access Easement, 91<sup>st</sup> Avenue and Greenbrian Drive

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**Purpose:**

This is a request for City Council to approve a Resolution authorizing the release of a portion of the Non-Vehicular Access Easement located within Lot 3B of the Big Feat Ventures, LLC Subdivision Final Plat in the vicinity of 91<sup>st</sup> Avenue and Greenbrian Drive.

**Background/Summary:**

In 2009 the City approved a Final Plat for Big Feat Ventures, LLC Subdivision which included the dedication of a 1 foot Non-Vehicular Access Easement along the east and south perimeter of the subject parcel. The current property owner also owns the parcel to the south and has been working with City staff to expand their existing operation to include the subject parcel. The property owner has requested the abandonment of the easement which will allow for internal access between the two parcels and greater development potential.

**Previous Actions:**

Staff reviewed and approved the request to abandon a portion of the existing Non-Vehicular Access Easement that was dedicated to the City.

**Options:**

**A:** City Council authorizes the abandonment, removing this restriction from the property.

**B:** City Council denies the abandonment maintaining the current easement encumbrance on the property.

**Staff's Recommendation:**

Staff recommends the adoption of a Resolution to abandon City interest in a portion of a Non-Vehicular Access Easement per the Final Plat of Big Feat Ventures, LLC Subdivision as recorded in Maricopa County Recorder Number 2009-0877113 and authorize the City Clerk to record the Resolution.

**Fiscal Analysis:**

There are no costs associated with the Release of Non-Vehicular Access Easement.

**Narrative:**

The abandonment will release this encumbrance from the property allowing for greater development potential.

**Exhibit(s):**

**Exhibit 1:** Location Map

**Exhibit 2:** Vicinity Map

**Exhibit 3:** Resolution

**Contact Name and Number:** Angela Manuel, Real Property Coordinator, x7728



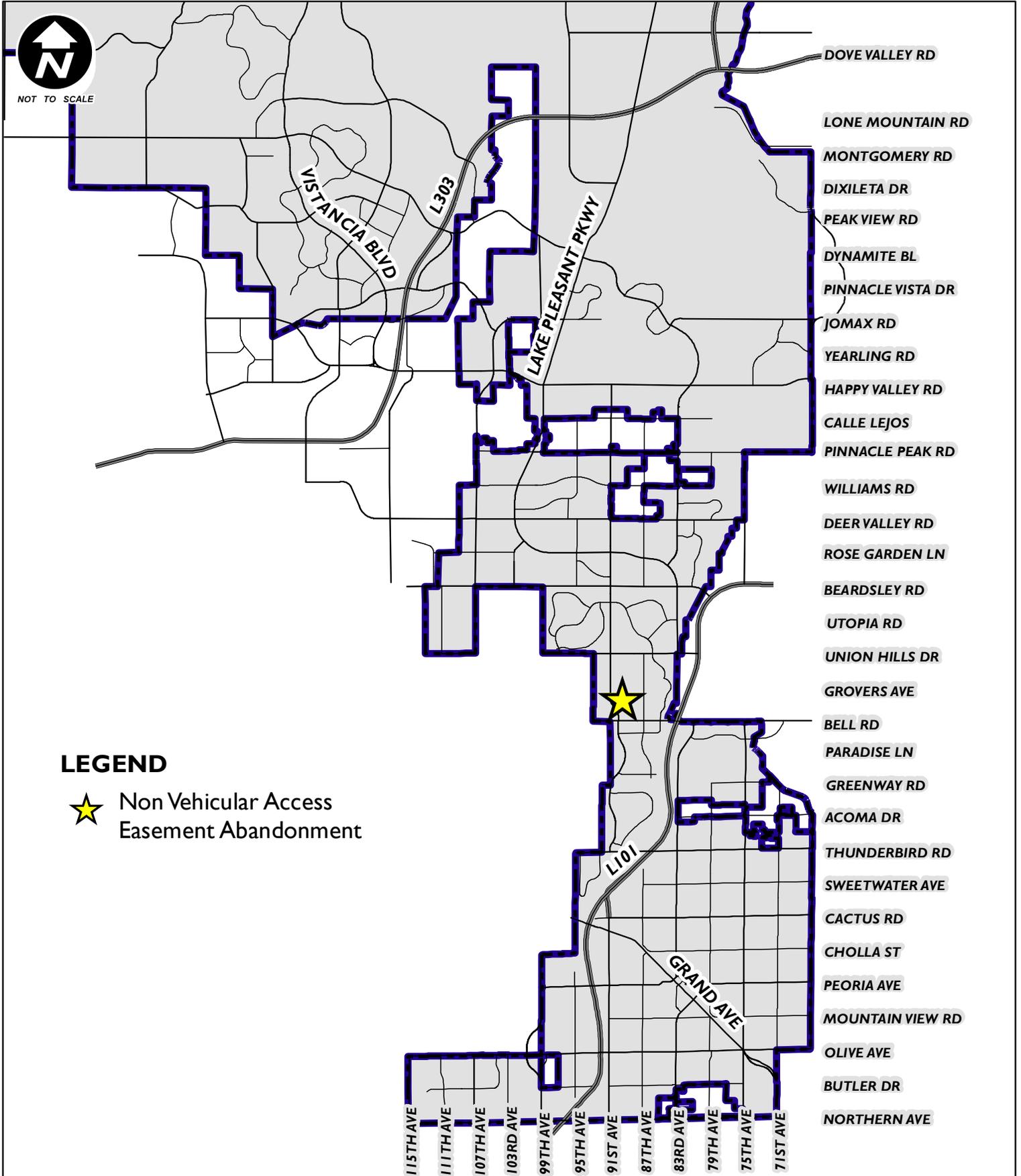
# City of Peoria ENGINEERING

## Non Vehicular Access Easement Abandonment 91st Avenue and Bell Road Area

### Vicinity Map



NOT TO SCALE



### LEGEND



Non Vehicular Access  
Easement Abandonment

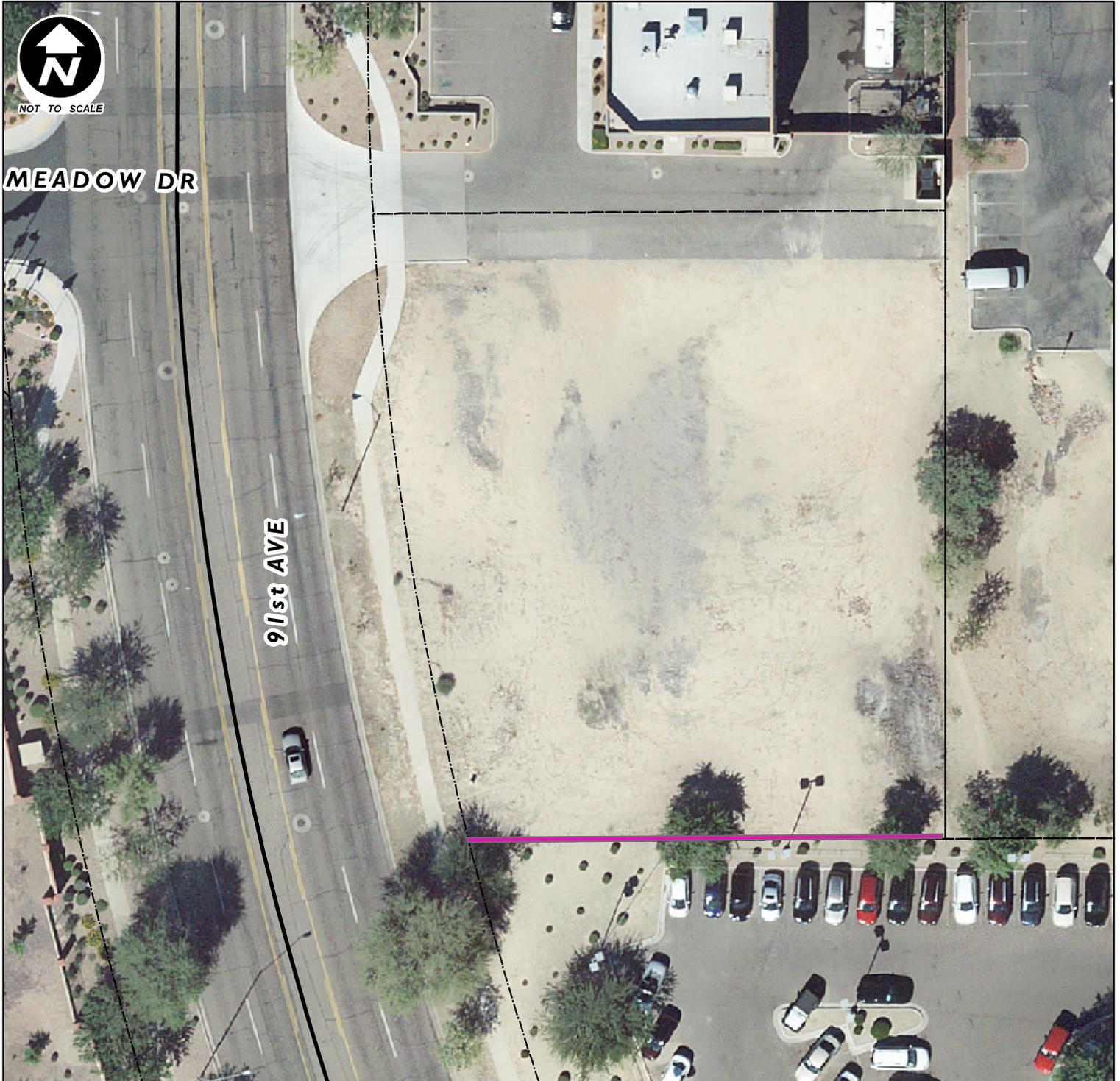


# City of Peoria

ENGINEERING

## Non Vehicular Access Easement Abandonment 91st Avenue and Bell Road Area

### Location Map



#### LEGEND

 Access Easement Abandonment

 Parcels



**NOTE**  
Map based on imprecise source information, subject to change and FOR GENERAL REFERENCE ONLY.

RESOLUTION NO. 2015-38

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING THAT A CERTAIN NON-VEHICULAR ACCESS EASEMENT DEDICATED TO THE CITY TO BE UNNECESSARY TO CITY PURPOSES AND NO LONGER REQUIRED TO BE RETAINED BY THE CITY AND DIRECTING THAT SUCH UNNECESSARY NON-VEHICULAR ACCESS EASEMENT BE DISCLAIMED AND ABANDONED AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AND RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER THE CITY'S DISCLAIMED OF THE NON-VEHICULAR ACCESS EASEMENT AS SET FORTH HEREIN AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, pursuant to Section 23-73 of the Peoria City Code, (1992), the City Council of the City of Peoria is vested with the power to determine and find that certain easements may no longer be necessary to the City and should be disclaimed by the City; and

WHEREAS, pursuant to Section 23-73 of the Peoria City Code (1992), the City is vested with the power to disclaim any interest in such easements in exchange for the dedication of other rights of way, easements and interests in real property desired by the City; and

WHEREAS, the Mayor and Council find and determine that that a certain non-vehicular access easement located in the City of Peoria, Maricopa County, Arizona as more specifically set forth on the Release and legal description attached as Exhibit A to this Resolution should be disclaimed and is no longer needed by the City.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1.

That Mayor and Council find and determine that the Non-Vehicular Easement as more specifically set forth on Exhibit "A" attached to this resolution be and is hereby declared to be unnecessary to the City and that the City Manager of the City or his designee be and is hereby authorized to execute all documents necessary to disclaim interest in the Easement and to record such document with the Maricopa County Recorder's Office.

SECTION 2.

That City Manager or his designee in exchange for the disclaimer of such Easement be and are hereby authorized to execute such documents necessary for the City to receive rights of way, easements and interests in real property in exchange for such disclaimer

SECTION 3.

That the City Engineer is directed to prepare and provide legal descriptions for such easements, rights of way and interests in land for public utilities as may be deemed appropriate across the described property.

SECTION 4. EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, an Emergency is declared to exist and this Resolution shall be in full force and effect from and after its passage by the Council as required by the City Charter and is exempted from the referendum clause of the Charter.

Resolution No. 2015-38  
Peoria Kia – NVAE Abandonment  
Page 3

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Arizona, this 7th day of April, 2015.

---

Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Stephen M. Kemp, City Attorney

ATTACHMENTS:

Exhibit A – Release of Non-Vehicular Access Easement and accompanying Legal  
Descriptions

**When recorded, return to:**

**Office of the City Clerk  
City of Peoria  
8401 West Monroe  
Peoria, Arizona 85345**

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### **RELEASE OF NON-VEHICULAR ACCESS EASEMENT**

The undersigned, City of Peoria, an Arizona municipal corporation ("City"), is the beneficiary of a Non-Vehicular Access Easement (the "Easement") over and affecting the real property described on Exhibit "A" attached (the "Property"). Said Easement arises out of, and was dedicated and created by and pursuant to, that certain Final Plat for Big Feat Ventures, LLC Subdivison (the "Plat"), a copy of which Plat was recorded with the Maricopa County, Arizona Recorder on September 22, 2009 at Recorder's Instrument No. 2009-0877113, Book of Maps 1039, Page 26. Subject to the reservations below, City's interests comprising the Easement are hereby released (the "Release").

All of the following interests are reserved to City and excluded from the Release:

Any and all interests in the Easement Area that the Plat or any related zoning case, plat, lot split or other land use regulatory requirements may require to be dedicated to City;

Any open space or similar easement or covenant in favor of City that may already have been imposed on the Easement Area prior to the recordation of this instrument, if any;

An easement for all existing utilities, if any; and

Such rights and interests, if any, as are required to be reserved by A.R.S. Sec. 28-7210 and A.R.S. Sec. 28-7215.

**[SIGNATURE AND ACKNOWLEDGEMENT APPEAR ON PAGE FOLLOWING]**

DATE: April \_\_\_\_, 2015

**CITY OF PEORIA**, an Arizona municipal corporation

By: \_\_\_\_\_  
Carl Swenson  
Its: City Manager

Approved as to Form:

Attest:

\_\_\_\_\_  
Stephen Kemp, City Attorney

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

**ACKNOWLEDGEMENT**

STATE OF ARIZONA        )  
  ) ss.  
County of Maricopa        )

On this date, before me, a Notary Public, personally appeared Carl Swenson, known to me or satisfactorily proven to be the person whose name is subscribed to this instrument and acknowledged that he executed the same. If this person's name is subscribed in a representative capacity, it is for the principal named and in the capacity indicated.

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Carl Swenson, City Manager of the City of Peoria, an Arizona municipal corporation.

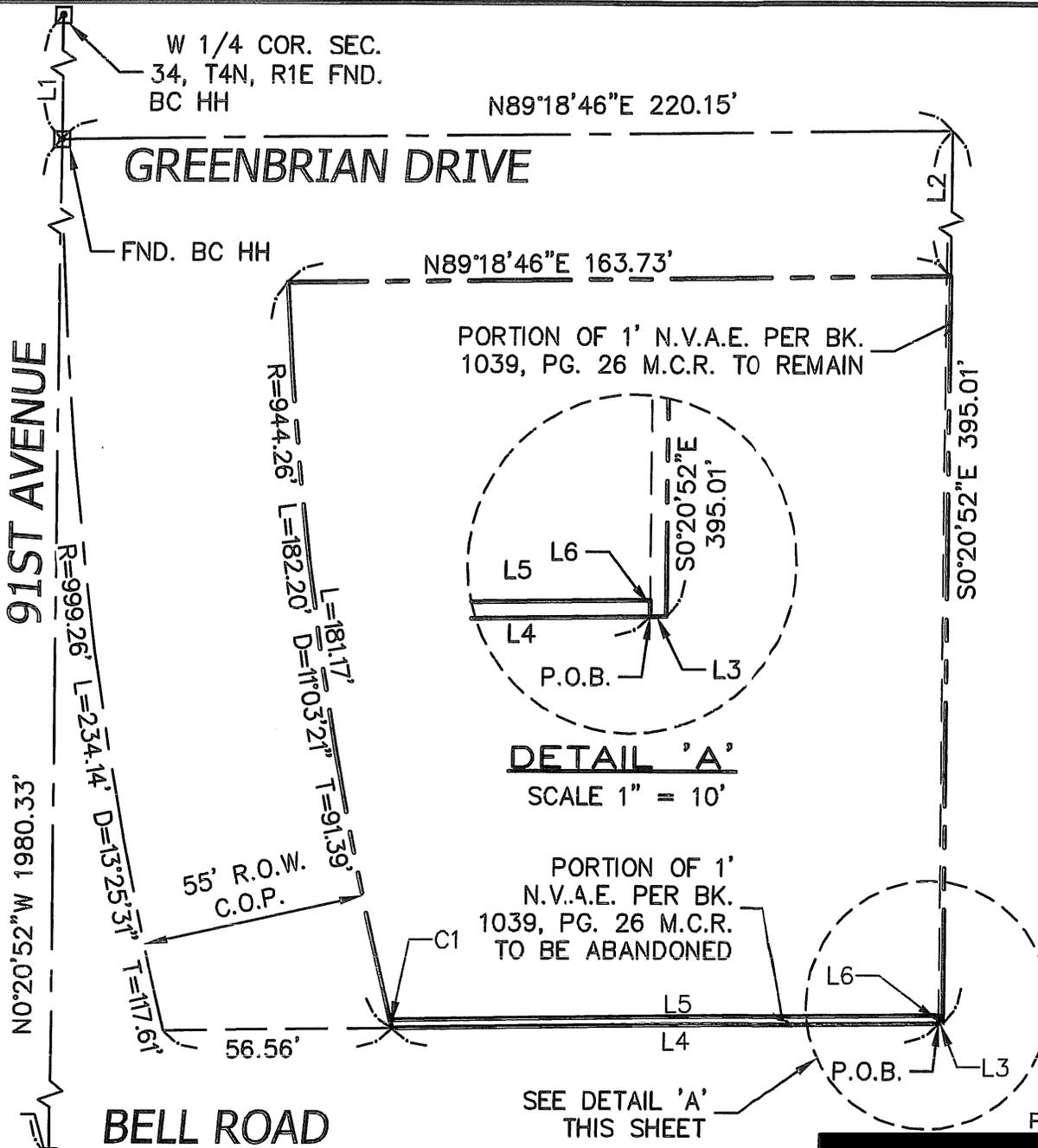
\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_



# EXHIBIT A LEGAL DESCRIPTION



Site Consultants, Inc.  
 113 S. Rockford Drive, Tempe Arizona 85281  
 Tele: 480-894-2820 Fax: 480-894-2847



# EXHIBIT A

## LEGAL DESCRIPTION

LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N0°20'52"W	660.17'
L2	S0°20'52"E	215.00'
L3	S89°18'46"W	1.00'
L4	S89°18'46"W	135.29'
L5	N89°18'46"E	135.54'
L6	S0°20'52"E	1.00'

CURVE TABLE				
CURVE #	RADIUS	LENGTH	DELTA	TANGENT
C1	944.26'	1.03'	0°03'45"	0.51

### LEGEND:

- — — — — PROPERTY LINE
- — — — — CENTER LINE
- - - - - EASEMENT LINE
- C.O.P. CITY OF PEORIA
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT OF WAY
- FND. FOUND
- BC BRASS CAP
- HH HANDHOLE
- N.V.A.E. NON VEHICULAR ACCESS EASEMENT
- COR. CORNER
- SEC. SECTION
- T TOWNSHIP
- R RANGE

### LEGAL DESCRIPTION:

COMMENCING AT THE SOUTHEAST CORNER OF NEW PARCEL 3B AS SHOWN ON SAID FINAL PLAT FOR "BIG FEAT VENTURES, LLC SUBDIVISION"; THENCE SOUTH 89°18'46" WEST ALONG THE SOUTH LINE OF SAID NEW PARCEL 3B A DISTANCE OF 1 FOOT TO THE POINT OF BEGINNING OF SAID EASEMENT TO BE ABANDONED; THENCE SOUTH 89°18'46" WEST A DISTANCE OF 135.29 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 91ST AVENUE; THENCE NORTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG A CURVE HAVING A RADIUS OF 944.26 FEET, A CENTRAL ANGLE OF 00°03'45" AND AN ARC LENGTH OF 1.03 FEET; THENCE NORTH 89°18'46" EAST A DISTANCE OF 135.54 FEET; THENCE SOUTH 00°20'52" EAST A DISTANCE OF 1.00 FOOT TO THE POINT OF BEGINNING.

## NON VEHICLE ACCESS EASEMENT ABANDONMENT

**Site Consultants, Inc.**

113 S. Rockford Drive, Tempe Arizona 85281  
 Tele: 480-894-2820 Fax: 480-894-2847

SCL #2008 SCALE: N.T.S. DATE: 1-29-2015



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 21R

**Date Prepared: March 24, 2015**

**Council Meeting Date: April 07, 2015**

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**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 Various Liquor Licenses.

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**Purpose:**

Pursuant to Arizona Law the City must make a recommendation to the State Liquor Board regarding the approval of applications to sell alcoholic beverages in the City. The Standard for the City's 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:**

Target #2227

Target #2227, located at 24890 N. Lake Pleasant Parkway has applied for a New Series 09 Liquor License. The application agent is Nicholas C. Guttilla.

A Series 09 liquor store license is a "quota" license available only through the Liquor License Lottery or through purchase on the open market. Once issued, this type of liquor license is transferable from person to person and/or location to location within the same county. It allows for a spirituous liquor store retailer to sell all types of spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

Some of the businesses around Target #2227 include BevMo, Bed, Bath and Beyond and Marshalls. There are no staff concerns with Target #2227. The public hearing notice was posted for at least 20 days, and no comments were received during the posting period. The license application was reviewed according to State law and all Departments gave approvals.

