



MUNICIPAL OFFICE COMPLEX
8401 W. MONROE STREET
PEORIA, AZ 85345

**CITY COUNCIL REGULAR MEETING
NOTICE & AGENDA
Tuesday, July 05, 2011
7:00 PM
CITY COUNCIL CHAMBER**

CITY COUNCIL:

Mayor

Bob Barrett

Mesquite District

Cathy Carlat, Vice Mayor

Acacia District

Tony Rivero

Ironwood District

Dave Pearson

Palo Verde District

Ron Aames

Pine District

Carlo Leone

Willow District

Joan Evans

City Manager

Carl Swenson

CONVENE:

PLEDGE:

ROLL CALL:

FINAL CALL TO SUBMIT SPEAKER REQUEST FORMS:

PRESENTATION:

1. Certificate of Appointment to the following Board and Commission member who was appointed by Resolution at the June 21, 2011 City Council meeting:
 - Christopher Hearn appointed to the Arts Commission
2. Valley METRO Rail Board of Director's Resolution of Appreciation for outgoing member

CONSENT AGENDA

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

CONSENT – New Business:

1C Minutes

Discussion and possible action to approve the minutes of:

June 7, 2011 City Council Special Meeting and Study Session

June 14, 2011 City Council Study Session

2C Code Amendment, Chapter 14, Property Development Standards, Building Setbacks and Lot Coverage

Discussion and possible action to adopt **ORD. 2011-13** amending Chapter 14 of the Peoria City Code (1977) by amending Article 14-5-6, Property Development Standards for Permitted Residential Uses of the Peoria Zoning Ordinance with respect to building setbacks and lot coverage.

3C Grant, Arizona Criminal Justice Commission, Crime Victim Assistance Program

Discussion and possible action to accept \$10,800 from the Arizona Criminal Justice Commission (ACJC) for Peoria's participation in the Crime Victim Assistance Program.

4C Contract Amendment, HDR Engineering, 84th Avenue Streetscape

Discussion and possible action to approve Contract Amendment No. 5 to HDR Engineering for additional post design services associated with the 84th Avenue Streetscape project in the not-to-exceed amount of \$18,096.

5C Amended Lease, Arizona Broadway Theatre

Discussion and possible action to authorize the City of Peoria to enter into an amended lease with KLOS Enterprises, LLC (Arizona Broadway Theatre) for the approximately four acres of real property owned by the City located at 7701 West Paradise Lane and authorize the City Manager to execute the lease documents.

6C Intergovernmental Agreement, City of Phoenix, Dial-A-Ride Bus Replacement and Operating Costs

Discussion and possible action to approve an Intergovernmental Agreement that will provide grant funding to the City of Peoria from the Federal Transit Administration (FTA), (by way of pass through from the City of Phoenix), for the replacement of three (3) transit Dial-a-Ride buses and for preventative maintenance (Grant Number AZ-90-X103).

7C Designate Roadways, Establish Rights-of-Way, Various Locations

Discussion and possible action to adopt **RES. 2011-82** 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.

8C Deeds and Easements, Various Locations

Discussion and possible action to adopt **RES. 2011-80** accepting Deeds and Easements for various Real Property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

9C Utility Easements, Arizona Public Service, Centennial Plaza

Discussion and possible action to adopt **RES. 2011-79** authorizing the City Manager to execute two Utility Easements to Arizona Public Service associated with providing electric services for Centennial Plaza located between Cinnabar Avenue and Mountain View Road in the City Hall complex.

10C Fiscal Year 2012 Street Light and Maintenance Improvement District Levies

Discussion and possible action to adopt **ORD. 2011-15** and **ORD. 2011-16** adopting Street Light and Maintenance Improvement District Levies for Fiscal Year 2012 and declaring an emergency.

11C Final Plat, Trilogy at Vistancia Parcel C8, Trilogy Boulevard and Dixileta Parkway

Discussion and possible action to approve a Final Plat of Trilogy at Vistancia - Parcel C8, located on Trilogy Boulevard and Dixileta Parkway, subject to stipulations.

12C Public Body Meeting Procedures Policy

Discussion and possible action to: a) amend Council Policy 1-6 (Public Body Meeting Procedures); and b) adopt **RES. 2011-47** to designate posting locations.

13C Name Selection for Neighborhood Parks

Discussion and possible action to adopt the recommended names for three neighborhood parks: a) Scotland Yard Park – 9251 West Scotland Avenue; b) Westland Park – 31656 North Westland Road; and c) Camino a Lago Park – 21111 North 98th Avenue.

REGULAR AGENDA

NEW BUSINESS

14R PUBLIC HEARING - Liquor License, Various Locations

PUBLIC HEARING: RE: a) a New Wine and Beer Liquor License (Series 10) for Shell #34, located at 24805 N. Lake Pleasant Parkway, Howard E. Magee, Applicant, LL#20002494; and b) a New Wine and Beer Liquor License (Series 10) for Food Mart, located at 7473 W. Bell Road, Madanlal Patel, Applicant, LL#20002310.

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 Wine and Beer Liquor License (Series 10) for Shell #34, located at 24805 N. Lake Pleasant Parkway, Howard E. Magee, Applicant, LL#20002494; and b) a New Wine and Beer Liquor License (Series 10) for Food Mart, located at 7473 W. Bell Road, Madanlal Patel, Applicant, LL#20002310.

15R Easement Agreement, Old Town Commercial Rehabilitation

Discussion and possible action to approve the Old Town Commercial Rehabilitation Easement Agreement for Phase 1 of the program.

16R Contract Amendment, Brignall Construction Co., Community Center Building Addition, 84th Avenue and Jefferson Street

Discussion and possible action to: a) award Contract Amendment No. 2 to Brignall Construction Co. in the amount of \$6,812,125 for a Guaranteed Maximum Price (GMP) contract for the construction of the Community Center Building Addition, located at 84th Avenue and Jefferson Street; b) authorize the use of \$370,000 in development impact fees in place of the currently budgeted general fund dollars allocated to this project; and c) approve a budget transfer within the project in the amount of \$370,000 from the General Fund, Buildings and Improvements Account, to the Citywide Park/Recreation Facility Development Fee Fund, Buildings and Improvements Account.

17R Budget Adjustment, Fiscal Year 2011 Budget, City Attorney's Office

Discussion and possible action to approve a fourth quarter Fiscal Year 2011 Budget adjustment to the City Attorney's Office budget.

18R Fiscal Year 2012 Tax Levy

Discussion and possible action to adopt **RES. 2011-81** and **ORD. 2011-14** adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for Fiscal Year 2012 and declaring an emergency.

19R Redistricting Concepts

Discussion and possible action to adopt redistricting concepts and direct staff to take such actions necessary to implement the concepts.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Your comments pertaining to City Council business are welcome. However, 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 the City Manager:

1. Council Calendar
2. Reports with Presentation
3. Informational (The following items are included for informational purposes only. There will be no separate discussion of these items unless a Councilmember so requests.)
 - a. 2011 Arizona Water Conference Awards

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, assistive listening devices or interpretation in languages other than English are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Room 150, Peoria, Arizona 85345 (623)773-7340, TDD (623)773-7221, or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.

**CITY OF PEORIA, ARIZONA
REPORT**

PRESENTATION #: PRES. 1

Date Prepared: June 22, 2011

Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager
THROUGH: Susan K. Thorpe, Deputy City Manager
FROM: Wanda Nelson, CMC, City Clerk
SUBJECT: Boards and Commissions Certificate of Appointment

SUMMARY: That the Mayor and City Council present a Certificate of Appointment to the following Board and Commission member who was appointed by Resolution at the June 21, 2011 City Council meeting:

- Christopher Hearn appointed to the Arts Commission.

CONTACT: Natalie Gilstrap, Executive Assistant, 623-773-7340

**CITY OF PEORIA, ARIZONA
REPORT**

PRESENTATION #: PRES. 2

Date Prepared: June 20, 2011

Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager

FROM: Ron Aames; Palo Verde Councilmember

SUBJECT: Valley METRO Rail Board of Director's Resolution of Appreciation for outgoing member

SUMMARY: Recognition of resolution of appreciation for Councilmember Ron Aames for service to the METRO Board of Directors since 2007.

ATTACHMENT: Valley METRO Board of Directors Resolution of Appreciation

CONTACT: Terri Smith; City Council Assistant; (623) 773-7328



RESOLUTION OF APPRECIATION FOR

PEORIA COUNCILMEMBER RON AAMES

in recognition of his dedicated service to Valley Metro Rail (METRO) and the community in the development of a regional light rail system.

Whereas Ron Aames:

Has faithfully and thoughtfully served on the METRO Board of Directors as a member of that body since September of 2007;

Has recognized light rail as a valuable investment to address the regional transportation needs and quality of life;

Has provided thoughtful insight to all matters considered before the METRO Board of Directors during his tenure of service; and

Provided leadership for the City of Peoria to investigate and incorporate high capacity transit, including commuter and light rail, as part of future transportation infrastructure in the northwest valley.

Now therefore:

Be it resolved that METRO and its Board of Directors thank Councilmember Aames for his membership on the METRO Board of Directors and look forward to his continuing efforts to advance light rail and commuter rail throughout the region.

PASSED AND ADOPTED BY THE VALLEY METRO RAIL BOARD OF DIRECTORS
THIS 15th DAY OF JUNE 2011.



Phoenix Councilman Tom Simplot

Board Chairman



Stephen R. Banta
Chief Executive Officer

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
June 7, 2011

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 4:00 p.m.

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

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Katie Gregory, Interim Management and Budget Director; Bo Larsen, Public Information Manager; Bill Mattingly, Public Works and Utilities Director; Roy Minter, Police Chief; John Schell, Intergovernmental Affairs Director; Jeff Tyne, Interim Community Services Director; Scott Whyte, Economic Development Services Director; Claudia Luján, Assistant to the City Manager; 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.

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.

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

Councilmember Pearson requested that Agenda Items 1C and 6C be removed for separate discussion.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Aames, to approve the Consent Agenda with the exception of Agenda Items 1C and 6C. Upon vote, the motion carried unanimously 7 to 0.

Motion was made by Councilmember Pearson, seconded by Councilmember Rivero, to suspend the rules and consider Agenda Items 1C and 6C for individual discussion at the Special Meeting. Upon vote, the motion carried unanimously 7 to 0.

1C Temporary Agreement, Sunrise Water Company, Water Services

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

At the request of Councilmember Pearson, Bill Mattingly, Public Works and Utilities Director, presented an overview of a request from Sunrise Water Company to allow a temporary service connection with the City of Peoria water system.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Evans, to authorize the City to execute a temporary Water Service Agreement to allow Sunrise Water Company to construct temporary water service connection with the City of Peoria's public water system. Upon vote, the motion carried unanimously 7 to 0.

2C Intergovernmental Agreement, Maricopa County, Workforce Connections

Approved the First Amendment to extend the Intergovernmental Agreement between the Maricopa County Human Services Department and the City of Peoria effective June 30, 2011 through June 30, 2012.

3C Intergovernmental Agreement, Maricopa County, Reciprocal Borrowing, Library Services

Approved the Fifth Amendment to extend the Intergovernmental Agreement between the Maricopa County Library District and the City of Peoria, effective July 1, 2011 through June 30, 2012.

4C Grant Application, Jobs for Arizona Graduates, Gila River Indian Community State Shared Revenue Grant Program

RESOLUTION 2011-72

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA,
ARIZONA SUPPORTING JOBS FOR ARIZONA'S GRADUATES
PROJECT APPLICATION FOR GILA RIVER INDIAN COMMUNITY
GRANT FUNDS TO SUPPORT THE PEORIA HIGH SCHOOL JAG
PROGRAM.

Adopted **RES. 2011-72** supporting the grant application for the Jobs for Arizona Graduates for the Gila River Indian Community State Shared Revenue Grant Program.

5C Grant Application, PLAY Peoria, Inc., Gila River Indian Community State Shared Revenue Grant Program

RESOLUTION 2011-73

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA SUPPORTING PLAY PEORIA, INCORPORATE'S APPLICATION FOR GILA RIVER INDIAN COMMUNITY GRANT FUNDS TO SUPPORT RECREATION SCHOLARSHIPS FOR YOUTH AND SENIORS.

Adopted **RES. 2011-73** supporting the grant application for PLAY Peoria, Inc. for the Gila River Indian Community State Shared Revenue Grant Program.

6C Exclusive Negotiating Agreement, Vanguard, Healthcare Campus

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

Scott Whyte, Economic Development Services Director, presented an overview of a request for an exclusive negotiating agreement that would allow Vanguard Health Services and the City to explore opportunities to negotiate a potential public/private partnership for a hospital campus near the intersection of State Route 303 and Happy Valley Road.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Aames, to authorize the City Manager to enter into an Exclusive Negotiating Agreement with Vanguard Health Services on the development of a healthcare campus in northern Peoria. Upon vote, the motion carried unanimously 7 to 0.

7C Utility Costs, Rio Vista Recreation Center

- (a) Authorized the use of General Fund Reserves in the amount of \$20,000 to supplement the Rio Vista Recreation Center electricity budget; and
- (b) Approved a budget transfer in the amount of \$20,000 from the General Fund Contingency Account to the Rio Vista Recreation Center Electricity Account.

8C Utility Easement, Salt River Project, 83rd Avenue and Olive

RESOLUTION NO. 2011-71

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A UTILITY EASEMENT TO SALT RIVER PROJECT TO INSTALL UNDERGROUND ELECTRIC TRANSMISSION LINES AND FACILITIES RELATED TO THE INSTALLATION OF A STREET LIGHT AT 83RD AVENUE AND OLIVE.

Adopted **RES. 2011-71** authorizing the City Manager to execute a Utility Easement to Salt River Project (SRP) to provide electric services for the new streetlight being constructed by Circle K.

9C Final Plat, Peoria Basis School, Lake Pleasant Parkway North of Yearling Road

Approved the Final Plat of Peoria Basis School – Lot 2A, located on Lake Pleasant Parkway north of Yearling Road, subject to stipulations.

10C Grand Avenue Coalition

RESOLUTION 2011-75

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF
PEORIA, ARIZONA, SUPPORTING THE GRAND AVENUE
COALITION

Approved **RES. 2011-75** supporting the Grand Avenue Coalition.

ADJOURNMENT:

Being no further business to come before Council on the Consent Agenda, Mayor Barrett adjourned the Special Meeting at 4:19 p.m.

Mayor Barrett convened the **Study Session Meeting** of the City Council of the City of Peoria, Arizona at 8401 West Monroe Street in open and public session at 4:20 p.m.

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

Members Absent: None

STUDY SESSION AGENDA

Subjects for Discussion Only:

1. Election District Concept Maps, 2011 Redistricting

Steve Kemp, City Attorney, summarized the competitive procurement process for the selection of National Demographics Corporation (NDC) as the City's redistricting consultant.

Dr. Alan Heslop, a principal of NDC, addressed Council regarding the redistricting process in Peoria. Dr. Heslop discussed the public input obtained from citizens and interested parties on the six original concepts. Dr. Heslop also discussed three additional maps prepared at the request of Council.

Kathleen Surface expressed her opinion in favor of Map 8 in order to retain her current representation on Council in the Palo Verde district.

Carolee Hanson addressed Council in support of retaining Councilmember Aames in the Palo Verde district.

Dr. William Bercu expressed his support of Map 8. Dr. Bercu noted the concept holds the continuity of each of the communities together while meeting the demographics to adjust district boundaries.

Pamela Potter addressed Council and stated her preference for Map 8. Ms. Potter voiced her concern regarding public comment received early in the process on Plans 1 through 6 only.

Joe McCord spoke in opposition of the additional maps and reported that all comments received from the public were for Plans 1 through 6.

Mark Dotson addressed Council to endorse Map 8 which would keep all members of Council in their existing districts.

Discussion ensued regarding the proposed redistricting maps. It was a consensus of Council to designate Maps 1, 2 and 8 as the final three concepts and identify the districts within each map as follows:

Map 1 – (A) Mesquite; (B) Willow; (C) Ironwood; (D) Palo Verde; (E) Acacia; and (F) Pine

Map 2 – (A) Mesquite; (B) Ironwood; (C) Willow; (D) Palo Verde; (E) Acacia; and (F) Pine

Map 8 - (A) Mesquite; (B) Willow; (C) Ironwood; (D) Palo Verde; (E) Acacia; and (F) Pine

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:25 p.m.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Special Meeting and Study Session of the City Council of Peoria, Arizona held on the 7th day of June, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of July, 2011.

(Seal)

Wanda Nelson, City Clerk

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER, CITY HALL
June 14, 2011

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 5:00 p.m.

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

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

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Bo Larsen, Public Information Manager; Brent Mattingly, Finance Director; Claudia Luján, Assistant to the City Manager; Dan Zenko, Materials Management Division.

Audience: Approximately six 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.

Subject for Discussion only:

Consulting Contract with National Demographics Corporation (NDC)

Brent Mattingly, Finance Director, outlined the process used for selecting the redistricting consultant, National Demographics Corporation (NDC). The members of the selection committee reviewed the proposal components and completed an evaluation of the submittals using a scoring method. The top two companies were interviewed, and NDC received the most points from the selection committee. The contract was then taken to the October 19, 2010 Council meeting, where it was awarded.

Council Subcommittee (Continuation of Council Subcommittee Discussion)

Councilmember Pearson reviewed his proposal for the establishment of Council subcommittees. Discussion ensued regarding the potential topics and processes for the development of the subcommittees. It was the consensus of Council to direct staff to create a proposal for the establishment of Council Subcommittees for Council's consideration at a future workshop.

Adjournment:

Being no further business to come before the Council, the meeting was duly adjourned at 5:53 p.m.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Study Session Meeting of the City Council of Peoria, Arizona held on the 14th day of June, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of July, 2011.

(Seal)

Wanda Nelson, City Clerk

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: 2C
Amend No. _____

Date prepared: June 2, 2011

Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager

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

FROM: Chris Jacques, AICP, Interim Planning and Community Development Director

SUBJECT: TA 11-0002, Amendment to Zoning Ordinance: Amend Section 14-5-6, *Property Development Standards for Permitted Residential Uses* of the Peoria Zoning Ordinance with respect to building setbacks and lot coverage.

RECOMMENDATION:

The Mayor and City Council concur with the Planning and Zoning Commission's recommendation to adopt the attached Ordinance amending Section 14-5-6, Property Development Standards for Permitted Residential Uses of the Peoria Zoning Ordinance with respect to building setbacks and lot coverage.

PLANNING & ZONING COMMISSION ACTION:

On June 2, 2011, the Planning and Zoning Commission voted unanimously in favor of recommending approval of the request to amend Section 14-5-6 of the Zoning Ordinance. No one spoke in support or opposition to the request.

SUMMARY OF AMENDMENTS:

Article 14-5 of the Zoning Ordinance (Single-Family Residential Districts) contains the applicable development standards for all residential zoning districts. A request was filed by K. Hovnanian Homes to modify the R1-10 front setback and lot coverage to allow for a side-entry garage product. Staff supported the request, but expanded it to include other residential zoning districts.

The supporting analysis and details of the proposed amendments are fully described on the attached staff report to the Planning and Zoning Commission. An amended *Exhibit*

A was provided to the Commission that prohibited side-entry garages on corner lots. The applicant was made aware of the change prior to the hearing and expressed their support.

ATTACHMENTS:

- June 2, 2011 Planning & Zoning Commission Staff Report with Exhibit
- Draft Ordinance

CONTACT:

Adam D. Pruett, AICP, LEED Green Associate Senior Planner, 623-773-5168



ZONING ORDINANCE TEXT AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: TA 11-0002
DATE: June 2, 2011
AGENDA ITEM: 7R

Applicant: K. Hovnanian Homes

Request: Amend Section 14-5-6 *Property Development Standards for Permitted Residential Uses* of the Zoning Ordinance to amend the front setback and lot coverage development standards.

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.

BACKGROUND

1. The applicant submitted this zoning ordinance text amendment in response to comments from staff during the review of the Colina del Sur subdivision located near 77th Avenue & Jomax Road. This subdivision is zoned R1-10, which requires a 20' front setback and 40% lot coverage. The applicant was proposing a product with a side-entry garage that would encroach into the front setback and that would slightly exceed the maximum allowable lot coverage.
2. Staff presented the applicant with a number of possible solutions, including revisions to the product type, amending the applicable development standards in the zoning ordinance, or rezoning the property to Planned Area Development (PAD).

ANALYSIS AND DISCUSSION

Section 14-5-6 Property Development Standards for Permitted Residential Uses

3. This section of the zoning ordinance consists of a table containing the development standards (e.g. *minimum lot dimensions, building height, and setbacks*) for each of the City's residential zoning districts. While the applicant

filed this amendment request to address their concern with the R1-10 zoning district, staff expanded it to include all residential districts.

4. Currently, the R1-6 through the R1-18 districts require a 20' front setback. This requirement allows for adequate driveway length for homes with front-facing garages to be used for additional parking without causing vehicles to protrude into the adjacent sidewalk. Since the creation of this requirement, however, mainstream development trends and product types have changed. The most relevant change related to this amendment is the side-entry garage, which is a desirable option to the homebuyer but also to the City as it relieves the 'garage-scape' that had become increasingly prevalent in more modern tract home subdivisions.
5. The City's Design Review Manual provides specific emphasis on façade articulation to help break up each building's mass, but also to add visual interest to the streetscape as a whole. Side-entry garages are a highly effective and highly efficient way to accomplish this articulation, however, under the current development standards the 20' front setback is severely limiting.
6. Support for the applicant's request is partially based on the fact that nearly all residential Planned Area Developments (PADs) include development standards such as those being proposed in this request. As mentioned above, side-entry garages are an effective and desirable method of breaking up large building facades and minimizing garage-dominant homes, therefore this request not only reflects shifts in development trends, but it furthers the neighborhood design principles found in the Design Review Manual.
7. Staff has reviewed the applicant's request to reduce the front setbacks to 10' for homes with side-entry garages within the R1-10 zoning district and has broadened it to include all of the residential districts except those considered to be 'large-lot' R1-18, R1-35 and R1-43 districts, which will be required to maintain the current setbacks of 20', 30', and 35', respectively. Front-facing garages must still meet a minimum 20' setback unless in a 'large-lot' district which requires larger setbacks.
8. The second part of this application was to increase the maximum lot coverage in the R1-10 zoning district from 40% to 45%. When considering the residential zoning districts collectively, staff believes there is a change in overall character that occurs once the minimum lot size increases beyond 10,000 square feet (i.e. R1-10), then again at 18,000 square feet (i.e. R1-18). As such, staff agrees that the R1-10, R1-12, and R1-18 districts are essentially transitional districts from the small-lot to large-lot products, therefore the request for 45% lot coverage in the R1-10 district is supported as it is very similar in character to the R1-8 district, which shares the 45% coverage allowance. The lot coverage for the R1-12 district was also increased, but from 35% to 40%. The R1-12 district functions as the transitional district between the R1-10 and R1-18 districts, and is therefore

justified in its lot coverage being between that of the R1-10 and R1-18 districts. The lot coverage for the R1-18 district remains unchanged at 35%.

9. The development standards table and footnotes from Section 14-5-6 has been modified as follows:

Property Development Standards	R1-43¹	R1-35	R1-18	R1-12	R1-10	R1-8	R1-7²	R1-6³
Minimum Lot Area (acreage)	43,560	35,000	18,000	12,000	10,000	8,000	7,000	6,000
Minimum Lot Width (ft)	145	125	90	70	70	70	70	50
Minimum Lot Depth (ft)	100	100	100	100	100	100	100	100
Maximum Lot Coverage (percentage)	30%	35%	35%	35% 40%	40% 45%	45%	45%	45%
Maximum Building Height (ft) ⁴	30	30	30	30	30	30	30	30
Front Setback (ft) – <i>Side-entry garage</i>	35	30	20	<u>10*</u>	<u>10*</u>	<u>10*</u>	<u>10*</u>	<u>10*</u>
<i>Front Setback (ft) – Front-facing garage**</i>	<u>35</u>	<u>30</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
Interior Setback (min/total ft)	10/30	10/20	5/15	5/15	5/15	5/15	5/15	5/8/13
Rear Setback (ft)	30	20	15	15	15	15	15	15
Corner Setback (ft)	10	10	10	10	10	10	10	10

* Not more than 60% of the total front-facing elevation shall occur at the 10-foot setback.

** Where front-facing garages are present, a 10-foot front setback shall apply to the livable portion of the home provided that not more than 60% of the total front-facing elevation occurs at the 10-foot setback.

FINDINGS AND RECOMMENDATION

10. Based on the following findings:

- The proposed amendment is consistent with the goals, objectives and policies of the Land Use element of the General Plan which promote high-quality architectural and site development;
- The proposed amendment is intended to resolve known issues relating to building placement and design options in residential districts;
- The proposed amendment will advance the principles of neighborhood design as outlined in the Design Review Manual;
- 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 to the City Council Case TA 11-0002.