### Angry Crab Shack Restaurant

Angry Crab Shack Restaurant is a new restaurant located at 7608 W. Cactus Road #110. The new restaurant is occupying the building that was previously occupied by the, now closed, CiCi's Pizza Buffet. The owners of Angry Crab Shack Restaurant have applied for a new Series 12 Restaurant liquor license. The application agent is Ronald W. Lou.

A Series 12 restaurant license is a non-transferable license that allows for the restaurant to sell and serve all types of spirituous liquor solely for consumption on the premises. A Restaurant license requires that at least forty percent (40%) of its gross revenue come from the sale of food. Failure to meet the 40% food requirement may result in revocation of the license.

Some of the businesses around Angry Crab Shack Restaurant include Pholicious Vietnamese Restaurant, Lee Lee Oriental Supermart, and CVS/Pharmacy. There are no staff concerns with the owner of Angry Crab Shack Restaurant. The public hearing notice was posted for at least 20 days, and no comments were received during the posting period. The license application was reviewed according to State law and all Departments gave approvals.

### Wal-Mart Supercenter #3896

Wal-Mart Supercenter #3896, located at 21655 N. Lake Pleasant Parkway, has applied for Sampling Privileges (Series 09S) to be added to the existing Series 09 Liquor License. The application agent is Clare H. Abel.

The "S" sampling privilege allows an unlimited number of sampling events for the licensees of Liquor Store (Series 09) establishments. The retail establishment inventory is used for this type of sampling.

Some of the businesses around Wal-Mart Supercenter #3896 are Super Star Car Wash, Burger King and Dairy Queen. There are no staff concerns with Wal-Mart Supercenter #3896. The public hearing notice was posted for at least 20 days, and no comments were received during the posting period. The license application was reviewed according to State law and all Departments gave approvals.

### **Previous Actions:**

In January 2007, the Mayor and Council recommended approval to the Arizona State Liquor Board for a Wine and Beer (Series 10) Liquor License located at 24890 N. Lake Pleasant Parkway.

There has never been a liquor license at 7608 W. Cactus Road #110.

In March 2008, the Mayor and Council recommended approval to the Arizona State Liquor Board for Wal-Mart Supercenter #3896 for a Person and Location Transfer for an Off-Sale All Liquor License (Series 09) located at 21655 N. Lake Pleasant Parkway.

**Options:**

**A:** Recommend approval to the Arizona State Liquor Board for a New Off-Sale All Liquor License (Series 09) for Target #2227, located at 24890 N. Lake Pleasant Parkway, Nicholas C. Guttilla, Applicant, LL#10007686.

Recommend approval to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Angry Crab Shack Restaurant, located at 7608 W. Cactus Road #110, Ronald W. Lou, Applicant, LL#20012248.

Recommend approval to the Arizona State Liquor Board for Sampling Privileges (Series 09S) to be added to the existing Off-Sale All Liquor License (Series 09) for Wal-Mart Supercenter #3896, located at 21655 N. Lake Pleasant Parkway, Clare H. Abel, Applicant, LL#10010934.

**B:** Recommend denial to the Arizona State Liquor Board for a New Off-Sale All Liquor License (Series 09) for Target #2227, located at 24890 N. Lake Pleasant Parkway, Nicholas C. Guttilla, Applicant, LL#10007686.

Recommend denial to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Angry Crab Shack Restaurant, located at 7608 W. Cactus Road #110, Ronald W. Lou, Applicant, LL#20012248.

Recommend denial to the Arizona State Liquor Board for Sampling Privileges (Series 09S) to be added to the existing Off-Sale All Liquor License (Series 09) for Wal-Mart Supercenter #3896, located at 21655 N. Lake Pleasant Parkway, Clare H. Abel, Applicant, LL#10010934.

**Staff's Recommendation:**

That the Mayor and Council recommend approval to the Arizona State Liquor Board for a New Off-Sale All Liquor License (Series 09) for Target #2227, located at 24890 N. Lake Pleasant Parkway, Nicholas C. Guttilla, Applicant, LL#10007686.

That the Mayor and Council recommend approval to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Angry Crab Shack Restaurant, located at 7608 W. Cactus Road #110, Ronald W. Lou, Applicant, LL#20012248.

That the Mayor and Council recommend approval to the Arizona State Liquor Board for Sampling Privileges (Series 09S) to be added to the existing Off-Sale All Liquor License (Series 09) for Wal-Mart Supercenter #3896, located at 21655 N. Lake Pleasant Parkway, Clare H. Abel, Applicant, LL#10010934.

**Fiscal Analysis:**

The item has no financial implications.

**Narrative:**

The appropriate fees have been paid and the applicants have been advised that a representative needs to be present at the meeting to answer any questions that the Council or public may have.

**Exhibit 1:** New Liquor License Applications

Arizona Department of Liquor Licenses and Control  
800 West Washington, 5th Floor  
Phoenix, Arizona 85007  
www.azliquor.gov  
602-542-5141

15 FEB 25 11:41 AM 2015

**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 6 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): 09073505

1. Type of License(s): Series 9

2. Total fees attached:

Department Use Only  
\$ 2014 Lottery

**APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.**

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

**SECTION 4** Applicant

- 1. Owner/Agent's Name: Mr. GUTTILLA NICHOLAS CARL  
(Insert one name ONLY to appear on license) Last First Middle
- 2. Corp./Partnership/L.L.C.: Target Corporation (d/b/a Target Stores, Inc.) #1042995  
(Exactly as it appears on Articles of Inc. or Articles of Org.) #1030023
- 3. Business Name: Target #2227  
(Exactly as it appears on the exterior of premises)
- 4. Principal Street Location: 24890 N Lake Pleasant Parkway Peoria Maricopa 85383 #103625  
(Do not use PO Box Number) City County Zip
- 5. Business Phone: (623)376-7300 Daytime Phone: [REDACTED] Email: psines@gamlaw.com
- 6. Is the business located within the incorporated limits of the above city or town?  YES  NO
- 7. Mailing Address: Attn: Licensing PO Box 9471, CC-1028 Minneapolis MN 55402  
City State Zip
- 8. Price paid for license only bar, beer and wine, or liquor store: Type \_\_\_\_\_ \$ \_\_\_\_\_ Type \_\_\_\_\_ \$ \_\_\_\_\_

**DEPARTMENT USE ONLY**

Fees: 2014 Lottery  
Application Interim Permit Site Inspection Finger Prints \$ 2014 Lottery  
TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete?  YES  NO

Accepted by: [REDACTED] Date: 02/05/2015 Lic. # 09073505

**SECTION 5 Interim Permit:**

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. \_\_\_\_\_
4. Is the license currently in use?  YES  NO If no, how long has it been out of use? \_\_\_\_\_

**ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.**

I, \_\_\_\_\_, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

(Print full name)

State of \_\_\_\_\_ County of \_\_\_\_\_

X \_\_\_\_\_  
(Signature)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ Year

My commission expires on: \_\_\_\_\_

(Signature of NOTARY PUBLIC)

THIS FEE IS Lic. RM 9/27

**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"/>						

) 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.: Target Corporation (d/b/a Target Stores, Inc.)  
(Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 2/11/1902 State where Incorporated/Organized: Minnesota
3. AZ Corporation Commission File No.: F-0012136-6 Date authorized to do business in AZ: 4/19/1968
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
Vegas	Rachael	Beth	VP	1000 Nicollet Mall - Minneapolis, MN	55403
All	Aaron	Edward	Sr. VP	1000 Nicollet Mall - Minneapolis, MN	55403
Brown-Wiese	Janine	Lisa	Asst. Treas	1000 Nicollet Mall - Minneapolis, MN	55403
Nayar	Nikhil	(nmn)	VP	1000 Nicollet Mall - Minneapolis, MN	55403

(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
Target Corporation (Target Stores, Inc.) is a publicly traded corporation - no one person owns 10% or more					

(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:**

(this is a lottery license)

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: \_\_\_\_\_  
(Other than business) Street \_\_\_\_\_  
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)

15 FEB 5 04 PM 9:27

**SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)**

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name \_\_\_\_\_  
(Exactly as it appears on license) Address \_\_\_\_\_
2. New Business: Name \_\_\_\_\_  
(Physical Street Location) Address \_\_\_\_\_
3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
4. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_  
(business is currently open with a series 10 - will begin use of series 9 upon issuance - date is flexible)
5. What date do you plan to move? \_\_\_\_\_ What date do you plan to open? \_\_\_\_\_

**SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):**

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

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1. Distance to nearest school: 2,118 ft. Name of school Candeo Charter School (K-8)  
Address 9965 W Calle Lejos - Peoria, AZ 85383  
City, State, Zip \_\_\_\_\_
2. Distance to nearest church: 2,942 ft. Name of church Discovery Pointe Church  
Address 9812 W Yearling Road, Peoria, AZ 85383  
City, State, Zip \_\_\_\_\_
3. I am the:  Lessee  Sublessee  Owner  Purchaser (of premises)
4. If the premises is leased give lessors: Name n/a  
Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_
- 4a. Monthly rental/lease rate \$ n/a What is the remaining length of the lease    yrs.    mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ \_\_\_\_\_ or other \_\_\_\_\_  
(give details - attach additional sheet if necessary)
5. What is the total **business** indebtedness for this license/location excluding the lease? \$ 0  
Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip
<u>n/a</u>						

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Retail dept store with general, food, etc. merchandise

**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 # 10075316 (exactly as it appears on license) Name Target Corporation d/b/a Target T-2227  
Nicholas Carl Guttilla, Agent

**SECTION 14 Restaurant or hotel/motel license applicants:**

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location?  YES  NO  
 If yes, give the name of licensee, Agent or a company name:  
 \_\_\_\_\_ and license #: \_\_\_\_\_  
 Last First Middle
- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this  hotel/motel  restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

\_\_\_\_\_  
applicant's signature

As stated in A.R.S. § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit [www.azliquor.gov](http://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:
 

<input checked="" type="checkbox"/> Entrances/Exits	<input checked="" type="checkbox"/> Liquor storage areas	Patio: <input type="checkbox"/> Contiguous
<input type="checkbox"/> Service windows	<input type="checkbox"/> Drive-in windows	<input type="checkbox"/> 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 spirituous 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

**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.

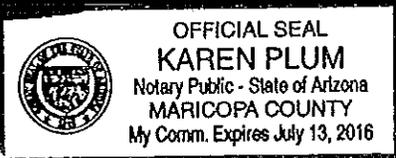
See attached

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**SECTION 16 Signature Block**

I, Nicholas Carl Guttilla, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

X 

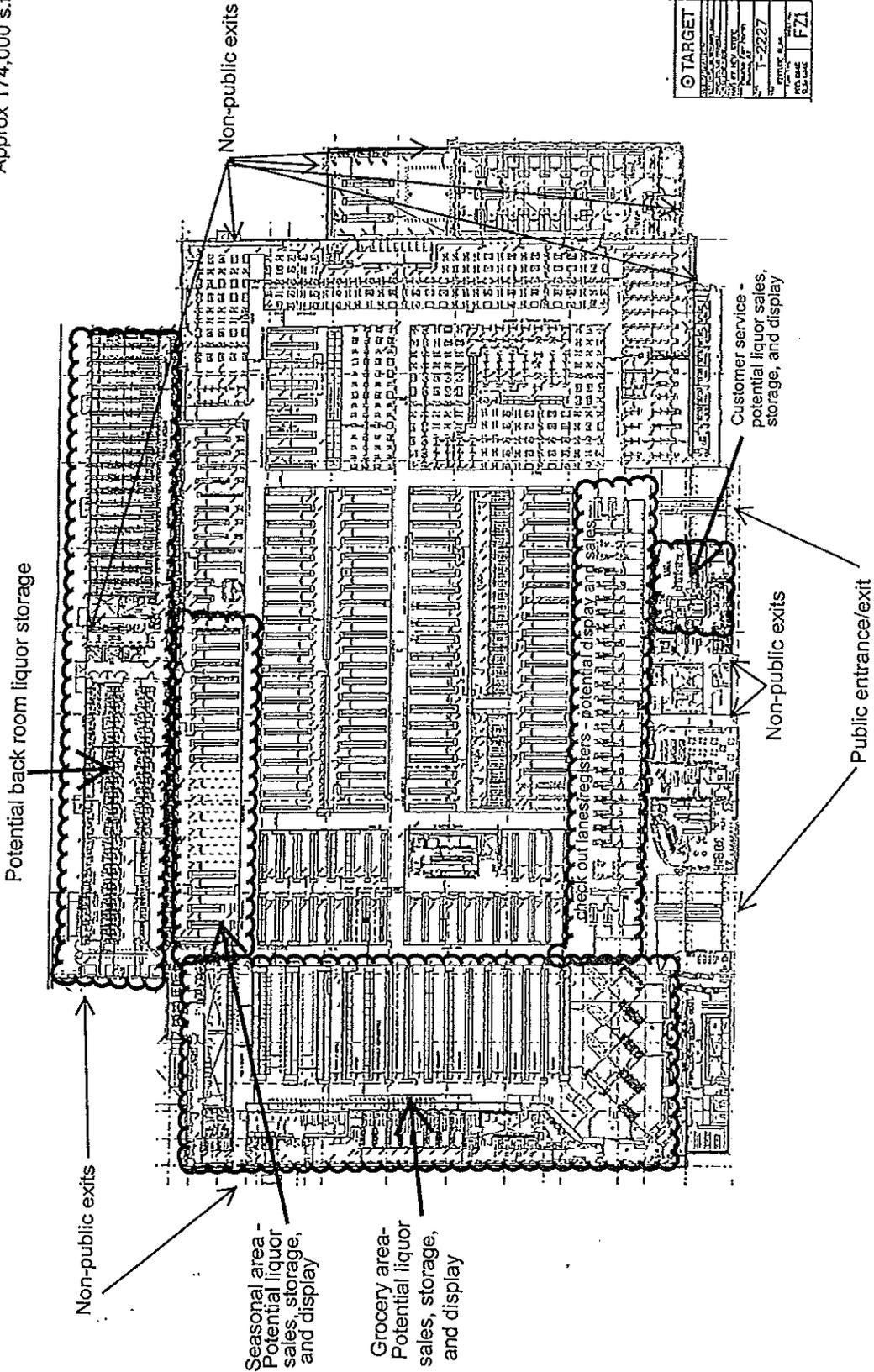


State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 30 of January, 2015  
Day  Year

My commission expires on : 13 7 2016  
Day Month Year

Target #2227  
 Approx 174,000 s.f.



© TARGET	
PROJECT NO.	1-2227
DATE	1-22-27
SCALE	F21

0828-002.37.01(200122)

15 FEB 5 8 34 ST.

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):

1. Type of License(s): #12 Restaurant 207A151  
 2. Total fees attached: \$ 172.00

**APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE.**  
 The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

**SECTION 4** Applicant

1. Owner/Agent's Name:  Mr. Lou Ronald Wayne  
 (Insert one name ONLY to appear on license) Last First Middle
2. Corp./Partnership/L.L.C.: AC3, LLC  
 (Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: Angry Crab Shack Restaurant Restaurant  
 (Exactly as it appears on the exterior of premises)
4. Principal Street Location 7608 W. Cactus Road #110 Peoria Maricopa 85381  
 (Do not use PO Box Number) City County Zip
5. Business Phone: 623-878-8887 Daytime Phone [REDACTED] Email: [REDACTED]
6. Is the business located within the incorporated limits of the above city or town?  YES  NO
7. Mailing Address: 2740 S. Alma School Road #13, Mesa AZ. 85210  
 City State Zip
8. Price paid for license only bar, beer and wine, or liquor store: Type \_\_\_\_\_ \$ \_\_\_\_\_ Type \_\_\_\_\_ \$ \_\_\_\_\_

**DEPARTMENT USE ONLY**

Fees: 100.- 50.- 22.00  
 Application Interim Permit Site Inspection Finger Prints \$ 172.00  
 TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete?  YES  NO

Accepted by: [REDACTED] Date: 01-26-15 Lic. # 207A151

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**SECTION 5 Interim Permit:**

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. \_\_\_\_\_
4. Is the license currently in use?  YES  NO If no, how long has it been out of use? \_\_\_\_\_

**ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.**

I, \_\_\_\_\_, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

(Print full name)

X \_\_\_\_\_  
(Signature)

State of \_\_\_\_\_ County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_

Day \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ Year

My commission expires on: \_\_\_\_\_

\_\_\_\_\_  
(Signature of NOTARY PUBLIC)

\*15 156 26 1194 2004 PM 3:00

**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"/>						

) 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.: AC3, LLC  
 (Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 01-07-15 State where Incorporated/Organized: Arizona
3. AZ Corporation Commission File No.: \_\_\_\_\_ Date authorized to do business in AZ: \_\_\_\_\_
4. AZ L.L.C. File No: PENDING Date authorized to do business in AZ: PENDING
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
Lou, Ronald	Wayne		MANAGER Member	[REDACTED]	[REDACTED]
Sevilla, Daniel	Rene		Member	[REDACTED]	[REDACTED]
Diamond, Andrew	Frank		Member	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip
Lou	Ronald	Wayne	64.88	[REDACTED]	[REDACTED]
Sevilla	Daniel	Rene	10	[REDACTED]	[REDACTED]
Diamond, Andrew	Frank		2	[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/Assignee: \_\_\_\_\_  
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

My commission expires on: \_\_\_\_\_

\_\_\_\_\_  
Day Month Year

\_\_\_\_\_  
(Signature of NOTARY PUBLIC)

11-2001-05-14-01-00

**SECTION 12** Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name \_\_\_\_\_  
(Exactly as it appears on license) Address \_\_\_\_\_
2. New Business: Name \_\_\_\_\_  
(Physical Street Location) Address \_\_\_\_\_
3. License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
4. If more than one license to be transferred: License Type: \_\_\_\_\_ License Number: \_\_\_\_\_
5. What date do you plan to move? \_\_\_\_\_ What date do you plan to open? \_\_\_\_\_

**SECTION 13** Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 150 ft. Name of school Sunrise Pre-School  
Address 7642 W. Cactus Road Peoria, AZ. 85381  
City, State, Zip \_\_\_\_\_

2. Distance to nearest church: 1000 ft. Name of church Spirit of Grace Church of God  
Address 7033 W. Cactus Road, Peoria, AZ. 85381  
City, State, Zip \_\_\_\_\_

3. I am the:  Lessee  Sublessee  Owner  Purchaser (of premises)

4. If the premises is leased give lessors: Name Larry & Beverly Wilson  
Address 2833 N. 48th St., Phoenix, AZ. 85008  
City, State, Zip \_\_\_\_\_

4a. Monthly rental/lease rate \$ 4700 What is the remaining length of the lease 8 yrs. \_\_\_\_\_ mos.

4b. What is the penalty if the lease is not fulfilled? \$ No Penalty or other \_\_\_\_\_  
(give details - attach additional sheet if necessary)

5. What is the total business indebtedness for this license/location excluding the lease? \$ 0  
Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Food & Beverage

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**SECTION 13 - continued**

- 7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?  
 YES  NO If yes, attach explanation.
- 8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business?  YES  NO
- 9. Is the premises currently licensed with a liquor license?  YES  NO If yes, give license number and licensee's name:  
 License # \_\_\_\_\_ (exactly as it appears on license) Name \_\_\_\_\_

**SECTION 14 Restaurant or hotel/motel license applicants:**

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location?  YES  NO  
 If yes, give the name of licensee, Agent or a company name:  
 \_\_\_\_\_ and license #: \_\_\_\_\_  

Last
First
Middle
- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this  hotel/motel  restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

\_\_\_\_\_ applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit [www.azliquor.gov](http://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? April 1, 2015  
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.