ATTACHMENTS:

Exhibit A Proposed Amendment, legislative format

Prepared by: Adam Pruett, AICP, LEED Green Associate
Senior Planner

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)

14-5-6 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED RESIDENTIAL USES (Ord. No. 89-36)

A. The following property development standards shall apply in zoning districts R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, R1-7 and R1-6: (Ord. No. 03-158)

Property Development Standards	R1-43 ¹	R1-35	R1-18	R1-12	R1-10	R1-8	R1-7 ²	R1-6 ³
Minimum Lot Area (acreage)	43,560	35,000	18,000	12,000	10,000	8,000	7,000	6,000
Minimum Lot Width (ft)	145	125	90	70	70	70	70	50
Minimum Lot Depth (ft)	100	100	100	100	100	100	100	100
Maximum Lot Coverage (percentage)	30%	35%	35%	35% 40%	40% 45%	45%	45%	45%
Maximum Building Height (ft) ⁴	30	30	30	30	30	30	30	30
Front Setback (ft) – <u>Side-entry garage</u> ⁵	35	30	20	<u>10*</u>	<u>10*</u>	<u>10*</u>	<u>10*</u>	<u>10*</u>
<u>Front Setback (ft) – Front-facing garage**</u>	<u>35</u>	<u>30</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
Interior Setback (min/total ft)	10/30	10/20	5/15	5/15	5/15	5/15	5/15	5/8/13
Rear Setback (ft)	30	20	15	15	15	15	15	15
Corner Setback (ft)	10	10	10	10	10	10	10	10

* Not more than 60% of the total front-facing elevation shall occur at the 10-foot setback.

** Where front-facing garages are present, a 10-foot front setback shall apply to the livable portion of the home provided that not more than 60% of the total front-facing elevation occurs at the 10-foot setback.

1. Ordinance 97-95
2. Residential District R1-7 shall only apply to property zoned R1-7 on or before February 13, 1991. No property shall be re-zoned to the R1-7 district after February 13, 1991. (Ord. No. 99-92)
3. Ordinance 93-42
4. Ordinance 04-187
5. Side-entry garages shall be prohibited on corner lots.

ORDINANCE NO. 2011-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLE 14-5-6 "PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED RESIDENTIAL USES" 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 June 2, 2011 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 May 13, 2011; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of June 2, 2011, 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 Chapter 24 of the Peoria City Code; 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 14-5-6 "Property Development Standards for Permitted Residential Uses" of Chapter 14 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 Chapter 14 of the Peoria City Code (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.

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 5th day of July, 2011.

Bob Barrett, Mayor

Date Signed

ATTEST:

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times
Pub. Dates: July 8 and 15, 2011
Effective Date:

EXHIBIT A

**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)

14-5-6 PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED RESIDENTIAL USES (Ord. No. 89-36)

A. The following property development standards shall apply in zoning districts R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, R1-7 and R1-6: (Ord. No. 03-158)

Property Development Standards	R1-43¹	R1-35	R1-18	R1-12	R1-10	R1-8	R1-7²	R1-6³
Minimum Lot Area (acreage)	43,560	35,000	18,000	12,000	10,000	8,000	7,000	6,000
Minimum Lot Width (ft)	145	125	90	70	70	70	70	50
Minimum Lot Depth (ft)	100	100	100	100	100	100	100	100
Maximum Lot Coverage (percentage)	30%	35%	35%	35% 40%	40% 45%	45%	45%	45%
Maximum Building Height (ft) ⁴	30	30	30	30	30	30	30	30
Front Setback (ft) – <i>Side-entry garage</i> ⁵	35	30	20	<u>10*</u>	<u>10*</u>	<u>10*</u>	<u>10*</u>	<u>10*</u>
Front Setback (ft) – <i>Front-facing garage</i> **	<u>35</u>	<u>30</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
Interior Setback (min/total ft)	10/30	10/20	5/15	5/15	5/15	5/15	5/15	5/8/13
Rear Setback (ft)	30	20	15	15	15	15	15	15
Corner Setback (ft)	10	10	10	10	10	10	10	10

* Not more than 60% of the total front-facing elevation shall occur at the 10-foot setback.

** Where front-facing garages are present, a 10-foot front setback shall apply to the livable portion of the home provided that not more than 60% of the total front-facing elevation occurs at the 10-foot setback.

1. Ordinance 97-95
2. Residential District R1-7 shall only apply to property zoned R1-7 on or before February 13, 1991. No property shall be re-zoned to the R1-7 district after February 13, 1991. (Ord. No. 99-92)
3. Ordinance 93-42
4. Ordinance 04-187
5. Side-entry garages shall be prohibited on corner lots.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 3C
Amend No. _____

Date prepared: June 21, 2011

Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager

FROM: Roy Minter, Chief of Police

SUBJECT: Authorization to accept \$10,800 from the Arizona Criminal Justice Commission (ACJC) Crime Victim Assistance Program

RECOMMENDATION:

That the Mayor and Council adopt a Resolution authorizing the City of Peoria Police Department to accept \$10,800 from the Arizona Criminal Justice Commission (ACJC) for Peoria's participation in the Crime Victim Assistance Program. Paired with the Arizona Department of Public Safety (DPS) Victims of Crime Act (VOCA) Crime Victim Assistance Grant Program, the ACJC Crime Victim Assistance Program is an important part of the efforts to reduce the impact of crime on victims.

In addition, it is recommended that the Mayor and Council approve a budget amendment of \$10,800 from the Proposed Grants Contingency account (7990-7990-570000) to the Arizona Criminal Justice Commission Grant account for salary and wages (7526-7772-510000).

SUMMARY:

The Police Department desires to continue participation in the Arizona Criminal Justice Commission (ACJC) Crime Victim Assistance Program that provides support services to victims of crime and assists with funding of the Victim Advocate position. The Police Department has been awarded \$10,800 in grant funding. This award would provide funding for personnel to deliver direct services to victims of crime.

By combining this grant with funds awarded through the Arizona Department of Public Safety (DPS) Victims of Crime Act (VOCA) Crime Victim Assistance Grant Program, the Department has been able to fund a Victim Advocate, who provides crisis intervention, support, and referrals to crime victims. This advocacy is made available to victims from the time a crime occurs until the case is closed or submitted for prosecution. In addition to providing crisis response and follow up referrals, the Victim Advocate is responsible for screening, training, and supervising a team of volunteers assigned to the program.

This grant award is contingent upon receiving local matching funds. This requirement will be fulfilled by matching this grant with funding awarded through the Arizona Department of Public Safety (DPS) 2010/2011 Victims of Crime Act (VOCA) Crime Victim Assistance Grant Program.

With continued participation in the ACJC Crime Victim Assistance Program, the Peoria Police Department will be able to continue addressing the emotional and informational needs of victims of crime.

FISCAL NOTE:

There will be no fiscal impact to the City of Peoria.

ATTACHMENT:

One original Grant Agreement

CONTACT: Brenda Hope, x. 7072



Arizona Criminal Justice Commission

Chairperson
RALPH OGDEN
Yuma County Sheriff

Vice-Chairperson
DANIEL G. SHARP, Chief
Oro Valley Police Department

JOHN R. ARMER
Gila County Sheriff

JOSEPH ARPAIO
Maricopa County Sheriff

DUANE BELCHER, Chairperson
Board of Executive Clemency

DAVID K. BYERS, Director
Administrative Office of the Courts

CLARENCE DUPNIK
Pima County Sheriff

ROBERT C. HALLIDAY, Director
Department of Public Safety

TOM HORNE
Attorney General

ROBERT HUDDLESTON, Chief
Casa Grande Police Department

BARBARA LAWALL
Pima County Attorney

BILL MONTGOMERY
Maricopa County Attorney

CHARLES RYAN, Director
Department of Corrections

DAVID SANDERS
Pima County Chief Probation Officer

LINDA SCOTT
Former Judge

GEORGE E. SILVA
Santa Cruz County Attorney

CARL TAYLOR
Coconino County Supervisor

Mayor
VACANT

Police Chief
VACANT

Executive Director
John A. Blackburn, Jr.

1110 West Washington, Suite 230
Phoenix, Arizona 85007
PHONE: (602) 364-1146
FAX: (602) 364-1175
www.azcjc.gov

June 6, 2011

Interim Chief Rocky Smith
Peoria Police Department
8351 W Cinnabar Ave.
Peoria, AZ 85345

Re: Victim Assistance Grant Number VA-12-077

Dear Interim Chief Rocky Smith:

On May 19, 2011 the Arizona Criminal Justice Commission approved the Crime Victim Committee's recommendation to award \$1,020,000 in Crime Victim Assistance funds to Government and Non-profit agencies for FY2012. The amount of your award is \$10,800.00. Other funds totaling \$10,800.00 are required to match this grant. The award period begins July 1, 2011 and ends June 30, 2012.

Please find the included Grant Agreement, with instructions for obtaining signatures and formal action. Please return the agreement with authorized signatures to the Commission office within 90 days of the award date of July 1, 2011 or the Agreement may be cancelled.

Please note funding for Personnel Services has been separated into two categories, "Salaries" and "Fringe Benefits", for the FY2012 grant period. Approved spending in one of these categories does not constitute approved spending in both. If a budget adjustment is necessary to reallocate funds to different budget categories, please submit a detailed request in writing via email, fax, or mail to ACJC Victim Service staff for approval. All grant budget adjustments must be approved by ACJC program staff.

Updated quarterly financial and annual reporting forms will be available by August 16, 2011 at the following link: <http://www.azcjc.gov/ACJC.Web/Victim/Victasst.aspx>. Forward this link information, along with a copy of the Grant Agreement to your finance department or the person responsible for completing and submitting reports. Only reports submitted on the most recent version of the reporting form will be accepted. Please note, this year grant payments will be made through the Automated Clearing House (ACH) Vendor Payments.

If you have any questions concerning your award you may contact me at (602) 364-1154 or Wendy Kasprzyk-Roberts at (602) 364-1557.

Sincerely,

Larry Grubbs, Program Manager
Crime Victim Services

Cc: Brenda Hope



ARIZONA CRIMINAL JUSTICE COMMISSION
CRIME VICTIM ASSISTANCE
GRANT AGREEMENT

ACJC Grant Number VA-12-077
State Funded Grant Program

This Grant Agreement is made this 6th day of June, 2011 by and between the ARIZONA CRIMINAL JUSTICE COMMISSION hereinafter called "COMMISSION" and Not Available, through the Peoria Police Department hereinafter called "GRANTEE". The COMMISSION enters into this Agreement pursuant to its authority under the provisions of A.R.S. § 41-2405 (B)(6), and having satisfied itself as to the qualification of GRANTEE;

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

1. This Agreement will commence on July 1, 2011 and terminate on June 30, 2012. This Agreement expires at the end of the award period unless prior written approval for an extension has been obtained from the COMMISSION. A request for an extension must be received by the COMMISSION sixty (60) days prior to the end of the award period. The COMMISSION in its sole discretion shall approve an extension that further the goals and objectives of the program and shall determine the length of the extension.
2. The GRANTEE agrees that grant funds will be used to provide services to victims of crime as stated in the grant application.
3. The COMMISSION will monitor the performance of the GRANTEE against goals and performance standards outlined in the grant application. Sub-standard performance as determined by the COMMISSION will constitute non-compliance with this Agreement. The GRANTEE shall operate in a manner consistent with and in compliance with the provisions and stipulations of the approved grant application and this Agreement. If the COMMISSION finds non-compliance, the GRANTEE will receive a written notice which identifies the area of non-compliance, and the appropriate corrective action to be taken. If the GRANTEE does not respond within thirty (30) calendar days to this notice, and does not provide sufficient information concerning the steps which are being taken to correct the problem, the COMMISSION may suspend funding or permanently terminate this Agreement or revoke the grant. Any deviation or failure to comply with the purpose and/or conditions of this Agreement without prior written COMMISSION approval may constitute sufficient reason for the COMMISSION to terminate this Agreement, revoke the grant, require the return of all unspent funds, perform an audit of expended funds, and require the return of any previously spent funds which are deemed to have been spent in violation of the purpose or conditions of this grant.
4. This Agreement may be modified only by a written amendment signed by the Authorized Official or by persons designated by the Authorized Official on behalf of the COMMISSION and GRANTEE. Any notice given pursuant to this Agreement shall be in writing and shall be considered to have been given when actually received by the following addressee or their agents or employees:
 - A. If to the COMMISSION:

Arizona Criminal Justice Commission
1110 W. Washington Street, Suite 230
Phoenix, Arizona 85007
Attn: Program Manager

B. If to the GRANTEE:

Peoria Police Department
 8351 W Cinnabar Ave.
 Peoria, AZ 85345
 Attn: Interim Chief Rocky Smith

5. The GRANTEE agrees to submit in writing all budget adjustment requests for approval by the COMMISSION. Written approval from the COMMISSION is required before any fund expenditures are made from adjusted budget categories.

APPROVED LINE ITEM PROGRAM BUDGET	
<u>Personnel:</u>	
Salaries	Not Approved
Fringe Benefits (for salaries/overtime)	\$10,800.00
Overtime	Not Approved
Professional & Outside/Consultant & Contractual Services	Not Approved
Travel In-State	Not Approved
Travel Out-of-State	Not Approved
Confidential Funds	Not Approved
<u>Operating Expenses:</u>	
Supplies	Not Approved
Registration/Training	Not Approved
Other	Not Approved
<u>Equipment:</u>	
Capital	Not Approved
Non-Capital	Not Approved
TOTAL	\$10,800.00
Personnel Positions Funded:	
Victim Assistance Staff	

6. It is agreed and understood that the total to be paid by the COMMISSION under this Agreement shall not exceed \$10,800.00 in State funds. An additional 10800 in local matching funds will be supplied by the GRANTEE from DPS/VOCA.
7. The GRANTEE understands that grant funds will be paid in quarterly allotments through the grant period of award.
8. Every payment obligation of the COMMISSION under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the COMMISSION. No liability shall accrue to the COMMISSION in the event this provision is exercised, and the COMMISSION shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.
9. The GRANTEE agrees to retain all books, account reports, files and other records, (paper and/or electronic) relating to this Agreement and the performance of this Agreement for no less than five (5) years from the last financial report submitted to the Commission. All such documents shall be subject to inspection and audit at reasonable times.
10. For the purpose of this grant, a capital expenditure is \$5,000 or above. If the GRANTEE'S policy defines a capital expenditure as less than \$5,000, the GRANTEE will use its own policy.

11. The GRANTEE agrees to maintain property records for equipment purchased with grant funds and perform a physical inventory and reconciliation with property records at least every two years or more frequently based on GRANTEE policy. The GRANTEE agrees that funds will not be used for the construction of new facilities.
12. The GRANTEE agrees to keep time and attendance sheets signed by the employee and supervisory official having first hand knowledge of the work performed by the grant funded employees.
13. The GRANTEE agrees that it will submit financial and activity reports to the COMMISSION on forms/format provided by the COMMISSION, documenting the activities supported by these grant funds and providing an assessment of the impact of these activities. In the event reports are not received on or before the indicated date(s), funding will be suspended until such time as delinquent report(s) are received. These reports are submitted according to the following schedule:

Report Period:	Due Date:
July 1, 2011 to September 30, 2011	October 31, 2011
October 1, 2011 to December 31, 2011	January 31, 2012
January 1, 2012 to March 31, 2012	April 30, 2012
April 1, 2012 to June 30, 2012	August 15, 2012
Annual Report	August 15, 2012

More frequent reports may be required for GRANTEES who are considered high risk.

14. All goods and services must be received, or have reasonable expectations thereof, and placed in service by the GRANTEE by the expiration of this award.
15. All goods and services must be paid by the GRANTEE within 60 days of the expiration of this award.
16. The GRANTEE agrees to obtain COMMISSION approval for all sole-source procurements in excess of \$100,000.
17. The GRANTEE agrees to obtain COMMISSION approval prior to the expenditure of grant funds for consultant fees in excess of \$450 per day.
18. The GRANTEE agrees to utilize the *Computer Hardware and Software Vendor Guidelines* distributed by the COMMISSION when purchasing hardware and software with grant funds.
19. The GRANTEE agrees not to use grant funds for food and/or beverage unless explicitly approved in writing by the COMMISSION.
20. No funds shall be used to supplant Federal, State, county or local funds that would otherwise be made available for such purposes. Supplanting means the deliberate reduction of State or local funds or positions because of the existence of available grant funds.
21. The GRANTEE assigns to the COMMISSION any claim for overcharges resulting from antitrust violations to the extent that such violations concern materials or services applied by third parties to the GRANTEE in exchange for grant funds provided under this Agreement.
22. The parties agree to use arbitration in the event of disputes in accordance with the provisions of A.R.S. § 12-1518 et seq. The laws of the State of Arizona apply to questions arising under this Agreement and any litigation regarding this Agreement must be maintained in Arizona courts, except as pertaining to disputes which are subject to arbitration.

23. The GRANTEE understands that grant funds will not be released until all required reports and reversion of funds from the prior year grant are submitted to the COMMISSION.
24. The GRANTEE agrees that grant funds are not to be expended for any indirect costs that may be incurred by GRANTEE for administering these funds unless explicitly approved in writing by the COMMISSION. This may include, but is not limited to, costs for services such as accounting, payroll, data processing, purchasing, personnel, and building use which may have been incurred by the GRANTEE.
25. Each party (as Indemnitor) agrees to indemnify, defend and hold harmless the other party (as Indemnitee) from and against any and all claims, losses, liability, costs, or expenses, (including reasonable attorneys fees) (hereinafter collectively referred to as Claims) arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers. If the GRANTEE is a State agency this paragraph does not apply.
26. Unless GRANTEE is a State agency, GRANTEE shall cause its contractor(s), if any to indemnify defend, save and hold harmless the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees (hereinafter referred to as Indemnitee) from and against any and all claims, actions, liabilities, damages, losses or expenses (including court costs, attorneys fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as Claims) for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of GRANTEES contractor or any of it owners, officers, directors, agents, or employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers Compensation Law or arising out of the failure of such contractor to conform to any federal, state, or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligence or willful acts or omissions of the Indemnitee, be indemnified by contractor from and against any and all claims. It is agreed that contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. In consideration of the award of this grant, the contractor agrees to waive all rights of subrogation against the State of Arizona, its officers, officials, agents and employees for losses arising from the work performed by the contractor for the State of Arizona. Insurance requirements for any contractor used by GRANTEE are incorporated herein by this reference and attached to this Agreement as Exhibit A.
27. If the GRANTEE is a governmental political subdivision, the GRANTEE agrees to utilize the Data Dictionary, approved and distributed by the COMMISSION, as the data entry standard for information systems when improving or updating an existing Information System. The GRANTEE agrees to utilize the Data Dictionary as the data entry standard in any new system or when an existing Information System is replaced. Currently not available on-line. Call for copy, we will email.
28. If the GRANTEE is a governmental political subdivision, the GRANTEE agrees to utilize the National Information Exchange Model/Global Justice XML Data Model (NIEM/GJXDM) an object oriented data model that specifies a representation structure for the Global Justice XML Data Dictionary (GJXDD), approved by the COMMISSION as the standard for information sharing when improving, updating, or replacing an existing Information System. Link: OJP IT GJXDM <http://www.it.ojp.gov>

29. If the GRANTEE is a governmental political subdivision, the GRANTEE should integrate their information sharing systems with other information sharing systems and networks within the state using existing networks as the backbone to achieve interstate connectivity. Unless the GRANTEE can demonstrate to the satisfaction of the COMMISSION that this requirement would not be costs effective or would impair the functionality of an existing or proposed information sharing system.
30. If the GRANTEE is a governmental political subdivision, the GRANTEE should, to the extent possible and practical share criminal justice information with other authorized criminal justice agencies. The process control number (PCN) shall be used in accordance with A.R.S. § 41-1750 when sharing data with other criminal justice agencies as electronic data systems are developed or improved.
31. If the GRANTEE is a state agency and the award is for technology development projects, for more than \$25,000 the GRANTEE must complete a Project Investment Justification (PIJ) and submit the justification to the Arizona Government Information Technology Agency (GITA), with a copy to the COMMISSION. Additionally, the GRANTEE agrees to submit required project status reports to GITA using their forms by the required due date with copies to the COMMISSION.
32. The GRANTEE agrees to notify the COMMISSION within ten (10) days in the event that the project official is replaced during the award period.
33. No rights or interest in this Agreement shall be assigned by GRANTEE without prior written approval of the COMMISSION.
34. The GRANTEE agrees that no funds provided, or personnel employed under this Agreement shall be in any way or to any extent engaged in conduct of political activities in violation of U.S.C. Title 5, Part II, Chapter 15, section 1502.
35. The GRANTEE certifies that it presently has no financial interest and shall not acquire any financial interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement.
36. The GRANTEE agrees to cooperate and participate with any and all assessments, evaluation efforts or information and data collection requests, and acknowledges that the state grantor agency has the right to obtain, reproduce, publish or use data provided under this award and may authorize others to receive and use such information.
37. The GRANTEE shall provide the COMMISSION with a copy of all interim and final reports and proposed publications (including those prepared for conferences and other presentations) resulting from this Agreement. Submission of such materials must be prior to or simultaneous with their public release.
38. The GRANTEE agrees to abide by State laws and provide accounting, auditing and monitoring procedures to safeguard grant funds and keep such records to assure proper fiscal controls, management and the efficient disbursement of grant funds.
39. The GRANTEE agrees to follow its own agency equipment disposition policies when the equipment is no longer needed for the grant program. If the GRANTEE has no policy, reference the Uniform Accounting Manual for Arizona Counties authorized by the Auditor General for disposition guidelines and guideline development. Link: Uniform Accounting Manual for Arizona Counties <http://www.auditorgen.state.az/>

40. The GRANTEE agrees to expend all encumbered funds within 60 days of expiration of this award and to remit all unexpended grant funds to the COMMISSION within 30 days of written request received from the COMMISSION.
41. The GRANTEE agrees to comply with the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; 42 USC 3789(d); Title VI of the Civil Rights Act of 1964, as amended; Section 504, Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972 and the Department of Justice regulations 28 CFR Part 54; The Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, G and I; Department of Justice regulations on disability discrimination 28 CFR Part 35; all applicable state laws of A.R.S. § 41-1463; and Executive Orders 1999-4 and 2000-4 and 2009-9. These laws prohibit discrimination on the basis of race, color, religion, sex and national origin including Limited English Proficiency (LEP) in the delivery of service. In the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing against the GRANTEE, the GRANTEE will forward a copy of the findings to the Office for Civil Rights, Office of Justice Programs and the COMMISSION.
42. The GRANTEE assures that it will comply with all state and federal laws regarding privacy during the course of the award. All information relating to clients is to be treated with confidentiality in accordance with 42 USC section 3789g or 42 U.S.C. 1432(b)(3) that are applicable to the collection, disclosure, use and revelation of data information. The GRANTEE further agrees to submit a privacy Certificate that is in accordance with requirements of 28 CFR Part 22 if applicable to the program.
43. The GRANTEE agrees to complete and keep on file, as appropriate, Immigration and Naturalization Form (I-9). This form is to be used by recipients to verify that persons are eligible to work in the United States. Additionally the GRANTEE ensures compliance with ARS 41-4401.
44. The GRANTEE acknowledges that immigration laws require them to register and participate with the E-Verify program (employment verification program administered by the United States Department of Homeland Security and the Social Security Administration or any successor program) as they both employ one or more employees in this state. The GRANTEE warrants that they have registered with and participate with E-Verify. If the GRANTOR later determines that the GRANTEE has not complied with E-Verify, it will notify the non-compliant GRANTEE by certified mail of the determination and of the right to appeal the determination.
45. Pursuant to ARS 35-391.06 and ARS 35-393.06, the GRANTEE hereby warrants, and represents that they do not have, and its subcontractors do not have, and during the term hereof will not have a scrutinized business operation in either Sudan or Iran.
46. The GRANTEE assures that it will comply with all state and federal laws regarding privacy during the course of the award. All information relating to clients is to be treated with confidentiality.
47. The GRANTEE agrees to comply with all grant management criteria included in the latest version of the ACJC Grant Management Reference Manual. Link: ACJC Grants Management Reference Manual <http://azcjc.gov/Grants/>
48. The GRANTEE agrees to maintain property records for equipment purchased with grant funds and perform a physical inventory and reconciliation with property records at least every two years or more frequently based on GRANTEE policy.

49. The GRANTEE agrees to comply with the applicable laws and provisions of the Arizona Crime Victim Assistance Program Rules, R10-4-201 through R10-4-204 of the Crime Victim Assistance program administered by the COMMISSION.
50. The GRANTEE assures that it will collect and maintain information on victim services provided by ethnicity, sex, age and disability.
51. This Agreement is subject to cancellation pursuant to the provision of A.R.S. § 38-511. This Agreement may also be cancelled at the COMMISSIONS discretion if not returned with authorized signatures to the COMMISSION within 90 days of commencement of the award.
52. If any provision of this Agreement is held invalid the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall be in full force and effect.

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

FOR GRANTEE:

Mayor or City Manager

Date

Printed Name and Title

Approved as to form and authority to enter into Agreement:

Legal Counsel for GRANTEE

Date

Printed Name and Title

Statutory or other legal authority to enter into Agreement:

Appropriate A.R.S., ordinance, or charter reference

FOR CRIMINAL JUSTICE COMMISSION:

John A. Blackburn Jr., Executive Director
Arizona Criminal Justice Commission

Date

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 4C
Amend No. _____

Date prepared: May 17, 2011

Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager

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

SUBJECT: Contract Amendment, HDR Engineering, 84th Avenue Streetscape
(PW00207, LCON 01104, P04-0015)

RECOMMENDATION:

Discussion and possible action to approve Contract Amendment No. 5 to HDR Engineering for additional post design services associated with the 84th Avenue Streetscape project in the not to exceed amount of \$18,096.

SUMMARY:

This contract amendment is for additional post design services required for the project during the final stages of construction.

The additional post design service tasks for the consultant are as follows:

- Review shop drawings, material submittals, provide plant selection support and respond to questions from the Contractor;
- Plan revisions requested by the City during construction;
- and attend additional City requested meetings during construction.

A summary of the revised total contract amount is as follows:

Original Contract (Prepare DCR for federal funding)	\$ 97,148.78
Contract Amendment No. 1 (30% Design Services)	\$100,495.00
Contract Amendment No. 2 (Final Design Services)	\$219,063.00
Contract Amendment No. 3 (Additional Design Services)	\$ 45,540.00
Contract Amendment No. 4 (Post Design Services)	\$ 16,091.00
Contract Amendment No. 5 (Additional Post Design Services)	\$ 18,096.00

Revised Total Contract \$496,433.78

Council Communication
84th Avenue Streetscape
HDR Contract Amendment No. 5
July 5, 2011
Page:2

FISCAL NOTE:

Funding for this project is available in the FY2012 Capital Improvement Program. Payment will be from the Transportation Sales Tax Street System Account No. 7010-7075-543001-CIPST-PW00207CO in the amount of \$18,096.

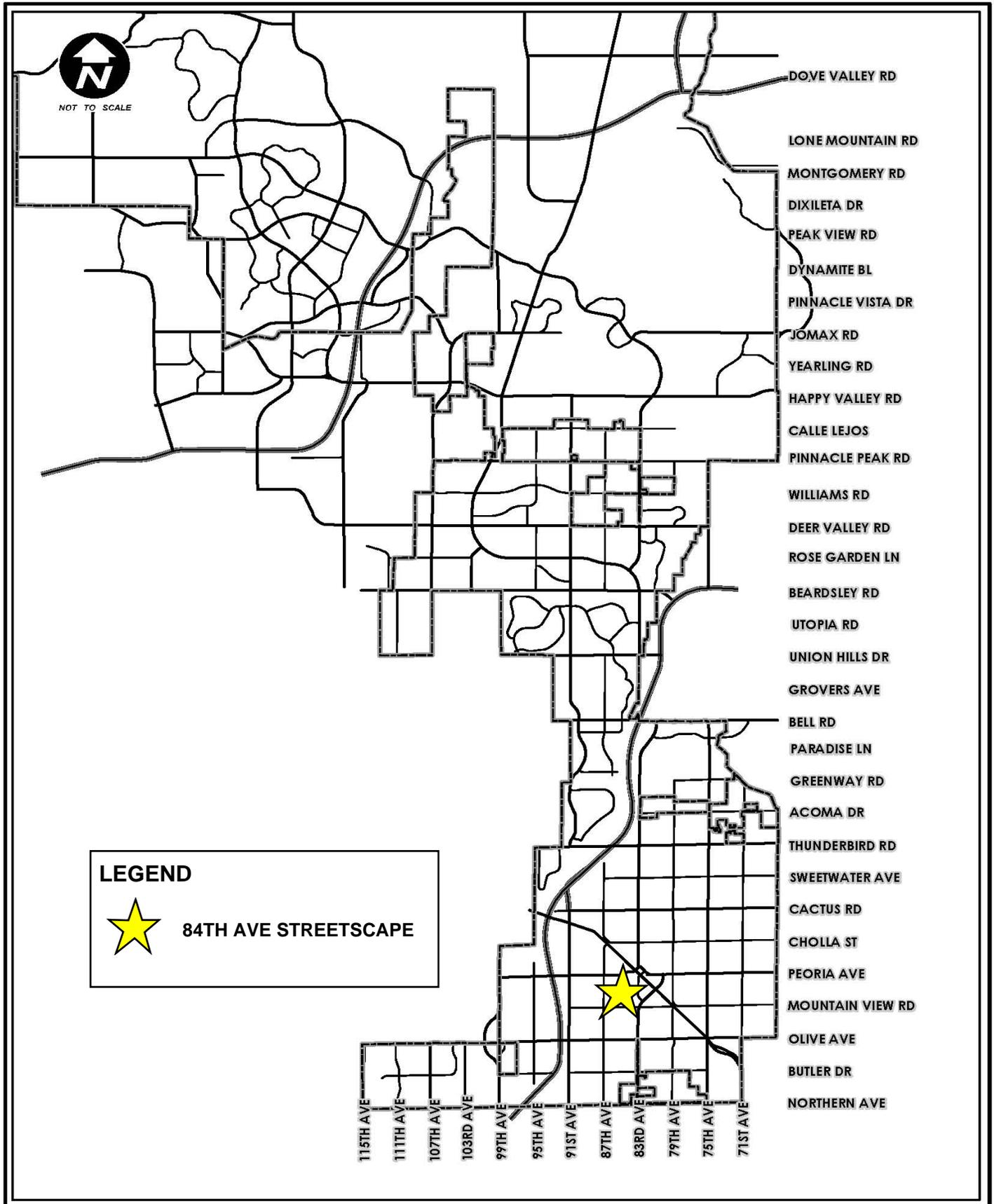
ATTACHMENT:

Vicinity Map

CONTACT: Richard Costa, Associate Engineer, 623-773-7951



PROJECT LOCATION



VICINITY MAP

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: **5C**
Amend No. _____

Date prepared: May 18, 2011

Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager
THROUGH: Susan Thorpe, Deputy City Manager
FROM: Brent D. Mattingly, Finance Director
SUBJECT: Amended Lease – Arizona Broadway Theatre

RECOMMENDATION: Discussion and possible action to authorize the City of Peoria to enter into an amended lease with KLOS Enterprises, LLC (Arizona Broadway Theatre) for the approximately four acres of real property owned by the City located at 7701 West Paradise Lane and authorize the City Manager to execute the lease documents.

SUMMARY:

The City entered into a 25 year ground lease with KLOS Enterprises, LLC (Arizona Broadway Theatre) in May 2003. The lease provides for 3 five year extensions for a possible total lease term of 40 years. The project is a 40,000 square foot facility on approximately four acres of land. The use is a quality dinner theatre with ancillary meeting and conference room space. Arizona Broadway Theatre is current in all sales tax payments to the city.

The proposed amendment would be the sixth amendment to the lease agreement. The first two amendments clarified language to facilitate financing of the property and waived certain excess insurance requirements. The third, fourth and fifth amendments deferred lease payments during the theatre's early years of operation. This sixth amendment provides further deferral of lease payments for six months while staff presents a policy for council consideration regarding the funding of not-for-profit entities in the city.

The deferral of the lease payments is in the city's financial and economic development interests. Based upon the above, staff is recommending an amendment to the existing lease incorporating the following.

- The net present value of the revised lease payments will reflect interest earnings

to the city.

- Amend the lease agreement to reflect the adjusted monthly rent as follows:

25 year term of lease

- 2008 thru 12/31/2011 - no lease payments due
- 1/1/2012 thru 12/31/2012 – \$ 4,900 per month
- 2013 thru 2017 – \$ 5,500 per month
- 2018 thru 2022 – \$ 5,750 per month
- 2023 thru 2027 – \$ 6,550 per month
- 2028 thru 2032 – \$ 7,400 per month

ATTACHMENT: Lease Amendment

When recorded return to:

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

SECOND AMENDMENT TO RESTATED LEASE AGREEMENT

THIS Second Amendment to Restated Lease Agreement dated January 19, 2010 (ACON17903D) ("Restated Lease") is made on the _____ day of June 2011 by and between the City of Peoria, Arizona, an Arizona municipal corporation ("Lessor"), and KLOS Enterprises, LLC, an Arizona limited liability company ("Tenant").

RECITALS

A. Lessor believes that Tenant's business activities significantly improve the welfare and quality of life of the City.

B. Lessor also believes that it would be beneficial for the City to develop a City Council policy regarding the funding of not-for-profit entities in Peoria.

C. Given the above-mentioned, Lessor, in the best interest of the City is willing to defer the lease payments due in 2011 and Tenant agrees to fully comply with all of its obligations under the Restated Lease

D. Lessor's deferral of the lease payments includes interest earnings to Lessor on the deferred payments.

NOW, THEREFORE, the parties agree to amend the Restated Lease as follows:

AGREEMENT

1. SECTION 4-RENT

Section 4.1 is hereby amended as follows:

4.1 Rent. Tenant shall pay Rent to Lessor during each Lease Year, payable in twelve (12) equal monthly installments, in advance, on the first day of each calendar month, commencing on the Commencement Date of the lease agreement, in accordance with the following schedule:

<i>Lease Year</i>	<i>Rent due per month</i>
Effective Date thru 2007	As provided in the Restated Lease
2008 thru December 31, 2011	No lease payments due
January 1, 2012 thru December 31, 2012	\$ 4,900
2013 thru 2017	\$ 5,500
2018 thru 2022	\$ 5,750
2023 thru 2027	\$ 6,550
2028 thru 2032	\$ 7,400
If extended:	
2033 thru 2037	\$ 7,700
2038 thru 2042	\$ 8,500
2043 thru 2047	\$ 9,100

2. **FULL FORCE AND EFFECT.** As modified and amended hereby, Lessor and Tenant each ratifies and affirms the terms of the Restated Lease. Except as expressly modified herein, the Restated Lease remains in full force and effect.
3. **BINDING.** This Amendment shall be binding upon and inure to the benefit of the parties hereto, their respective successors in interest and assigns and shall run with the land, both as respects benefits and burdens created herein.
4. **COUNTERPARTS.** This Amendment may be executed in separate counterparts, with signature to one being deemed signature to each such counterpart, each of which shall be deemed to be an original and all of which together shall constitute a single instrument.

IN WITNESS WHEREOF, the parties have executed this Amendment on the date first listed above.

CITY SIGNATURE PAGE

"LESSOR"

CITY OF PEORIA, ARIZONA, an Arizona
municipal corporation

By: _____
Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

STATE OF ARIZONA)
) ss:
COUNTY OF MARICOPA)

SUBSCRIBED AND SWORN to before me this ____ day of _____ 2011, by
Bob Barrett, Mayor of the City of Peoria, Arizona, an Arizona municipal corporation, on behalf of
the corporation.

Notary Public

My Commission Expires:

TENANT SIGNATURE PAGE

"TENANT"

KLOS ENTERPRISES, L.L.C., an
Arizona limited liability company

By: _____

Name: Ronald L. Klaphake

Title: Chief Executive Officer

STATE OF MONTANA)

) ss:

COUNTY OF RAVALLI)

SUBSCRIBED AND SWORN to before me this ____ day of _____ 2011,
by Ronald L. Klaphake, Chief Executive Officer of KLOS ENTERPRISES, L.L.C., an
Arizona limited liability company, on behalf of the company.

Notary Public

My Commission Expires:

LEASEHOLD MORTGAGEE CONSENT PAGE

Leasehold Mortgagee hereby unconditionally consents to the Parties' execution of this Lease as of the day and year first written.

"LEASEHOLD MORTGAGEE"
SOUTHWESTERN BUSINESS
FINANCE CORPORATION, an Arizona corporation

By: _____
Name: William T. Brice
Title: Portfolio Manager
Address: 3200 N. Central Avenue
Suite 1550
Phoenix, Arizona 85012

STATE OF ARIZONA)
) ss:
COUNTY OF MARICOPA)

SUBSCRIBED AND SWORN to before me this ____ day of _____
2011, by William T. Brice, Portfolio Manager, of SOUTHWESTERN BUSINESS
FINANCE CORPORATION, an Arizona corporation, on behalf of the corporation.

Notary Public

My Commission Expires:

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 6C
Amend No. _____

Date prepared: April 20, 2011

Council Meeting Date: May 17, 2011

TO: Carl Swenson, City Manager
THROUGH: Susan K. Thorpe, Deputy City Manager *SKT*
FROM: William Mattingly, Public Works – Utilities Director *WJM*

SUBJECT: Intergovernmental Agreement between the City of Peoria and the City of Phoenix to provide grant funding for Dial A Ride bus replacement and operating costs.

RECOMMENDATION: Discussion and possible action to approve an Intergovernmental Agreement that will provide grant funding to the City of Peoria from the Federal Transit Administration (FTA), (by way of pass through from the City of Phoenix), for the replacement of three (3) transit Dial-a-Ride buses and for preventative maintenance (Grant Number AZ-90-X103).

SUMMARY:

The City of Phoenix is responsible to receive and administer grants from the Federal Transit Administration (FTA) to support transit services in the Phoenix Urban Area. The City of Peoria is a sub-recipient of these grants. Grant Number AZ-90-X103 provides up to \$311,864 for the replacement of three (3) transit Dial-a-Ride buses and for associated preventative maintenance. The grant requires local matching funds for an amount equal to \$77,827. The funds are allocated as follows:

Description	Local Share	Federal Share
Preventative Maintenance	\$26,424	\$106,254
Purchase 3 Buses	\$51,403	\$205,610

The Transit Division budget includes funding for vehicle operation and replacement. These funds qualify as the local share of the eligible costs. The grant funding period is 30 months. Transit buses are replaced only when needed. The Transit Division collaborates with the Fleet Services Division for the replacement of vehicles. The Fleet Division makes recommendations for replacement of Dial-a-ride buses based upon a variety of factors including, mileage, age, and condition and repair history. Grant funds are available on a reimbursement basis and there is no obligation on the part of the City of Peoria to spend unused grant funds.

Staff recommends that the Mayor and Council approve an Intergovernmental Agreement that will provide grant funding to the City of Peoria from the Federal Transit Administration (FTA), (by way of pass through from the City of Phoenix), for the replacement of three (3) transit Dial A Ride buses and for preventative maintenance, (Grant Number AZ-90-X103).

ATTACHMENT: Intergovernmental Agreement AZ-90-X103

CONTACT: William Mattingly, Public Works – Utilities Director

AGREEMENT NO. _____

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF PHOENIX
AND
THE CITY OF PEORIA**

**(Grant Pass-through Agreement)
(Grant No. AZ-90-X103)**

THIS AGREEMENT is made and entered into this ____ day of _____, 20__, by and between the City of Phoenix, a municipal corporation duly organized and existing under the laws of the state of Arizona (hereinafter referred to as "PHOENIX") and City of Peoria, a municipal corporation, duly organized and existing under the laws of the state of Arizona (hereinafter referred to as "SUB-RECIPIENT").

RECITALS

WHEREAS, the City Manager of PHOENIX, is authorized and empowered by provisions of the City Charter to execute contracts; and,

WHEREAS, PHOENIX has Charter authority to provide transit services and Charter and statutory authority to enter into Agreements with other entities within the Phoenix Urban Area to provide transit services [A.R.S. Section 11-951, et seq.; Chapter 2, Section 2, Subsections (c)(i) and (l), Charter of the City of Phoenix, 1969]; and,

WHEREAS, SUB-RECIPIENT has all of the powers, functions, rights, privileges and immunities possible under the Constitution and general laws of the state of Arizona as fully as though they were specifically enumerated in its charter, and all of the powers, functions, rights, privileges and immunities granted, or to be granted, either expressly or by implication, to charter cities and towns incorporated under the provisions of A.R.S. title 9 and may enter into intergovernmental agreements with other governmental entities [Article I, Section 3 and Section 3(15), Charter of the City of Peoria; A.R.S. Section 11-951, et seq.]; and,

WHEREAS, the laws of the state of Arizona authorize municipalities to: (1) "engage in any business or enterprise which may be engaged in by persons by virtue of a franchise from the municipal corporation . . ." [A.R.S. Section 9-511 (A)]; (2) to "appropriate and spend public monies" on activities that "will assist in the creation or retention of jobs or will otherwise improve or enhance the economic welfare of (its) inhabitants . . ." (A.R.S. Section 9-500.11); and, (3) to "be vested with all of the powers of incorporated towns as set forth in title 9, in addition to all powers vested in them pursuant to their respective charters or other provisions of law . . ." (A.R.S. Section 9-499.01); and,

WHEREAS, transit activities are one of the types of activities authorized pursuant to the aforementioned statutory and Charter authority and such powers do not conflict with any of the provisions of SUB-RECIPIENT's charter; and,

WHEREAS, Chapter 53 of 49 United States Code (formerly the Federal Transit Act of 1964, as amended), makes financial aid available to municipalities and local units of government showing a substantial effort toward the preservation, improvement and operation of mass transit systems; and,

WHEREAS, PHOENIX successfully applied to the Federal Transit Administration (FTA) for a FTA grant for the purpose of Bus Purchase and Preventive Maintenance and same was awarded as Grant No. AZ-90-X103; and,

WHEREAS, SUB-RECIPIENT shall receive funds from said Grant and perform the work as required therein all as set forth in Exhibit "A" hereto which Exhibit is, by this reference, incorporated herein as though fully set forth; and,

WHEREAS, PHOENIX and SUB-RECIPIENT have been authorized by their respective Councils to enter into this Agreement; NOW, THEREFORE,

AGREEMENT

IT IS HEREBY AGREED, by and between the parties, as follows:

1. Grant Reimbursement. PHOENIX agrees to reimburse SUB-RECIPIENT for the federal share of the purchase of item/services shown in the "Project Description" box on Exhibit "A." Reimbursement shall not exceed the federal funds allocated to SUB-RECIPIENT, unless approved in writing by PHOENIX. The federal funds allocated to SUB-RECIPIENT under this Agreement shall not exceed \$311,864. SUB-RECIPIENT shall provide the required local match for these projects. No reimbursements shall be made unless all required reports have been submitted. Projects must be completed and reimbursement must be requested within thirty (30) months of the grant award by the FTA, i.e., the FTA obligation date. The thirty (30) month duration shall be the term of the Agreement. Funding for uncompleted and unbilled projects will be reassigned at the discretion of PHOENIX, as needed to close out the grant.

A. Application for reimbursement of federal share.

SUB-RECIPIENT shall submit their application for reimbursement of federal share to:

City of Phoenix
Public Transit Department
Fiscal Services Division, Accounts Payable Section
City of Phoenix
302 N. 1ST. Ave.; Suite 900
Phoenix, AZ 85003

The cover letter must identify the City of Phoenix contract number and the period for which the application is submitted.

SUB-RECIPIENT shall submit its application with the reimbursement request form that is attached as **Exhibit "B"** to this Agreement.

B. Backup Documentation.

The application for reimbursement must be accompanied by detailed backup documentation for all eligible expenses. At a minimum the documentation shall include, but is not limited to, the following.

1. A listing of all invoiced costs with vendors and payment dates.
2. Copies of paid invoices received from vendors for purchases of supplies and services.
3. All purchases of vehicles shall be accompanied with "Vehicle Inventory Record" form.
4. All other asset purchases shall be accompanied with a "Capital Asset Purchase" form.

2. **Exhibits and Incorporation by Reference.** Attached hereto are the following Exhibits each of which is, by this reference, incorporated herein as though fully set forth.

- Exhibit A Federal Grant Pass Through Agreement Detail Summary
- Exhibit B Federal Grant Reimbursement Form
- Exhibit C Required Reports
- Exhibit D Required Federal Provisions
- Exhibit E Partial List of Applicable Laws
- Exhibit F Master Grant Agreement, Table of Contents
- Exhibit G Required Local Provisions

3. **Sub-recipient Performance.** SUB-RECIPIENT shall complete the project for which grant funds have been awarded in a proper and timely manner. SUB-RECIPIENT further acknowledges that it is responsible for complying with all federal, state, and local requirements required under the grant. SUB-RECIPIENT agrees that failure to comply with all applicable requirements may result in the withholding of grant funds to SUB-RECIPIENT for the specific grant.

4. Notice. Any notice, consent, or other communication ("NOTICE") required or permitted under this Agreement shall be in writing and either delivered in person, sent by facsimile transmission, deposited in the United States mail, postage prepaid, registered or certified mail, return receipt requested, or deposited with any commercial air courier or express service addressed as follows:

If intended for SUB-RECIPIENT:

Steve Kemp
City of Peoria
8401 W. Monroe Street
Peoria, AZ 85245
Telephone: (623) 773.7370
FAX: (623) 773.7309

If intended for PHOENIX:

Debbie Cotton
Public Transit Director
Public Transit Department
City of Phoenix
302 N. 1ST. Ave.; Suite 900
Phoenix, Arizona 85003
Telephone: (602) 262.7242
FAX: (602) 495.2002

Notice shall be deemed received at the time it is personally served or, on the day it is sent by facsimile transmission, on the second day after its deposit with any commercial air courier or express service or, if mailed, ten (10) days after the notice is deposited in the United States mail as above provided. Any time period stated in a notice shall be computed from the time the notice is deemed received. Either party may change its mailing address, FAX number, or the person to receive notice by notifying the other party as provided in this section.

Notice sent by facsimile transmission shall also be sent by regular mail to the recipient at the above address. This requirement for duplicate notice is not intended to change the effective date of the notice sent by facsimile transmission.

5. Effective Date: This Agreement shall be in full force and effect upon approval of the Councils of PHOENIX and SUB-RECIPIENT. The effective date is the date provided above.

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

CITY OF PHOENIX, ARIZONA
David Cavazos, City Manager

By _____
Debbie Cotton
Public Transit Director

ATTEST:

City Clerk - PHOENIX

APPROVED AS TO FORM:

Acting City Attorney - PHOENIX

APPROVED BY PHOENIX CITY COUNCIL BY FORMAL ACTION ON 1/19/2011.

CITY OF PEORIA, ARIZONA
A Municipal Corporation

By _____

ATTEST:

City Clerk - PEORIA

APPROVED AS TO FORM:

City Attorney for PEORIA

APPROVED BY SUB-RECIPIENT'S GOVERNING BODY BY FORMAL ACTION ON:

INTERGOVERNMENTAL AGREEMENT DETERMINATION

In accordance with the requirements of Section 11-952(D), Arizona Revised Statutes, each of the undersigned attorneys acknowledge: (1) that they have reviewed the above Agreement on behalf of their respective clients; and, (2) that, as to their respective clients only, each attorney has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

Attorney for PHOENIX

Attorney for PEORIA

801934v1

EXHIBIT "A"

FEDERAL GRANT PASS THRU AGREEMENT

GRANT NUMBER: AZ-90-X103				
GRANT RECIPIENT: CITY OF PHOENIX				
GRANT SUB- RECIPIENT'S NAME: CITY OF PEORIA				
GRANT SUB- RECIPIENT'S ADDRESS: 8401 W. Monroe Street Peoria, AZ 85245				
TOTAL ELIGIBLE PROJECT COST (TEPC):		\$389,691		
• Federal Share of TEPC:		\$311,864		
• Local Share/Match of TEPC:		\$77,827		
PROJECT(S) DESCRIPTION:				
Ali Code:	Project(s) Description:	Local:	Federal:	Total:
11.7A.00	Preventive Maintenance	\$9,933	\$39,732	\$49,665
11.12.04	Purchase Bus: <30 foot – 3 replace (Dial-a-Ride)	\$51,403	\$205,610	\$257,013
11.7A.00	Preventive Maintenance	\$16,491	\$66,522	\$83,013

EXHIBIT "B"

FTA Grant Expenditure Reimbursement Request Application

The information provided will be used by the City of Phoenix Public Transit Department (PTD) to monitor designated lead agency. No further monies may be paid out under this program unless this report is completed and filed as required.

SUB-RECIPIENT ORGANIZATION NAME AND ADDRESS	PROJECT AGREEMENT NUMBER	REQUEST #
	REPORTING PERIOD (Dates)	
	FROM:	TO:

	TOTAL	FTA SHARE
TOTAL ELIGIBLE COSTS	\$	\$
TOTAL PREVIOUS PAYMENTS	-	-
CURRENT PAYMENT REQUESTED	\$	\$
REMAINING FUNDING	\$	\$

REQUIRED SIGNATURE

This document must be signed by the recipient's Chief financial Officer or their designated representative.

CERTIFICATION

I certify the financial expenditures submitted for reimbursement with this report, including supporting documentation, are eligible and allowable expenditures consistent with the project goals and all applicable requirements, have not been previously requested, and that payment is due. I also certify that all matching requirements have been met and sufficient documentation has been provided.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	DATE REQUEST SUBMITTED
TYPED OR PRINTED NAME AND TITLE	TELEPHONE

Instructions

1. Keep a copy of everything submitted.
2. All project records, including financial records, must be maintained for 3 years beyond project completion.

For PTD use only

Date request received:	Life cycle compliance review (signature/date)
Approved for funds availability	Date of funds transfer

EXHIBIT "C"

Required Reports

SUB-RECIPIENT agrees to submit reports and statements or plans as now or hereafter required by PHOENIX or the FTA. Quarterly reports are due on or before the 15th of the month following the end of the quarter, i.e., October 15, January 15, April 15 and July 15; and annual reports are due ninety days (except NTD Report which shall be due 150 days) after the end of the fiscal year (July 1 - June 30). Drug and Alcohol Reports are due January 31 for the previous calendar year.