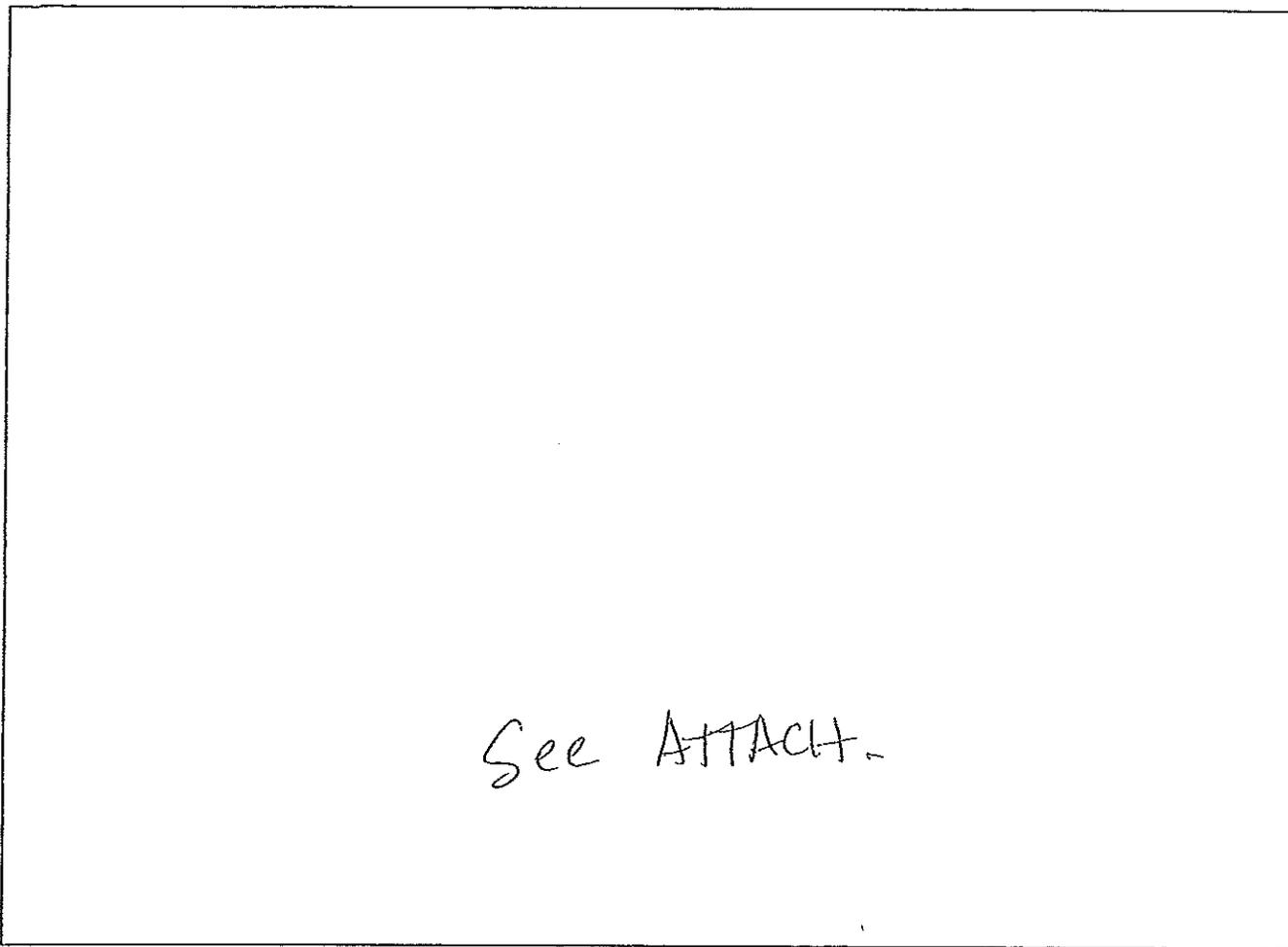
As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

\_\_\_\_\_ applicants initials

**SECTION 15 Diagram of Premises**

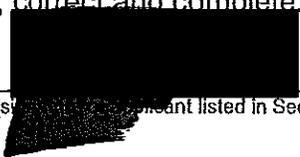
4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not 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, Ronald Wayne Lou, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

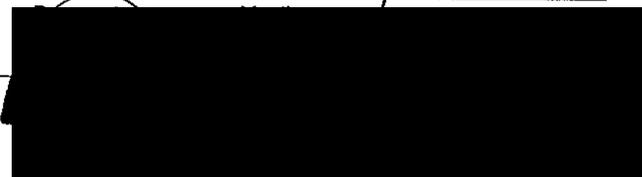
X  (signature of applicant listed in Section 4, Question 1)

State of ARIZONA County of MARICOPA

The foregoing instrument was acknowledged before me this 08 of JANUARY, 2015

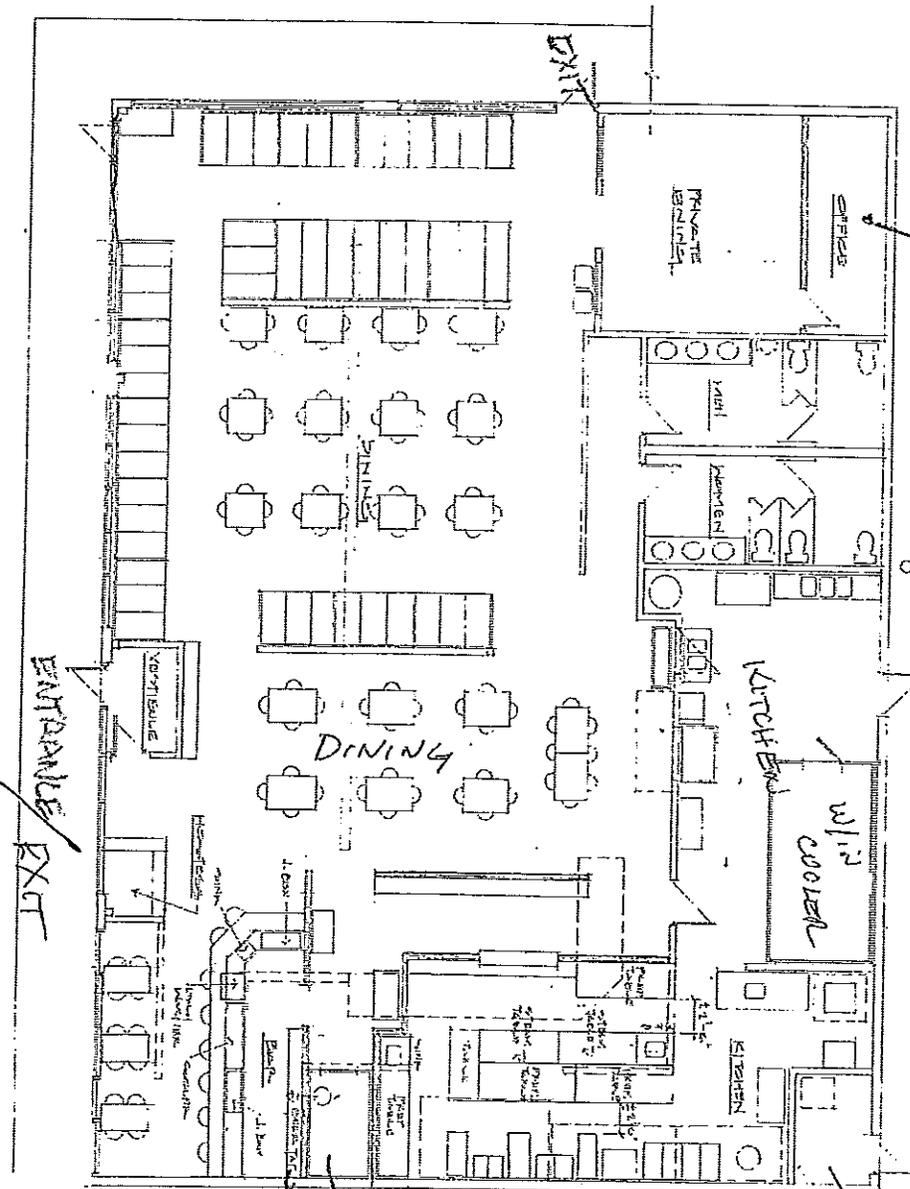
My commission expires





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LIQUOR STORAGE



FLOOR PLAN

4700 sq. ft.

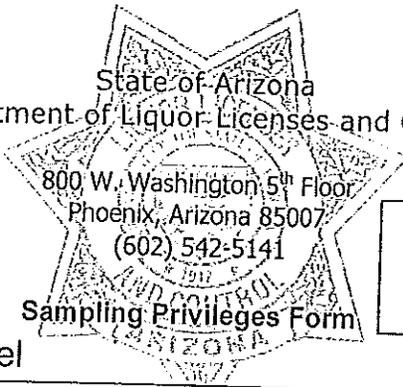
LANDLORD RUBER FIRE SYSTEM SPRINKLER

WINE - LIQUOR STORAGE  
CABINET STORAGE

THE ANGRY CRAB  
PEORIA AZ.


  
 Green Kennedy
   
 Architects
   
 1115 S. 30th St. #100
   
 Peoria, IL 61614
   
 (309) 692-5554
   
 gk@greennkennedy.com

State of Arizona  
Department of Liquor Licenses and Control



800 W. Washington, 5th Floor  
Phoenix, Arizona 85007  
(602) 542-5141

Sampling Privileges Form

Liquor Store (series 9)  
 Beer and Wine Store (series 10)

Applicant's Name: Clare Hollie Abel

(check one) Owner  Agent

Mailing Address: Dept. 8916; 702 SW 8th Street, Bentonville AR Maricopa 72716 0500  
Street Address or P.O. Box City State County Zip Code

Business Phone Number: (623) 537-0809 Email: chabel@bcattorneys.com

Business Name: Wal-Mart Supercenter #3896 Current License #: 09070491

Physical Location of Business:  
21655 North Lake Pleasant Pkwy Peoria AZ Maricopa 85382  
Street Address City State County Zip Code

I, Clare Hollie Abel, understand that, upon approval, sampling privileges for the liquor license identified above will require compliance with the following:

Initial Here

- CHA 1. the premises shall contain at least five thousand square feet to be eligible for sampling privileges for Beer and Wine Store (series 10) applicants only (A.R.S. §4-206.01(J)).
- CHA 2. Any open product shall be kept locked by the licensee when the sampling area is not staffed.
- CHA 3. The licensee is otherwise subject to all other provisions of this title. The licensee is liable for any violation of this title committed in connection with the sampling.
- CHA 4. The licensed retailer shall make sales of sampled products from the licensed retail premises.
- CHA 5. The licensee shall not charge any customer for the sampling of any products.
- CHA 6. The sampling shall be conducted under the supervision of an employee of a sponsoring distiller, vintner, brewer, wholesaler or retail licensee.
- CHA 7. Accurate records of sampling products dispensed shall be retained by the licensee.
- CHA 8. Sampling shall be limited to three ounces of beer or cooler-type products, one and one-half ounce of wine and one ounce of distilled spirits per person, per brand, per day.
- CHA 9. The sampling shall be conducted only on the licensed premises.
- CHA 10. Upon approval of this form, a license for a liquor store with sampling privileges (series 9S) or a beer and wine store with sampling privileges (series 10S) will be issued and mailed to the licensee's address of record. The license must be displayed in a conspicuous public area of the licensed premises that is readily accessible for inspection by any peace officer, distributor, wholesaler or member of the public. (A.R.S. §4-261.01)

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CHA 11. Liquor store license sampling privileges are not transferable.

CHA 12. I have read, understand, and assume responsibility for compliance with A.R.S. §4-206.01.

**A.R.S. §4-206.01(J) Bar, beer and wine bar or liquor store licenses; number permitted; fee; sampling privileges**

1. Any open product shall be kept locked by the licensee when the sampling area is not staffed.
2. The licensee is otherwise subject to all other provisions of this title. The licensee is liable for any violation of this title committed in connection with the sampling.
3. The licensed retailer shall make sales of sampled products from the licensed retail premises.
4. The licensee shall not charge any customer for the sampling of any products.
5. The sampling shall be conducted under the supervision of an employee of a sponsoring distiller, vintner, brewer, wholesaler or retail licensee.
6. Accurate records of sampling products dispensed shall be retained by the licensee.
7. Sampling shall be limited to three ounces of beer or cooler-type products, one and one-half ounces of wine and one ounce of distilled spirits per person, per brand, per day.
8. The sampling shall be conducted only on the licensed premises.

I, Clare Hollie Abel

attest that I am the OWNER/AGENT filing this form, that I have read, and assume responsibility for compliance with, A.R.S. §4-206.01 at the licensed establishment named on page 1, and verify all statements I have made on this document to be true, correct and complete. I understand that I am responsible for the \$100 issuance fee and the annual \$60 renewal fee for these sampling privileges. Sampling privilege renewal fees are due at the same time as the renewal for the "current license #" identified on page 1 of this application.

Signature, [Redacted] Title agent Date 1/29/15

Notarized Signature

The forgoing instrument was acknowledged before me this 29th of JANUARY, 2015.  
day month year

Notary Public: [Redacted] Signature

My commission expires: 03 day, 03 month, 2018 year



For DLLC Use Only

S License #: \_\_\_\_\_ Date of issuance: \_\_\_\_/\_\_\_\_/\_\_\_\_

Issuance fee applicable?  Yes  No  \$100 issuance fee collected

Initials: \_\_\_\_\_

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**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 22R

**Date Prepared: February 24, 2015**

**Council Meeting Date: April 7, 2015**

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**TO:** Carl Swenson, City Manager

**FROM:** Chris M. Jacques, AICP, Planning & Community Development Director

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

**SUBJECT:** Donation/Recycling Drop-Off Box  
Zoning Ordinance Text Amendment (Case TA14-0001)

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**Purpose:**

This is a request for City Council to hold a Public Hearing to consider a city-initiated request to adopt an Ordinance amending Article 14-2 (Definitions), Article 14-3 (General Provisions), Article 14-9 (Non-Residential Districts), and Article 14-39 (Administrative Procedures) of the Zoning Ordinance, pertaining to the establishment of regulatory standards governing Donation/Recycling Drop-Off Boxes within the City of Peoria.

**Background/Summary:**

Donation/Recycle Drop-Off Boxes (referred herein as “drop boxes”, “donation boxes” or “boxes”) are containers or storage units utilized by entities for the collection of charitable or for-profit donated items such as clothes, newspapers, books, toys, and other goods. Such boxes are typically found in parking areas of commercial centers or non-residential uses (e.g. religious facility, lodge) in traditional residential zoning districts.

The Zoning Ordinance is currently “silent” or without regulation pertaining to such boxes. This unrestricted environment has contributed to a multitude of concerns including box proliferation, dumping, box siting, aesthetics, and accountability. Without a regulatory mechanism in place, the City has had no input into the locations or quantities of the drop-off boxes deployed in the community. In some instances they are clustered together in quantity and/or placed in prominent locations within the City. This negatively impacts the community appearance or contributes to dumping of materials, including those that are not requested and/or will not fit in a secured box. Such unrestricted conditions can lead to the creation of an eyesore or public nuisance which may ultimately pose a threat to the public health, welfare and safety.

This issue rose to the attention of the City a few years ago with several egregious examples of dumping around the boxes. Subsequently, the issue gained the attention of the full City Council at a public hearing for the Goodwill center at Lake Pleasant Parkway and 83<sup>rd</sup> Avenue wherein

the issue and condition of donation boxes was discussed at length. A majority of the Council expressed displeasure with the unrestricted environment and directed staff to pursue changes.

Accordingly, staff has initiated an amendment to the Zoning Ordinance to establish regulations for Donation/Recycling Drop-Off Boxes within the City of Peoria. In preparation, staff reviewed literature on donation boxes and researched existing regulatory measures in other communities in the Valley and across the country (see Exhibit 1). Additionally, staff conducted several field surveys, logging the locations, conditions, quantity, and contact information of various donation drop-boxes throughout the City. This information assisted staff in identifying purveyors and determining the extent of drop-box proliferation within the City.

Based on this evaluation, staff identified several key issues to be addressed within the proposed regulations:

- Authorization for drop-off boxes to be located on site
- Accountability for the condition of the box and immediate area
- Timing of donation pickup or clearance of unrequested items
- The capacity, number, placement, and concentration of boxes on site
- Public Safety and/or nuisance abatement
- Regulatory process/management of drop-off box compliance

Utilizing the list of purveyors generated from the surveys as a starting point, staff identified key stakeholders for subsequent outreach efforts. For this amendment, outreach included two (2) stakeholder meetings along with an internal city department and external review of the proposed code changes. A summary of the meetings and reviews are briefly described below:

### *Stakeholder Meeting #1*

On February 27, 2014, the City conducted the first of two well-attended meetings to gain input on the formulation of the draft ordinance. Staff extended invitations to those parties who had drop-off boxes in the City and other parties who may not have had drop-off boxes in the City but had a vested interest in the outcome. This first meeting focused on issue identification and potential solutions.

### *Stakeholder Meeting #2*

A second meeting was held on September 11, 2014. At this meeting Staff presented the draft ordinance to the stakeholder group and solicited additional comments. One of the items that generated spirited discussion among bin stakeholders was whether the standard owner authorization form required with the TUP application should include an added requirement to have said signature of owner or authorized representative *notarized*. Currently, while all land use applications (e.g. Rezoning, Conditional Use Permit etc.) require written authorization by the owner or authorized representative, none require that the signature be *notarized*.

While one stakeholder did press for notarization, some bin stakeholders expressed concern that such a requirement would not only single this industry out for special treatment, but would introduce practical difficulties that could impair the industry in terms of the ability to get notarized signatures from ownerships that may be a trust, multinational corporation or out-of-state entity. The notarization issue is discussed in more detail below.

### *Notarization Discussion*

The staff recommendation to the Planning & Zoning Commission included provisions requiring the written approval of the owner or authorized agent as part of the Temporary Use Permit application, but did *not* require the additional step of notarization. This requirement is consistent with all other development application types, including but not limited to rezoning, conditional use permits, to preliminary plats. Staff believes requiring the additional step of notarization created an unnecessary burden on potential applicants, but more importantly does not achieve the desired objective.

While notarization confirms the identity of the signator, it does not confirm that the person signing the document is the owner or legal entity authorized to act in that capacity. To that end, the City Attorney's Office (see [Exhibit 2](#)) has indicated that given existing statutes, a notarized signature is not legally necessary to provide the assurances that the person signing the application form is the owner or authorized agent. Current statutes prohibit individuals from making false statements on applications to the City (A.R.S. 13-2704) and would enable the City to pursue action against an unauthorized individual who signs the owner authorization form

### *Other External Review*

In addition to the stakeholder meetings, staff reached out to Valley Partnership for distribution of the draft to their membership. This organization is considered one of the premier advocacy groups for commercial and industrial interests throughout the Metro Phoenix area. While Valley Partnership has taken no official position with regards to the proposed amendment, as of the date of this printing, there has been no noted opposition communicated to staff by Valley Partnership or its members.

### *Internal Review*

The amendment has been developed in close coordination with several key departments including EDS/Building Safety, Police Department/Code Enforcement, Public Works and the City Attorney's Office. Each standard contained in the proposed ordinance was discussed at length. As a result of these meetings, all departments concurred that the provisions contained within the ordinance would allow for the orderly deployment of Donation/Recycling Drop-Off Boxes in the City of Peoria.

### *Proposed Provisions*

As a result of research and discussions with key stakeholders, staff developed a number of provisions to regulate items such as requiring the entity to obtain a Temporary Use Permit

(TUP) for each donation box, establishing a maximum number of boxes allowed based on property size and box size, etc. The draft provisions were submitted for Planning and Zoning Commission for consideration and discussion prior to the formal public hearing. Results of both meetings are summarized below:

**Planning and Zoning Commission Study Session (October 16, 2014)**

The Planning and Zoning Commission discussed the proposed provisions and directed staff to include verbiage that would require entities to clear the contents of the drop-off boxes a minimum of once a week.

**Planning and Zoning Commission Public Hearing (November 11, 2014)**

At their regularly scheduled meeting on November 11, 2014, the Peoria Planning and Zoning Commission considered the proposed zoning code amendment for formal action. Donation drop-box owners, a representative of the National Council for Alcoholism and Drug Dependency (NCAD), and an attorney representing Goodwill spoke during the hearing.

Primarily the speaker's comments focused on the notarization of owner authorization forms with the TUP application, while the secondary topic was the revocation of business licenses for a single problematic site. While the speakers generally expressed support for the Ordinance, a few suggested comments and cautionary notes were provided, which are summarized below:

- Drop-off box owners expressed concern with the possibility of losing their business license for a single problematic site and/or circumstance.
- Drop-off box owners expressed their deep concern for any requirement for obtaining a *notarized* signature by the property owner as part of the approval materials. They were however, in support of the standard owner authorization requirements that the City employs with all other application types and did not believe this case type warranted unequal treatment.
- The CEO of NCAD stated that even though some drop-off box companies may be for-profit, her organization receives vital funds from the content of the boxes.
- The Goodwill representative indicated that they supported the regulation; however, they asked the Planning and Zoning Commission to add a provision requiring *notarized* authorization from the owner be obtained and included on the Temporary Use Permit (TUP) applications.

**The Planning and Zoning Commission recommended approval of the proposed amendment, subject to the following changes:**

1. That owner/representative authorization be *notarized* on the application form.
2. Adjusted language so that individual site non-compliance *may* result in revocation of the Business License rather than *shall*.

Planning and Zoning Commission recommend approval of the proposed amendment with changes to the two provisions by a vote of **5-1**. The dissenting Commissioner was in favor of the overall amendment, but objected to the owner notarization requirement. The Planning & Zoning Commission recommended version is attached as Exhibit 4.

**Additional staff-proposed refinements to the provisions**

Subsequent to the November 11, 2014 Planning and Zoning Commission recommendation, staff identified additional enhancements in conjunction with the City Attorney’s Office. Based on those discussions, staff is recommending refinements to further clarify and strengthen the provisions. Staff’s proposed refinements are identified below:

- Provide definition for “complex/center” for zoning clarity.
- Clarify that boxes not in compliance with this Ordinance or deemed to be a public nuisance would be enforced pursuant to Chapter 17 of the City Code (Nuisances).
- Clarify that prior permit revocations and/or discovery of fraudulent application information on prior applications may be considered by the City in a decision to grant or deny a TUP application.
- Clarify how an approved TUP application number is to be displayed on a bin.
- Permit one 12 cubic yard container to be substituted in lieu of two 6 cubic yard containers, if available. (This comment was received after the November 11<sup>th</sup> meeting from a bin purveyor that has the larger container. This requested modification would be consistent with Phoenix.)

To aid in review of the request, Staff has prepared Exhibit 6 which overlays the Planning & Zoning Commission recommendation with the subsequent modifications proposed by Staff (in blue).

**Previous Actions:**

- Planning & Zoning Commission Study Session (October 16, 2014)
- Planning & Zoning Commission Public Hearing (November 11, 2014) – recommended approval (5-1) of the proposed Ordinance with noted modifications.

**Options:**

- A:** Approve as recommended by the Planning and Zoning Commission (Exhibit 4); or
- B:** Approve as recommended by the Planning and Zoning Commission, with staff recommended refinements (Exhibit 5); or
- C:** Deny; or
- D:** Continue action to a date certain or indefinitely; or
- E:** Remand back to the Planning & Zoning Commission for further consideration.

**Staff's Recommendation:**

Staff recommends that the Mayor and City Council concur with Planning and Zoning Commission's recommendation AND INCLUDING the subsequent staff-proposed refinements, altogether identified as [EXHIBIT 5], adopting the attached Ordinance amending Article 14-2, 14-3, 14-9, and 14-39 respectively.

**Fiscal Analysis:**

This Ordinance would result in fees obtained from Temporary Use Permit applications for donation drop/off boxes whereas previously there was no fee or application required.

**Narrative:**

Should the Mayor and City Council affirmatively take action as recommended, the Ordinance would be come effective within 30 days of signature. At that point, staff would begin accepting TUP applications for donation/drop off boxes. The Ordinance provides for a reasonable period of time (end of 2015) for all entities with boxes to come into compliance with the Code.