REPORT	FREQUENCY	DESCRIPTION
DBE Reports	As required by PHOENIX	DBE Participation, Utilization, Annual Goal Setting, Progress, and Information reports
Grant Status Report	Quarterly	Status of each project by grant number
NTD Report – Close Out Letter	Annually	Copy for information only
Fixed Assets Status Report	Annually	Inventory of all FTA funded assets
Single Audit Report	Annually	Copy of federally required audit
Drug and Alcohol Reports	Annually	FTA Drug and Alcohol Testing
<u>For JARC or New Freedom FTA Grants</u>		
Service Profile Information	Annually or as required by FTA	Evaluation of Grant Accomplishments
Data Collection Sheet	Annually or as required by FTA	Grant Performance Information

The reports and required submissions listed above may be increased, revised, reorganized, deleted or changed as required by FTA guidelines. **All reports must be current before any FTA funds will be disbursed by PHOENIX.**

EXHIBIT "D"

Required Federal Provisions

1. SUB-RECIPIENT shall permit the authorized representatives of PHOENIX, the United States Department of Transportation, and the Controller General of the United States to inspect and audit all data, books, records and reports relating to this Agreement and SUB-RECIPIENT's performance hereunder. PHOENIX's audit shall be at SUB-RECIPIENT's sole cost and expense. All required records shall be maintained for a minimum of three years, after the grant has been formally closed.
2. Both parties warrant that no person has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage or contingent fee; and, further, that no member or delegate to Congress, the City Council or any employee of PHOENIX or SUB-RECIPIENT, has any interest, financial or otherwise, in this Agreement.
3. SUB-RECIPIENT shall fully comply with the Disadvantaged Business Enterprise (DBE) Regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 26 and with the FTA-approved goal submitted by PHOENIX as the recipient on behalf of the region. SUB-RECIPIENT shall abide by all stipulations, regulations, and procedures set forth in the FTA-approved City of Phoenix DBE Program Plan. The Transit Civil Rights Officer of the City of Phoenix Public Transit Department and representative(s) of the City of Phoenix Equal Opportunity Department will meet annually with SUB-RECIPIENT to cooperatively determine DBE participation for all FTA assisted projects.
4. In performing the services for which federal funding is provided under this Agreement, SUB-RECIPIENT agrees to comply with all laws, rules, regulations, standards, orders or directives (hereinafter "Laws") applicable to this Agreement, to the services provided pursuant to this Agreement, and to PHOENIX as the designated recipient of FTA funding. The Laws referred to above include federal, state and local laws, and include, but is not limited to, those items set forth in Exhibit "D."

EXHIBIT "D," page 2

5. The parties acknowledge that federal funds are being used for the work, services and/or operations provided under this Agreement. In that regard the City of Phoenix, as the designated grant recipient, is obligated to accept and comply with all of the terms and conditions set forth in the Federal Transit Administration (FTA) Master Grant Agreement. In order for SUB-RECIPIENT to receive funding under this Agreement with the City of Phoenix, SUB-RECIPIENT is required to similarly accept and comply with all such terms and conditions and SUB-RECIPIENT does hereby specifically agree to be bound thereby. A copy of the Master Grant Agreement has been provided to SUB-RECIPIENT and additional copies are available from the City of Phoenix. The Master Grant Agreement for FY2011 and any subsequent revisions are, by this reference, incorporated herein as though fully set forth. Further, a summary of some of the terms of the Master Grant Agreement, as set forth its Table of Contents, are attached hereto as Exhibit "F" and are, by this reference, incorporated herein. The items listed in Exhibit "F" are illustrative only and are set forth in the Exhibit for SUB-RECIPIENT's ease of reference; SUB-RECIPIENT is solely responsible for complying with all of the terms and conditions of the Master Grant Agreement and any subsequent revisions whether or not they are set forth in Exhibit "F".
6. SUB-RECIPIENT understands and acknowledges the applicability of the Immigration Reform and Control Act of 1986 (IRCA) and agrees to comply with the IRCA in the performance of this Agreement.
7. SUB-RECIPIENT shall fully comply with Equal Employment Opportunity (EEO) regulations of the U.S. Department of Transportation (USDOT) Urban Mass Transportation Administration (UMTA) Circular 4704.1. SUB-RECIPIENT shall provide an EEO Program Plan when they employ 50 or more transit-related employees and requests or receives capital or operating assistance under Section 3, 4(i), or 9 of the UMT Act; assistance under 23 U.S.C. 142 (a) (2) or 23 U.S.C. 103(e) (4), or any combination thereof, in excess of \$1 million in the previous Federal fiscal year; or requests or receives planning assistance under Section 8 and/or 9 in excess of \$250,000 in the previous Federal fiscal year. SUB-RECIPIENT shall fully comply with EEO regulations as they pertain to subcontractors. Any subcontractor with 50 or more transit-related employees shall provide and EEP Program Plan.

EXHIBIT "E"

Partial List of Applicable Laws

- A. Federal Codes. SUB-RECIPIENT shall comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to U.S.C. 2000d-4 (hereinafter referred to as the Act) and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which SUB-RECIPIENT receives federal financial assistance, directly or indirectly, from the Department of Transportation, including the Federal Transit Administration, and hereby gives assurance that it will promptly take any measures necessary to effectuate this Agreement. This assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, SUB-RECIPIENT hereby gives the following specific assurances with respect to the project:

1. SUB-RECIPIENT shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with a project under 49 U.S.C. chapter 53 and, in adapted form in all proposals for negotiated agreements:

CONTRACTOR, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, non-discrimination in federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders and proposers that it will affirmatively ensure that in regard to any contract or procurement entered into pursuant to this advertisement, Disadvantaged Business Enterprise will be afforded full opportunity to submit bids and proposals in response to this invitation and will not be discriminated against on the grounds of race, color, sex or national origin in consideration for an award.

2. If SUB-RECIPIENT carries out a program of training under Section 5312 of Title 49, United States Code chapter 53, the assurance shall obligate SUB-RECIPIENT to make selection of the trainee or fellow without regard to race, color, sex or national origin.
3. Where SUB-RECIPIENT receives federal financial assistance to carry out a program under Title 49, United States Code chapter 53, the assurance shall obligate SUB-RECIPIENT to assign transit operators and to furnish transit operators without regard to race, color, sex or national origin.
4. Where SUB-RECIPIENT carries out a program under Title 49, United States Code chapter 53, routing, scheduling, quality of service, frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes and location of routes may not be determined on the basis of race, color, sex or national origin.
5. This assurance obligates SUB-RECIPIENT for the period during which federal financial assistance is extended to the project.
6. SUB-RECIPIENT shall provide for such methods of administration for the program as are found by PHOENIX to give reasonable guarantee that it, its contractors, sub-contractors, transferee's, successors in interest and other participants under such program will comply with all requirements imposed or pursuant to 49 U.S.C. chapter 53, the Regulations and this assurance.
7. SUB-RECIPIENT agrees that PHOENIX has a right to seek judicial enforcement with regard to any matter arising under 49 U.S.C. chapter 53, the Regulations and this assurance.

B. Compliance with FTA Regulations. During the performance of this Agreement, SUB-RECIPIENT, for itself, its assignees and successors in interest agrees as follows:

1. SUB-RECIPIENT shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (DOT), Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are incorporated herein by this reference and made a part of this contract.
2. With regard to the work performed by it during the contract, SUB-RECIPIENT shall not discriminate on the grounds of race, color, sex or

national origin in the selection and retention of sub-contractors, including procurement and leases of equipment.

3. In all solicitations, either by competitive bidding or negotiation, made by SUB-RECIPIENT for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by SUB-RECIPIENT of the sub-contractor's obligations under this Agreement and the Regulations relative to non-discrimination on the grounds of race, color, sex or national origin.
4. SUB-RECIPIENT shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by PHOENIX or the FTA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of SUB-RECIPIENT is in the exclusive possession of another who fails or refuses to furnish this information, SUB-RECIPIENT shall so certify to PHOENIX, or the FTA, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. In the event of SUB-RECIPIENT's noncompliance with the nondiscrimination provisions of this contract, PHOENIX shall impose such contract sanctions as it or the FTA may determine to be appropriate, including, but not limited to:
 - a) Withholding of payments to SUB-RECIPIENT under the grant award until SUB-RECIPIENT complies; and/or,
 - b) Cancellation, termination or suspension of this Agreement, in whole or in part.
6. SUB-RECIPIENT shall include the FTA provisions included in paragraphs 1 through 5 of Section B, in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. SUB-RECIPIENT shall take such action with respect to any sub-contract or procurement as PHOENIX or the FTA may direct as a means of enforcing such provisions, including sanctions for noncompliance: provided, however, that, in the event SUB-RECIPIENT becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, SUB-RECIPIENT may request that PHOENIX enter into such litigation to protect the interests of PHOENIX, and, in addition, SUB-RECIPIENT may request the United States to enter into such litigation to protect the interests of the United States.

7. SUB-RECIPIENT hereby adopts the Title VI investigation and tracking procedure developed by PHOENIX. SUB-RECIPIENT agrees that PHOENIX personnel shall conduct Title VI investigations. The determinations made by PHOENIX of Title VI complaints shall be binding upon SUB-RECIPIENT. SUB-RECIPIENT shall maintain a list of any active Title VI investigations conducted by any governmental entity, including PHOENIX and shall maintain a Title VI complaint log of closed investigations for three (3) years. SUB-RECIPIENT shall provide information to the public concerning its Title VI obligations and apprise the public of protections offered by Title VI.
8. SUB-RECIPIENT specifically avows that, where applicable, it is and will provide fair and equitable labor protective arrangements, as reflected in 49 U.S.C. § 5333(b), otherwise known as 13(c).
9. SUB-RECIPIENT shall comply with the following Statutes and Regulations:
 - 18 U.S.C. 1001
 - Section 5323(d) of 49 U.S.C. chapter 53
 - Section 5323(f) of 49 U.S.C. chapter 53
 - Section 5307(k) of 49 U.S.C. chapter 53
 - Section 5309(h) of 49 U.S.C. chapter 53
 - Section 5301 of 49 U.S.C. chapter 53
 - Section 5333 of 49 U.S.C. chapter 53 which requires compliance with applicable labor requirements.
 - Section 5310 of 49 U.S.C. chapter 53 which provides, among other things, for the planning and design of mass transportation facilities to meet the special needs of senior persons and persons with disabilities.

Section 5332 of 49 U.S.C. chapter 53 which, among other things, prohibits discrimination on the basis of race, color, creed, national origin, sex or age.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d which, among other things, prohibits discrimination on the basis of race, color or national origin by recipients of federal financial assistance.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e which, among other things, prohibits discrimination in employment.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 which, among other things, prohibits discrimination on the basis of disability.

49 CFR Part 600 et seq. regulations promulgated by FTA.

49 CFR Parts 21, 23, 25, 26 and 27 regulations promulgated by the Department of Transportation governing Title VI, Minority Business Enterprise (Disadvantaged Business Enterprise/ Women's Business Enterprise), Relocation and Land Acquisition and Nondiscrimination on the basis of disability, respectively.

46 CFR Part 381 regulations promulgated by the Maritime Administration governing cargo preference requirements.

36 CFR Part 800 regulations promulgated by the Advisory Council on Historic Preservation.

31 CFR part 205 regulations promulgated by the Department of the Treasury governing letter of credit.

40 CFR Part 15 regulations promulgated by the Environmental Protection Agency pertaining to administration of clean air and water pollution requirements.

29 CFR Parts 5 and 215 regulations promulgated by the Department of Labor pertaining to construction labor and transit employee protections.

- C. Drug and Alcohol Testing. SUB-RECIPIENT shall have in place, maintain, and implement a plan and a program for compliance with U.S. DOT Drug and Alcohol Regulations, as specified in 49 CFR 40, 49 CFR 653 and 49 CFR 654. Said plan and program shall be modified to incorporate and comply with such other regulations as were adopted in the USDOT and published in the Federal Register as of February 14, 1994 and any subsequent changes thereto.

EXHIBIT "F"

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
MASTER AGREEMENT

For Federal Transit Administration Agreements authorized by
49 U.S.C. chapter 53, Title 23, United States Code (Highways),
the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, as
amended by the SAFETEA-LU Technical Corrections Act, 2008,
the Transportation Equity Act for the 21st Century, as amended,
the National Capital Transportation Act of 1969, as amended,
the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5,
February 17, 2009, or other Federal laws that FTA administers.

FTA MA(17)
October 1, 2010

<http://www.fta.dot.gov/documents/17-Master.pdf>

FTA Master Agreement MA(17), 10-1-2010 2

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EXHIBIT "G"

Required Local Provisions

1. Transactional Conflicts of Interest. All parties hereto acknowledge that this Agreement is subject to cancellation by either party pursuant to the provisions of A.R.S. Section 38-511.
2. Assignability; Successors and Assigns. This Agreement, and any rights or obligations hereunder, shall not be transferred or assigned by SUB-RECIPIENT without the prior written consent of PHOENIX. Any attempt to assign without such prior written consent shall be void.
3. Employment and Organization Disclaimer. This Agreement is not intended to, and will not, constitute, create, give rise to, or otherwise recognize a joint venture, partnership, or formal business association or organization of any kind as existing between the parties, and the rights and the obligations of the parties shall be only those expressly set forth herein. Neither party is the agent of the other nor is neither party authorized to act on behalf of the other party. SUB-RECIPIENT shall be liable to PHOENIX for any financial liability arising from any finding to the contrary by any forum of competent jurisdiction.
4. Entire Agreement; Modification (No Oral Modification). This Agreement, and any Exhibits, Attachments, or Schedules attached hereto, constitute the full and complete understanding and agreement of the parties. It supersedes and replaces any and all previous representations, understandings, and agreements, written or oral, relating to its subject matter. There shall be no oral alteration or modification of this Agreement; this Agreement and its terms, may not be modified or changed except in writing signed by both parties.
5. Invalidity of Any Provisions. This Agreement shall remain in full force and effect even if one or more of its terms or provisions have been held to be invalid or unenforceable. Such a holding shall result in the offending term or provision being ineffective to the extent of its invalidity or unenforceability without invalidating the remaining terms and provisions hereof; this Agreement shall thereafter be construed as though the invalid or unenforceable term or provision were not contained herein.

6. Compliance with Laws, Permits and Indemnity. SUB-RECIPIENT shall comply with all applicable laws, ordinances, regulations and codes of federal, state and local governments. Further, SUB-RECIPIENT shall be solely responsible for obtaining all approvals and permits necessary to perform the work called for under this Agreement. In addition, SUB-RECIPIENT shall indemnify, defend, save and hold harmless PHOENIX from all loss, cost and damage by reason of any violation of the provisions of this paragraph and from any liability including, but not limited to, fines, penalties and other costs arising therefrom.
7. Applicable Law and Litigation. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Arizona. Any and all litigation between the parties arising from this Agreement shall be litigated solely in the appropriate state court located in Maricopa County, Arizona.
8. Inspection and Audit. The provisions of Section 35-214, Arizona Revised Statutes, shall apply to this Agreement. CITY shall perform the inspection and audit function specified therein.
9. Non-waiver. Should PHOENIX fail or delay in exercising or enforcing any right, power, privilege or remedy under this Agreement such failure or delay shall not be deemed a waiver, release or modification of the requirements of this Agreement or of any of the terms or provisions thereof.
10. Labor Protective Provisions. SUB-RECIPIENT shall fully cooperate with PHOENIX in meeting the legal requirements of the labor protective provisions of Section 5333(b) of Title 49 U.S. Code [formerly Section 13(c) of the Federal Transit Act of 1964, as amended (49 U.S.C. 1609)] and the Labor Agreements and side letters currently in force and certified by the United States Department of Labor. Changes, including changes in service and any other changes that may adversely affect transit employees, shall be made only after due consideration of the impact of such changes on Section 5333(b) protections granted to employees. SUB-RECIPIENT shall defend and indemnify PHOENIX from any and all claims and losses due, or alleged to be due, in whole or in part, to the consequences of changes made by SUB-RECIPIENT, that were not requested by PHOENIX which result in grievances, claims and/or liability.
11. Sudan and Iran. Pursuant to A.R.S. §§ 35-391.06 and 35-393.06, contractor certifies that it does not have a scrutinized business operation, as defined in A.R.S. §§ 35-391 and 35-393, in either Sudan or Iran.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

**CC: 7C
Amend No. _____**

Date Prepared: June 13, 2011 Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager

FROM: Scott Whyte, Economic Development Services Director

SUBJECT: Adopt a Resolution designating various Real Properties to be established as Public Rights-of-Way.

RECOMMENDATION:

Discussion and possible action 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.

SUMMARY:

The City of Peoria has, by separate Resolution, accepted each right-of-way to be designated as public-street. The attached Resolution lists each document conveying 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, so the property interest to be accepted can be identified. The individual description also identifies the type of roadway and type of improvement for each parcel.

ATTACHMENT:

1. Resolution

PREPARED BY:

Della Ernest, Administrative Assistant II x7240

RESOLUTION NO. 2011-82

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. 2011-82
Authorizing Establishment of Public Streets
July 5, 2011
Page 2

Sunset Ranch Unit IIA
Virginia C. Lauterbach Living Trust
PUBLIC UTILITY EASEMENT
Maricopa County Recording No. 2011-0480128
(Project No. R090057 / DEED 11-007)

NEC Lake Pleasant Parkway &
Williams Road

Sunset Ranch Unit IIA
Virginia C. Lauterbach Living Trust
DEDICATION OF PUBLIC ROADWAY
Maricopa County Recording No. 2011-0480131
(Project No. R090057 / DEED 11-008)

NEC Lake Pleasant Parkway &
Williams Road

SECTION 3. Amendment of Plans and Maps

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

SECTION 4. Signage, Posting and Effective Date

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

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

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

SECTION 5. Recording Authorized

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Peoria, Arizona this 5th day of July 2011.

Resolution No. 2011-82
Authorizing Establishment of Public Streets
July 5, 2011
Page 3

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 8C
Amend No. _____

Date Prepared: June 13, 2011

Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager
THROUGH: Susan J. Daluddung, Deputy City Manager
FROM: Scott Whyte, Economic Development Services Director
SUBJECT: Deeds and Easements for various locations

RECOMMENDATION:

Adopt 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.

SUMMARY:

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

Staff recommends the adoption of the attached Resolution.

ATTACHMENT:

1. Resolution

CONTACT:

Della Ernest, Administrative Assistant II, x7240

RESOLUTION NO. 2011-80

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.

Sunset Ranch Unit IIA
Virginia C. Lauterbach Living Trust
PUBLIC UTILITY EASEMENT
Maricopa County Recording No. 2011-0480128
(Project No. R090057 / DEED 11-007)

NEC Lake Pleasant Parkway &
Williams Road

Sunset Ranch Unit IIA
Virginia C. Lauterbach Living Trust
DEDICATION OF PUBLIC ROADWAY
Maricopa County Recording No. 2011-0480131
(Project No. R090057 / DEED 11-008)

NEC Lake Pleasant Parkway &
Williams Road

Resolution No. 2011-80
Acceptance of Deeds and Easements
July 5, 2011
Page: 2

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 5th of July 2011.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: 9C
Amend No. _____

Date Prepared: June 1, 2011 **Council Meeting Date:** July 5, 2011

TO: Carl Swenson, City Manager
THROUGH: Susan J. Daluddung, Deputy City Manager
FROM: Andrew Granger, P. E., Engineering Director
SUBJECT: Utility Easements, Arizona Public Service Company, Centennial Plaza

RECOMMENDATION:

Discussion and possible action to adopt a Resolution authorizing the City Manager to execute two Utility Easements to Arizona Public Service (APS) associated with providing electric services for Centennial Plaza located between Cinnabar Avenue and Mountain View Road in the City Hall complex, and authorize the City Clerk to record the easements.

SUMMARY:

APS has agreed to construct the electric facilities necessary to provide underground power for the new park adjacent to City Hall. APS has requested the easements over City owned property to allow them to install and maintain these facilities.

FISCAL NOTE: (if applicable)

There is no fiscal impact to the City associated with granting these easements.

ATTACHMENT: (if applicable)

1. Vicinity Map
2. Location Map
3. Resolution

CONTACT: Kristine Luna, Sr Real Property Administrator, 623-773-7199



NOT TO SCALE

DOVE VALLEY RD

LONE MOUNTAIN RD

MONTGOMERY RD

DIXILETA DR

PEAK VIEW RD

DYNAMITE BL

PINNACLE VISTA DR

JOMAX RD

YEARLING RD

HAPPY VALLEY RD

CALLE LEJOS

PINNACLE PEAK RD

WILLIAMS RD

DEER VALLEY RD

ROSE GARDEN LN

BEARDSLEY RD

UTOPIA RD

UNION HILLS DR

GROVERS AVE

BELL RD

PARADISE LN

GREENWAY RD

ACOMA DR

THUNDERBIRD RD

SWEETWATER AVE

CACTUS RD

CHOLLA ST

PEORIA AVE

MOUNTAIN VIEW RD

OLIVE AVE

BUTLER DR

NORTHERN AVE

LEGEND



Utility Easements - Centennial Plaza
83rd Ave and Cinnabar Ave

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



VICINITY MAP



MONROE ST

83RD AVE

CINNABAR AVE

MOUNTAIN VIEW RD



LEGEND

 Easements

City of Peoria
Utility Easements
Centennial Plaza
83rd Ave & Cinnabar Ave
Location Map



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

RESOLUTION NO. 2011-79

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF TWO UTILITY EASEMENTS TO ARIZONA PUBLIC SERVICE COMPANY TO INSTALL UNDERGROUND ELECTRIC TRANSMISSION LINES AND FACILITIES RELATED TO THE CENTENNIAL PLAZA SITE AT THE CITY HALL COMPLEX.

WHEREAS, Arizona Public Service Company has been requested, by the City of Peoria, to supply power to the Centennial Plaza site and Arizona Public Service will require the City to grant two Utility Easements for the underground power lines.

WHEREAS, Pursuant to Article I, Section III of the Peoria City Charter, the City Council may convey any right, title or interest in any real property in such terms as the City Council determines to be appropriate and necessary; and

WHEREAS, Pursuant to the Peoria City Charter and in accordance with the findings set forth above, the Mayor and Council of the City of Peoria consent to the granting of two Utility Easements to Arizona Public Service Company, and authorize the City Manager to execute the documents; and

THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Peoria, Arizona authorize the granting of the attached Utility Easements to Arizona Public Service Company, and authorize the City Manager to execute the easements.

Resolution No. 2011-79
Centennial Plaza
APS Utility Easements
July 5, 2011
Page 2 of 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Arizona this 5th day of July, 2011.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Attachment(s):

1. Utility Easements

UTILITY EASEMENT

NE 1/4 SEC. 27
T-3N, R-1E
WA64981
11-15
142-36-002A
JNJ

THE CITY OF PEORIA, an Arizona Municipal Corporation, (hereinafter called "Grantor"), is the owner of the following described real property located in Maricopa County, Arizona (hereinafter called "Grantor's Property"):

That portion of the Southeast quarter of the Northeast quarter of Section 27, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

The North 693.50 feet of Lot 158, Alta Loma, according to the plat of record in the office of the county recorder of Maricopa County, Arizona in Book 5 of Maps, Page 19.

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **ARIZONA PUBLIC SERVICE COMPANY**, an Arizona corporation, (hereinafter called "Grantee"), and to its successors and assigns, a non-exclusive right, privilege, and easement at locations and elevations, in, upon, over, under, through and across, a portion of Grantor's Property described as follows (herein called the "Easement Premises"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Grantee is hereby granted the right to: construct, reconstruct, replace, repair, operate and maintain electrical lines, together with appurtenant facilities and fixtures for use in connection therewith, for the transmission and distribution of electricity to, through, across, and beyond Grantor's Property; install, operate and maintain telecommunication wires, cables, conduits, fixtures and facilities incidental to supplying electricity or for Grantee's own use (said electrical and telecommunication lines, facilities and fixtures collectively herein called "Grantee Facilities"); utilize the Easement Premises for all other purposes connected therewith; and permit the installation of the wires, fixtures, conduits, or cables of any other company.

RES. 2011-79

Grantee is hereby granted the right, but not the obligation, to trim, prune, cut, and clear away trees, brush, shrubs, or other vegetation on, or adjacent to, the Easement Premises whenever in Grantee's judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

Grantee shall at all times have the right of full and free ingress and egress to and along the Easement Premises for the purposes herein specified.

Grantor shall not locate, erect or construct, or permit to be located, erected or constructed, any building or other structure or drill any well within the limits of the Easement Premises; nor shall Grantor plant or permit to be planted any trees within the limits of the Easement Premises without the prior written consent of Grantee. However, Grantor reserves the right to use the Easement Premises for purposes that are not inconsistent with Grantee's easement rights herein conveyed and which do not interfere with or endanger any of the Grantee Facilities, including, without limitation, granting others the right to use all or portions of the Easement Premises for utility or roadway purposes and constructing improvements within the Easement Premises such as paving, sidewalks, landscaping, and curbing. Notwithstanding the foregoing, Grantor shall not have the right to lower by more than one foot or raise by more than two feet the surface grade of the Easement Premises, and in no event shall a change in the grade compromise Grantee's minimum cover requirements or interfere with Grantee's operation, maintenance or repair.

Grantor shall maintain a clear area that extends 2.0 feet from and around all edges of all transformer pads and 3.0 feet from and around all other equipment pads, and a clear operational area that extends 10.0 feet immediately in front of all transformer and other equipment openings. No obstructions, trees, shrubs, fixtures, of permanent structures shall be placed by Grantor within said areas.

Grantee agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.

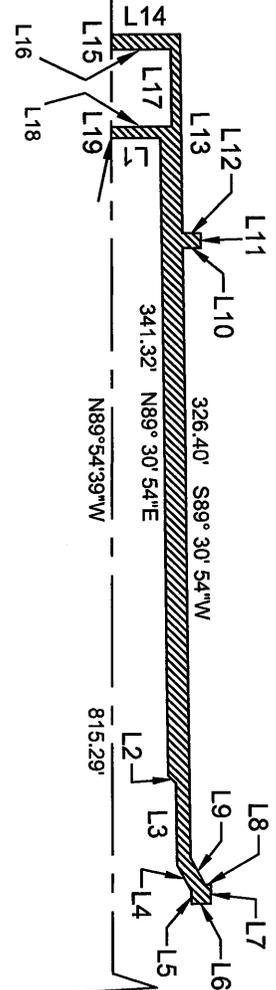
The easement granted herein shall not be deemed abandoned except upon Grantee's execution and recording of a formal instrument abandoning the easement.