**Exhibit(s):**

- Exhibit 1:** Municipality Regulation Comparison
- Exhibit 2:** Memo from City Attorney's Office
- Exhibit 3:** Planning and Zoning Commission Staff Report and Exhibits (11/11/14).
- Exhibit 4:** Draft Ordinance as recommended by the Planning and Zoning Commission
- Exhibit 5:** Draft Ordinance as recommended by the Planning and Zoning Commission, with staff recommended refinements.
- Exhibit 6:** Comparative overlay of draft ordinance as recommended by the Planning and Zoning Commission (11/11/14) with subsequent Staff recommendations (in blue).

**Contact Name and Number:** Rick Williams, Planner (623) 773-7565

# Regulatory Comparison

Municipality	Review Process	Application Fee per Box	Owner Authorization Required	Owner Notarization Required	Maximum Box Size (cubic yards)	Maximum Drop Boxes (per Site/Ctr)	Maximum Box Cluster	Must be on paved surface	Minimum Pickup Schedule
Avondale									
Buckeye									
Chandler									
Gilbert	Permit	\$10/\$5 Non-Profit	Yes	No	6-yard	No max	No	Yes	No
Glendale									
Goodyear	Permit	\$65	Yes	No	6-yard	No max	No	Yes	No
Mesa									
Phoenix	TUP	\$135.00	Yes	Yes	6 or 12-Yard <sup>(1)</sup>	2 boxes	>10 ac/500' (4)	Yes	No
Scottsdale	Minor Site Plan	\$87.00	Yes	No	NA	No max	No	Yes	No
Surprise <sup>(2)</sup>	TUP		Yes	Yes	6-yard	1-4 boxes <sup>(3)</sup>	2 boxes	Yes	Weekly
Tempe									
Tucson	Planning App	\$150.00	Yes	No	8-Yard	2 boxes	No	Yes	Bi-Monthly
San Antonio	TUP	\$48.00	Yes	No	4-Yard	4 Boxes	No	Yes	Weekly

Proposed Regulations	Review Process	Application Fee per Box	Owner Authorization Required	Owner Notarization Required	Maximum Box Size (cubic yards)	Maximum Drop Boxes (per Site/Ctr)	Maximum Box Cluster	Must be on paved surface	Minimum Pickup Schedule
PEORIA	TUP	\$100/\$10 NFP	Yes	TBD	6 or 12-Yard <sup>(1)</sup>	1-4 boxes (3)	2 boxes	Yes	Weekly

**Notes**

1. On lots or complex/centers more than 1 acre in area: one 12-yard Drop-Box may be substituted for two 6-yard containers.
2. As currently proposed . Code Amendment scheduled to be heard by Commission in MARCH/2015.
3. Maximum per lot/center/site: 0-1 acre = 1 box; 1-3 acres = 2 boxes; >3 acres = 4 boxes
4. For sites over 10 acres, Director may approve additional boxes if boxes spaced 500' apart and on different street frontages

# City of Peoria



## OFFICE OF THE CITY ATTORNEY

### INTEROFFICE MEMORANDUM

To: Chris Jacques, Planning Director  
From: William Bock, Assistant City Attorney *WAB*  
Through: Stephen M. Kemp, City Attorney *SJK for*  
Date: 02/25/15  
Subject: Requirement for a Notarized Signature of Landowner in Donation Bin Ordinance

There is currently pending before the City Council a zoning text amendment which would regulate the placement of Donation Bins on private property. One of the provisions in the ordinance, which was added by the Planning Commission, requires that the property owner, or an authorized agent of the property owner, must submit a notarized statement that the person is permitting, or is authorized to permit, the placement of a bin on the property.

Apparently, the requirement for a notary was added to make sure that the person claiming to be the owner or authorized agent is truly the owner or agent. You have asked for my opinion if this is legally necessary to insure that the person is actually the owner or agent of the property.

The answer to that question is no, it is not legally necessary in order to provide some assurance that the person signing is actually the owner. A.R.S Sec. 13-2704 states:

**13-2704. Unsworn falsification; classification**

**A. A person commits unsworn falsification by knowingly:**

- 1. Making any statement that he believes to be false, in regard to a material issue, to a public servant in connection with an application for any benefit, privilege or license.**

**B. Unsworn falsification pursuant to paragraph 1, subsection A, is a class 2 misdemeanor.**

This is a criminal statute, and if a person were to sign a document claiming to be the owner of property or an agent authorized to act on the behalf of an owner, and giving permission for a bin to be placed on the property, and the person is not the owner or authorized agent, that person could be prosecuted under the above section for making a false statement to the government in connection with granting a permit or license.

Notarization provides verification that the person signing the document is in fact that person. It does not provide confirmation that the person signing the document is the owner or legal entity authorized to act in that capacity. While there is nothing wrong or illegal about requiring a notarized signature, it is

unnecessary in order to provide the protection that we are seeking. The City would therefore not be better served if we required a notarized signature.

*WB:gl*

cc: *SB*



# **ZONING ORDINANCE TEXT AMENDMENT**

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## **REPORT TO THE PLANNING AND ZONING COMMISSION**

**CASE NUMBER:** TA14-0001  
**DATE:** November 13, 2014  
**AGENDA ITEM:** 9R

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**Applicant:** City of Peoria

**Request:** Amend Article 14-2 "Definitions", Article 14-3 "General Provisions", Article 14-5 "Single-Family residential Districts", Article 14-9 "Non-residential Districts", and Article 14-39 Administrative Procedures" of the Zoning Ordinance; effectively establishing criteria in which Donation Drop-Off Boxes would be a permitted accessory use within the City of Peoria.

**Support / Opposition:** As of the date of this printing, staff has not received any comment in support or opposition to this amendment.

**Recommendation:** **Approve** as requested.

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### **BACKGROUND**

1. The textile recycling business has become a worldwide multi-billion dollar business for non-profit and for-profit organizations. The increase has led to a nationwide proliferation of donation/recycling drop-off boxes in locations without standards in place to regulate the boxes. The City of Peoria has not been immune and the result is an inundation of the donation drop-off boxes throughout the community.
2. Without a regulatory mechanism in place, the City has had no input in the locations or quantities of the drop-off boxes deployed in the community. As a result, there has been an heightened number of drop-off boxes located within the City; in some instances they are clustered together and/or placed in prominent locations within the City. Thus, these locations often become dumping grounds for all materials including those that are not requested and will not fit in a secured box. The end result of such a condition is the creation of a public nuisance which is an eye sore in the community, and ultimately poses a threat to public safety.
3. Currently the Zoning Ordinance does not provide standards specifically for Donation Drop-Off Boxes in any zoning district. In 2013, the Peoria City Council

directed the Planning and Community Development Department to address the drop-off box condition. More specifically, the Planning Department was tasked with crafting an amendment to the Zoning Ordinance that would establish uniform regulatory provisions that the City could administer in an effort to address this community-wide concern.

## **DISCUSSION AND ANALYSIS**

### **Research**

4. Staff has reviewed the zoning codes of other valley municipalities as well as those in other states. While many municipalities do not specifically regulate this type of use in their zoning ordinances, some cities have varying requirements in their code or are considering similar amendments to provide standards specific to donation/recycling drop-off boxes.
5. The following critical issues regarding donation drop-off boxes were identified, which are in no particular order:
  - Legal authorization to be on site
  - Accountability
  - Site Locations
  - Separation and clustering
  - Capacity
  - Drop-box maintenance and repair
  - Public Safety
  - Process
6. In January, 2014, staff conducted a field visit around the city and noted the name, contact information, number, and locations of a large number of drop-off boxes in the City.

### **Stakeholder Outreach**

7. In February 2014, the City conducted the first of two open houses to gain input in the formulation of the draft ordinance. Staff invited all stakeholders who had drop-off boxes in the City to participate and provide input into the new ordinance. Staff also extended invitations to other parties who may not have had drop-off boxes in the City but had a vested interest in the process. Staff took those comments and concerns into consideration when writing early drafts of the ordinance.

8. A second open house was held in September 2014. At this meeting Staff presented the draft ordinance to the stakeholder group and solicited additional comments. All comments were taken into consideration when finalizing the draft ordinance presented in this report.
9. The amendment has been closely reviewed and considered in coordination with several departments including Planning and Zoning, EDS/Building Safety, Police Department/Code Enforcement and the City Attorney's Office. Each standard contained in the proposed ordinance was discussed at length. As a result of these meetings, all departments concurred that the provisions contained within the ordinance would allow for the orderly deployment of Donation/Recycling Drop-Off Boxes in the City of Peoria.

### **Proposed Changes**

10. The City of Peoria is requesting to amend Article 14-2 "Definitions", Article 14-3 "General Provisions", Article 14-5 "Single-Family residential Districts", Article 14-9 "Non-residential Districts", and Article 14-39 Administrative Procedures" of the Zoning Ordinance; effectively establishing criteria in which Donation Drop-Off Boxes would be a permitted use within the City of Peoria.
11. The proposed ordinance in Exhibit A will amend the text of the Zoning Ordinance to accomplish the following:
  - a. Provide a definition for "Donation Drop-Off Box" in Article 14-2 which currently does not contain a definition for this item.
  - b. It will expand Article 14-3 "General Provisions", Article 14-5 "Single-Family Residential Districts", Article 14-9 "Non-Residential Districts", and Article 14-9 "Administrative Procedures", to permit donation drop-off boxes subject to specific requirements and establish the permitting process for the drop-off boxes.
12. Staff believes the proposed text amendment language is appropriate as it provides a regulatory set of standards that the City can enforce and hold entities dropping boxes in the City accountable. Furthermore, staff also believes that the permitting process is fairly simple, cost effective, and should not place an undue burden on any of the drop-off box purveyors. Finally, staff believes that the standards contained in the ordinance will provide a level of protection for not only community residents but also future visitors to the City of Peoria.
13. Staff presented information regarding Donation/Recycling Drop-Off Boxes to the Planning and Zoning Commission in a study session on October 16, 2014. At this study session, the Commission discussed the provisions of the draft ordinance and directed staff to include verbiage that would require entities obtaining the

Temporary Use Permit to clear the contents of the drop-off boxes a minimum of once a week.

### **Administrative Procedure**

#### *Noticing and Neighborhood Comment*

14. Public notice of this proposed amendment to the Zoning Ordinance was provided in the manner prescribed under Article 14-39. The time, date, and place of the hearing have been published at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing. As of the printing of this report, no support or opposition to this case has been received from the public.

#### *Proposition 207*

15. It was determined that a Proposition 207 waiver is not required.

## **FINDINGS AND RECOMMENDATION**

16. Based on the following findings:

- The proposed amendment constitutes an improvement to the Zoning Ordinance in that it:
  - Creates a definition of Donation/Recycling Drop-Off Boxes; and
  - Provides regulatory standards for the use of Donation/Recycling Drop-Off Boxes, which were previously unregulated in the City of Peoria; and
  - Identifies a process for approving Donation/Recycling Drop-Off Boxes in conformance with the regulatory standards through the Temporary Use Permit application; and
- Upon review of the application, it has been determined that a Proposition 207 waiver is not required for this application.

It is recommended that the Planning and Zoning Commission take the following action:  
**Recommend approval of case TA14-0001 to the City Council.**

### **Attachments:**

Exhibit A                      Proposed Amendment, legislative format

Exhibit B                      Withey Morris, PLC – TA14-0001 Comments

Prepared by:                  Rick Williams  
   Planner

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## ARTICLE 14-2 DEFINITIONS

### CONTENTS

- 14-2-1 INTENT
- 14-2-2 DEFINITIONS

### 14-2-2 DEFINITIONS

- A. The word *occupied* and the word *used* shall be considered as meaning the same as the words intended, arranged, or designed to be used or occupied.
- B. The word *dwelling* includes the word residence; the word *lot* includes the words plot or parcel.
- C. Terms not herein defined shall have the meanings customarily assigned thereto.
- D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows (Ord. No. 02-68):

*Donation Center* means a center operated by an organization that collects and sells donated clothing and household items. All such merchandise shall be displayed and stored in an enclosed building. (Ord. No. 04-188)

*Donation/Recycling Drop-off Box* means any container, storage unit or structure, other than a primary building, accessory building or shed, that is used for the collection of charitable or for-profit donated items by the general public, including but not limited to clothing, household goods, toys, books, and newspapers.

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# ARTICLE 14-3 GENERAL PROVISIONS

(Amended by ord. No. 2011-02 & 2011-03)

## CONTENTS

- 14-3-1 INTENT
- 14-3-2 GENERAL USE PROVISIONS
- 14-3-3 ACCESSORY BUILDINGS AND USES
- 14-3-4 SCREENING
- 14-3-5 WALLS AND FENCES
- 14-3-6 PERFORMANCE STANDARDS
- 14-3-7 SATELLITE DISH ANTENNAE
- 14-3-8 MISCELLANEOUS PROVISIONS
- 14-3-9 HOME OCCUPATIONS
- 14-3-10 MANUFACTURED HOUSING
- 14-3-11 MOBILE HOMES, TRAVEL TRAILERS, HOUSE TRAILERS, AND RECREATIONAL VEHICLES
- 14-3-12 GROUP HOMES, DAY CARE GROUP HOMES, GROUP CARE FACILITIES AND COMMUNITY RESIDENTIAL SETTING FACILITIES
- 14-3-13 WIRELESS COMMUNICATION FACILITIES
- 14-3-14 DONATION/RECYCLING DROP-OFF BOXES

### 14-3-14 DONATION/RECYCLING DROP-OFF BOXES (Ord. No. XX)

1. Donation/Recycling Drop-Off Boxes are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to Article 14-39 and upon receipt of written authorization by the property owner or authorized agent.
2. Donation/Recycling Drop-Off Boxes shall be located on a paved surface.
3. Donation/Recycling Drop-Off Boxes shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.
4. Donation/Recycling Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.
5. There shall be no more than one (1) Donation/Recycling Drop-Off Box on properties less than one (1) acre in size, no more than two (2) Donation/Recycling Drop-Off Boxes on premises or complexes of one (1)

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to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-Off Boxes on premises or complexes greater than three (3) acres in size. No more than two donation boxes shall be clustered together in any one location.

<b>Donation Box Allotment</b>			
Property or Premises/Complex Size	1 acre	1-3 Acres	3 + Acres
Number of Boxes Allowed	1 Box	2 Boxes *	4 Boxes *
<b>* No more than 2 (two) Donation Bins shall be clustered together in any one location *</b>			

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- 6. Each Donation/Recycling Drop-Off Box shall have a firmly closing lid, shall be clearly marked to identify the specific items and materials requested to be collected for donation, and have the TUP permit number permanently affixed to the box.
- 7. The name and telephone number of the entity obtaining the TUP shall be affixed to the box on an area no larger than one (1) foot by one (1) foot.
- 8. Donation/Drop-Off Boxes shall have a capacity no greater than six (6) cubic yards.
- 9. All donated items must be collected and stored in the Donation/Recycling Drop-Off Box and all contents cleared no less than once a week. Any items or materials left outside of the Donation/Recycling Drop-Off Boxes shall be removed within 24 hrs of discovery or notification, whichever occurs first. If a container is damaged or vandalized, it must be removed within 5 business days of discovery or notification. If there is a public health, safety or welfare concern pursuant to the authority granted to the City, the container must then be removed within 24 hours of discovery or notification.
- 10. It is the joint responsibility of the property owner or authorized agent and the entity obtaining the TUP to keep the area around the donation boxes free of litter and debris, and remove any graffiti within (24) hours of discovery or notification, whichever occurs first
- 11. The entity obtaining the TUP is responsible for emptying the contents of the Donation/Recycling Drop-Off Box a minimum of one (1) time per week.

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12. It is the responsibility of the entity obtaining the TUP to maintain the donation box painted or otherwise un-rusted and un-dented and in good repair.
13. Donation/Recycling Drop-Off Boxes not located or maintained in compliance with this Article shall be subject to revocation of the Business License and the Temporary Use Permit (TUP).
14. The City may consider prior permit revocations and prior notices of violation when granting new Temporary Use Permits for Donation Drop-Off Boxes.
15. This Ordinance authorizes the City to remove and dispose of any drop-off box (including its contents) which is unauthorized, unpermitted, or is otherwise in violation of this ordinance.

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**ARTICLE 14-5  
SINGLE-FAMILY  
RESIDENTIAL DISTRICTS  
R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, AND R1-6**  
(Ord. No. 93-12, 2011-13)

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147 14-5-2 PERMITTED PRINCIPAL USES  
148 14-5-3 PERMITTED CONDITIONAL USES  
149 14-5-4 PERMITTED ACCESSORY USES  
150 14-5-5 PROPERTY DEVELOPMENT GENERAL PROPERTY  
151 DEVELOPMENT STANDARDS  
152 14-5-6 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED  
153 RESIDENTIAL USES  
154 14-5-7 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED  
155 CONDITIONAL USES  
156 14-5-8 PROPERTY DEVELOPMENT STANDARDS FOR ACCESSORY  
157 BUILDINGS  
158 14-5-9 EXCEPTIONS

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161 **14-5-4 PERMITTED ACCESSORY USES**

- 162  
163 A. Any accessory use customarily incidental to a permitted principal use.  
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165 B. Off-street parking serving a permitted principal use, in accordance with Article  
166 14-23.  
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168 C. Private garage or carport for storage or parking of vehicles.  
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170 D. Garden house, tool house, ramada, outdoor swimming pool and similar home  
171 recreational facilities; provided that such facilities are used solely by  
172 occupants of the premises and their guests.  
173  
174 E. Storage or parking of recreational vehicles and utility trailers, in accordance  
175 with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992  
176 Edition). (Ord. No. 98-18)  
177  
178 F. Guest house or servant's quarters; subject to 14-5-9B.  
179  
180 G. Home occupation, in accordance with Article 14-3, General Provision, Section  
181 14-3-8, "Homes Occupations," of this Ordinance. (Ord. No. 02-85)  
182

183 H. Where the keeping of horses and other livestock is otherwise lawful,  
184 structures customarily accessory to such use. The provisions contained  
185 within Article 4-9 of the City Code shall apply to the keeping of horses and  
186 livestock.

187  
188 I. Day care for four (4) or less children. (Ord. No. 93-25)

189  
190 J. Donation/Recycling Drop-Off Boxes as an accessory use to permitted or  
191 conditionally permitted non-residential uses in accordance with Article 14-3,  
192 General Provisions and Section 14-39, Temporary Use Permits, of this  
193 Ordinance.

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# ARTICLE 14-9 NON-RESIDENTIAL DISTRICTS

(Ord. No. 02-68)

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14-9-2	ZONING DISTRICTS	
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	Convenience Commercial	C-1
	Planned Neighborhood Commercial	PC-1
	Planned Community Commercial	PC-2
	Intermediate Commercial	C-2
	Central Commercial	C-3
	General Commercial	C-4
	Regional Commercial	C-5
	Business Park Industrial	BPI
	Planned Light Industrial	PI-1
	Light Industrial	I-1
	Heavy Industrial	I-2
14-9-3	LAND USE MATRIX	
14-9-4	GENERAL REGULATIONS FOR O-1, C-1, PC-1, PC-2, C-2, AND C-3	
14-9-5	LIMITATIONS ON USES	
14-9-6	PROPERTY DEVELOPMENT STANDARDS	

## 14-9-3 LAND USE MATRIX

The following land use matrix (Table 14-9-3) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The land use matrix is intended to serve as a guide for the convenience of the user of this zoning ordinance. Where the text of this zoning ordinance differs from the land use matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.

**Table 14-9-3 Land Use Matrix**

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
<b>GENERAL INDUSTRIAL &amp; MANUFACTURING - CONTINUED</b>												
Recycling Collection Facility #	-	-	-	-	-	-	-	-	-	€	€	€

Recycling Collection Point	-	<u>A</u>	-	-	-	-						
Donation/Recycling Drop -Off Boxes#	=	<u>A</u>	=	=	=	=						

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# ARTICLE 14-39 ADMINISTRATIVE PROCEDURES

(Ord. No. 2011-03, 2012-05, 2012-16)

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## CONTENTS

247 14-39-1 INTENT  
248 14-39-2 INTERPRETATION  
249 14-39-3 ENFORCEMENT  
250 14-39-4 VIOLATIONS  
251 14-39-5 FEES  
252 14-39-6 NOTICES  
253 14-39-7 EXPIRATION OF APPLICATIONS  
254 14-39-8 REZONINGS  
255 14-39-9 INITIAL ZONINGS  
256 14-39-10 TEXT AMENDMENTS  
257 14-39-11 SITE PLAN REVIEW  
258 14-39-12 CONDITIONAL USE PERMITS  
259 14-39-13 TEMPORARY USE PERMITS  
260 14-39-14 APPEALS TO BOARD OF ADJUSTMENT  
261 14-39-15 ADMINISTRATIVE RELIEF  
262 14-39-16 HILLSIDE APPEALS  
263 14-39-17 DESIGN REVIEW APPEALS

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### **14-39-13 TEMPORARY USE PERMITS**

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#### *A. Intent.*

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1. In addition to regulating uses which are permanent in nature, it is the intent of this Ordinance to provide for certain temporary uses for limited periods of time. Allowing temporary uses, as herein provided for, is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established.
  2. The purpose of this Section is to establish the procedures and outline the review criteria to be used by the Department when considering an application for a Temporary Use Permit. All Temporary Uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the standards and regulations contained herein. The Department shall not grant a Temporary Use Permit until adequate assurances have been provided ensuring compliance with the provisions of this Ordinance and all other applicable City codes.

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- #### *B. General.* Every Temporary use on private property shall require a Temporary Use Permit as herein stipulated.