The covenants and agreements herein set forth shall extend and inure in favor and to the benefit of, and shall be binding on the heirs, administrators, executors, successors in ownership and estate, assigns and lessees of Grantor and Grantee.

EXHIBIT "A"

SKETCH SHOWING LOCATION AND LIMITS OF UTILITY EASEMENT

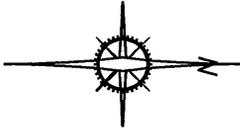
APN: 142-36-002A



APN: 142-36-002B

LINE	BEARING	DISTANCE
L1	N00°00'04"W	26.26'
L2	N45°00'00"E	5.82'
L3	N89°30'54"E	44.12'
L4	N62°04'09"E	15.93'
L5	S88°57'34"E	6.49'
L6	N00°03'47"W	10.38'
L7	N89°32'54"W	10.22'
L8	S00°01'38"E	3.27'
L9	S62°04'09"W	16.16'
L10	N00°34'34"E	9.60'

LINE	BEARING	DISTANCE
L11	N89°25'26"W	8.00'
L12	S00°34'34"W	9.75'
L13	S89°30'54"W	106.56'
L14	S00°00'00"E	36.79'
L15	N89°57'47"W	8.00'
L16	N00°00'00"E	31.78'
L17	N89°30'54"E	41.34'
L18	S00°00'04"E	32.20'
L19	S89°54'39"E	6.00'



SCALE 1" = 100'

N90°00'00"E

MOUNTAIN VIEW RD.

1319.57'

EAST 1/4
SEC 27

S0°49'56"W

593.93'

83rd AVE.

LEGEND

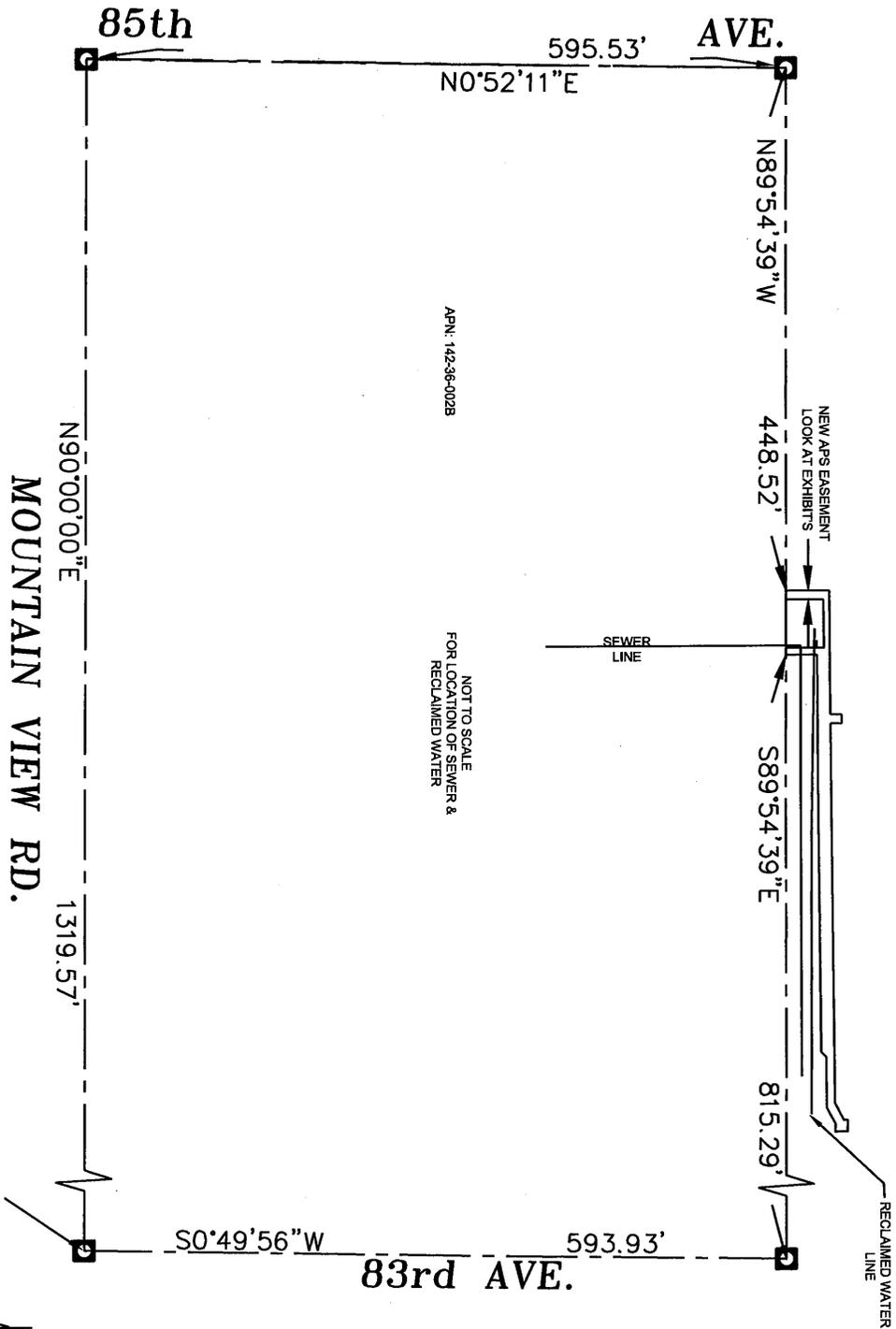
- EASEMENT AREA
- ROAD CENTERLINE
- PROPERTY LINE
- BRASS CAP

JOB# WA64981	DATE: 05/31/11
NE 1/4 SEC 27 T 3N R 1E	INDEX 11-15
SCALE: 1" = 100'	
R/W: JAYSON JOHNSON	
SURVEY: JOHNSON-TAFT	
DRAWN BY: JOHNSON	

APN: 142-36-002A

APN: 142-36-002B

NOT TO SCALE
FOR LOCATION OF SEWER &
RECLAIMED WATER



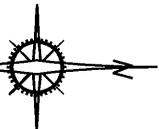
MOUNTAIN VIEW RD.

85th

AVE.

83rd AVE.

EAST 1/4
SEC 27



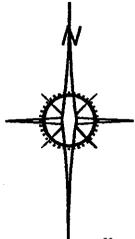
SCALE NTS



CITY OF PEORIA
WA64981

CITY PEORIA
DATE 05-27-11

NE 1/4 SEC 27 T 3N R 1E
CREW: JOHNSON-TAFT

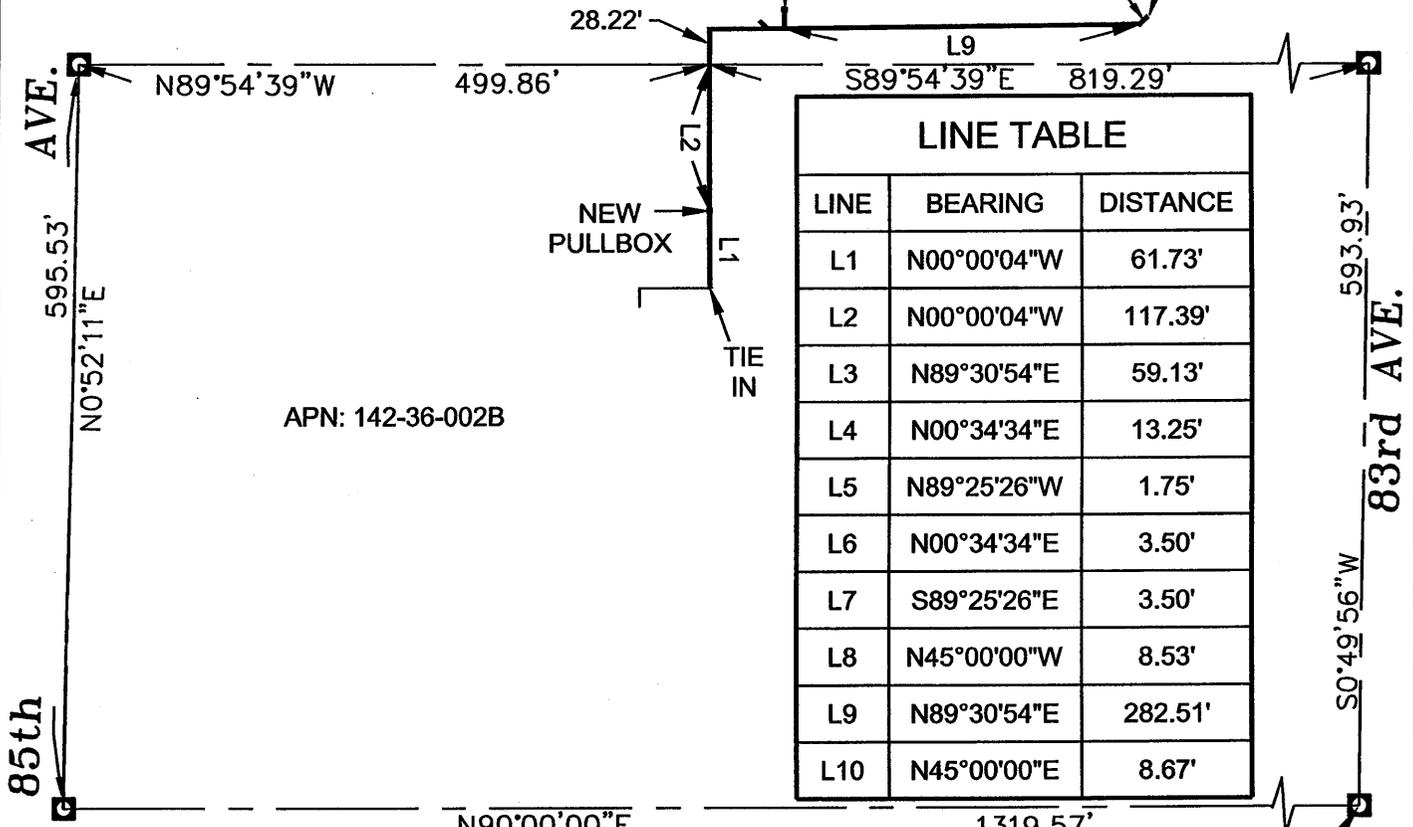


SCALE 1"=150'

APN: 142-36-002A

SEE
DETAIL
"A"

TIE IN
L10

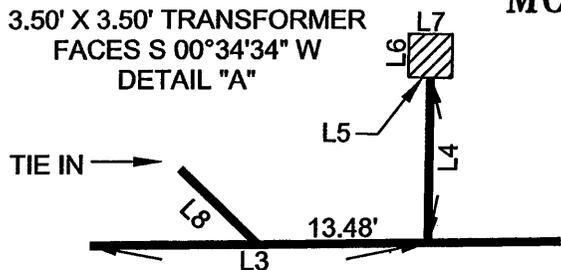


LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°00'04"W	61.73'
L2	N00°00'04"W	117.39'
L3	N89°30'54"E	59.13'
L4	N00°34'34"E	13.25'
L5	N89°25'26"W	1.75'
L6	N00°34'34"E	3.50'
L7	S89°25'26"E	3.50'
L8	N45°00'00"W	8.53'
L9	N89°30'54"E	282.51'
L10	N45°00'00"E	8.67'

APN: 142-36-002B

MOUNTAIN VIEW RD.

3.50' X 3.50' TRANSFORMER
FACES S 00°34'34" W
DETAIL "A"



EAST 1/4
SEC 27

LEGEND

- PROPOSED ELECTRIC
- EXISTING ELECTRIC
- ROAD CENTERLINE
- PULLBOX
- PROPOSED TRANSFORMER

UTILITY EASEMENT

NE 1/4 SEC. 27
T-3N, R-1E
WA64981
11-15
142-36-002B
JNJ

THE CITY OF PEORIA, an Arizona Municipal Corporation, (hereinafter called "Grantor"), is the owner of the following described real property located in Maricopa County, Arizona (hereinafter called "Grantor's Property"):

That portion of the Southeast quarter of the Northeast quarter of Section 27, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

Lot 158 as depicted on the plat of Alta Loma, as Recorded in Book 5 of Maps, on Page 19, in the office of the Maricopa County Recorder, Maricopa County, Arizona;

EXCEPT THE NORTH 693.50 FEET THEREOF, AS RECORDED IN INSTRUMENT NUMBER 85-109779, IN THE OFFICE OF THE MARICOPA COUNTY RECORDER, MARICOPA COUNTY, ARIZONA.

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant and convey to **ARIZONA PUBLIC SERVICE COMPANY**, an Arizona corporation, (hereinafter called "Grantee"), and to its successors and assigns, a non-exclusive right, privilege, and easement at locations and elevations, in, upon, over, under, through and across, a portion of Grantor's Property described as follows (herein called the "Easement Premises"):

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Grantee is hereby granted the right to: construct, reconstruct, replace, repair, operate and maintain electrical lines, together with appurtenant facilities and fixtures for use in connection therewith, for the transmission and distribution of electricity to, through, across, and beyond Grantor's Property; install, operate and maintain

RES. 2011-79

telecommunication wires, cables, conduits, fixtures and facilities incidental to supplying electricity or for Grantee's own use (said electrical and telecommunication lines, facilities and fixtures collectively herein called "Grantee Facilities"); utilize the Easement Premises for all other purposes connected therewith; and permit the installation of the wires, fixtures, conduits, or cables of any other company.

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Grantor shall maintain a clear area that extends 2.0 feet from and around all edges of all transformer pads and 3.0 feet from and around all other equipment pads, and a clear operational area that extends 10.0 feet immediately in front of all transformer and other equipment openings. No obstructions, trees, shrubs, fixtures, or permanent structures shall be placed by Grantor within said areas.

Grantee agrees that following any installation, excavation, maintenance, repair, or other work by Grantee within the Easement Premises, the affected area will be restored by Grantee to as close to original condition as is reasonably possible, at the expense of Grantee.

The easement granted herein shall not be deemed abandoned except upon Grantee's execution and recording of a formal instrument abandoning the easement.

RES. 2011-79

IN WITNESS WHEREOF, **CITY OF PEORIA, an Arizona municipal corporation**, has caused this Utility Easement to be executed by its duly authorized representative, this ____ day of _____, 200__.

CITY OF PEORIA, an Arizona municipal corporation,

By: _____

Carl Swenson

Its: City Manager

Approved as to form:

Stephen M. Kemp, City Attorney

ATTEST:

Wanda Nelson, City Clerk

STATE OF Arizona }
 } ss.
County of Maricopa }

This instrument was acknowledged before me this _____ day of _____,
200__ by _____.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

My Commission Expires:

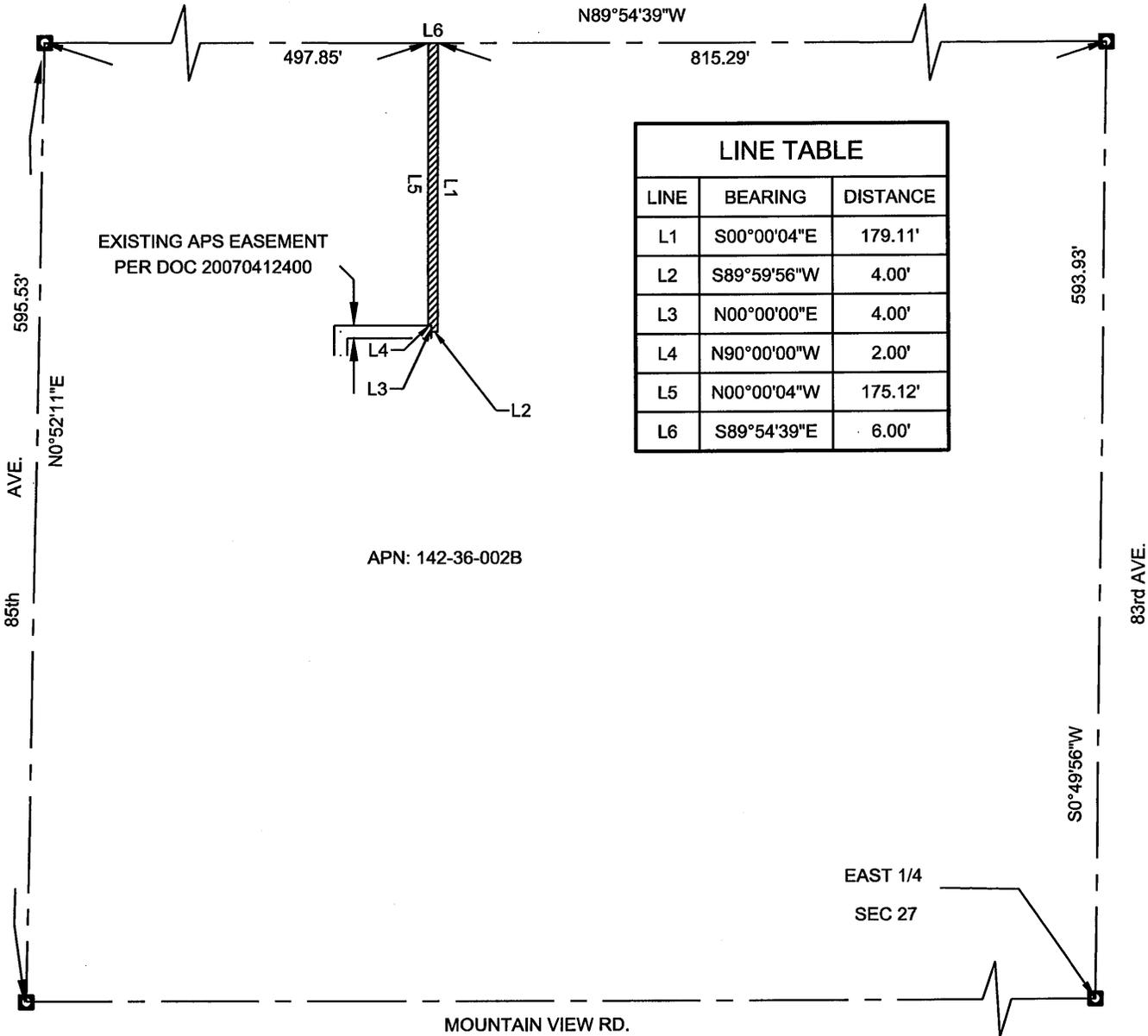
Notary Public

EXHIBIT "A"

SKETCH SHOWING LOCATION AND LIMITS OF
UTILITY EASEMENT



SCALE 1"=100'

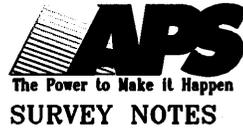


LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°00'04"E	179.11'
L2	S89°59'56"W	4.00'
L3	N00°00'00"E	4.00'
L4	N90°00'00"W	2.00'
L5	N00°00'04"W	175.12'
L6	S89°54'39"E	6.00'

LEGEND

-  EASEMENT AREA
-  ROAD CENTERLINE
-  PROPERTY LINE
-  BRASS CAP

JOB# WA64981	DATE: 05/31/11
NE 1/4 SEC 27	T 3N R 1E
SCALE: 1"= 100'	INDEX 11-15
R/W: JAYSON JOHNSON	
SURVEY: JOHNSON-TAFT	
DRAWN BY: JOHNSON	



SURVEY NOTES

CITY OF PEORIA
WA64981

CITY PEORIA
DATE 05-27-11

NE 1/4 SEC 27 T 3N R 1E
CREW: JOHNSON-TAFT

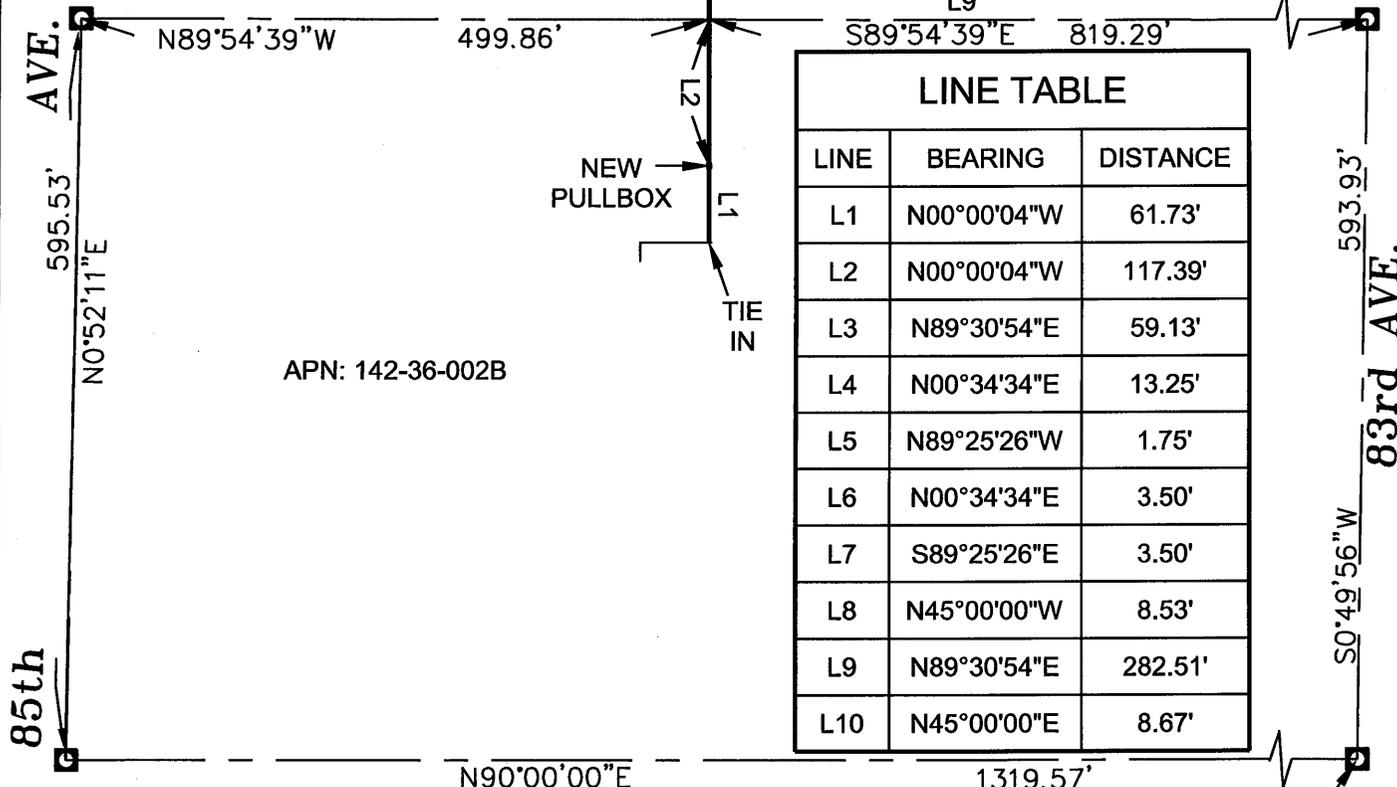


SCALE 1"=150'

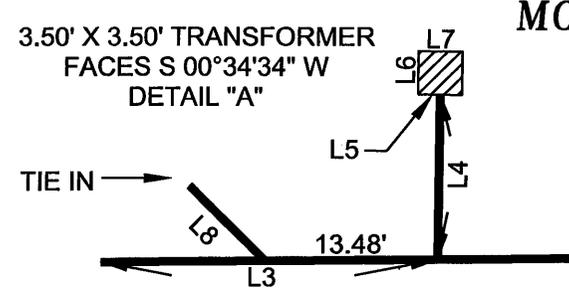
APN: 142-36-002A

SEE
DETAIL
"A"

TIE IN
L10



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°00'04"W	61.73'
L2	N00°00'04"W	117.39'
L3	N89°30'54"E	59.13'
L4	N00°34'34"E	13.25'
L5	N89°25'26"W	1.75'
L6	N00°34'34"E	3.50'
L7	S89°25'26"E	3.50'
L8	N45°00'00"W	8.53'
L9	N89°30'54"E	282.51'
L10	N45°00'00"E	8.67'



MOUNTAIN VIEW RD.

EAST 1/4
SEC 27

LEGEND	
	PROPOSED ELECTRIC
	EXISTING ELECTRIC
	ROAD CENTERLINE
	PULLBOX
	PROPOSED TRANSFORMER

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 10C
Amend No. _____

Date prepared: June 7, 2011

Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager

FROM: Katie Gregory, Interim Management & Budget Director

SUBJECT: Fiscal Year 2012 SLID/MID Levies

RECOMMENDATION:

That the Mayor and City Council adopt Ordinances 2011-15 and 2011-16 adopting Street Light and Maintenance Improvement District Levies.

SUMMARY:

The Council will consider a motion to adopt an ordinance for one hundred and ninety five (195) Street Light Improvement Districts located in the City. The ordinance approves the levies for each street light district in the City. A second action is requested to consider adoption of the City's eleven (11) Maintenance Improvement Districts.

A schedule of proposed tax revenues for the Maintenance and Street Light Improvement Districts within the City is attached. Staff has used calculations based on the percent of build out completed for the various subdivisions in calculating the proposed tax levies.