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1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: tents, canopies, and/or membrane structures. (Ord. No. 2012-05)

C. *Permitted Temporary Uses.* The City may grant a Temporary Use Permit for any of the following uses.

1. Carnivals, circuses, or similar special events.
2. Outdoor sales events, such as Christmas tree sales, pumpkin sales, or similar holiday-related events.
3. Outdoor sales of consumer permissible fireworks. (Ord. No. 2011-03)
4. Temporary municipal uses. (Ord. No. 05-22)
5. Off-site retail sales of souvenirs, gifts, and food incidental to a sporting or cultural event.
6. Tent revival or fellowship meetings.
7. Craft shows, home and garden shows, festivals, or similar events.
8. Outdoor concerts, paid admission events, and events involving the distribution of alcoholic beverages.
9. Such other uses as the City may deem to be within the intent and purpose of this Section.
10. Donation/Recycling Drop –Off Boxes.

D. *Application.* A property owner or duly authorized agent may submit an application for a Temporary Use Permit. The applicant shall obtain the official application materials from the Department. Submittal requirements shall be as outlined on the official form and any other requirements that the Department deems necessary to understand the proposal, including Site Plans prepared in accordance with Section 14-39-11, "Site Plan Review," of this Article. The applicant shall submit the official application and associated materials, together with the applicable fee, to the Department.

E. *Posting.* Temporary Uses which, in the opinion of the Department, meet all the following criteria shall not require posting:

- 331 1. The use and/or structure complies with all applicable codes and  
332 Ordinances;  
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334 2. The use and/or structure does not interfere with pedestrian access ways,  
335 fire lanes, driveway entrances, or traffic visibility at driveways or street  
336 intersections;  
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338 3. Parking on the property is adequate to serve any existing permanent use  
339 and the temporary use;  
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341 4. The temporary use shall not be conducted between the hours of 10 P.M.  
342 and 7 A.M., excluding Donation/Recycling Drop-Off Boxes; and,  
343  
344 5. The City Engineer, or designee thereof, approves vehicular access for the  
345 proposed temporary use.  
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347 Temporary uses which, in the opinion of the Department, do not meet all of  
348 the above criteria shall be posted. For such temporary uses, the City shall  
349 post the subject property within five (5) working days following submittal of the  
350 application  
351

352 F. *Review and Approval*  
353

- 354 1. Application for a Temporary Use Permit shall be reviewed by the  
355 Department who shall approve, conditionally approve, or disapprove the  
356 application. Approval shall be given only when in the judgment of the City  
357 such approval is consistent with the intent and purpose of this Section of  
358 this Ordinance.  
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360 In considering the application, the Department may include, but are not be  
361 limited to, the following conditions:  
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- 363 a. Regulation of parking, dust control measures, and site lighting.  
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365 b. Regulation of hours of operation.  
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367 c. Regulation of site ingress and egress.  
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369 d. Assurance of compliance with building, fire, electrical, and all other  
370 appropriate codes.  
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372 e. Such other conditions deemed necessary to carry out the intent and  
373 purpose of this Section.  
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- f. All signage proposed for the temporary use or event shall be in compliance with Article 14-34, "Signs." All signage shall obtain a separate sign permit. (Ord. No. 04-211)
- 2. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.
- 3. Issuance of Permits. To be issued a permit, the applicant shall sign an agreement with the City stating that within 72 hours of cessation of the use or expiration of the permit, whichever occurs first, the site shall be restored to the same condition prior to commencement of the temporary use.
- 4. Time Limits and Renewal of Permits. All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department.
  - a. Temporary Use Permits for off-site construction yards or residential sales may be permitted for the duration of the project, or as determined by the City.
  - b. Temporary Use Permits for Donation/Recycling Drop-Off Boxes may be permitted for a renewable duration not to exceed twelve (12) months, or as determined by the City. Each renewal requires a new Temporary Use Permit application and fee.
  - c. All other Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days per calendar year per lot. Not more than twelve (12) Temporary Use Permits shall be granted per lot or complex per calendar year.
  - d. Each occurrence of a Temporary Use and each distinct Temporary Use on a property shall require separate submittal and approval of a Temporary Use Permit Application.

1 **Exhibit B**

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3 **Withey Morris, PLC, Changes to Zoning Ordinance**  
4 **Donation Boxes**

5  
6 **TA14-0001**

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8 **ARTICLE 14-2**  
9 **DEFINITIONS**

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11  
12 **CONTENTS**

13 14-2-1 INTENT

14 14-2-2 DEFINITIONS

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16 **14-2-2 DEFINITIONS**

17  
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19 same as the words intended, arranged, or designed to be used or occupied.

20  
21 B. The word *dwelling* includes the word *residence*; the word *lot* includes the  
22 words *plot* or *parcel*.

23  
24 C. Terms not herein defined shall have the meanings customarily assigned  
25 thereto.

26  
27 D. For the purpose of this Zoning Ordinance, certain words are hereby defined as  
28 follows (Ord. No. 02-68):

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30 *Donation Center* means a center operated by an organization that collects  
31 and sells donated clothing and household items. All such merchandise shall  
32 be displayed and stored in an enclosed building. (Ord. No. 04-188)

33  
34 *Donation/Recycling Drop-off Box* means any container, storage unit or  
35 structure, other than a PRIMARY BUILDING/USE, accessory building or  
36 shed, that is used for the collection of charitable or for-profit donated items by  
37 the general public, including but not limited to clothing, household goods,  
38 toys, books, and newspapers.

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**ARTICLE 14-3**  
**GENERAL PROVISIONS**  
(Amended by ord. No. 2011-02 & 2011-03)

**CONTENTS**

- 14-3-1 INTENT
- 14-3-2 GENERAL USE PROVISIONS
- 14-3-3 ACCESSORY BUILDINGS AND USES
- 14-3-4 SCREENING
- 14-3-5 WALLS AND FENCES
- 14-3-6 PERFORMANCE STANDARDS
- 14-3-7 SATELLITE DISH ANTENNAE
- 14-3-8 MISCELLANEOUS PROVISIONS
- 14-3-9 HOME OCCUPATIONS
- 14-3-10 MANUFACTURED HOUSING
- 14-3-11 MOBILE HOMES, TRAVEL TRAILERS, HOUSE TRAILERS, AND RECREATIONAL VEHICLES
- 14-3-12 GROUP HOMES, DAY CARE GROUP HOMES, GROUP CARE FACILITIES AND COMMUNITY RESIDENTIAL SETTING FACILITIES
- 14-3-13 WIRELESS COMMUNICATION FACILITIES
- 14-3-14 DONATION/RECYCLING DROP-OFF BOXES

**14-3-14 DONATION/RECYCLING DROP-OFF BOXES (Ord. No. XX)**

1. APPLICATIONS FOR DONATION/RECYCLING DROP-OFF BOXES SHALL INCLUDE A NOTARIZED LETTER OF AUTHORIZATION FROM THE PROPERTY OWNER OF RECORD OR A PERSON WHO HAS BEEN GRANTED WRITTEN AUTHORIZATION BY THE OWNER TO ACT ON HIS BEHALF GIVING PERMISSION TO HAVE THE SPECIFIED USE ON THE PROPERTY. IF A NOTARIZED LETTER FROM THE PROPERTY OWNER IS NOT PROVIDED THEN A NOTARIZED LETTER FROM THE PERSON WHO HAS BEEN GRANTED WRITTEN AUTHORIZATION BY THE PROPERTY OWNER TO ACT ON HIS BEHALF SHALL BE PROVIDED AT THE TIME OF APPLICATION. THE AGENT MUST BE APPROVED TO AUTHORIZE AND LOCATE A CONTAINER ON THE PARCEL. A PERMIT MAY BE REVOKED IF FRAUDULENT MATERIALS ARE SUBMITTED AS PART OF THE APPLICATION PROCESS.
2. Donation/Recycling Drop-Off Boxes shall be located on a paved surface.
3. Donation/Recycling Drop-Off Boxes shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.

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4. Donation/Recycling Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.
  
5. There shall be no more than one (1) Donation/Recycling Drop-Off Box on A PROPERTY OR CENTER (WHICHEVER IS MORE RESTRICTIVE) less than one (1) acre in size, no more than two (2) Donation/Recycling Drop-Off Boxes on PROPERTIES OR CENTERS of one (1) to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-Off Boxes on PROPERTIES OR CENTERS greater than three (3) acres in size. EACH DONATION BOX SHALL BE SPACED A MINIMUM OF 500 FEET FROM OTHER CONTAINERS ON THE PROPERTY.

<b>Donation Box Allotment</b>			
<b>Property or Premises/Center Size</b>	<b>1 acre</b>	<b>1-3 Acres</b>	<b>3 + Acres</b>
<b>Number of Boxes Allowed</b>	<b>1 Box</b>	<b>2 Boxes *</b>	<b>4 Boxes *</b>

**\*EACH DONATION BIN SHALL BE SPACED A MINIMUM OF 500 FEET FROM OTHER ANOTHER DONATION BIN**

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6. Each Donation/Recycling Drop-Off Box shall have a firmly closing lid, shall be clearly marked to identify the specific items and materials requested to be collected for donation, and have the TUP permit number permanently affixed to the box.
  
7. The name and telephone number of the property owner or responsible party shall be affixed to the front of the box on an area no larger than one (1) foot by one (1) foot.
  
8. Donation/Drop-Off Boxes shall have a capacity no greater than six (6) cubic yards.
  
9. All donated items must be collected and stored in the Donation/Recycling Drop-Off Box and all contents cleared no less than once a week. Any items or materials left outside of the Donation/Recycling Drop-Off Box shall be removed within 24 hrs of discovery or notification, whichever occurs first. IF MORE THAN 25 PERCENT OF A CONTAINER IS DAMAGED OR VANDALIZED, IT MUST BE REMOVED WITHIN 5 BUSINESS DAYS OF WRITTEN NOTIFICATION. IF THERE IS A

125 PUBLIC HEALTH, SAFETY OR WELFARE CONCERN PURSUANT TO  
126 THE AUTHORITY GRANTED TO THE CITY, THE CONTAINER MUST  
127 THEN BE REMOVED WITHIN 24 HOURS OF WRITTEN NOTIFICATION.  
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- 129 10. It is the joint responsibility of the property owner or authorized agent and  
130 the entity obtaining the TUP to keep the area around the donation boxes  
131 free of litter and debris, and remove any graffiti within (24) hours of  
132 discovery or notification, whichever occurs first.  
133
- 134 11. It is the joint responsibility of the property owner and the entity obtaining  
135 the TUP to maintain the donation box painted or otherwise un-rusted and  
136 un-dented and in good repair.  
137
- 138 12. Donation/Recycling Drop-Off Boxes are subject to the issuance of a  
139 Business License and approval of a Temporary Use Permit (TUP)  
140 pursuant to Article 14-39 and upon receipt of written NOTARIZED  
141 LETTER OF authorization FROM the property owner or authorized agent.  
142
- 143 13. Donation/Recycling Drop-Off Boxes not located or maintained in  
144 compliance with this Article shall be subject to revocation of the Business  
145 License and the Temporary Use Permit (TUP).  
146
- 147 14. THE CITY MAY CONSIDER PRIOR PERMIT REVOCATIONS, PRIOR  
148 NOTICES OF VIOLATION, AND SUBMITTAL OF FRAUDULENT APPLICATION  
149 INFORMATION WHEN GRANTING NEW TEMPORARY USE PERMITS FOR  
150 DONATION/RECYCLING DROP-OFF BOXES.  
151
- 152 15. THIS ORDINANCE AUTHORIZES THE CITY TO REMOVE AND DISPOSE OF  
153 ANY DROP-OFF BOX (INCLUDING ITS CONTENTS) WHICH IS  
154 UNAUTHORIZED, UNPERMITTED, OR IS OTHERWISE IN VIOLATION OF  
155 THIS ORDINANCE.  
156
- 157 16. A PROPERTY OWNER SHALL CONTROL THE PERMIT NOT THE PERMITEE  
158 OR DROP BOX OPERATOR/OWNER. AS SUCH, THE OWNER OR  
159 AUTHORIZED AGENT MAY RESCIND THEIR AUTHORIZATION FOR THE  
160 CONTAINER AT ANY TIME AND THE PERMIT SHALL BE REVOKED.  
161 NOTHING IN THIS ORDINANCE PROHIBITS A PROPERTY OWNER FROM  
162 REMOVING AN UNAUTHORIZED/UNPERMITTED OR AN  
163 AUTHORIZED/PERMITTED DROP-OFF BOX. A PROPERTY OWNER MAY  
164 DECIDE AT ANY TIME TO REMOVE AND DISPOSE OF AN UNWANTED  
165 DROP-OFF BOX.  
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**ARTICLE 14-5  
SINGLE-FAMILY  
RESIDENTIAL DISTRICTS  
R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, AND R1-6**  
(Ord. No. 93-12, 2011-13)

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**14-5-4 PERMITTED ACCESSORY USES**

- A. Any accessory use customarily incidental to a permitted principal use.  
B. Off-street parking serving a permitted principal use, in accordance with Article 14-23.  
C. Private garage or carport for storage or parking of vehicles.  
D. Garden house, tool house, ramada, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guests.  
E. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992 Edition). (Ord. No. 98-18)  
F. Guest house or servant's quarters; subject to 14-5-9B.  
G. Home occupation, in accordance with Article 14-3, General Provision, Section 14-3-8, "Homes Occupations," of this Ordinance. (Ord. No. 02-85)

212 H. Where the keeping of horses and other livestock is otherwise lawful,  
213 structures customarily accessory to such use. The provisions contained  
214 within Article 4-9 of the City Code shall apply to the keeping of horses and  
215 livestock.

216  
217 I. Day care for four (4) or less children. (Ord. No. 93-25)

218  
219 J. Donation/Recycling Drop-Off Boxes as an accessory use to permitted or  
220 conditionally permitted non-residential uses in accordance with Article 14-3,  
221 General Provisions and Section 14-39, Temporary Use Permits, of this  
222 Ordinance. DONATION/RECYCLING DROP-OFF BOXES ARE NOT  
223 PERMITTED ON ANY PROPERTY BEING USED FOR RESIDENTIAL  
224 PURPOSES OR ON VACANT AND/OR UNUTILIZED PROPERTY ZONED  
225 RESIDENTIAL.  
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# ARTICLE 14-9 NON-RESIDENTIAL DISTRICTS

(Ord. No. 02-68)

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Regional Commercial C-5

Business Park Industrial BPI

Planned Light Industrial PI-1

Light Industrial I-1

Heavy Industrial I-2

14-9-3 LAND USE MATRIX

14-9-4 GENERAL REGULATIONS FOR O-1, C-1, PC-1, PC-2, C-2, AND C-3

14-9-5 LIMITATIONS ON USES

14-9-6 PROPERTY DEVELOPMENT STANDARDS

**14-9-3 LAND USE MATRIX**

The following land use matrix (Table 14-9-3) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The land use matrix is intended to serve as a guide for the convenience of the user of this zoning ordinance. Where the text of this zoning ordinance differs from the land use matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.

**Table 14-9-3 Land Use Matrix**

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
<b>GENERAL INDUSTRIAL &amp; MANUFACTURING - CONTINUED</b>												
Recycling Collection Facility #	-	-	-	-	-	-	-	-	-	C	C	C

Recycling Collection Point	-	A	A	A	A	A	A	A	-	-	-	-
Donation/Recycling Drop -Off Boxes#	-	A *1	-	-	-	-						

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**\*1** DONATION/RECYCLING DROP-OFF BOXES ARE NOT PERMITTED ON ANY PROPERTY BEING USED FOR RESIDENTIAL PURPOSES OR ON VACANT AND/OR UNUTILIZED PROPERTY ZONED RESIDENTIAL.

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# ARTICLE 14-39 ADMINISTRATIVE PROCEDURES

(Ord. No. 2011-03, 2012-05, 2012-16)

280

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282 14-39-2 INTERPRETATION  
283 14-39-3 ENFORCEMENT  
284 14-39-4 VIOLATIONS  
285 14-39-5 FEES  
286 14-39-6 NOTICES  
287 14-39-7 EXPIRATION OF APPLICATIONS  
288 14-39-8 REZONINGS  
289 14-39-9 INITIAL ZONINGS  
290 14-39-10 TEXT AMENDMENTS  
291 14-39-11 SITE PLAN REVIEW  
292 14-39-12 CONDITIONAL USE PERMITS  
293 14-39-13 TEMPORARY USE PERMITS  
294 14-39-14 APPEALS TO BOARD OF ADJUSTMENT  
295 14-39-15 ADMINISTRATIVE RELIEF  
296 14-39-16 HILLSIDE APPEALS  
297 14-39-17 DESIGN REVIEW APPEALS

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### **14-39-13 TEMPORARY USE PERMITS**

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#### *A. Intent.*

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1. In addition to regulating uses which are permanent in nature, it is the intent of this Ordinance to provide for certain temporary uses for limited periods of time. Allowing temporary uses, as herein provided for, is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established.
  2. The purpose of this Section is to establish the procedures and outline the review criteria to be used by the Department when considering an application for a Temporary Use Permit. All Temporary Uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the standards and regulations contained herein. The Department shall not grant a Temporary Use Permit until adequate assurances have been provided ensuring compliance with the provisions of this Ordinance and all other applicable City codes.

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#### *B. General.* Every Temporary use on private property shall require a Temporary Use Permit as herein stipulated. Unveil

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1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: tents, canopies, and/or membrane structures. (Ord. No. 2012-05)

C. *Permitted Temporary Uses.* The City may grant a Temporary Use Permit for any of the following uses.

1. Carnivals, circuses, or similar special events.
2. Outdoor sales events, such as Christmas tree sales, pumpkin sales, or similar holiday-related events.
3. Outdoor sales of consumer permissible fireworks. (Ord. No. 2011-03)
4. Temporary municipal uses. (Ord. No. 05-22)
5. Off-site retail sales of souvenirs, gifts, and food incidental to a sporting or cultural event.
6. Tent revival or fellowship meetings.
7. Craft shows, home and garden shows, festivals, or similar events.
8. Outdoor concerts, paid admission events, and events involving the distribution of alcoholic beverages.
9. Such other uses as the City may deem to be within the intent and purpose of this Section.

D. *Application.* A property owner or duly authorized agent may submit an application for a Temporary Use Permit. APPLICATIONS SHALL INCLUDE A NOTARIZED LETTER OF AUTHORIZATION FROM THE PROPERTY OWNER OF RECORD OR A PERSON WHO HAS BEEN GRANTED WRITTEN AUTHORIZATION BY THE OWNER TO ACT ON HIS BEHALF GIVING PERMISSION TO HAVE THE SPECIFIED TEMPORARY USE ON THE PROPERTY. The applicant shall obtain the official application materials from the Department. Submittal requirements shall be as outlined on the official form and any other requirements that the Department deems necessary to understand the proposal, including Site Plans prepared in accordance with Section 14-39-11, "Site Plan Review," of this Article. The applicant shall submit the official application and associated materials, together with the applicable fee, to the Department.

365 E. *Posting.* Temporary Uses which, in the opinion of the Department, meet all  
366 the following criteria shall not require posting:

- 367
- 368 1. The use and/or structure complies with all applicable codes and  
369 Ordinances;
  - 370
  - 371 2. The use and/or structure does not interfere with pedestrian access ways,  
372 fire lanes, driveway entrances, or traffic visibility at driveways or street  
373 intersections;
  - 374
  - 375 3. Parking on the property is adequate to serve any existing permanent use  
376 and the temporary use;
  - 377
  - 378 4. The temporary use shall not be conducted between the hours of 10 P.M.  
379 and 7 A.M., excluding Donation/Recycling Drop-Off Boxes; and.
  - 380
  - 381 5. The City Engineer, or designee thereof, approves vehicular access for the  
382 proposed temporary use.
  - 383

384 Temporary uses which, in the opinion of the Department, do not meet all of  
385 the above criteria shall be posted. For such temporary uses, the City shall  
386 post the subject property within five (5) working days following submittal of the  
387 application

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389 F. *Review and Approval*

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- 391 1. Application for a Temporary Use Permit shall be reviewed by the  
392 Department who shall approve, conditionally approve, or disapprove the  
393 application. Approval shall be given only when in the judgment of the City  
394 such approval is consistent with the intent and purpose of this Section of  
395 this Ordinance.
  - 396

397 In considering the application, the Department may include, but are not be  
398 limited to, the following conditions:

- 399
- 400 a. Regulation of parking, dust control measures, and site lighting.
  - 401
  - 402 b. Regulation of hours of operation.
  - 403
  - 404 c. Regulation of site ingress and egress.
  - 405
  - 406 d. Assurance of compliance with building, fire, electrical, and all other  
407 appropriate codes.
  - 408
  - 409 e. Such other conditions deemed necessary to carry out the intent and  
410 purpose of this Section.

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- f. All signage proposed for the temporary use or event shall be in compliance with Article 14-34, "Signs." All signage shall obtain a separate sign permit. (Ord. No. 04-211)
- 2. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.
- 3. Issuance of Permits. To be issued a permit, the applicant shall sign an agreement with the City stating that within 72 hours of cessation of the use or expiration of the permit, whichever occurs first, the site shall be restored to the same condition prior to commencement of the temporary use.
- 4. Time Limits and Renewal of Permits. All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department.
  - a. Temporary Use Permits for off-site construction yards or residential sales may be permitted for the duration of the project, or as determined by the City.
  - b. Temporary Use Permits for Donation/Recycling Drop-Off Boxes may be permitted for a renewable duration not to exceed twelve (12) months, or as determined by the City. EACH RENEWAL REQUIRES A NEW TEMPORARY USE PERMIT APPLICATION AND FEE.
  - c. All other Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days per calendar year per lot. Not more than twelve (12) Temporary Use Permits shall be granted per lot or complex per calendar year.
  - d. Each occurrence of a Temporary Use and each distinct Temporary Use on a property shall require separate submittal and approval of a Temporary Use Permit Application.

1 **Exhibit B**

2  
3 **Withey Morris, PLC, Changes to Zoning Ordinance**  
4 **Donation Boxes**

5  
6 **TA14-0001**

7  
8 **ARTICLE 14-2**  
9 **DEFINITIONS**

10  
11  
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13 14-2-1 INTENT

14 14-2-2 DEFINITIONS

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16 **14-2-2 DEFINITIONS**

17  
18 A. The word *occupied* and the word *used* shall be considered as meaning the  
19 same as the words intended, arranged, or designed to be used or occupied.