FISCAL NOTE: (if applicable)

ATTACHMENT:

1. Street Light Improvement Districts Ordinance
2. Schedule of Street Light Improvement Districts
3. Maintenance Improvement Districts Ordinance
4. Schedule of Maintenance Improvement Districts

ORDINANCE NO. 2011-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA AND WITHIN THE FOLLOWING STREET LIGHT IMPROVEMENT DISTRICTS EACH DESIGNATED AS CITY OF PEORIA STREET LIGHT IMPROVEMENT DISTRICT NOS. 1 - 34 INCLUSIVE, NOS. 36 – 37, INCLUSIVE, NOS. 39 - 51 INCLUSIVE, NOS. 54 - 64 INCLUSIVE, NO. 66, NOS. 70 - 73 INCLUSIVE, NOS. 76 - 80 INCLUSIVE, NOS. 82 - 84 INCLUSIVE, NOS. 93 - 99 INCLUSIVE, NOS. 101 - 102 INCLUSIVE, NO. 104, NOS. 107 - 108 INCLUSIVE, NO. 110, NO. 114, NOS. 116 - 117 INCLUSIVE, NO. 119, NOS. 121 - 123 INCLUSIVE, NOS. 125 - 129 INCLUSIVE, NO. 131, NOS. 135 -157 INCLUSIVE, NOS. 159 – 164 INCLUSIVE, NOS. 166 - 167 INCLUSIVE, NOS. 171 - 172 INCLUSIVE, NOS. 176 - 177 INCLUSIVE, NO. 179, NO. 183, NO. 185, NOS. 187 - 191 INCLUSIVE, NO. 195, NOS. 197 - 199 INCLUSIVE, NOS. 201 - 202 INCLUSIVE, NOS. 204 - 206 INCLUSIVE, NOS. 208 - 216 INCLUSIVE, NO. 218, NO. 222-236 INCLUSIVE, NOS. 238 - 240 INCLUSIVE, NOS. 1000-1002 INCLUSIVE, NOS. 1004-1014 INCLUSIVE, NO. 1016, AND NO. 1025 SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR THE PURPOSE OF GENERAL DISTRICT EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2012, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. There is hereby levied on each One Hundred Dollars (\$100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City of Peoria Street Light Improvement Districts, except such property as may be by law exempt from taxation, a primary property tax rate sufficient to raise a sum necessary to pay annual expenses of said District for the fiscal year ending

on the 30th day of June, 2012. If such sum exceeds the maximum levy allowed by law, the Board of Supervisors of the County of Maricopa is hereby authorized to reduce the levy to the maximum amount allowed by law after providing notice to the City.

SECTION 2. Failure by the County officials of Maricopa County, Arizona to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax deed; failure or neglect of any officer or officers to perform or to timely perform any of the duties assigned to him or to them shall not invalidate any proceeding or any deed deficiency or sale pursuant thereto, the validity of the assessment or levy of taxes, or of the judgment of sale by which the collection of the same may be enforced, shall not affect the lien of the City of Peoria upon such property for the delinquent taxes unpaid thereon; overcharge as to part of the taxes or of costs shall not invalidate any proceedings for the collection of taxes, or the foreclosure of the lien therefore, or a sale of the property under such foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the Mayor and Council.

SECTION 5. In order to preserve the peace, health and safety of the City of Peoria, an EMERGENCY is declared to exist and this Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 5th day of July 2011.

Bob Barrett, Mayor

Date Signed

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times
Publication Dates: July 8 & 15, 2011.
Effective Date:

CITY OF PEORIA
Streetlight Improvement District Revenues

DESCRIPTION		PROJECTED FY2012	DESCRIPTION		PROJECTED FY2012
SLID 1	Westfield Gardens	\$ 1,265	SLID 142	Ironwood Phase 4A	\$ 533
SLID 2	Autumn Point	\$ 1,362	SLID 143	Ironwood Phase 4B	\$ 639
SLID 3	Vistas Avenida II	\$ 1,028	SLID 144	Crosswinds	\$ 1,883
SLID 4	Cypress Point Estates II @ WBV	\$ 1,660	SLID 145	Sun Cliff III	\$ 745
SLID 5	Shavano	\$ 1,513	SLID 146	Ryland @ Silvercreek	\$ 3,404
SLID 6	Bell Park Central	\$ 2,450	SLID 147	Harbor Shores @ Desert Harbor	\$ 712
SLID 7	Bell Park & Parcels 2B-8	\$ 6,922	SLID 148	Sun Aire Estates, UNIT 6	\$ 1,135
SLID 8	Foxwood Unit Four	\$ 1,513	SLID 149	Silverton 2	\$ 5,319
SLID 9	Vista Crossing	\$ 1,137	SLID 150	Dove Valley Ranch Parcel 6	\$ 5,851
SLID 10	Vista Pinnacle	\$ 2,544	SLID 151	Dove Valley Ranch Parcel 3B	\$ 3,617
SLID 11	North Shores @ Ventana Lakes	\$ 791	SLID 152	Dove Valley Ranch Parcel 3C	\$ 3,298
SLID 12	Vistas @ Desert Harbor Phase I	\$ 1,423	SLID 153	Dove Valley Ranch Parcel 3F	\$ 1,490
SLID 13	Village Terrace	\$ 1,876	SLID 154	Dove Valley Ranch Parcel 2B & 2C	\$ 1,277
SLID 14	The Coves/Ventana Lakes	\$ 3,533	SLID 155	Dove Valley Ranch Parcel 2D	\$ 3,696
SLID 15	Windwood	\$ 832	SLID 156	Dove Valley Ranch Parcel 2E	\$ 2,234
SLID 16	Lakeside Unit 2 @ Ventana Lakes	\$ 2,271	SLID 157	Dove Valley Ranch Parcel 2F	\$ 1,809
SLID 17	Arrowhead Shores I	\$ 2,846	SLID 159	Terramar Parcel 7A	\$ 1,581
SLID 18	Arrowhead Shores II	\$ 2,609	SLID 160	Terramar Parcel 11	\$ 1,481
SLID 19	Westfield Gardens 2	\$ 739	SLID 161	Skyview Place	\$ 1,967
SLID 20	Cactus Point Crossing	\$ 1,643	SLID 162	Arrowhead Shadows	\$ 2,194
SLID 21	Country Meadows Estates	\$ 1,818	SLID 163	Greystone Heritage @ V.L.	\$ 1,265
SLID 22	The Gardens @ V.L. includes North Park	\$ 3,873	SLID 164	Erin Groves	\$ 3,026
SLID 23	Brookside Village I & II	\$ 1,660	SLID 166	Bay Pointe Unit Two @ V.L.	\$ 2,532
SLID 24	Country Meadows Unit 11	\$ 238	SLID 167	Springer Ranch 2	\$ 1,211
SLID 25	Vista Point, Village Terrace II & III @ WBV	\$ 2,734	SLID 171	Greystone II Heritage @ V.L.	\$ 2,304
SLID 26	Calbrisa	\$ 1,952	SLID 172	Erin Groves 2	\$ 1,286
SLID 27	Torrey Pines I & II	\$ 2,925	SLID 176	Twin Palms	\$ 1,286
SLID 28	The Landings @ V.L. includes South Bay	\$ 2,925	SLID 177	Desert Star Subdivision	\$ 7,258
SLID 29	Sweetwater Place	\$ 2,119	SLID 179	Westwing Mountain Parcel 1A	\$ 1,703
SLID 30	Vistas @ Desert Harbor Unit II	\$ 1,581	SLID 183	Westwing Mountain Parcel 4	\$ 320
SLID 31	Westfield Gardens III	\$ 1,277	SLID 185	Westwing Mountain Parcel 6	\$ 426
SLID 32	83rd Ave & Thunderbird	\$ 3,707	SLID 187	Westwing Mountain Parcel 8	\$ 1,277
SLID 33	Crystal Cove	\$ 2,134	SLID 188	Westwing Mountain Parcel 9	\$ 1,490
SLID 34	Villas @ Desert Harbor	\$ 1,040	SLID 189	Westwing Mountain Parcel 10	\$ 1,171
SLID 36	Arrowhead Cove	\$ 1,818	SLID 190	Westwing Mountain Parcel 11	\$ 1,490
SLID 37	Vistas Fairways @ WBV	\$ 2,517	SLID 191	Westwing Mountain Parcel 12	\$ 1,383
SLID 39	Bridlewood	\$ 5,770	SLID 195	South Bay Unit 2 @ Ventana Lakes	\$ 2,128
SLID 40	The Shores @ V.L.	\$ 712	SLID 197	Sun Cliff V	\$ 3,113
SLID 41	Fairway Views @ WBV	\$ 1,739	SLID 198	Fletcher Heights 3A	\$ 11,084
SLID 42	Sweetwater Place II	\$ 681	SLID 199	Fletcher Heights 3B	\$ 3,280
SLID 43	Steeple Hill	\$ 2,185	SLID 201	Central Park Subdivision	\$ 3,298
SLID 44	Paradise Shores	\$ 1,344	SLID 202	Starlight Canyon	\$ 852
SLID 45	Calle Lejos Estates	\$ 1,107	SLID 204	North Ranch	\$ 3,435
SLID 46	Eagle Ridge @ WBV	\$ 2,372	SLID 205	Tuscany Shores - Desert Harbor Parcel 12	\$ 1,265
SLID 47	Olive Park	\$ 984	SLID 206	West Valley Ranch	\$ 1,135
SLID 48	Paseo Verde Estates	\$ 2,567	SLID 208	Sonoran Mountain Ranch Parcel 1	\$ 2,450
SLID 49	The Boardwalk	\$ 2,529	SLID 209	Sonoran Mountain Ranch Parcel 2	\$ 2,529
SLID 50	Parkridge I & II	\$ 11,539	SLID 210	Vistancia Village A Par A37	\$ 870
SLID 51	Scotland Hills @ WBV	\$ 1,423	SLID 211	Vistancia Village A Par A36	\$ 1,186
SLID 54	Wildflower Point I	\$ 1,898	SLID 212	Vistancia Village A Par A33	\$ 1,107
SLID 55	Crystal Bay @ Desert Harbor	\$ 396	SLID 213	Vistancia Village Par A 32	\$ 949
SLID 56	Diamond Cove @ Desert Harbor	\$ 2,089	SLID 214	Vistancia Village A Par A14	\$ 791
SLID 57	Alta Vista Estates	\$ 8,512	SLID 215	Vistancia Village A Par A13	\$ 633
SLID 58	Sweetwater Ridge Amended	\$ 5,258	SLID 216	Vistancia Village Par A12	\$ 1,028
SLID 59	Hunter Ridge	\$ 2,214	SLID 218	Vistancia Village A Par A10B	\$ 949
SLID 60	Arrowhead Horizons	\$ 1,660	SLID 222	Cibola Vista 2	\$ 2,293

CITY OF PEORIA
Streetlight Improvement District Revenues

DESCRIPTION	PROJECTED FY2012	DESCRIPTION	PROJECTED FY2012
SLID 61 Cactus Place	\$ 633	SLID 223 Cibola Vista 3	\$ 2,293
SLID 62 Legacy Place	\$ 1,589	SLID 224 Cibola Vista 4	\$ 1,818
SLID 63 Granite Run	\$ 3,004	SLID 225 Cibola Vista 5	\$ 3,162
SLID 64 Willow Ridge @ WBV	\$ 3,478	SLID 226 Sonoran Mountain Ranch Parcel 4.1	\$ 2,214
SLID 66 New River Shores	\$ 3,083	SLID 227 Sonoran Mountain Ranch Parcel 4.2	\$ 1,660
SLID 70 Sweetwater Ridge Unit 3	\$ 379	SLID 228 Sonoran Mountain Ranch Parcel 5	\$ 1,581
SLID 71 Teresita	\$ 1,810	SLID 229 Sonoran Mountain Ranch Parcel 6	\$ 2,529
SLID 72 Country Club Estates @ WBV	\$ 949	SLID 230 Sonoran Mountain Ranch Parcel 7	\$ 2,688
SLID 73 Fletcher Heights Phase 1A	\$ 15,742	SLID 231 Sonoran Mountain Ranch Parcel 9A Ph 1	\$ 1,660
SLID 76 Silverton	\$ 5,770	SLID 232 Sonoran Mountain Ranch Parcel 9A Ph 2	\$ 1,107
SLID 77 Deer Village Unit 3	\$ 1,265	SLID 233 Westwing Ph 2 Par 18	\$ 1,905
SLID 78 Deer Village Unit 1	\$ 1,898	SLID 234 Westwing Ph 2 Par 19	\$ 852
SLID 79 Deer Village Unit 2	\$ 2,055	SLID 235 Westwing Ph 2 Par 29	\$ 2,766
SLID 80 Deer Village Unit 4	\$ 1,502	SLID 236 Westwing Ph 2 Par 15	\$ 2,022
SLID 82 Pivotal Peoria Center Tracts C & D	\$ 1,665	SLID 238 Casa Del Rey	\$ 8,615
SLID 83 Fairmont Unit 1	\$ 4,584	SLID 239 Westwing Ph 2 Par 21	\$ 953
SLID 84 Fairmont Unit 2	\$ 2,846	SLID 240 Westwing Ph 2 Par 22	\$ 1,270
SLID 93 Terramar Parcel 1	\$ 4,703	SLID 1000 Sonoran Mountain Ranch Parcel 10	\$ 3,715
SLID 94 Terramar Parcel 2A	\$ 533	SLID 1001 Vistancia Village A Parcel A9	\$ 1,107
SLID 95 Terramar Parcel 3	\$ 2,636	SLID 1002 Fletcher Farms	\$ 1,976
SLID 96 Terramar Parcel 4A	\$ 1,663	SLID 1004 Vistancia Village A Parcel G10	\$ 633
SLID 97 Terramar Parcel 5	\$ 1,502	SLID 1005 Vistancia Phase 2 Parcel A-8	\$ 712
SLID 98 Terramar Parcel 6	\$ 3,435	SLID 1006 Vistancia Phase 2 Parcel A-15	\$ 1,028
SLID 99 Terramar Parcel 7B	\$ 1,900	SLID 1007 Vistancia North Parcel G-11	\$ 475
SLID 101 Terramar Parcel 9A	\$ 1,107	SLID 1008 Riverstone Estates	\$ 10,673
SLID 102 Terramar Parcel 10A	\$ 633	SLID 1009 Vistancia Village A Parcel G3	\$ 1,344
SLID 104 Dove Valley Ranch Parcel 2A	\$ 2,553	SLID 1010 Vistancia Parcel A-7	\$ 475
SLID 107 Fletcher Heights Phase 1B	\$ 8,513	SLID 1011 Varney Village	\$ 238
SLID 108 Fletcher Heights Phase 1C	\$ 3,936	SLID 1012 Vistancia North Parcel G-4	\$ 633
SLID 110 South Bay @ Ventana Lakes	\$ 1,809	SLID 1013 Vistancia A28	\$ 1,739
SLID 114 Fletcher Heights Phase 2A	\$ 10,449	SLID 1014 Vistancia A29	\$ 5,938
SLID 116 Tierra Norte V	\$ 2,668	SLID 1016 Sonoran Mountain Ranch Parcel 14	\$ 1,818
SLID 117 Summersett Village	\$ 8,398	SLID 1025 Rio Estates	\$ 3,610
SLID 119 Dove Valley Ranch Parcel 3A	\$ 1,915		
SLID 121 Dove Valley Ranch Parcels 3D & 3E	\$ 5,000		<u>\$ 483,919</u>
SLID 122 Clearview Estates	\$ 3,830		
SLID 123 Terramar Parcel 2B	\$ 3,298		
SLID 125 Terramar Parcel 12	\$ 3,484		
SLID 126 Terramar Parcel 13	\$ 2,323		
SLID 127 Terramar Parcel 14	\$ 1,502		
SLID 128 Peoria Mountain Vistas	\$ 3,724		
SLID 129 Fletcher Heights Phase 2B	\$ 9,680		
SLID 131 Bay Pointe @ V.L.	\$ 4,912		
SLID 135 Sun Cliff IV	\$ 4,042		
SLID 136 Ironwood Phase 1A	\$ 2,022		
SLID 137 Ironwood Phase 1B	\$ 1,383		
SLID 138 Ironwood Phase 2A	\$ 1,065		
SLID 139 Ironwood Phase 2B	\$ 852		
SLID 140 Ironwood Phase 3A	\$ 533		
SLID 141 Ironwood Phase 3B	\$ 533		

ORDINANCE NO. 2011-16

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA AND WITHIN THE FOLLOWING MAINTENANCE IMPROVEMENT DISTRICTS EACH DESIGNATED AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NOS. 1 - 7 INCLUSIVE, NO. 10, NO. 69 NO. 1025, AND NO. 1044 SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR THE PURPOSE OF GENERAL DISTRICT EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2012, AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. There is hereby levied on each One Hundred Dollars (\$100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City of Peoria Maintenance Improvement Districts, except such property as may be by law exempt from taxation, a primary property tax rate sufficient to raise a sum necessary to pay annual expenses of said District for the fiscal year ending on the 30th day of June, 2012. If such sum exceeds the maximum levy allowed by law, the Board of Supervisors of the County of Maricopa is hereby authorized to reduce the levy to the maximum amount allowed by law after providing notice to the City.

SECTION 2. Failure by the County officials of Maricopa County, Arizona to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax deed; failure or neglect of any officer or officers to perform or to timely perform any of the duties assigned to him or to them shall not invalidate any proceeding or any deed deficiency or sale pursuant thereto, the validity of the assessment or levy of taxes, or of the judgment of sale by which the collection of the same may be enforced, shall not affect the lien of the City of Peoria upon such property for the delinquent taxes unpaid thereon; overcharge as to part of the taxes or of costs shall not invalidate any proceedings for the collection of taxes, or the foreclosure of the lien therefore, or a sale of the property under such foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the Mayor and Council.

SECTION 5. In order to preserve the peace, health and safety of the City of Peoria, an EMERGENCY is declared to exist and this Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 5th day of July 2011.

Bob Barrett, Mayor

Date Signed

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times
Publication Dates: July 8 & 15, 2011.
Effective Date:

CITY OF PEORIA
Maintenance Improvement District Revenues

DESCRIPTION	PROJECTED FY2012
MID 1 Cactus Point Crossing	\$ 19,062
MID 2 Westfield Gardens II	\$ 12,024
MID 3 Bell Park (Parcel 5)	\$ 10,644
MID 4 Country Meadows	\$ 11,929
MID 5 Crystal Cove	\$ 23,970
MID 6 Westfield Gardens III	\$ 12,604
MID 7 Sweetwater Place	\$ 17,566
MID 10 Tierra Norte III	\$ 22,127
MID 69 Stonebridge	\$ 14,224
MID 1025 Bedford Village 1 - 82nd Ave and Shangri La	\$ 8,291
MID 1044 Bedford Village 2 – 83rd Ave and Shangri La	\$ 9,393
	<u>\$ 161,834</u>

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 11C

Amend No. _____

Date Prepared: May 11, 2011

Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager

FROM: Scott Whyte, Economic Development Services Director

SUBJECT: Final Plat of Trilogy at Vistancia - Parcel C8, Trilogy Boulevard and Dixileta Parkway (Project No. R110006)

RECOMMENDATION:

Discussion and possible action to approve a Final Plat of Trilogy at Vistancia - Parcel C8, located on Trilogy Blvd and Dixileta Parkway, and authorize the Mayor and City Clerk to sign and record the Final Plat with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil and landscape/irrigation plans must be approved by the City of Peoria (City) prior to recordation of the Final Plat.
2. An approval of design from the City Engineering Department for the necessary improvements in accordance with the City Subdivision Regulations, as determined by the City Engineer, must be obtained prior to recording the Final Plat.
3. The developer must provide a financial assurance in the amount agreed upon by the City Engineer and an Agreement to Install for construction of the infrastructure improvements in accordance with the City Subdivision Regulations, prior to recordation of the Final Plat.
4. In the event that the Final Plat is not recorded within 60 days of Council approval, the Final Plat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

SUMMARY:

The purpose of the Final Plat is to establish a subdivision for residential use. This development is within the City's water\sewer service area. This final plat creates a total of 22 new lots within the Trilogy at Vistancia (Village C) Community. All internal roadways are private roadways, and as such, maintained by the Trilogy HOA.

Trilogy at Vistancia - Parcel C8 is one of the few remaining Vistancia Parcels and the platting layout is inline with many of the subdivisions located within the Trilogy Community. The preliminary plat was renewed by the City and completed in December 2010 and no changes were made to the proposed Final Plat.

ATTACHMENTS:

1. Final Plat
2. Vicinity Map

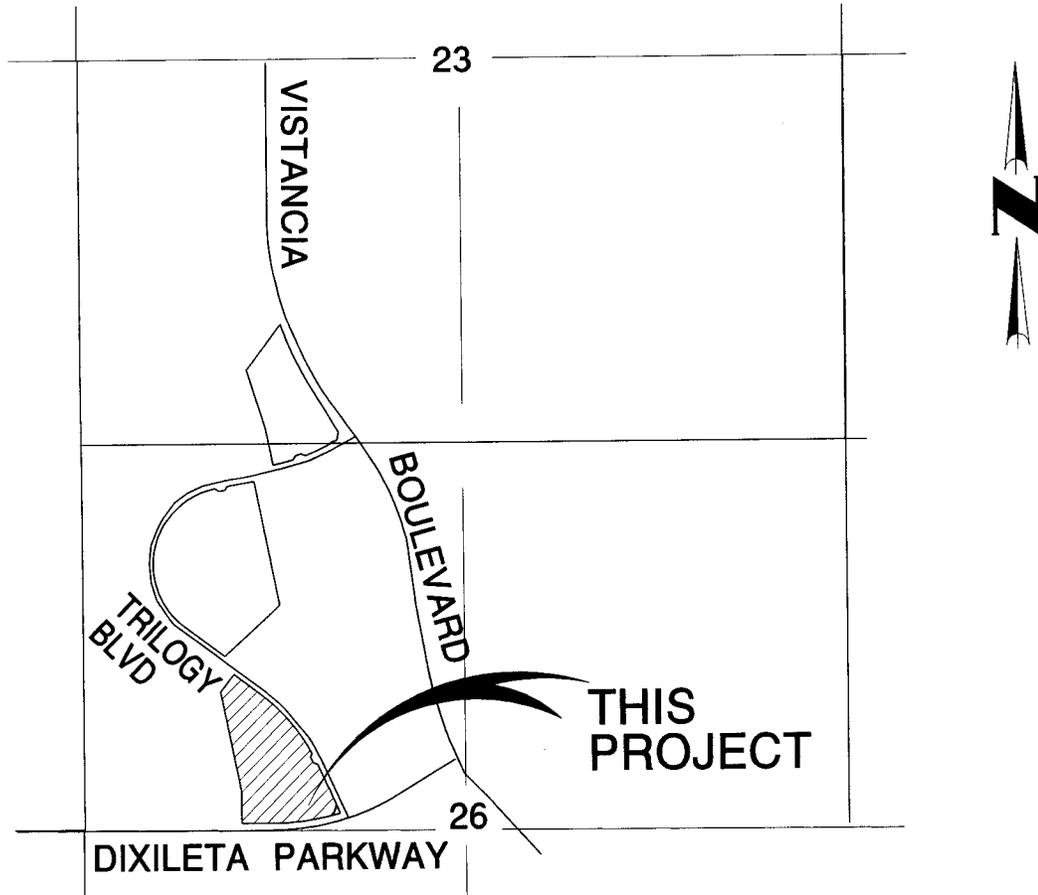
CONTACT:

Jodi Breyfogle, P.E., Civil Engineer: 623-773-7577, Jodi.Breyfogle@peoriaaz.gov

"TRILOGY AT VISTANCIA-PARCEL C8"

LOCATED WITHIN A PORTION OF THE NORTHWEST QUARTER OF SECTION 26,
TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA

OWNER: SHEA HOMES OF PHOENIX, INC. (FN), AND SHEA HOMES SOUTHWEST, INC.



VICINITY MAP
(NOT TO SCALE)

CITY OF PEORIA PROJECT #R110006

VICINITY MAP

"TRILOGY AT VISTANCIA-PARCEL C8"

JOB NO
01-0165805

4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
TELEPHONE (602) 264-6831

COE & VAN LOO
PLANNING • ENGINEERING • LANDSCAPE ARCHITECTURE

SHEET
1 OF 1

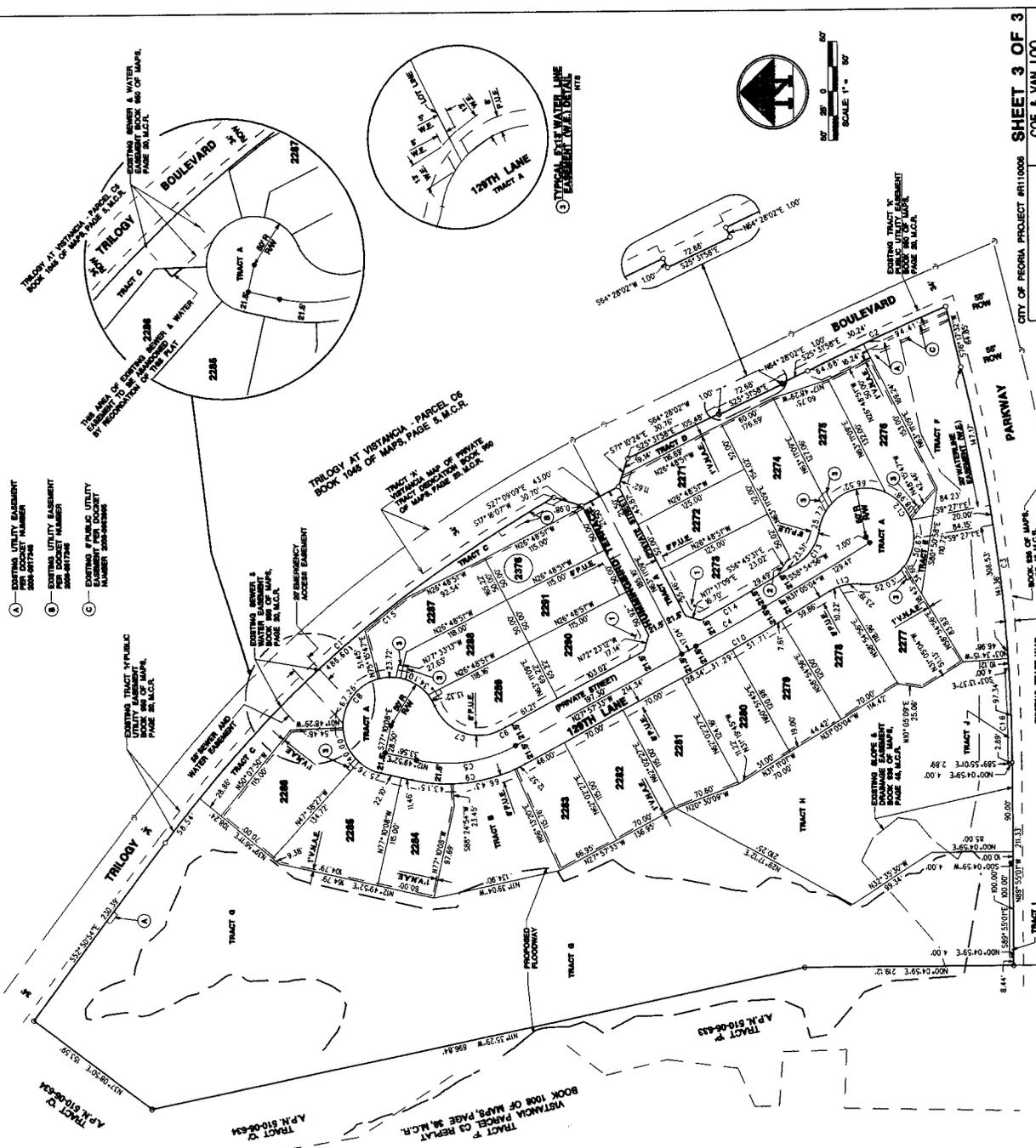
- LEGEND**
- ▲ INDICATES SECTION CORNERS - FOUND BEARS CAP
 - INDICATES CORNERS OF THIS SUBDIVISION - FOUND REBAR CAPPED FLAG STAKES (UNLESS OTHERWISE NOTED)
 - INDICATES CORNERS OF THIS SUBDIVISION - FOUND B.M. CAP
 - INDICATES CORNERS OF THIS M.A.S. AND MET. 1/2" TYPE "C"
 - INDICATES EXISTING BEARS CAP (UNLESS OTHERWISE NOTED)
 - INDICATES BEARS CAP (UNLESS OTHERWISE NOTED)
 - CAP ALIAS UPON COMPLETION OF JOB PER FLAG, STD. DET. 18" x 1/2" TYPE "W" (UNLESS OTHERWISE NOTED)
 - INDICATES CURVE NUMBER
 - INDICATES VEHICULAR SIGN - ACCESS EASEMENT
 - INDICATES PUBLIC UTILITY EASEMENT
 - INDICATES WATER LINE EASEMENT
 - INDICATES SEWER LINE EASEMENT
 - INDICATES AIRCRAFT OBSTRUCTION CONICORS
 - INDICATES AIRCRAFT OBSTRUCTION CONICORS
 - INDICATES BUREAU OF LAND MANAGEMENT
 - INDICATES ASSASSOR PARCEL NUMBER
 - INDICATES POINT OF WAY
 - INDICATES UNOBTAINED VIEW EASEMENT
 - INDICATES KEY LOT
 - INDICATES BOUNDARY LINE
 - INDICATES CERTIFICATE

LOT	AREA	ACRES
1	0.00	0.00
2	0.00	0.00
3	0.00	0.00
4	0.00	0.00
5	0.00	0.00
6	0.00	0.00
7	0.00	0.00
8	0.00	0.00
9	0.00	0.00
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12	0.00	0.00
13	0.00	0.00
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75	0.00	0.00
76	0.00	0.00
77	0.00	0.00
78	0.00	0.00
79	0.00	0.00
80	0.00	0.00
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84	0.00	0.00
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86	0.00	0.00
87	0.00	0.00
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89	0.00	0.00
90	0.00	0.00
91	0.00	0.00
92	0.00	0.00
93	0.00	0.00
94	0.00	0.00
95	0.00	0.00
96	0.00	0.00
97	0.00	0.00
98	0.00	0.00
99	0.00	0.00
100	0.00	0.00

TOTAL LAND USE	ACRES
1	0.00
2	0.00
3	0.00
4	0.00
5	0.00
6	0.00
7	0.00
8	0.00
9	0.00
10	0.00
11	0.00
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92	0.00
93	0.00
94	0.00
95	0.00
96	0.00
97	0.00
98	0.00
99	0.00
100	0.00

TRACT AREAS	DESCRIPTION
TRACT A - 1.14 ACRES	PRIVATE STREETS, PUBLIC UTILITIES, WATER, SEWER, ACCESS & EGRESS FOR EMERGENCY ACCESS AND REFUSE COLLECTION AND SERVICE TYPE AREAS
TRACT B - 0.00 ACRES	LANDSCAPE, RETENTION, DRAINAGE, WATER, SEWER, EMERGENCY ACCESS EASEMENT
TRACT C - 0.00 ACRES	LANDSCAPE & DRAINAGE EASEMENT
TRACT D - 0.00 ACRES	LANDSCAPE, DRAINAGE & WATER EASEMENT
TRACT E - 0.00 ACRES	LANDSCAPE, DRAINAGE & WATER EASEMENT
TRACT F - 0.00 ACRES	LANDSCAPE, DRAINAGE, FLOODWAY EASEMENT AND GOLF COURSE
TRACT G - 0.00 ACRES	LANDSCAPE, DRAINAGE, FLOODWAY EASEMENT AND GOLF COURSE
TRACT H - 0.00 ACRES	LANDSCAPE & DRAINAGE EASEMENT
TRACT I - 0.00 ACRES	LANDSCAPE & DRAINAGE EASEMENT
TRACT J - 0.00 ACRES	LANDSCAPE & DRAINAGE EASEMENT
TOTAL = 7.16 ACRES	

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	BEARING
1	308.00	55.14	0.2352	46.74	50.00	0.00
2	1685.00	415.91	0.1470	427.08	415.91	0.00
3	1500.00	81.82	0.0370	81.82	81.82	0.00
4	1200.00	108.40	0.0494	108.40	108.40	0.00
5	50.00	28.41	0.0058	28.41	28.41	0.00
6	70.00	39.26	0.0081	39.26	39.26	0.00
7	150.00	79.52	0.0162	79.52	79.52	0.00
8	150.00	79.52	0.0162	79.52	79.52	0.00
9	150.00	79.52	0.0162	79.52	79.52	0.00
10	150.00	79.52	0.0162	79.52	79.52	0.00
11	150.00	79.52	0.0162	79.52	79.52	0.00
12	150.00	79.52	0.0162	79.52	79.52	0.00
13	150.00	79.52	0.0162	79.52	79.52	0.00
14	1478.50	63.75	0.0274	63.75	63.75	0.00
15	1478.50	63.75	0.0274	63.75	63.75	0.00
16	1681.00	97.11	0.0348	97.11	97.11	0.00
17	1750.00	103.00	0.0368	103.00	103.00	0.00
18	1750.00	103.00	0.0368	103.00	103.00	0.00
19	1750.00	103.00	0.0368	103.00	103.00	0.00
20	525.00	132.44	0.0274	132.44	132.44	0.00
21	2500.00	138.64	0.0058	138.64	138.64	0.00
22	2500.00	138.64	0.0058	138.64	138.64	0.00
23	2500.00	138.64	0.0058	138.64	138.64	0.00



SHEET 3 OF 3
COE & VAN LOO
 CONSULTANTS, INC.
 1400 W. 10TH STREET, SUITE 100
 DENVER, CO 80202

SEE SHEET 2 FOR LEGAL DESCRIPTION.
 TRILOGY AT VISTANCIA-PARCEL C8 - FINAL PLAT - CIVL JOB# 01-0166005

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 12C _____
Amend No. _____

Date prepared: June 22, 2011

Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager
THROUGH: Susan K. Thorpe, Deputy City Manager
FROM: Wanda Nelson, CMC, City Clerk
SUBJECT: Adopt Amendments to Council Policy 1-6 (Public Body Meeting Procedures), Adopt Resolution 2011-47 Designating Posting Location

RECOMMENDATION: Discussion and possible action to adopt amended Council Policy 1-6 (Public Body Meeting Procedures) and adopt Resolution 2011-47 Designating Posting Location.

SUMMARY:

Presently, the City has two separate policies that govern meeting procedures for both the City Council (CP 1-2) and other Public Bodies (CP 1-6). The policy for Council meeting procedures was updated in January 2010; unfortunately, the same cannot be said for the Public Body Meeting procedures. The two policies are not consistent, and staff is recommending that the Public Body Meeting Procedures CP 1-6 amended to be in accordance with Council Policy 1-2.

Should this amendment be adopted, the Clerk's office would now post notices, "In accordance with practices outlined by the Clerk's Office" (which is currently stated in the Council meeting procedure). As required under statute, the Clerk's office would now deem the City's website to be the official posting location, with courtesy notice at City Hall. Resolution 2011-47 effectuates this change.

To summarize, the following will be achieved by adopting amended CP 1-6 and adopting Resolution 2011-47:

- Provide consistency between Council Meeting Procedures and Public Body Meeting Procedures;
- Remove out-dated practices and requirements;
- Align our policies with State mandates requiring our notices to be published on our website;
- Further the City's "Go Green" efforts by reducing the amount of paper produced for public notices.

FISCAL NOTE: Reduction in costs for paper copies

ATTACHMENT:

1. CP 1-2, Amended CP 1-6, Resolution 2011-47

CONTACT: Wanda Nelson, City Clerk, 623-773-7340



CITY COUNCIL POLICY

CP 1-6

Category: General

Department:
City Clerk

TITLE:

Public Body Meeting Procedures

Approved: ~~July 10, 2007~~July 5, 2011

A. Purpose

~~1. 1.~~ 4. These Rules of Procedures for meetings of City of Peoria Public Bodies are intended to establish a standard policy ~~and identify rules and procedures for the conduct of public meetings of public bodies of the City of Peoria.~~ These rules of procedure are not intended to apply to public meetings of the City Council, which are addressed in separate ~~(though similar)~~ rules of procedure ("City Council Meeting Rules of Procedure," City Council Policy CP 1-2).

~~Public bodies that are subject to these rules of procedure include City Council Committees, City of Peoria Boards, and City of Peoria Commissions.~~

2. ~~These Rules of Procedures apply to all aspects of Public Body meetings, including the preparation and publication of public notices, the preparation and publication of meeting agendas, and the preparation and reporting of meeting minutes.~~ The City of Peoria is governed by A.R.S. §§ 38-431, *et seq.*, which is commonly known as the "ARIZONA OPEN MEETING LAW." It is the Policy of the City Council that all public meetings be conducted in a timely and orderly manner; ~~that notices, agendas, and minutes of public meetings be prepared, published, and distributed; that all documentation relating to the City's open public meetings be made available to the public; and that all issues as set forth above be done~~ in general conformance with the laws, the City Charter, the City Code, By-laws, this or any other Council Policy, applicable Rules of Conduct, Procedures, and Regulations governing same, and Scott, Foresman version of Robert's Rules of Order.

3. If a Public Body adopts specific additional rules that are designed to reflect the unique nature of the material that it considers, then in the event of a conflict between the specific rules and these general Rules of Procedures, the specific rules of the Public Body shall govern.

B. Defined Terms.

1. "Agenda." As set forth in the Order of Business, an agenda is a formal listing of items to be considered by the Public Body at a noticed public meeting. The agenda may not be changed less than 24 hours prior to the public meeting.
2. "Legal Counsel." The City Attorney will determine whether an attorney is necessary to attend a Public Body Meeting to provide legal advice, ~~to the Public Body.~~ Depending on the role of the Public Body, ~~for example whether it is performing a quasi-judicial function,~~ the designated counsel may be a member of the Office of the City Attorney or outside counsel hired by the City for such purpose.
3. "Meeting." The gathering of a quorum of members of the Public Body, as a result of a Public Notice and Agenda, to propose to take or deliberate legal action ~~or to deliberate regarding legal action to be taken in the future.~~
4. "Meeting Packet." A compilation of documents supporting the items listed on the Agenda ~~and requiring Public Body action, which may to~~ be used by Public Body members, Staff, and the public, ~~for more in-depth information than may be presented in an oral report.~~
5. "Minutes." The documented history of each meeting of the Public Body and the discussion and action taken by that Public Body. ~~The minutes' format normally follows the order of business as reflected in the public notice and agenda for that particular meeting. Included in the minutes are: meeting date, time, location, members' present and absent, staff members present, other officials or persons present (if pertinent to the meeting) and the number of public present. The subject, an overview of the main issues under discussion, the motion and second, and the action taken including the vote is also included in the minutes.~~
6. "Motion." A motion is a proposal by the Public Body that formal action be taken by the Public Body.
67. "Notice." A formal announcement to the public that sets forth the date, time, and place for which a meeting of a Public Body will be held. ~~Giving formal notice of meetings is done as provided by Statute, Charter, Code, City Policy, or other Rules and Regulations of the Public Body.~~
78. "Presiding Officer." The Chairperson, Vice Chairperson, or other designee of a Public Body, ~~who shall presides~~ over the Meeting of the Public Body.

~~and conduct the meeting in conformance with and adherence to all applicable Statutes, Policies, Rules, Regulations, and Procedures.~~

~~89.~~ "Public Body." Any formally created Board, Commission, or Committee of the City.

~~910.~~ "Quorum." A quorum is the minimum number of members of the Public Body who must be present in order for business to be legally transacted. An alternate member of a Board or Commission does not count when determining a quorum, unless the alternate is serving as a regular member due to an absence of the Regular Member. ~~A quorum is one more than one-half of the total membership of the Public Body, unless established otherwise by the By-laws of the Public Body. For example:~~

- With a 3-member body, a quorum is 2.
- With a 4- or 5-member body, a quorum is 3.
- With a 6- or 7- member body, a quorum is 4.
- With a 10- or 11- member body, a quorum is 6.
- With a 19-member body, a quorum is 10.

~~101.~~ "Staff Liaison." The City employee, or designee, assigned by the City Manager to support all ~~m~~Meetings of a ~~particular~~ Public Body.

C. Agenda Preparation

1. Preparation and Distribution.

The Staff Liaison shall prepare the Agenda _____ for any meeting of a Public Body ~~in conformance to the Order of Business as set herein. Agendas of all Public Body meetings shall be available no less than 24 hours prior to said meetings, and file a Notice and Agenda with the _____ City Clerk no less than 72 hours before the date and time set for the _____ meeting.~~

_____2. Placement of Items on Agenda.

Items shall be placed on the agenda for a _____ meeting of a Public Body by request of a member of the Public Body or _____ the Staff Liaison, with the approval of the Chairperson.

_____3. Submission of Items for Executive Sessions. A request for an Executive Session pursuant to State law should be reviewed by the Legal Counsel, _____ who shall ensure compliance with applicable laws.

~~A request for an Executive Session pursuant to State law should be reviewed by the Legal Council who shall ensure compliance with applicable laws.~~

4. Documentation for Meetings of Public Bodies.

A Meeting Packet ___ containing documentation for a meeting of a Public Body shall be ___ assembled, ~~reproduced~~, and made available to members of the Public Body and the ___ public at least 24 hours prior to the meeting. A Meeting Packet should contain the Agenda, Minutes from the Public Body's most recent meeting, ___ and documentation that may be attached to support items on the Agenda, ___ such as a Staff Report.

D. Meeting Notices

1. Preparation. The Staff Liaison shall prepare all public meeting notices of a Public Body and file a Notice and Agenda with the City Clerk no less than 72 hours before the date and time set for the meeting.

2. ~~Official Posting Locations and Timing. The City Clerk shall post the official notices of all meetings of a Public Body in the following three locations: (1) Peoria Post Office, 85th & Peoria Av; (2) Peoria Community Center, 84th & Jefferson; (3) Peoria City Hall, 8401 W. Monroe Street on the Administrative Building Posting Boards. All meeting notices shall be posted no less than 24 hours before the date and time set for said meeting in accordance with A.R.S. § 38-431.02(C). All Public Body meeting notices shall be posted in accordance with practices outlined by the City Clerk's Office.~~

3. Annual Notice ~~--- Public Bodies~~. The Staff Liaison for each Public Body, ~~not later than January 2nd of each year~~, shall file a statement with the City Clerk's Office stating where all public notices of their meetings will be posted and shall give such additional public notice as is reasonable and practicable as to all meetings.

E. Meetings ~~T~~o Be Public

1. All meetings of a Public Body are open to the public, with the exception of those meetings called as Executive Sessions pursuant to A.R.S. §§ 38-431.02 et seq.

2. All public meetings may be recorded or photographed by means of audio, video, or photographic equipment provided, however, that there is no

interference in the orderly conduct of the meeting, and that said equipment is placed in non-hazardous locations as designated by the City's Facility Management staff.

F. Order of Business. The Order of Business of each meeting shall be contained in the Agenda. The Agenda shall be a sequentially numbered listing by topic and a brief description of the subjects that shall be taken up for consideration.

1. Agenda. The Presiding Officer, or the Public Body by consensus, may consider items out of sequence from the printed agenda for the meeting.

~~The Order of Business of each meeting shall be contained in the Agenda. The Agenda shall be a sequentially numbered listing by topic and a brief description of the subjects that shall be taken up for consideration. A Public Body meeting should abide by the following agenda:~~

Call to Order (Convvene)

Roll Call

Disposition of Absence (may be put on the Consent Agenda if a Consent Agenda is used) ~~(Should include the name of the member absent and the Meeting Date. If not on Consent, the wording for this item is: Discussion and Possible Action to Approve the Absence of _____ from the meeting of _____)~~

Final Call to Submit Speaker Request Forms (If public is allow to speak on issues that are not a Public Hearing)

Presentations

Consent Agenda (If one is used)

(Consent Agenda items are listed in the following order: Minutes, Disposition of Absences from previous meetings, Unfinished Business, New Business)

Unfinished Business

New Business

Call to the Public (if used)

Reports From Staff

Reports From Public Body Member

Adjournment

2. ~~Issues That May Be Considered.~~

~~_____ Only matters appearing on the Agenda and items reasonably related thereto shall be considered by the Public Body holding the meeting, with the exception of an emergency issue which may be considered in conformance with A.R.S. §§ 38-431 et seq. In the event of an emergency, action may be taken on items not listed on _____ the agenda; however, the action must be subsequently noticed in _____ accordance with the Open Meeting Law.~~

3. ~~Items to be Taken in Order.~~

~~The Presiding Officer may consider items out of sequence from the printed Agenda for the meeting.~~

~~Action may be taken on all items listed for action on the Agenda. In the event of an emergency, action may be taken on items not listed on the Agenda; however, the subsequent action must be noticed in accordance with the Open Meeting Law.~~

4. ~~Call to Order. The meeting shall be called to order by the Presiding Officer.~~

~~The meeting shall be called to order by the Presiding Officer.~~

4.5. Roll Call. ~~The Presiding Officer shall direct the roll be taken.~~

~~Following the Call to Order and before proceeding with the business of the Public Body, the Presiding Officer shall call the Roll, and the names of Public Body members both present and absent shall be entered in to the minutes. Under the Open Meetings Act, the City may permit members to attend by Teleconference as A.R.S. 38-431 permits attendance by technological devices, when such members are outside Maricopa County, Arizona on the date and time of the meeting. In the event that a member is attending by technological device, then such meeting would automatically be moved to a location such as Economic Development Conference Room that has appropriate equipment for such purposes. If a quorum is not present, those in attendance will be named for the record and, in the absence of the Presiding Officer, the Staff Liaison will adjourn the meeting.~~

5. Under the Open Meeting Law, the City may permit members to attend by teleconference. A.R.S. § 38-431 permits attendance by technological devices on the date and time of the meeting.

6. Consent Agenda.

- a. The Consent Agenda lists items that are of such a nature that discussion is not required, or concern issues that have been previously studied by the Public Body. These items may be adopted by one motion.
- b. There is no detailed discussion on items listed under the Consent Agenda, unless a member of the Public Body requests that an item

or items be removed for discussion. Members may ask a question without removal of the item from the Consent Agenda.

- c. Items removed from the Consent Agenda are considered in their normal sequence as listed on the Agenda, unless called out of sequence as provided for herein.
7. Public Hearings.
- a. Generally Public Hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:
 - 1) The Presiding Officer will announce the matter that is set forth for a Public Hearing, and (if appropriate) ask the Staff to provide a short summary of the matter.
 - 2) The Presiding Officer will then ask the Applicant to speak on their application if they so desire.

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- 3) At the conclusion of the Staff Report and/or presentation by the Applicant, the Presiding Officer will open the Public Hearing for comments from the public.
 - 4) After all public comments are heard, the Presiding Officer will close the Public Hearing, and may ask Staff or the applicant to respond to the comments.
 - 5) The Presiding Officer may then call for a motion and second (if applicable) and ask if the Public Body wishes to discuss the issue. The Public Body may then proceed to discuss the matter.
 - 6) Upon conclusion of discussion, the Presiding Officer will call for action on the motion.
- b. Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the Agenda, and the number of persons desiring to speak on an issue, the Presiding Officer may, at the beginning of the hearing, limit testimony, but in no event to less than 3 minutes per individual. Upon approval of the Public Body, persons may be allowed to speak longer than 3 minutes. The Public Body may ask the individual speaker questions, and the speaker may respond.
 - c. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the Legal Counsel to the Public Body shall advise the Public Body in this regard.
8. Public Comment.
- a. General. At the pleasure of the Public Body, individuals may address the Public Body on any subject pertaining to or related to the Public Body's business, whether listed on the Agenda or not, and according to the prescribed schedule.
 - b. Speaker Request Form. All citizens, and interested parties wishing to speak before the Public Body shall fully complete a Speaker Request Form/s and, if possible, submit the form/s to the City Clerk, or designee, prior to the meeting being convened. ~~but in any case submissions should be made no later than the Presiding Officer announcing the "Final Call to Submit Speaker Request Forms and Call to the Public". Sufficient Speaker Request Forms are located in the Council Chamber's Lobby (the public entry area into the Chamber), and at the City~~

~~Clerk's position on the dais. The completed forms will be retained by the City Clerk in the Official Files for a period of 1 year and are a public record.~~

c. Call to the Public - Non-Agenda Items. Presentation of petitions, or public comments on Non-Agenda issues are heard under "Call to the Public."

1) ~~4)~~ The Presiding Officer may limit the number of speakers heard on non-agenda topics at any single meeting.

~~If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer will limit the number of speakers to a maximum of five.~~

2) All citizens and interested parties will be limited to a maximum of ~~3~~ three minutes to address the Public Body on a Non-Agenda item. The time limit may be waived by consensus of the Public Body.

~~3) The Public Body may not discuss any issue not listed on the Agenda, except to thank the speaker, or direct Staff to address appropriately. Any questions raised by the speaker on non-agenda items will not be answered by the Public Body, but will be referred to the City Staff for follow-up.~~

d. Call to the Public - Agenda Item.

~~At the appropriate item on the Agenda, t~~The Presiding Officer will, ~~in the order in which the Speaker Request Form was received,~~ call ~~by name~~ each individual who has asked to speak on a specific Agenda Item. Those speaking before the Public Body will be allowed three minutes to address the Public Body, but time limits may be waived upon consensus of the Public Body.

e. Interaction between Speaker and Public Body.

The purpose of all public comments is to provide information and the speaker's views for the Public Body's consideration. It is not appropriate for the speakers to question directly, or debate the matter under consideration with Staff, other speakers, the audience, or members of the Public Body. All comments should be addressed through the Presiding Officer. After being recognized by the Presiding Officer, the Public Body may question the speakers,

any applicant's representatives, or City Staff. Except when answering a direct question from a Public Body member, all remarks will be addressed to the Public Body as a whole, and not to individual members.

f. Speaker Decorum.

Proper decorum must be observed by speakers in providing testimony and remarks.

- 1) The Presiding Officer shall keep control of the Meeting, and require that the speakers refrain from abusive or profane remarks, disruptive outbursts, protests, or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting.
- 2) Personal attacks on Public Body members, City Staff, or members of the public are not allowed. Oral communications during the Public Body Meeting may not be used to lodge charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference, which tends to identify the employee. Any such charges or complaints against employees shall be submitted during normal business hours to the City Manager for appropriate action.
- 3) It is inappropriate to utilize the public hearing or other Agenda item for the purpose of making political speeches, including threats of political action. Engaging in such conduct, and failing to cease such conduct upon request of the Presiding Officer, will be grounds for ending a speaker's time at the podium or, at the direction of the Presiding Officer, for removal of any disruptive person from the Meeting Room.
- 4) After a motion has been made, or after a public hearing has been closed, no member of the public shall address the Public Body without first securing permission of the Presiding Officer.