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21 B. The word *dwelling* includes the word residence; the word *lot* includes the  
22 words plot or parcel.

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24 C. Terms not herein defined shall have the meanings customarily assigned  
25 thereto.

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27 D. For the purpose of this Zoning Ordinance, certain words are hereby defined as  
28 follows (Ord. No. 02-68):

29  
30 *Donation Center* means a center operated by an organization that collects  
31 and sells donated clothing and household items. All such merchandise shall  
32 be displayed and stored in an enclosed building. (Ord. No. 04-188)

33  
34 *Donation/Recycling Drop-off Box* means any container, storage unit or  
35 structure, other than a PRIMARY BUILDING/USE, accessory building or  
36 shed, that is used for the collection of charitable or for-profit donated items by  
37 the general public, including but not limited to clothing, household goods,  
38 toys, books, and newspapers.

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**ARTICLE 14-3**  
**GENERAL PROVISIONS**  
(Amended by ord. No. 2011-02 & 2011-03)

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- 14-3-2 GENERAL USE PROVISIONS
- 14-3-3 ACCESSORY BUILDINGS AND USES
- 14-3-4 SCREENING
- 14-3-5 WALLS AND FENCES
- 14-3-6 PERFORMANCE STANDARDS
- 14-3-7 SATELLITE DISH ANTENNAE
- 14-3-8 MISCELLANEOUS PROVISIONS
- 14-3-9 HOME OCCUPATIONS
- 14-3-10 MANUFACTURED HOUSING
- 14-3-11 MOBILE HOMES, TRAVEL TRAILERS, HOUSE TRAILERS, AND RECREATIONAL VEHICLES
- 14-3-12 GROUP HOMES, DAY CARE GROUP HOMES, GROUP CARE FACILITIES AND COMMUNITY RESIDENTIAL SETTING FACILITIES
- 14-3-13 WIRELESS COMMUNICATION FACILITIES
- 14-3-14 DONATION/RECYCLING DROP-OFF BOXES

**14-3-14 DONATION/RECYCLING DROP-OFF BOXES (Ord. No. XX)**

1. APPLICATIONS FOR DONATION/RECYCLING DROP-OFF BOXES SHALL INCLUDE A NOTARIZED LETTER OF AUTHORIZATION FROM THE PROPERTY OWNER OF RECORD OR A PERSON WHO HAS BEEN GRANTED WRITTEN AUTHORIZATION BY THE OWNER TO ACT ON HIS BEHALF GIVING PERMISSION TO HAVE THE SPECIFIED USE ON THE PROPERTY. IF A NOTARIZED LETTER FROM THE PROPERTY OWNER IS NOT PROVIDED THEN A NOTARIZED LETTER FROM THE PERSON WHO HAS BEEN GRANTED WRITTEN AUTHORIZATION BY THE PROPERTY OWNER TO ACT ON HIS BEHALF SHALL BE PROVIDED AT THE TIME OF APPLICATION. THE AGENT MUST BE APPROVED TO AUTHORIZE AND LOCATE A CONTAINER ON THE PARCEL. A PERMIT MAY BE REVOKED IF FRAUDULENT MATERIALS ARE SUBMITTED AS PART OF THE APPLICATION PROCESS.
2. Donation/Recycling Drop-Off Boxes shall be located on a paved surface.
3. Donation/Recycling Drop-Off Boxes shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.

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4. Donation/Recycling Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.
  
5. There shall be no more than one (1) Donation/Recycling Drop-Off Box on A PROPERTY OR CENTER (WHICHEVER IS MORE RESTRICTIVE) less than one (1) acre in size, no more than two (2) Donation/Recycling Drop-Off Boxes on PROPERTIES OR CENTERS of one (1) to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-Off Boxes on PROPERTIES OR CENTERS greater than three (3) acres in size. EACH DONATION BOX SHALL BE SPACED A MINIMUM OF 500 FEET FROM OTHER CONTAINERS ON THE PROPERTY.

<b>Donation Box Allotment</b>			
Property or Premises/Center Size	1 acre	1-3 Acres	3 + Acres
Number of Boxes Allowed	1 Box	2 Boxes *	4 Boxes *

**\*EACH DONATION BIN SHALL BE SPACED A MINIMUM OF 500 FEET FROM OTHER ANOTHER DONATION BIN**

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6. Each Donation/Recycling Drop-Off Box shall have a firmly closing lid, shall be clearly marked to identify the specific items and materials requested to be collected for donation, and have the TUP permit number permanently affixed to the box.
  
7. The name and telephone number of the property owner or responsible party shall be affixed to the front of the box on an area no larger than one (1) foot by one (1) foot.
  
8. Donation/Drop-Off Boxes shall have a capacity no greater than six (6) cubic yards.
  
9. All donated items must be collected and stored in the Donation/Recycling Drop-Off Box and all contents cleared no less than once a week. Any items or materials left outside of the Donation/Recycling Drop-Off Box shall be removed within 24 hrs of discovery or notification, whichever occurs first. IF MORE THAN 25 PERCENT OF A CONTAINER IS DAMAGED OR VANDALIZED, IT MUST BE REMOVED WITHIN 5 BUSINESS DAYS OF WRITTEN NOTIFICATION. IF THERE IS A

125 PUBLIC HEALTH, SAFETY OR WELFARE CONCERN PURSUANT TO  
126 THE AUTHORITY GRANTED TO THE CITY, THE CONTAINER MUST  
127 THEN BE REMOVED WITHIN 24 HOURS OF WRITTEN NOTIFICATION.  
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- 129 10. It is the joint responsibility of the property owner or authorized agent and  
130 the entity obtaining the TUP to keep the area around the donation boxes  
131 free of litter and debris, and remove any graffiti within (24) hours of  
132 discovery or notification, whichever occurs first.  
133
- 134 11. It is the joint responsibility of the property owner and the entity obtaining  
135 the TUP to maintain the donation box painted or otherwise un-rusted and  
136 un-dented and in good repair.  
137
- 138 12. Donation/Recycling Drop-Off Boxes are subject to the issuance of a  
139 Business License and approval of a Temporary Use Permit (TUP)  
140 pursuant to Article 14-39 and upon receipt of written NOTARIZED  
141 LETTER OF authorization FROM the property owner or authorized agent.  
142
- 143 13. Donation/Recycling Drop-Off Boxes not located or maintained in  
144 compliance with this Article shall be subject to revocation of the Business  
145 License and the Temporary Use Permit (TUP).  
146
- 147 14. THE CITY MAY CONSIDER PRIOR PERMIT REVOCATIONS, PRIOR  
148 NOTICES OF VIOLATION, AND SUBMITTAL OF FRAUDULENT APPLICATION  
149 INFORMATION WHEN GRANTING NEW TEMPORARY USE PERMITS FOR  
150 DONATION/RECYCLING DROP-OFF BOXES.  
151
- 152 15. THIS ORDINANCE AUTHORIZES THE CITY TO REMOVE AND DISPOSE OF  
153 ANY DROP-OFF BOX (INCLUDING ITS CONTENTS) WHICH IS  
154 UNAUTHORIZED, UNPERMITTED, OR IS OTHERWISE IN VIOLATION OF  
155 THIS ORDINANCE.  
156
- 157 16. A PROPERTY OWNER SHALL CONTROL THE PERMIT NOT THE PERMITEE  
158 OR DROP BOX OPERATOR/OWNER. AS SUCH, THE OWNER OR  
159 AUTHORIZED AGENT MAY RESCIND THEIR AUTHORIZATION FOR THE  
160 CONTAINER AT ANY TIME AND THE PERMIT SHALL BE REVOKED.  
161 NOTHING IN THIS ORDINANCE PROHIBITS A PROPERTY OWNER FROM  
162 REMOVING AN UNAUTHORIZED/UNPERMITTED OR AN  
163 AUTHORIZED/PERMITTED DROP-OFF BOX. A PROPERTY OWNER MAY  
164 DECIDE AT ANY TIME TO REMOVE AND DISPOSE OF AN UNWANTED  
165 DROP-OFF BOX.  
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**ARTICLE 14-5  
SINGLE-FAMILY  
RESIDENTIAL DISTRICTS  
R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, AND R1-6**  
(Ord. No. 93-12, 2011-13)

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177 14-5-3 PERMITTED CONDITIONAL USES  
178 14-5-4 PERMITTED ACCESSORY USES  
179 14-5-5 PROPERTY DEVELOPMENT GENERAL PROPERTY  
180 DEVELOPMENT STANDARDS  
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183 14-5-7 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED  
184 CONDITIONAL USES  
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187 14-5-9 EXCEPTIONS

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**14-5-4 PERMITTED ACCESSORY USES**

- 192 A. Any accessory use customarily incidental to a permitted principal use.  
193  
194 B. Off-street parking serving a permitted principal use, in accordance with Article  
195 14-23.  
196  
197 C. Private garage or carport for storage or parking of vehicles.  
198  
199 D. Garden house, tool house, ramada, outdoor swimming pool and similar home  
200 recreational facilities; provided that such facilities are used solely by  
201 occupants of the premises and their guests.  
202  
203 E. Storage or parking of recreational vehicles and utility trailers, in accordance  
204 with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992  
205 Edition). (Ord. No. 98-18)  
206  
207 F. Guest house or servant's quarters; subject to 14-5-9B.  
208  
209 G. Home occupation, in accordance with Article 14-3, General Provision, Section  
210 14-3-8, "Homes Occupations," of this Ordinance. (Ord. No. 02-85)  
211

212 H. Where the keeping of horses and other livestock is otherwise lawful,  
213 structures customarily accessory to such use. The provisions contained  
214 within Article 4-9 of the City Code shall apply to the keeping of horses and  
215 livestock.

216  
217 I. Day care for four (4) or less children. (Ord. No. 93-25)

218  
219 J. Donation/Recycling Drop-Off Boxes as an accessory use to permitted or  
220 conditionally permitted non-residential uses in accordance with Article 14-3,  
221 General Provisions and Section 14-39, Temporary Use Permits, of this  
222 Ordinance. DONATION/RECYCLING DROP-OFF BOXES ARE NOT  
223 PERMITTED ON ANY PROPERTY BEING USED FOR RESIDENTIAL  
224 PURPOSES OR ON VACANT AND/OR UNUTILIZED PROPERTY ZONED  
225 RESIDENTIAL.  
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# ARTICLE 14-9 NON-RESIDENTIAL DISTRICTS

(Ord. No. 02-68)

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14-9-2 ZONING DISTRICTS

Office Commercial O-1

Convenience Commercial C-1

Planned Neighborhood Commercial PC-1

Planned Community Commercial PC-2

Intermediate Commercial C-2

Central Commercial C-3

General Commercial C-4

Regional Commercial C-5

Business Park Industrial BPI

Planned Light Industrial PI-1

Light Industrial I-1

Heavy Industrial I-2

14-9-3 LAND USE MATRIX

14-9-4 GENERAL REGULATIONS FOR O-1, C-1, PC-1, PC-2, C-2, AND C-3

14-9-5 LIMITATIONS ON USES

14-9-6 PROPERTY DEVELOPMENT STANDARDS

**14-9-3 LAND USE MATRIX**

The following land use matrix (Table 14-9-3) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The land use matrix is intended to serve as a guide for the convenience of the user of this zoning ordinance. Where the text of this zoning ordinance differs from the land use matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.

**Table 14-9-3 Land Use Matrix**

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
<b>GENERAL INDUSTRIAL &amp; MANUFACTURING - CONTINUED</b>												
Recycling Collection Facility #	-	-	-	-	-	-	-	-	-	C	C	C

Recycling Collection Point	-	A	A	A	A	A	A	A	-	-	-	-
Donation/Recycling Drop -Off Boxes#	-	A *1	-	-	-	-						

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**\*1** DONATION/RECYCLING DROP-OFF BOXES ARE NOT PERMITTED ON ANY PROPERTY BEING USED FOR RESIDENTIAL PURPOSES OR ON VACANT AND/OR UNUTILIZED PROPERTY ZONED RESIDENTIAL.

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# ARTICLE 14-39 ADMINISTRATIVE PROCEDURES

(Ord. No. 2011-03, 2012-05, 2012-16)

280

## CONTENTS

- 281 14-39-1 INTENT  
282 14-39-2 INTERPRETATION  
283 14-39-3 ENFORCEMENT  
284 14-39-4 VIOLATIONS  
285 14-39-5 FEES  
286 14-39-6 NOTICES  
287 14-39-7 EXPIRATION OF APPLICATIONS  
288 14-39-8 REZONINGS  
289 14-39-9 INITIAL ZONINGS  
290 14-39-10 TEXT AMENDMENTS  
291 14-39-11 SITE PLAN REVIEW  
292 14-39-12 CONDITIONAL USE PERMITS  
293 14-39-13 TEMPORARY USE PERMITS  
294 14-39-14 APPEALS TO BOARD OF ADJUSTMENT  
295 14-39-15 ADMINISTRATIVE RELIEF  
296 14-39-16 HILLSIDE APPEALS  
297 14-39-17 DESIGN REVIEW APPEALS

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### **14-39-13 TEMPORARY USE PERMITS**

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#### *A. Intent.*

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1. In addition to regulating uses which are permanent in nature, it is the intent of this Ordinance to provide for certain temporary uses for limited periods of time. Allowing temporary uses, as herein provided for, is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established.
  2. The purpose of this Section is to establish the procedures and outline the review criteria to be used by the Department when considering an application for a Temporary Use Permit. All Temporary Uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the standards and regulations contained herein. The Department shall not grant a Temporary Use Permit until adequate assurances have been provided ensuring compliance with the provisions of this Ordinance and all other applicable City codes.

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#### *B. General.* Every Temporary use on private property shall require a Temporary Use Permit as herein stipulated. Unveil

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1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: tents, canopies, and/or membrane structures. (Ord. No. 2012-05)

C. *Permitted Temporary Uses.* The City may grant a Temporary Use Permit for any of the following uses.

1. Carnivals, circuses, or similar special events.
2. Outdoor sales events, such as Christmas tree sales, pumpkin sales, or similar holiday-related events.
3. Outdoor sales of consumer permissible fireworks. (Ord. No. 2011-03)
4. Temporary municipal uses. (Ord. No. 05-22)
5. Off-site retail sales of souvenirs, gifts, and food incidental to a sporting or cultural event.
6. Tent revival or fellowship meetings.
7. Craft shows, home and garden shows, festivals, or similar events.
8. Outdoor concerts, paid admission events, and events involving the distribution of alcoholic beverages.
9. Such other uses as the City may deem to be within the intent and purpose of this Section.

D. *Application.* A property owner or duly authorized agent may submit an application for a Temporary Use Permit. APPLICATIONS SHALL INCLUDE A NOTARIZED LETTER OF AUTHORIZATION FROM THE PROPERTY OWNER OF RECORD OR A PERSON WHO HAS BEEN GRANTED WRITTEN AUTHORIZATION BY THE OWNER TO ACT ON HIS BEHALF GIVING PERMISSION TO HAVE THE SPECIFIED TEMPORARY USE ON THE PROPERTY. The applicant shall obtain the official application materials from the Department. Submittal requirements shall be as outlined on the official form and any other requirements that the Department deems necessary to understand the proposal, including Site Plans prepared in accordance with Section 14-39-11, "Site Plan Review," of this Article. The applicant shall submit the official application and associated materials, together with the applicable fee, to the Department.

365 E. *Posting.* Temporary Uses which, in the opinion of the Department, meet all  
366 the following criteria shall not require posting:

- 367
- 368 1. The use and/or structure complies with all applicable codes and  
369 Ordinances;
  - 370
  - 371 2. The use and/or structure does not interfere with pedestrian access ways,  
372 fire lanes, driveway entrances, or traffic visibility at driveways or street  
373 intersections;
  - 374
  - 375 3. Parking on the property is adequate to serve any existing permanent use  
376 and the temporary use;
  - 377
  - 378 4. The temporary use shall not be conducted between the hours of 10 P.M.  
379 and 7 A.M., excluding Donation/Recycling Drop-Off Boxes; and.
  - 380
  - 381 5. The City Engineer, or designee thereof, approves vehicular access for the  
382 proposed temporary use.
  - 383

384 Temporary uses which, in the opinion of the Department, do not meet all of  
385 the above criteria shall be posted. For such temporary uses, the City shall  
386 post the subject property within five (5) working days following submittal of the  
387 application

388

389 F. *Review and Approval*

- 390
- 391 1. Application for a Temporary Use Permit shall be reviewed by the  
392 Department who shall approve, conditionally approve, or disapprove the  
393 application. Approval shall be given only when in the judgment of the City  
394 such approval is consistent with the intent and purpose of this Section of  
395 this Ordinance.
  - 396

397 In considering the application, the Department may include, but are not be  
398 limited to, the following conditions:

- 399
- 400 a. Regulation of parking, dust control measures, and site lighting.
  - 401
  - 402 b. Regulation of hours of operation.
  - 403
  - 404 c. Regulation of site ingress and egress.
  - 405
  - 406 d. Assurance of compliance with building, fire, electrical, and all other  
407 appropriate codes.
  - 408
  - 409 e. Such other conditions deemed necessary to carry out the intent and  
410 purpose of this Section.

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- f. All signage proposed for the temporary use or event shall be in compliance with Article 14-34, "Signs." All signage shall obtain a separate sign permit. (Ord. No. 04-211)
- 2. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.
- 3. Issuance of Permits. To be issued a permit, the applicant shall sign an agreement with the City stating that within 72 hours of cessation of the use or expiration of the permit, whichever occurs first, the site shall be restored to the same condition prior to commencement of the temporary use.
- 4. Time Limits and Renewal of Permits. All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department.
  - a. Temporary Use Permits for off-site construction yards or residential sales may be permitted for the duration of the project, or as determined by the City.
  - b. Temporary Use Permits for Donation/Recycling Drop-Off Boxes may be permitted for a renewable duration not to exceed twelve (12) months, or as determined by the City. EACH RENEWAL REQUIRES A NEW TEMPORARY USE PERMIT APPLICATION AND FEE.
  - c. All other Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days per calendar year per lot. Not more than twelve (12) Temporary Use Permits shall be granted per lot or complex per calendar year.
  - d. Each occurrence of a Temporary Use and each distinct Temporary Use on a property shall require separate submittal and approval of a Temporary Use Permit Application.

ORDINANCE NO. 2015-XX

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 14-2 "DEFINITIONS", ARTICLE 14-3 "GENERAL PROVISIONS", ARTICLE 14-9 "NON-RESIDENTIAL DISTRICTS", AND ARTICLE 14-39 "ADMINISTRATIVE PROCEDURES" OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on November 11, 2014 to consider a proposed amendment to the Peoria City Code, after notice in the manner provided by law; and

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 in the Peoria Times on October 24, 2014; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of November 11, 2014 voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that amendments be made to the Peoria City Code (1977 edition); and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, have considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend Article 14-2 "Definitions", Article 14-3 "General Provisions", Article 14-9 "Non-Residential Districts", and Article 14-39 "Administrative Procedures" of the Peoria City Code (1977 edition):

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

SECTION 1. of Article 14-2 "Definitions", Article 14-3 "General Provisions", Article 14-9 "Non-Residential Districts", and Article 14-39 "Administrative Procedures" of the Peoria Zoning Ordinance (1977 edition) shall be amended to read as indicated on Exhibit A.

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law, which will be the earliest date that TUP applications will be accepted pursuant to this Ordinance. By December 31, 2015, all drop-off boxes shall be in conformance with this Ordinance.

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Cathy Carlat, Mayor

\_\_\_\_\_  
Date Signed

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

Published in: Peoria Times Pub.

Dates: April 17, 2015

Effective Date:

**EXHIBIT A**

**As recommended by Planning and Zoning Commission (11/11/14)**

**ARTICLE 14-2  
DEFINITIONS**

**CONTENTS**

- 14-2-1 INTENT
- 14-2-2 DEFINITIONS

**14-2-2 DEFINITIONS**

- A. The word *occupied* and the word *used* shall be considered as meaning the same as the words intended, arranged, or designed to be used or occupied.
- B. The word *dwelling* includes the word residence; the word *lot* includes the words plot or parcel.
- C. Terms not herein defined shall have the meanings customarily assigned thereto.
- D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows (Ord. No. 02-68):

*Donation Center* means a center operated by an organization that collects and sells donated clothing and household items. All such merchandise shall be displayed and stored in an enclosed building. (Ord. No. 04-188)

*Donation/Recycling Drop-off Box* means any container, storage unit or structure, other than a primary building, accessory building or shed, that is used for the collection of charitable or for-profit donated items by the general public, including but not limited to clothing, household goods, toys, books, and newspapers.

# ARTICLE 14-3

## GENERAL PROVISIONS

(Amended by ord. No. 2011-02 & 2011-03)

### CONTENTS

- 14-3-1 INTENT
- 14-3-2 GENERAL USE PROVISIONS
- 14-3-3 ACCESSORY BUILDINGS AND USES
- 14-3-4 SCREENING
- 14-3-5 WALLS AND FENCES
- 14-3-6 PERFORMANCE STANDARDS
- 14-3-7 SATELLITE DISH ANTENNAE
- 14-3-8 MISCELLANEOUS PROVISIONS
- 14-3-9 HOME OCCUPATIONS
- 14-3-10 MANUFACTURED HOUSING
- 14-3-11 MOBILE HOMES, TRAVEL TRAILERS, HOUSE TRAILERS, AND RECREATIONAL VEHICLES
- 14-3-12 GROUP HOMES, DAY CARE GROUP HOMES, GROUP CARE FACILITIES AND COMMUNITY RESIDENTIAL SETTING FACILITIES
- 14-3-13 WIRELESS COMMUNICATION FACILITIES
- 14-3-14 DONATION/RECYCLING DROP-OFF BOXES

### 14-3-14 DONATION/RECYCLING DROP-OFF BOXES (Ord. No. 2015-)

1. Donation/Recycling Drop-Off Boxes are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to Article 14-39 and upon receipt of notarized written authorization by the property owner or authorized agent.
2. Donation/Recycling Drop-Off Boxes shall be located on a paved surface.
3. Donation/Recycling Drop-Off Boxes shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.
4. Donation/Recycling Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.
5. There shall be no more than one (1) Donation/Recycling Drop-Off Box on properties less than one (1) acre in size, no more than two (2) Donation/Recycling Drop-Off Boxes on premises or complexes of one (1)

to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-Off Boxes on premises or complexes greater than three (3) acres in size. No more than two donation boxes shall be clustered together in any one location.

<b>Donation Box Allotment</b>			
Property or Premises/Complex Size	1 acre	1-3 Acres	3 + Acres
Number of Boxes Allowed	1 Box	2 Boxes *	4 Boxes *
<b>* No more than 2 (two) Donation Bins shall be clustered together in any one location *</b>			

6. Each Donation/Recycling Drop-Off Box shall have a firmly closing lid, shall be clearly marked to identify the specific items and materials requested to be collected for donation, and have the TUP permit number permanently affixed to the box.
7. The name and telephone number of the entity obtaining the TUP shall be affixed to the box on an area no larger than one (1) foot by one (1) foot.
8. Donation/Drop-Off Boxes shall have a capacity no greater than six (6) cubic yards.
9. All donated items must be collected and stored in the Donation/Recycling Drop-Off Box and all contents cleared no less than once a week. Any items or materials left outside of the Donation/Recycling Drop-Off Boxes shall be removed within 24 hrs of discovery or notification, whichever occurs first. If a container is damaged or vandalized, it must be removed within 5 business days of discovery or notification. If there is a public health, safety or welfare concern pursuant to the authority granted to the City, the container must then be removed within 24 hours of discovery or notification.
10. It is the joint responsibility of the property owner or authorized agent and the entity obtaining the TUP to keep the area around the donation boxes free of litter and debris, and remove any graffiti within (24) hours of discovery or notification, whichever occurs first
11. It is the responsibility of the entity obtaining the TUP to maintain the donation box painted or otherwise un-rusted and un-dented and in good repair.

12. Donation/Recycling Drop-Off Boxes not located or maintained in compliance with this Article may be subject to revocation of the Business License and the Temporary Use Permit (TUP).
13. The City may consider prior permit revocations and prior notices of violation when granting new Temporary Use Permits for Donation Drop-Off Boxes.
14. This Ordinance authorizes the City to remove and dispose of any drop-off box (including its contents) which is unauthorized, unpermitted, or is otherwise in violation of this ordinance.

**ARTICLE 14-5**  
**SINGLE-FAMILY**  
**RESIDENTIAL DISTRICTS**  
**R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, AND R1-6**  
(Ord. No. 93-12, 2011-13)

**CONTENTS**

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14-5-2	PERMITTED PRINCIPAL USES
14-5-3	PERMITTED CONDITIONAL USES
14-5-4	PERMITTED ACCESSORY USES
14-5-5	PROPERTY DEVELOPMENT GENERAL PROPERTY DEVELOPMENT STANDARDS
14-5-6	PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED RESIDENTIAL USES
14-5-7	PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED CONDITIONAL USES
14-5-8	PROPERTY DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS
14-5-9	EXCEPTIONS

**14-5-4 PERMITTED ACCESSORY USES**

- A. Any accessory use customarily incidental to a permitted principal use.
- B. Off-street parking serving a permitted principal use, in accordance with Article 14-23.
- C. Private garage or carport for storage or parking of vehicles.
- D. Garden house, tool house, ramada, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guests.
- E. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992 Edition). (Ord. No. 98-18)
- F. Guest house or servant's quarters; subject to 14-5-9B.
- G. Home occupation, in accordance with Article 14-3, General Provision, Section 14-3-8, "Homes Occupations," of this Ordinance. (Ord. No. 02-85)

H. Where the keeping of horses and other livestock is otherwise lawful, structures customarily accessory to such use. The provisions contained within Article 4-9 of the City Code shall apply to the keeping of horses and livestock.

I. Day care for four (4) or less children. (Ord. No. 93-25)

J. Donation/Recycling Drop-Off Boxes as an accessory use to permitted or conditionally permitted non-residential uses in accordance with Article 14-3, General Provisions and Section 14-39, Temporary Use Permits, of this Ordinance.

# ARTICLE 14-9 NON-RESIDENTIAL DISTRICTS

(Ord. No. 02-68)

## CONTENTS

14-9-1	INTENT	
14-9-2	ZONING DISTRICTS	
	Office Commercial	O-1
	Convenience Commercial	C-1
	Planned Neighborhood Commercial	PC-1
	Planned Community Commercial	PC-2
	Intermediate Commercial	C-2
	Central Commercial	C-3
	General Commercial	C-4
	Regional Commercial	C-5
	Business Park Industrial	BPI
	Planned Light Industrial	PI-1
	Light Industrial	I-1
	Heavy Industrial	I-2
14-9-3	LAND USE MATRIX	
14-9-4	GENERAL REGULATIONS FOR O-1, C-1, PC-1, PC-2, C-2, AND C-3	
14-9-5	LIMITATIONS ON USES	
14-9-6	PROPERTY DEVELOPMENT STANDARDS	

### 14-9-3 LAND USE MATRIX

The following land use matrix (Table 14-9-3) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The land use matrix is intended to serve as a guide for the convenience of the user of this zoning ordinance. Where the text of this zoning ordinance differs from the land use matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.

**Table 14-9-3 Land Use Matrix**

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
<b>GENERAL INDUSTRIAL &amp; MANUFACTURING - CONTINUED</b>												
Recycling Collection Facility #	-	-	-	-	-	-	-	-	-	€	€	€

Recycling Collection Point	-	<u>A</u>	-	-	-	-						
<u>Donation/Recycling Drop -Off Boxes#</u>	<u>=</u>	<u>A</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>						

# ARTICLE 14-39

## ADMINISTRATIVE PROCEDURES

(Ord. No. 2011-03, 2012-05, 2012-16)

### CONTENTS

- 14-39-1 INTENT
- 14-39-2 INTERPRETATION
- 14-39-3 ENFORCEMENT
- 14-39-4 VIOLATIONS
- 14-39-5 FEES
- 14-39-6 NOTICES
- 14-39-7 EXPIRATION OF APPLICATIONS
- 14-39-8 REZONINGS
- 14-39-9 INITIAL ZONINGS
- 14-39-10 TEXT AMENDMENTS
- 14-39-11 SITE PLAN REVIEW
- 14-39-12 CONDITIONAL USE PERMITS
- 14-39-13 TEMPORARY USE PERMITS
- 14-39-14 APPEALS TO BOARD OF ADJUSTMENT
- 14-39-15 ADMINISTRATIVE RELIEF
- 14-39-16 HILLSIDE APPEALS
- 14-39-17 DESIGN REVIEW APPEALS

### 14-39-13 TEMPORARY USE PERMITS

#### A. *Intent.*

1. In addition to regulating uses which are permanent in nature, it is the intent of this Ordinance to provide for certain temporary uses for limited periods of time. Allowing temporary uses, as herein provided for, is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established.
2. The purpose of this Section is to establish the procedures and outline the review criteria to be used by the Department when considering an application for a Temporary Use Permit. All Temporary Uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the standards and regulations contained herein. The Department shall not grant a Temporary Use Permit until adequate assurances have been provided ensuring compliance with the provisions of this Ordinance and all other applicable City codes.

- B. *General.* Every Temporary use on private property shall require a Temporary Use Permit as herein stipulated.

1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: tents, canopies, and/or membrane structures. (Ord. No. 2012-05)

C. *Permitted Temporary Uses.* The City may grant a Temporary Use Permit for any of the following uses.

1. Carnivals, circuses, or similar special events.
2. Outdoor sales events, such as Christmas tree sales, pumpkin sales, or similar holiday-related events.
3. Outdoor sales of consumer permissible fireworks. (Ord. No. 2011-03)
4. Temporary municipal uses. (Ord. No. 05-22)
5. Off-site retail sales of souvenirs, gifts, and food incidental to a sporting or cultural event.
6. Tent revival or fellowship meetings.
7. Craft shows, home and garden shows, festivals, or similar events.
8. Outdoor concerts, paid admission events, and events involving the distribution of alcoholic beverages.
9. Such other uses as the City may deem to be within the intent and purpose of this Section.
10. Donation/Recycling Drop –Off Boxes.

D. *Application.* A property owner or duly authorized agent may submit an application for a Temporary Use Permit. The applicant shall obtain the official application materials from the Department. Submittal requirements shall be as outlined on the official form and any other requirements that the Department deems necessary to understand the proposal, including Site Plans prepared in accordance with Section 14-39-11, "Site Plan Review," of this Article. The applicant shall submit the official application and associated materials, together with the applicable fee, to the Department.

E. *Posting.* Temporary Uses which, in the opinion of the Department, meet all the following criteria shall not require posting:

1. The use and/or structure complies with all applicable codes and Ordinances;
2. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveway entrances, or traffic visibility at driveways or street intersections;
3. Parking on the property is adequate to serve any existing permanent use and the temporary use;
4. The temporary use shall not be conducted between the hours of 10 P.M. and 7 A.M., excluding Donation/Recycling Drop-Off Boxes; and,
5. The City Engineer, or designee thereof, approves vehicular access for the proposed temporary use.

Temporary uses which, in the opinion of the Department, do not meet all of the above criteria shall be posted. For such temporary uses, the City shall post the subject property within five (5) working days following submittal of the application

F. *Review and Approval*

1. Application for a Temporary Use Permit shall be reviewed by the Department who shall approve, conditionally approve, or disapprove the application. Approval shall be given only when in the judgment of the City such approval is consistent with the intent and purpose of this Section of this Ordinance.

In considering the application, the Department may include, but are not be limited to, the following conditions:

- a. Regulation of parking, dust control measures, and site lighting.
- b. Regulation of hours of operation.
- c. Regulation of site ingress and egress.
- d. Assurance of compliance with building, fire, electrical, and all other appropriate codes.
- e. Such other conditions deemed necessary to carry out the intent and purpose of this Section.

- f. All signage proposed for the temporary use or event shall be in compliance with Article 14-34, "Signs." All signage shall obtain a separate sign permit. (Ord. No. 04-211)
2. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.
  3. Issuance of Permits. To be issued a permit, the applicant shall sign an agreement with the City stating that within 72 hours of cessation of the use or expiration of the permit, whichever occurs first, the site shall be restored to the same condition prior to commencement of the temporary use.
  4. Time Limits and Renewal of Permits. All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department.
    - a. Temporary Use Permits for off-site construction yards or residential sales may be permitted for the duration of the project, or as determined by the City.
    - b. Temporary Use Permits for Donation/Recycling Drop-Off Boxes may be permitted for a renewable duration not to exceed twelve (12) months, or as determined by the City. Each renewal requires a new Temporary Use Permit application and fee.
    - c. All other Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days per calendar year per lot. Not more than twelve (12) Temporary Use Permits shall be granted per lot or complex per calendar year.
    - d. Each occurrence of a Temporary Use and each distinct Temporary Use on a property shall require separate submittal and approval of a Temporary Use Permit Application.

ORDINANCE NO. 2015-XX

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 14-2 "DEFINITIONS", ARTICLE 14-3 "GENERAL PROVISIONS", ARTICLE 14-9 "NON-RESIDENTIAL DISTRICTS", AND ARTICLE 14-39 "ADMINISTRATIVE PROCEDURES" OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on November 11, 2014 to consider a proposed amendment to the Peoria City Code, after notice in the manner provided by law; and

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 in the Peoria Times on October 24, 2014; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of November 11, 2014 voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that amendments be made to the Peoria City Code (1977 edition); and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, have considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend Article 14-2 "Definitions", Article 14-3 "General Provisions", Article 14-9 "Non-Residential Districts", and Article 14-39 "Administrative Procedures" of the Peoria City Code (1977 edition):

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

SECTION 1. of Article 14-2 "Definitions", Article 14-3 "General Provisions", Article 14-9 "Non-Residential Districts", and Article 14-39 "Administrative Procedures" of the Peoria Zoning Ordinance (1977 edition) shall be amended to read as indicated on Exhibit A.

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law, which will be the earliest date that TUP applications will be accepted pursuant to this Ordinance. By December 31, 2015, all drop-off boxes shall be in conformance with this Ordinance.

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Cathy Carlat, Mayor

\_\_\_\_\_  
Date Signed

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Kemp, City Attorney

Published in: Peoria Times Pub.

Dates: April 17, 2015  
Effective Date:

**EXHIBIT A**

**As recommended by P&Z Commission WITH STAFF ADDITIONS**

**ARTICLE 14-2  
DEFINITIONS**

**CONTENTS**

- 14-2-1 INTENT
- 14-2-2 DEFINITIONS

**14-2-2 DEFINITIONS**

- A. The word *occupied* and the word *used* shall be considered as meaning the same as the words intended, arranged, or designed to be used or occupied.
- B. The word *dwelling* includes the word residence; the word *lot* includes the words plot or parcel.
- C. Terms not herein defined shall have the meanings customarily assigned thereto.
- D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows (Ord. No. 02-68):

*A Complex/Center is a development defined by shared facilities including but not limited to circulation, parking, and utilities that service the complex/center.*

*Donation Center* means a center operated by an organization that collects and sells donated clothing and household items. All such merchandise shall be displayed and stored in an enclosed building. (Ord. No. 04-188)

*Donation/Recycling Drop-off Box* means any container, storage unit or structure, other than a primary building, accessory building or shed, that is used for the collection of charitable or for-profit donated items by the general public, including but not limited to clothing, household goods, toys, books, and newspapers.

# ARTICLE 14-3

## GENERAL PROVISIONS

(Amended by ord. No. 2011-02 & 2011-03)

### CONTENTS

- 14-3-1 INTENT
- 14-3-2 GENERAL USE PROVISIONS
- 14-3-3 ACCESSORY BUILDINGS AND USES
- 14-3-4 SCREENING
- 14-3-5 WALLS AND FENCES
- 14-3-6 PERFORMANCE STANDARDS
- 14-3-7 SATELLITE DISH ANTENNAE
- 14-3-8 MISCELLANEOUS PROVISIONS
- 14-3-9 HOME OCCUPATIONS
- 14-3-10 MANUFACTURED HOUSING
- 14-3-11 MOBILE HOMES, TRAVEL TRAILERS, HOUSE TRAILERS, AND RECREATIONAL VEHICLES
- 14-3-12 GROUP HOMES, DAY CARE GROUP HOMES, GROUP CARE FACILITIES AND COMMUNITY RESIDENTIAL SETTING FACILITIES
- 14-3-13 WIRELESS COMMUNICATION FACILITIES
- 14-3-14 DONATION/RECYCLING DROP-OFF BOXES

### 14-3-14 DONATION/RECYCLING DROP-OFF BOXES (Ord. No. 2015-)

1. Donation/Recycling Drop-Off Boxes are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to Article 14-39 and upon receipt of notarized written authorization by the property owner or authorized agent.
2. Donation/Recycling Drop-Off Boxes may be permitted as an accessory use to all permitted non-residential uses within a residential zoning district pursuant to this article.
3. Donation/Recycling Drop-Off Boxes shall be located on a paved surface.
4. Donation/Recycling Drop-Off Boxes shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.
5. Donation/Recycling Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.

6. There shall be no more than one (1) Donation/Recycling Drop-Off Box on lots or complexes/centers less than one (1) acre in size, no more than two (2) Donation/Recycling Drop-Off Boxes on lots or complexes/centers of one (1) to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-Off Boxes on lots or complexes/centers greater than three (3) acres in size. No more than two donation boxes shall be clustered together in any one location. A property may contain one 12 yard container in lieu of two (2) six cubic yard containers.

<b>Donation Box Allotment</b>			
<b>Lots or Complexes/Centers Size</b>	<b>1 acre</b>	<b>1-3 Acres</b>	<b>3 + Acres</b>
<b>Number of Boxes Allowed</b>	<b>1 Box</b>	<b>2 Boxes *</b>	<b>4 Boxes *</b>

**\* No more than 2 (two) Donation Bins shall be clustered together in any one location \***

7. Each Donation/Recycling Drop-Off Box shall have a firmly closing and locking lid, shall be clearly marked to identify the specific items and materials to be collected for donation, and shall be clearly marked to identify the City of Peoria Temporary Use Permit number with contrasting paint. The numbers shall be a minimum of two (2) inches high and located on the deposit face of the box.
8. The name and local telephone number of the entity obtaining the TUP shall be affixed to the box on an area no larger than one (1) foot by one (1) foot.
9. Donation/Drop-Off Boxes shall have a capacity no greater than six (6) cubic yards.
10. All donated items must be collected and stored in the Donation/Recycling Drop-Off Box and all contents cleared no less than once a week. Any items or materials left outside of the Donation/Recycling Drop-Off Boxes shall be removed within 24 hours of discovery or notification, whichever occurs first. If a container is damaged or vandalized, it must be repaired or removed within 5 business days of discovery or notification. If there is a public health, safety or welfare concern pursuant to the authority granted to the City, the container must then be removed within 24 hours of discovery or notification.
11. It is the joint responsibility of the property owner or authorized agent and the entity obtaining the TUP to keep the area around the donation boxes

- free of litter and debris, and remove any graffiti within (24) hours of discovery or notification, whichever occurs first
12. It is the responsibility of the entity obtaining the TUP to maintain the donation box painted or otherwise un-rusted and un-dented and in good condition.
  13. Donation/Recycling Drop-Off Boxes not located or maintained in compliance with this Article may be subject to revocation of the Business License and the Temporary Use Permit (TUP).
  14. The City may consider prior permit revocations, prior notices of violation, and fraudulent application information when granting or denying new Temporary Use Permits for Donation Drop-Off Boxes.
  15. Any Donation/Recycling Drop-Box (including its contents) which is determined to be unauthorized, unpermitted, or is otherwise in violation of this ordinance shall be deemed a public nuisance as defined in Chapter 17 "Nuisances", of the Peoria City Code and may be removed pursuant to those provisions.

# ARTICLE 14-9 NON-RESIDENTIAL DISTRICTS

(Ord. No. 02-68)

## CONTENTS

14-9-1	INTENT	
14-9-2	ZONING DISTRICTS	
	Office Commercial	O-1
	Convenience Commercial	C-1
	Planned Neighborhood Commercial	PC-1
	Planned Community Commercial	PC-2
	Intermediate Commercial	C-2
	Central Commercial	C-3
	General Commercial	C-4
	Regional Commercial	C-5
	Business Park Industrial	BPI
	Planned Light Industrial	PI-1
	Light Industrial	I-1
	Heavy Industrial	I-2
14-9-3	LAND USE MATRIX	
14-9-4	GENERAL REGULATIONS FOR O-1, C-1, PC-1, PC-2, C-2, AND C-3	
14-9-5	LIMITATIONS ON USES	
14-9-6	PROPERTY DEVELOPMENT STANDARDS	

### 14-9-3 LAND USE MATRIX

The following land use matrix (Table 14-9-3) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The land use matrix is intended to serve as a guide for the convenience of the user of this zoning ordinance. Where the text of this zoning ordinance differs from the land use matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.

**Table 14-9-3 Land Use Matrix**

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
<b>GENERAL INDUSTRIAL &amp; MANUFACTURING - CONTINUED</b>												

Recycling Collection Facility #	-	-	-	-	-	-	-	-	-	-	<b>C</b>	<b>C</b>	<b>C</b>
Recycling Collection Point	-	<b>A</b>	-	-	-	-	-						
Donation/Recycling Drop -Off Boxes#	=	<b>A</b>	=	=	=	=	=						

# ARTICLE 14-39

## ADMINISTRATIVE PROCEDURES

(Ord. No. 2011-03, 2012-05, 2012-16)

### CONTENTS

- 14-39-1 INTENT
- 14-39-2 INTERPRETATION
- 14-39-3 ENFORCEMENT
- 14-39-4 VIOLATIONS
- 14-39-5 FEES
- 14-39-6 NOTICES
- 14-39-7 EXPIRATION OF APPLICATIONS
- 14-39-8 REZONINGS
- 14-39-9 INITIAL ZONINGS
- 14-39-10 TEXT AMENDMENTS
- 14-39-11 SITE PLAN REVIEW
- 14-39-12 CONDITIONAL USE PERMITS
- 14-39-13 TEMPORARY USE PERMITS
- 14-39-14 APPEALS TO BOARD OF ADJUSTMENT
- 14-39-15 ADMINISTRATIVE RELIEF
- 14-39-16 HILLSIDE APPEALS
- 14-39-17 DESIGN REVIEW APPEALS

### 14-39-13 TEMPORARY USE PERMITS

#### A. *Intent.*

1. In addition to regulating uses which are permanent in nature, it is the intent of this Ordinance to provide for certain temporary uses for limited periods of time. Allowing temporary uses, as herein provided for, is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established.
2. The purpose of this Section is to establish the procedures and outline the review criteria to be used by the Department when considering an application for a Temporary Use Permit. All Temporary Uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the standards and regulations contained herein. The Department shall not grant a Temporary Use Permit until adequate assurances have been provided ensuring compliance with the provisions of this Ordinance and all other applicable City codes.

- B. *General.* Every Temporary use on private property shall require a Temporary Use Permit as herein stipulated.

1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: tents, canopies, and/or membrane structures. (Ord. No. 2012-05)

C. *Permitted Temporary Uses.* The City may grant a Temporary Use Permit for any of the following uses.

1. Carnivals, circuses, or similar special events.
2. Outdoor sales events, such as Christmas tree sales, pumpkin sales, or similar holiday-related events.
3. Outdoor sales of consumer permissible fireworks. (Ord. No. 2011-03)
4. Temporary municipal uses. (Ord. No. 05-22)
5. Off-site retail sales of souvenirs, gifts, and food incidental to a sporting or cultural event.
6. Tent revival or fellowship meetings.
7. Craft shows, home and garden shows, festivals, or similar events.
8. Outdoor concerts, paid admission events, and events involving the distribution of alcoholic beverages.
9. Such other uses as the City may deem to be within the intent and purpose of this Section.
10. Donation/Recycling Drop –Off Boxes.

D. *Application.* A property owner or duly authorized agent may submit an application for a Temporary Use Permit. The applicant shall obtain the official application materials from the Department. Submittal requirements shall be as outlined on the official form and any other requirements that the Department deems necessary to understand the proposal, including Site Plans prepared in accordance with Section 14-39-11, "Site Plan Review," of this Article. The applicant shall submit the official application and associated materials, together with the applicable fee, to the Department.

E. *Posting.* Temporary Uses which, in the opinion of the Department, meet all the following criteria shall not require posting:

1. The use and/or structure complies with all applicable codes and Ordinances;
2. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveway entrances, or traffic visibility at driveways or street intersections;
3. Parking on the property is adequate to serve any existing permanent use and the temporary use;
4. The temporary use shall not be conducted between the hours of 10 P.M. and 7 A.M., excluding Donation/Recycling Drop-Off Boxes; and,
5. The City Engineer, or designee thereof, approves vehicular access for the proposed temporary use.

Temporary uses which, in the opinion of the Department, do not meet all of the above criteria shall be posted. For such temporary uses, the City shall post the subject property within five (5) working days following submittal of the application

F. *Review and Approval*

1. Application for a Temporary Use Permit shall be reviewed by the Department who shall approve, conditionally approve, or disapprove the application. Approval shall be given only when in the judgment of the City such approval is consistent with the intent and purpose of this Section of this Ordinance.

In considering the application, the Department may include, but are not be limited to, the following conditions:

- a. Regulation of parking, dust control measures, and site lighting.
- b. Regulation of hours of operation.
- c. Regulation of site ingress and egress.
- d. Assurance of compliance with building, fire, electrical, and all other appropriate codes.
- e. Such other conditions deemed necessary to carry out the intent and purpose of this Section.

- f. All signage proposed for the temporary use or event shall be in compliance with Article 14-34, "Signs." All signage shall obtain a separate sign permit. (Ord. No. 04-211)
2. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.
  3. Issuance of Permits. To be issued a permit, the applicant shall sign an agreement with the City stating that within 72 hours of cessation of the use or expiration of the permit, whichever occurs first, the site shall be restored to the same condition prior to commencement of the temporary use.
  4. Time Limits and Renewal of Permits. All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department.
    - a. Temporary Use Permits for off-site construction yards or residential sales may be permitted for the duration of the project, or as determined by the City.
    - b. Temporary Use Permits for Donation/Recycling Drop-Off Boxes may be permitted for a renewable duration not to exceed twelve (12) months, or as determined by the City. Each renewal requires a new Temporary Use Permit application and fee.
    - c. All other Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days per calendar year per lot. Not more than twelve (12) Temporary Use Permits shall be granted per lot or complex per calendar year.
    - d. Each occurrence of a Temporary Use and each distinct Temporary Use on a property shall require separate submittal and approval of a Temporary Use Permit Application.

## EXHIBIT 6

### Proposed Ordinance as recommended by the Planning and Zoning Commission (11/11/14) **WITH STAFF REFINEMENTS**

**\*\*Staff REFINEMENTS are identified with shading\*\***

## ARTICLE 14-2 DEFINITIONS

### CONTENTS

- 14-2-1 INTENT
- 14-2-2 DEFINITIONS

### 14-2-2 DEFINITIONS

- A. The word *occupied* and the word *used* shall be considered as meaning the same as the words intended, arranged, or designed to be used or occupied.
- B. The word *dwelling* includes the word residence; the word *lot* includes the words plot or parcel.
- C. Terms not herein defined shall have the meanings customarily assigned thereto.
- D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows (Ord. No. 02-68):

*A Complex/Center is a development defined by shared facilities including but not limited to circulation, parking, and utilities that service the complex/center.*

*Donation Center* means a center operated by an organization that collects and sells donated clothing and household items. All such merchandise shall be displayed and stored in an enclosed building. (Ord. No. 04-188)

*Donation/Recycling Drop-off Box* means any container, storage unit or structure, other than a primary building, accessory building or shed, that is used for the collection of charitable or for-profit donated items by the general public, including but not limited to clothing, household goods, toys, books, and newspapers.

# ARTICLE 14-3

## GENERAL PROVISIONS

(Amended by ord. No. 2011-02 & 2011-03)

### CONTENTS

- 14-3-1 INTENT
- 14-3-2 GENERAL USE PROVISIONS
- 14-3-3 ACCESSORY BUILDINGS AND USES
- 14-3-4 SCREENING
- 14-3-5 WALLS AND FENCES
- 14-3-6 PERFORMANCE STANDARDS
- 14-3-7 SATELLITE DISH ANTENNAE
- 14-3-8 MISCELLANEOUS PROVISIONS
- 14-3-9 HOME OCCUPATIONS
- 14-3-10 MANUFACTURED HOUSING
- 14-3-11 MOBILE HOMES, TRAVEL TRAILERS, HOUSE TRAILERS, AND RECREATIONAL VEHICLES
- 14-3-12 GROUP HOMES, DAY CARE GROUP HOMES, GROUP CARE FACILITIES AND COMMUNITY RESIDENTIAL SETTING FACILITIES
- 14-3-13 WIRELESS COMMUNICATION FACILITIES
- 14-3-14 DONATION/RECYCLING DROP-OFF BOXES

### 14-3-14 DONATION/RECYCLING DROP-OFF BOXES (Ord. No. XX)

1. Donation/Recycling Drop-Off Boxes are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to Article 14-39 and upon receipt of notarized written authorization by the property owner or authorized agent.
2. Donation/Recycling Drop-Off Boxes may be permitted as an accessory use to all permitted non-residential uses within a residential zoning district pursuant to this article.
3. Donation/Recycling Drop-Off Boxes shall be located on a paved surface.
4. Donation/Recycling Drop-Off Boxes shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.
5. Donation/Recycling Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.

6. There shall be no more than one (1) Donation/Recycling Drop-Off Box on properties lots or complexes/centers less than one (1) acre in size, no more than two (2) Donation/Recycling Drop-Off Boxes on premises or complexes lots or complexes/centers of one (1) to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-Off Boxes on premises or complexes lots or complexes/centers greater than three (3) acres in size. No more than two donation boxes shall be clustered together in any one location. A property may contain one 12 yard container in lieu of two (2) six cubic yard containers.

<b>Donation Box Allotment</b>			
<u>Lots or Complexes/Centers Size</u>	1 acre	1-3 Acres	3 + Acres
Number of Boxes Allowed	1 Box	2 Boxes *	4 Boxes *
<b>* No more than 2 (two) Donation Bins shall be clustered together in any one location *</b>			

7. Each Donation/Recycling Drop-Off Box shall have a firmly closing and locking lid, shall be clearly marked to identify the specific items and materials requested to be collected for donation, and have the TUP permit number permanently affixed to the box shall be clearly marked to identify the City of Peoria Temporary Use Permit number with contrasting paint. The numbers shall be a minimum of two (2) inches high and located on the deposit face of the box.
8. The name and local telephone number of the entity obtaining the TUP shall be affixed to the box on an area no larger than one (1) foot by one (1) foot.
9. Donation/Drop-Off Boxes shall have a capacity no greater than six (6) cubic yards.
10. All donated items must be collected and stored in the Donation/Recycling Drop-Off Box and all contents cleared no less than once a week. Any items or materials left outside of the Donation/Recycling Drop-Off Boxes shall be removed within 24 hours hrs of discovery or notification, whichever occurs first. If a container is damaged or vandalized, it must be repaired or removed within 5 business days of discovery or notification. If there is a public health, safety or welfare concern pursuant to the authority granted to the City, the container must then be removed within 24 hours of discovery or notification.

11. It is the joint responsibility of the property owner or authorized agent and the entity obtaining the TUP to keep the area around the donation boxes free of litter and debris, and remove any graffiti within (24) hours of discovery or notification, whichever occurs first
12. It is the responsibility of the entity obtaining the TUP to maintain the donation box painted or otherwise un-rusted, un-dented and in good condition repair.
13. Donation/Recycling Drop-Off Boxes not located or maintained in compliance with this Article may be subject to revocation of the Business License and the Temporary Use Permit (TUP).
14. The City may consider prior permit revocations, and prior notices of violation, and fraudulent application information when granting or denying new Temporary Use Permits for Donation Drop-Off Boxes.
15. This Ordinance authorizes the City to remove and dispose of any drop-off box (including its contents) which is unauthorized, unpermitted, or is otherwise in violation of this ordinance. Any Donation/Recycling Drop-Box (including its contents) which is determined to be unauthorized, unpermitted, or is otherwise in violation of this ordinance shall be deemed a public nuisance as defined in Chapter 17 "Nuisances", of the Peoria City Code and may be removed pursuant to those provisions.

# ARTICLE 14-9 NON-RESIDENTIAL DISTRICTS

(Ord. No. 02-68)

## CONTENTS

14-9-1	INTENT	
14-9-2	ZONING DISTRICTS	
	Office Commercial	O-1
	Convenience Commercial	C-1
	Planned Neighborhood Commercial	PC-1
	Planned Community Commercial	PC-2
	Intermediate Commercial	C-2
	Central Commercial	C-3
	General Commercial	C-4
	Regional Commercial	C-5
	Business Park Industrial	BPI
	Planned Light Industrial	PI-1
	Light Industrial	I-1
	Heavy Industrial	I-2
14-9-3	LAND USE MATRIX	
14-9-4	GENERAL REGULATIONS FOR O-1, C-1, PC-1, PC-2, C-2, AND C-3	
14-9-5	LIMITATIONS ON USES	
14-9-6	PROPERTY DEVELOPMENT STANDARDS	

### 14-9-3 LAND USE MATRIX

The following land use matrix (Table 14-9-3) indicates uses which are permitted outright, conditionally permitted, or prohibited in specific non-residential zoning districts in the City of Peoria. The land use matrix is intended to serve as a guide for the convenience of the user of this zoning ordinance. Where the text of this zoning ordinance differs from the land use matrix, the text shall prevail. In the event of a specific use not being identified on the matrix, the Community Development Director or designee(s) shall determine the closest associated use based on the provisions of this ordinance. The City will permit any accessory use customarily incidental to a permitted principal use in the same zoning district.

**Table 14-9-3 Land Use Matrix**

LAND USE	O-1	C-1	PC-1	PC-2	C-2	C-3	C-4	C-5	BPI	PI-1	I-1	I-2
<b>GENERAL INDUSTRIAL &amp; MANUFACTURING - CONTINUED</b>												
Recycling Collection Facility #	-	-	-	-	-	-	-	-	-	C	C	C

Recycling Collection Point	-	<b>A</b>	-	-	-	-						
Donation/Recycling Drop –Off Boxes#	=	<b>A</b>	=	=	=	=						

# ARTICLE 14-39

## ADMINISTRATIVE PROCEDURES

(Ord. No. 2011-03, 2012-05, 2012-16)

### CONTENTS

- 14-39-1 INTENT
- 14-39-2 INTERPRETATION
- 14-39-3 ENFORCEMENT
- 14-39-4 VIOLATIONS
- 14-39-5 FEES
- 14-39-6 NOTICES
- 14-39-7 EXPIRATION OF APPLICATIONS
- 14-39-8 REZONINGS
- 14-39-9 INITIAL ZONINGS
- 14-39-10 TEXT AMENDMENTS
- 14-39-11 SITE PLAN REVIEW
- 14-39-12 CONDITIONAL USE PERMITS
- 14-39-13 TEMPORARY USE PERMITS
- 14-39-14 APPEALS TO BOARD OF ADJUSTMENT
- 14-39-15 ADMINISTRATIVE RELIEF
- 14-39-16 HILLSIDE APPEALS
- 14-39-17 DESIGN REVIEW APPEALS

### **14-39-13 TEMPORARY USE PERMITS**

#### *A. Intent.*

1. In addition to regulating uses which are permanent in nature, it is the intent of this Ordinance to provide for certain temporary uses for limited periods of time. Allowing temporary uses, as herein provided for, is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established.
2. The purpose of this Section is to establish the procedures and outline the review criteria to be used by the Department when considering an application for a Temporary Use Permit. All Temporary Uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the standards and regulations contained herein. The Department shall not grant a Temporary Use Permit until adequate

assurances have been provided ensuring compliance with the provisions of this Ordinance and all other applicable City codes.

B. *General.* Every Temporary use on private property shall require a Temporary Use Permit as herein stipulated.

1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: tents, canopies, and/or membrane structures. (Ord. No. 2012-05)

C. *Permitted Temporary Uses.* The City may grant a Temporary Use Permit for any of the following uses.

1. Carnivals, circuses, or similar special events.
2. Outdoor sales events, such as Christmas tree sales, pumpkin sales, or similar holiday-related events.
3. Outdoor sales of consumer permissible fireworks. (Ord. No. 2011-03)
4. Temporary municipal uses. (Ord. No. 05-22)
5. Off-site retail sales of souvenirs, gifts, and food incidental to a sporting or cultural event.
6. Tent revival or fellowship meetings.
7. Craft shows, home and garden shows, festivals, or similar events.
8. Outdoor concerts, paid admission events, and events involving the distribution of alcoholic beverages.
9. Such other uses as the City may deem to be within the intent and purpose of this Section.
10. Donation/Recycling Drop –Off Boxes.

D. *Application.* A property owner or duly authorized agent may submit an application for a Temporary Use Permit. The applicant shall obtain the official application materials from the Department. Submittal requirements shall be as outlined on the official form and any other requirements that the Department deems necessary to understand the proposal, including Site Plans prepared in accordance with Section 14-39-11, "Site Plan Review," of this Article. The applicant shall submit the official application and associated materials, together with the applicable fee, to the Department.

E. *Posting.* Temporary Uses which, in the opinion of the Department, meet all the following criteria shall not require posting:

1. The use and/or structure complies with all applicable codes and Ordinances;
2. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveway entrances, or traffic visibility at driveways or street intersections;
3. Parking on the property is adequate to serve any existing permanent use and the temporary use;
4. The temporary use shall not be conducted between the hours of 10 P.M. and 7 A.M., excluding Donation/Recycling Drop-Off Boxes; and.
5. The City Engineer, or designee thereof, approves vehicular access for the proposed temporary use.

Temporary uses which, in the opinion of the Department, do not meet all of the above criteria shall be posted. For such temporary uses, the City shall post the subject property within five (5) working days following submittal of the application

F. *Review and Approval*

1. Application for a Temporary Use Permit shall be reviewed by the Department who shall approve, conditionally approve, or disapprove the application. Approval shall be given only when in the judgment of the City such approval is consistent with the intent and purpose of this Section of this Ordinance.

In considering the application, the Department may include, but are not be limited to, the following conditions:

- a. Regulation of parking, dust control measures, and site lighting.
- b. Regulation of hours of operation.
- c. Regulation of site ingress and egress.
- d. Assurance of compliance with building, fire, electrical, and all other appropriate codes.

- e. Such other conditions deemed necessary to carry out the intent and purpose of this Section.
  - f. All signage proposed for the temporary use or event shall be in compliance with Article 14-34, "Signs." All signage shall obtain a separate sign permit. (Ord. No. 04-211)
2. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.
  3. Issuance of Permits. To be issued a permit, the applicant shall sign an agreement with the City stating that within 72 hours of cessation of the use or expiration of the permit, whichever occurs first, the site shall be restored to the same condition prior to commencement of the temporary use.
  4. Time Limits and Renewal of Permits. All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department.
    - a. Temporary Use Permits for off-site construction yards or residential sales may be permitted for the duration of the project, or as determined by the City.
    - b. Temporary Use Permits for Donation/Recycling Drop-Off Boxes may be permitted for a renewable duration not to exceed twelve (12) months, or as determined by the City. Each renewal requires a new Temporary Use Permit application and fee.
    - c. All other Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days per calendar year per lot. Not more than twelve (12) Temporary Use Permits shall be granted per lot or complex per calendar year.
    - d. Each occurrence of a Temporary Use and each distinct Temporary Use on a property shall require separate submittal and approval of a Temporary Use Permit Application.



# City Council Calendar

Color Key:  
City Council

< March	April 2015					May >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	<b>7</b> <a href="#">Special City Council Meeting &amp; Study Session</a> <a href="#">Regular City Council Meeting</a>	8	9	10	11
12	13	14	15	16	17	18
19	20	<b>21</b> <a href="#">Special City Council Meeting &amp; Study Session</a> <a href="#">Regular City Council Meeting</a>	22	23	24	25
26	27	28	29	30		



# City Council Calendar

Color Key:  
City Council

< April	May 2015					June >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	<b>5</b> <a href="#">Special City Council Meeting &amp; Study Session</a> <a href="#">Regular City Council Meeting</a>	6	7	8	9
10	11	12	13	14	15	16
17	18	<b>19</b> <a href="#">Special City Council Meeting &amp; Study Session</a> <a href="#">Regular City Council Meeting</a>	20	21	22	23
24	25	26	27	28	29	30
31						

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

Agenda Item: RCM 24A

**Date Prepared: March 19, 2015**

**Council Meeting Date: April 7, 2015**

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**TO:** Carl Swenson, City Manager  
**FROM:** John R. Sefton Jr., Community Services Director  
**THROUGH:** Jeff Tyne, Deputy City Manger  
**SUBJECT:** Peoria Arts & Cultural Festival

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**Summary:**

The City of Peoria and the Peoria Unified School District have teamed up to host the third annual **Peoria Arts & Cultural Festival** on **Saturday, April 11 from 8am to 4pm**. The event will be located at 83<sup>rd</sup> and Grand Avenues in the following venues: Osuna Park, Peoria's Center for Performing Arts, Peoria Historical Museums, Community Center and surrounding streets. Admission to the event is free.

Students from the Peoria Unified School District will exhibit their artwork; perform dance routines, theater acts, as well as choir and band performances on six stages throughout the event. Theater Works will be hosting three 45-minute workshops for youth and teens. Attendees can watch pottery being made and participate in arts and crafts activities. A special art project will be created at the event which will celebrate the 125<sup>th</sup> Anniversary of the Peoria Unified School District. In addition, the Peoria Police Department and PUSD are offering an art competition emphasizing anti-bullying. Youth can also enjoy the kid's zone with inflatable, face painting, a caricature artist and more. Some activities require a nominal fee.

The Peoria Arts and Cultural Festival is putting the "Chair" In Charity—literally! The City of Peoria is calling all artists to paint and create a chair to auction off to benefit the Peoria Education Foundation. Chairs may be entered on April 11 between 7 a.m. to 8 a.m. at the Peoria Center for the Performing Arts. The chairs will be on display from 9 a.m. to noon. The silent auction will occur between noon and 2:30 p.m., starting with a minimum bid of \$25.

**Exhibit(s):** Flyer

**Contact Name and Number:** Matt Kalcevich, 623-773-7133

P E O R I A

# Arts & Cultural

F E S T I V A L

*Honoring the Pioneer Spirit*

**Saturday, April 11th**  
8am-4pm

Old Town Peoria at  
Peoria & Grand Avenues.



Bands



Dance



Childrens art activities  
and workshops



Student Artwork



Live music  
performances



## Interactive activities, Food Trucks & Fun for the Entire Family!

*(Some activities require a nominal fee)*

All proceeds from the event benefit the Peoria Education Foundation which supports arts education in the Peoria Unified School District.



For more information, call  
623.773.7137 or visit



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

Agenda Item: RCM 24B

Date Prepared: March 19, 2015

Council Meeting Date: April 7, 2015

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**TO:** Carl Swenson, City Manager  
**FROM:** John R. Sefton Jr., Community Services Director  
**THROUGH:** Jeff Tyne, Deputy City Manager  
**SUBJECT:** Party for the Planet – River and Trail Clean Up

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**SUMMARY:**

The City of Peoria is throwing a ***Party for the Planet*** throughout the month of April. In recognition of Earth Day, volunteers are invited to assist cleaning up trash and debris along the New River trail system. All volunteers will meet near the Antigua Clothing Outlet located at 16651 N. 84th Avenue Peoria, 85382 on **Saturday, April 18 starting at 7am**, concluding around 10am. Last year over 250 volunteers came together to pick up 22 tons of trash as well as plant trees across almost 100 acres of the river and trails system. This event is in partnership with the City of Glendale and Arizona Clean and Beautiful.

Throughout the month of April, city-sponsored activities will include Bulk Trash Clean-up, Neighborhood Pride Projects, Household Hazardous Waste Collection, Operation Pill Drop-Off and Environmental Workshops. Information on the activities and volunteer registration for the River & Trail Clean-up is located at [www.peoriaaz.gov/specialevents](http://www.peoriaaz.gov/specialevents).



**Exhibit(s):** Party for the Planet Flyer

**Contact Name and Number:** Matt Kalcevich, 623-773-7133

# PARTY FOR THE PLANET

## RIVER & TRAIL CLEAN UP April 18, 7-10 a.m.

Register to volunteer online at  
[www.peoriaaz.gov/specialevents](http://www.peoriaaz.gov/specialevents)

### Additional activities:

- Bulk Trash Clean Up
- Neighborhood Pride Projects
- Tree Planting for Arbor Day
- Household Hazardous Waste Collection
- Earth Day Activities at the Libraries
- Operation Pill Drop-Off
- Environmental Workshops

**CHECK THE WEBSITE FOR  
DATES AND TIMES**



KEEP ARIZONA  
  
BEAUTIFUL



**City of Peoria**

For more information,  
call 623.773.7137 or visit