_____g. Documents.

Exhibits, letters, petitions, and other documentary items presented or shown to the Public Body on a public hearing item become part of the record of the public hearing. ~~Twelve collated sets of written or graphic materials should be provided by the speaker prior to the commencement of the hearing to allow for distribution to the Public Body, key City Staff, and a copy for the Staff Liaison to include in the public record of the hearing. Reduced copies (8 1/2" x 11") of large graphic exhibits should be provided as part of the sets of materials for distribution as provided above. This requirement may be waived for signed petitions submitted by neighborhoods or other citizen groups, although these groups are required to present the originals to the City Clerk for the Record, and are encouraged to provide copies as set forth above.~~

9. Presentations/Reports by Members of the Public Body or Staff.
 - a. Any Public Body member or City staff may bring before the Public Body information regarding activities of outside agencies, City or Community events or programs, or items needing placement on future Agendas related to the duties of the Public Body.
 - b. These informational issues, appointments, or requests are put before the Public Body under the "Reports from the Members" or "Reports from Staff" portions of the Agenda. These matters need not be specifically listed on the Agenda.
10. Adjournment.
 - a. The open public meetings of the Public Body may be adjourned without motion and vote.
 - b. The Presiding Officer shall ask: "Is there any further business to come before the Public Body?" Being none, the Presiding Officer shall then formally adjourn the meeting by saying: "There being no further business to come before the _____ (name of the Public Body), the meeting is adjourned," or "Hearing none, the meeting is adjourned."

G. Rules, Rules, Decorum, and Order

1. Robert's Rules of Order.

Certain rules known as ~~*Robert's Rules of Order, Newly Revised (1990, 9th Edition, by Scott, Foresman)*~~ shall be used as a general guide for the conduct of all Public Body meetings. ~~Copies are available in the Office of the City Attorney, the Office of the City Clerk, the Peoria Public Libraries, and the Council Chamber.~~

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2. Participation of Presiding Officer.

The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak unless they have first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer. The Presiding Officer may debate from the Chair, subject only to such limitations of debate as are imposed on all Public Body members; and he/she shall not be deprived of any of the rights and privileges of a member by reason of his/her acting as Presiding Officer.

3. Question to be Stated.

— The Presiding Officer shall verbally restate each question immediately prior to calling for discussion and/or the vote. Following the vote, the Presiding Officer shall verbally announce whether the question carried or was defeated.

~~The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.~~

4. Points of Order.

— The Presiding Officer shall determine all Points of Order, subject to the right of any member to appeal to the whole Public Body. If any appeal is taken, the question (motion) shall be: "Shall the decision of the Presiding Officer be sustained?" In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.

5. Decorum and Order.

a. Public Body members.

Any member desiring to speak shall address the Chair and, upon recognition by the Presiding Officer, may speak.

b. Employees.

Members of the administrative staff and employees of the City shall observe the same rules of procedure and decorum applied to members of the Public Body. ~~Any staff members desiring to address the Public Body or members of the public shall first be recognized by the Chair.~~

c. Public.

Members of the public attending Public Body meetings shall observe the same rules of order and decorum applicable to the Public Body. ~~Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos, yells, and/or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting shall not be permitted.~~

d. Enforcement.

The Presiding Officer may direct a Police Officer present to remove from the room any person who violates the decorum and order of the meeting. If no Police Officer is available, a member of the Board or a Staff Member may be designated as the ex-officio Sergeant-at-Arms of the Public Body. Upon instructions from the Presiding Officer, it shall be the duty of the Sergeant-at-Arms to remove any person from the public meeting.

6. Conflict of Interest.

All Public Body members are subject to provisions of the Arizona Revised Statutes, City Charter, City Code, and the City's Ethics Policy relative to conflicts of interest. ~~Any member prevented from voting because of a conflict of interest shall also refrain from any participation in the issue under which a conflict exists.~~ Such member must leave the ~~d~~Dais during debate and vote on the issue.

7. Rulings of Chair on Procedural Issues.

In presiding over Public Body meetings, the Presiding Officer shall decide all questions of interpretation of these rules, points of order, or other questions of procedure requiring rulings.

a. The Presiding Officer, or Public Body by consensus, may suspend

strict observance of Policies, Rules, Regulations, and Procedures, and any applicable provision of Robert's Rules for the timely and orderly progression of the meeting.

- b. In the event of a conflict between these rules and Robert's Rules of Order, these rules shall govern.
 - c. In the absence of a rule herein to govern a point or procedure, Robert's Rules of Order shall be used as a guide.
8. Appeal the Ruling of the Chair.

~~As applies to members of the Public Body, any such decision or ruling of the Chair shall be final. However, immediately following the Chair's ruling, as it applies to other than members of the Public Body, a motion and second to appeal the ruling can be made, and the ruling can be overridden or suspended by a majority vote of the members present and voting. If not appealed, the Chair's ruling shall be binding and legally effective for purposes of the matter under consideration.~~

- H. Motions. In order to introduce and place an item before the Public Body for debate and possible action, a motion must be made.

~~A motion is the formal action taken by the Public Body in order to introduce and place an item before the Public Body for debate and possible action. A motion also may be made following the presentation of a report or other communication.~~

1. Processing of Motions.

- a. When a motion is made and seconded, it shall be ~~stated repeated~~ by the Presiding Officer before the Public Body may debate this issue. A motion ~~so stated shall may~~ not be withdrawn by the mover without the consent of the person seconding ~~it~~.

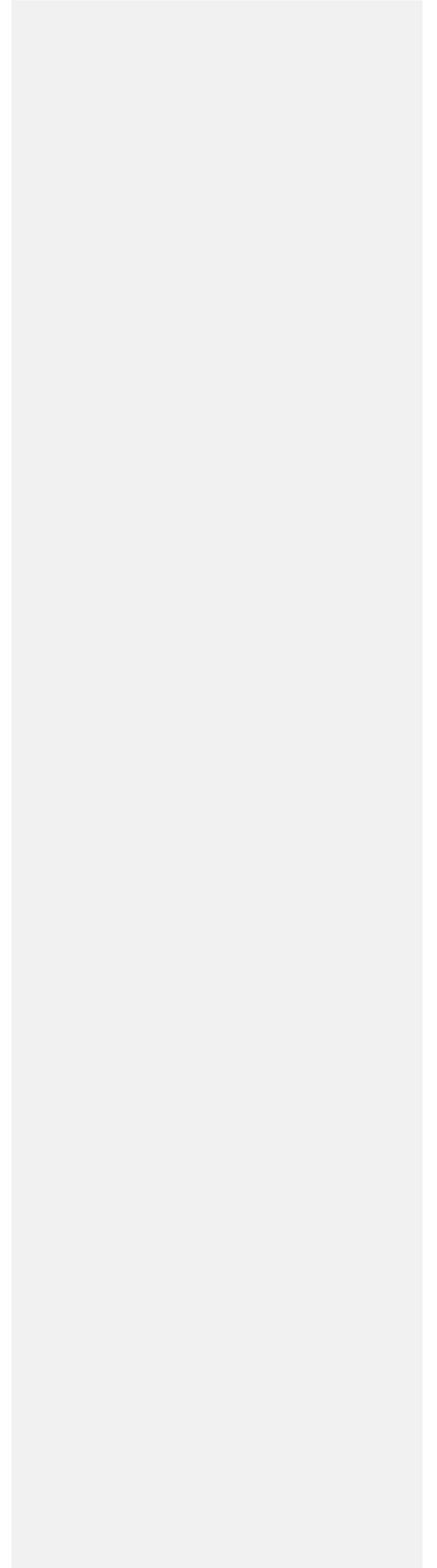
b. Prior to the Presiding Officer stating the motion, the maker has the right to modify the motion as the maker pleases, or to withdraw it entirely. If the motion is modified, the member who has seconded it has the right to withdraw the second. discussion commencing on a motion, the movant may modify the motion with the concurrence of the second, or if the mover modifies the motion, the member who seconded has the right to withdraw the second. The modified motion must either be seconded or be deemed to have died for lack of a second.

~~Also prior to the Presiding Officer stating the motion, and without recognition by the Presiding Officer, a member of the Public Body can say: "Mr. or Madam Chair, I would like to ask the maker of the motion if he/she would accept the following modification to his/her motion..."~~

- c. Prior to discussion on the motion, a member of the City Council may request the mover accept a modification to the original motion. If the proposed modification is accepted by the original movant and the second concurs, the modified motion is considered to be on the table.

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~~d. If a modification made by another member is accepted by the maker of the motion, then the person suggesting the modification has, in effect, seconded the modified motion and no further second is needed. If the member who seconded the unmodified motion withdraws the second after modification, the second is presumed made by the member suggesting the modification.~~

2. Division of Question.

If the question contains two or more ~~propositions that could be divided parts~~, the Presiding Officer may, and upon the request of a member shall, divide the same vote on each part separately.

3. Precedence of Motions.

~~When a motion is before the Public Body, no motion shall be entertained except the following, which shall have precedence in the following order made, only the motions listed below may be considered while the original motion is pending. If multiple motions from the following list are made while the original motion is pending, the precedence of the motions shall be considered in the following order:~~

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- Fix the time to adjourn
- Adjourn
- Recess
- Raise a question of Privilege
- Call for Orders of the Day
- Lay on the Table
- Previous Question
- Limit or extend limits of debate
- Postpone to a certain time (Definite)(Same as "Carry Over" or "Continue")
- Commit (Refer or remand to a Committee)
- Amend
- Postpone Indefinitely ("Kills")
- Main Motion

4. Motion to Postpone Indefinitely.

A motion to postpone indefinitely is used to effectively "kill" ~~action to vote on an item a main motion. This A motion to postpone~~ is debatable, ~~and because it can be applied only to the main question it only can be made while the main question is immediately pending (a motion and second is on the floor).~~ Debate on the motion to postpone indefinitely can go fully

into the merits of the main motion and can be held after the motion is considered pending (a motion and second has been made and restated by the Presiding Officer).

5. Motion to Lay on the Table.

~~A motion to table shall be used to temporarily bypass the subject. A motion to table shall be un-debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next Regular Meeting. A motion to table is used to temporarily postpone action on a pending motion. A motion to table may not be used to "kill" a main motion and cannot be amended or debated. If the motion to table prevails, the matter may be "taken from the table" at any time prior to the end of the next scheduled meeting containing regular agenda items.~~

6. Motion to Limit or Terminate Discussion.

Such a motion shall be used to limit or ~~close debate~~terminate discussion on, or ~~further amendment to,~~ the main motion. ~~and shall be un-debatable.~~ ~~If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.~~ A motion to limit or terminate discussion cannot be debated and can be amended only as to the length of speeches or when the vote will be taken. In order to pass, a motion to limit or terminate requires a two-thirds vote of the Public Body. If the motion to limit or terminate discussion fails, debate on the main motion shall be reopened.

7. Motion to Amend.

- a. ~~A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to the amendment shall not be in order.~~
- b. ~~An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.~~
- c. ~~A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment.~~
- d. ~~Amendments shall be voted on first, then the main motion as amended.~~ A motion to amend must be related to the pending motion on the floor and can be debated. Only two amendments may be pending at any one time.
- b. Amendments shall be voted on first. Adoption of the amendment does not adopt the motion; it only changes the motion on the floor. After adoption of the amendment, the motion may be further amended.
- c. A substitute motion must be related to the subject. The vote is taken on whether the substitute motion will replace the main motion.

8. Motion to Continue.

A Motions to continue to a definite time ~~shall can~~ be amended~~able~~ and debat~~edable only~~ as to ~~the appropriateness propriety~~ of postponement and time set.

I. Voting Procedure

1. Casting a Vote.

- a. In acting upon every motion, the vote shall be taken by casting a mechanical yes/no vote, voice, or roll call or any other method as determined by the Presiding Officer by which the vote of each member of the Public Body may be ascertained clearly.
- b. The vote on each motion shall be entered in the records by number of votes for or against. Members casting a vote in the minority shall be identified by name in the record. The record also shall include

the name/s of any member not casting a vote by reason of being absent from the room at the time of the vote.

- c. If a member has declared a Conflict of Interest and is absent during the roll call vote, the Staff Liaison shall include "Absent for the Vote due to a declared Conflict of Interest" in the official minutes as part of the results of the vote.
- d. If the roll call method of voting is used, the Presiding Officer shall call the names of all members. Members shall respond "**Yes**" or "**No**." It shall not be in order for members to explain their vote during "roll call" voting.
- e. The minutes shall reflect all reasons for failure to vote.

2. Failure to Vote.

- a. All members of the Public Body ~~in attendance of a duly called meeting that requires formal action,~~ are required to vote, unless the issue involves the conduct of the member or a declared conflict of interest.
- b. Should a member fail to vote, his/her "vote" shall be counted with the majority of votes cast; however, in the event of a tie vote, his/her "vote" shall be counted as a "No."

3. Reconsideration.

~~Any member of the Public Body who voted with the majority may move a reconsideration of any action at the same or next available meeting. Reconsideration of any item must be held at the same meeting.~~ After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without the unanimous ~~consent vote~~ of the Public Body.

4. Tie Votes.

~~On a tie vote, a motion requiring a majority vote for adoption is a lost motion. When all members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Public Body takes other action to further consider the matter. A tie vote is a lost vote as a majority was not obtained.~~

J. Minutes of Meetings

1. ~~Minutes of all Public Body meetings will be produced and kept on file and of record in the Office of the City Clerk. The Staff Liaison shall ensure Staff attendance at all Meetings of Public Body for the purpose of taking notes and audio recordation of the Meeting.~~
2. ~~To the extent possible, all Open public meetings shall may be recorded by means of audio or video technology. In addition, written notes shall be taken so that a brief accounting of the issues discussed and actions taken is compiled and entered into the permanent Minute Book of the City; and kept on file and of record in the Office of the City Clerk. Audio or video recordings of meetings will be retained for a period of time in accordance with the current City of Peoria, State approved Records Retention and Disposition Schedules.~~
3. All minutes of a Public Body are deemed to be Public Records, with the exception of Closed Executive Session Minutes, which shall be maintained and accessed, while they fall under the definition of and are considered public records, by State Statute are deemed confidential and are only available under limited conditions or by Court Order. ~~Transcribed minutes, or the audio or video recording of all open meetings of the City Council must be on file in the Office of the City Clerk, and available for public review by 5:00 p.m. on the third working day following each meeting, or as provided by Arizona Revised Statutes.~~
4. ~~Minutes of Executive Sessions (and if taped, the tape recordings) shall be confidential, are maintained and secured by the City Clerk, and may be accessed only as provided by Arizona Revised Statutes.~~
5. ~~Any confidential documentation provided to the Public Body and used during Executive Session discussion shall be provided to the City Clerk, who shall maintain and secure the documentation.~~
4. Minutes of all Open Public Meetings may be approved under the consent agenda, unless removed for discussion and separate action.

APPROVED:

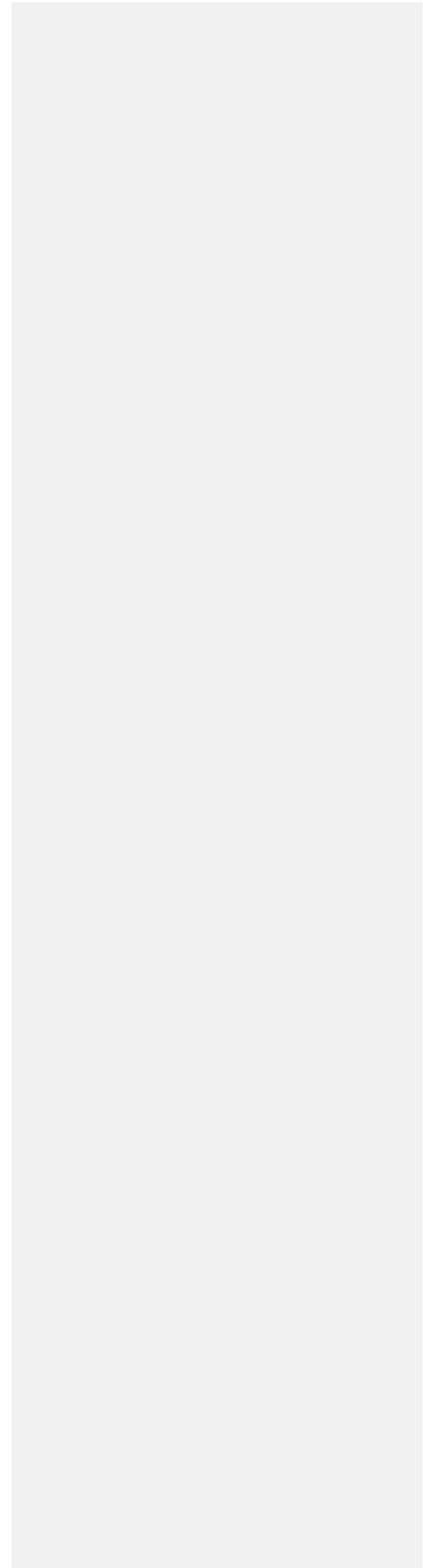
/S/
Bob Barrett, Mayor

APPROVED AS TO FORM:

/S/

Category: General
Title: Public Body Meeting Procedures
CP 1-6
Page 23 of 23

Stephen M. Kemp, City Attorney
Adopted: 8/31/93 (CC #4439)
Amended: 1/31/94 (No CC)
Amended: 8/26/98 (CC #257-8C) [Prior Numbering: PPR Section 1-2]
Amended: 7/10/07, CC #SS3B



RESOLUTION NO. 2011-47

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DESIGNATING THE LOCATION FOR POSTING OF LEGAL NOTICES AND REPEALING PRIOR AND INCONSISTENT RESOLUTIONS

WHEREAS, The Mayor and Council adopted Resolution 91-18 on February 12, 1991, establishing the locations for the posting of notices as required by State Statute;

WHEREAS, ARS § 38-431.02(A) requires that all Arizona Municipalities post their public notices on their website:

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

SECTION 1. The following location is hereby established for the posting of notices required to be posted by Arizona Statute and City of Peoria City Council Policy 1-2:

A. The City of Peoria Website www.PeoriaAz.gov.

SECTION 2. All resolutions conflicting herewith are hereby repealed.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 5th day of July 2011.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

 <p style="text-align: center;">CITY COUNCIL POLICY</p>	CP 1-6
	Category: General Department: City Clerk
TITLE: Public Body Meeting Procedures	Approved: July 10, 2007

A. Purpose

1. These Rules of Procedures for meetings of City of Peoria Public Bodies are intended to establish a standard policy and identify rules and procedures for the conduct of public meetings of public bodies of the City of Peoria. These rules of procedure are not intended to apply to public meetings of the City Council, which are addressed in separate (though similar) rules of procedure (“City Council Meeting Rules of Procedure,” City Council Policy CP 1-2). Public bodies that are subject to these rules of procedure include City Council Committees, City of Peoria Boards, and City of Peoria Commissions.

2. These Rules of Procedures apply to all aspects of Public Body meetings, including the preparation and publication of public notices, the preparation and publication of meeting agendas, and the preparation and reporting of meeting minutes. The City of Peoria is governed by A.R.S. §§ 38-431, *et seq.*, which is commonly known as the “ARIZONA OPEN MEETING LAW.” It is the Policy of the City Council that all public meetings be conducted in a timely and orderly manner; that notices, agendas, and minutes of public meetings be prepared, published, and distributed; that all documentation relating to the City’s open public meetings be made available to the public; and that all issues as set forth above be done in general conformance with the laws, the City Charter, the City Code, this or any other Council Policy, applicable Rules of Conduct, Procedures, and Regulations governing same, and Scott, Foresman version of Robert’s Rules of Order.

3. If a Public Body adopts specific additional rules that are designed to reflect the unique nature of the material that it considers, then in the event of a conflict between the specific rules and these general Rules of Procedures, the specific rules of the Public Body shall govern

B. Defined Terms.

1. "Agenda." As set forth in the Order of Business, an agenda is a formal listing of items to be considered by the Public Body at a noticed public meeting. The agenda may not be changed less than 24 hours prior to the public meeting.
2. "Legal Counsel." The City Attorney will determine whether an attorney is necessary to attend a Public Body Meeting to provide legal advice to the Public Body. Depending on the role of the Public Body, for example whether it is performing a quasi-judicial function, the designated counsel may be a member of the Office of the City Attorney or outside counsel hired by the City for such purpose.
3. "Meeting." The gathering of a quorum of members of the Public Body, as a result of a Public Notice and Agenda, to propose to take legal action or to deliberate regarding legal action to be taken in the future.
4. "Meeting Packet." A compilation of documents supporting the items listed on the Agenda to be used by Public Body members, Staff, and the public for more in-depth information than may be presented in an oral report.
5. "Minutes." The documented history of each meeting of the Public Body and the discussion and action taken by that Public Body. The minutes' format normally follows the order of business as reflected in the public notice and agenda for that particular meeting. Included in the minutes are: meeting date, time, location, members present and absent, staff members present, other officials or persons present (if pertinent to the meeting), and the number of public present. The subject, an overview of the main issues under discussion, the motion and second, and the action taken including the vote is also included in the minutes.
6. "Notice." A formal announcement to the public that sets forth the date, time, and place for which a meeting of a Public Body will be held. Giving formal notice of meetings is done as provided by Statute, Charter, Code, City Policy, or other Rules and Regulations of the Public Body.
7. "Presiding Officer." The Chairperson of a Public Body, who shall preside over the Meeting of the Public Body and conduct the meeting in conformance with and adherence to all applicable Statutes, Policies, Rules, Regulations, and Procedures.
8. "Public Body." Any formally created Board, Commission, or Committee of the City.

9. "Quorum." A quorum is the minimum number of members of the Public Body who must be present in order for business to be legally transacted. An alternate member of a Board or Commission does not count when determining a quorum, unless the alternate is serving as a regular member due to an absence of the Regular Member. A quorum is one more than one-half of the total membership of the Public Body, unless established otherwise by the By-laws of the Public Body. For example:

With a 3-member body, a quorum is 2.

With a 4- or 5-member body, a quorum is 3.

With a 6- or 7- member body, a quorum is 4.

With a 10- or 11- member body, a quorum is 6.

With a 19-member body, a quorum is 10.

10. "Staff Liaison." The City employee, or designee, assigned by the City Manager to support all Meetings of a particular Public Body.

C. Agenda Preparation

1. Preparation and Distribution.

The Staff Liaison shall prepare the Agenda for any meeting of a Public Body in conformance to the Order of Business as set herein. Agendas of all Public Body meetings shall be available no less than 24 hours prior to said meetings.

2. Placement of Items on Agenda.

Items shall be placed on the agenda for a meeting of a Public Body by request of a member of the Public Body or the Staff Liaison.

3. Submission of Items for Executive Sessions.

A request for an Executive Session pursuant to State law should be reviewed by the Legal Counsel who shall ensure compliance with applicable laws.

4. Documentation for Meetings of Public Bodies.

A Meeting Packet containing documentation for a meeting of a Public Body shall be assembled, and made available to members of the Public Body and the public at least 24 hours prior to the meeting. A Meeting Packet should contain the Agenda, Minutes from the Public Body's most

recent meeting, and documentation that may be attached to support items on the Agenda, such as a Staff Report.

D. Meeting Notices

1. Preparation. The Staff Liaison shall prepare all public meeting notices of a Public Body and file a Notice and Agenda with the City Clerk no less than 72 hours before the date and time set for the meeting.
2. Official Posting Locations and Timing. The City Clerk shall post the official notices of all meetings of a Public Body in accordance with practices outlined by the City Clerk's Office.
3. Annual Notice -- Public Bodies. The Staff Liaison for each Public Body, not later than January 2nd of each year, shall file a statement with the City Clerk's Office stating where all public notices of their meetings will be posted and shall give such additional public notice as is reasonable and practicable as to all meetings.

E. Meetings To Be Public

1. All meetings of a Public Body are open to the public, with the exception of those meetings called as Executive Sessions pursuant to A.R.S. §§ 38-431.02 et seq.
2. All public meetings may be recorded or photographed by means of audio, video, or photographic equipment provided, however, that there is no interference in the orderly conduct of the meeting, and that said equipment is placed in non-hazardous locations as designated by the City's Facility Management staff.

F. Order of Business

1. Agenda.

The Order of Business of each meeting shall be contained in the Agenda. The Agenda shall be a sequentially numbered listing by topic and a brief description of the subjects that shall be taken up for consideration. A Public Body meeting should abide by the following agenda:

Call to Order (Convene)

Roll Call

Disposition of Absence (may be put on the Consent Agenda if a Consent Agenda is used) *(Should include the name of the member absent and*

*the Meeting Date. If not on Consent, the wording for this item is:
Discussion and Possible Action to Approve the Absence of _____
from the meeting of _____)*

Final Call to Submit Speaker Request Forms (If public is allow to speak on issues that are not a Public Hearing)

Presentations

Consent Agenda (If one is used)

(Consent Agenda items are listed in the following order: Minutes,
Disposition of Absences from previous meetings, Unfinished Business,
New Business)

Unfinished Business

New Business

Call to the Public (if used)

Reports From Staff

Reports From Public Body Member

Adjournment

2. Issues That May Be Considered.

Only matters appearing on the Agenda and items reasonably related thereto shall be considered by the Public Body holding the meeting, with the exception of an emergency issue which may be considered in conformance with A.R.S. §§ 38-431 et seq.

3. Items to be Taken in Order.

- a. The Presiding Officer may consider items out of sequence from the printed Agenda for the meeting.
- b. Action may be taken on all items listed for action on the Agenda. In the event of an emergency, action may be taken on items not listed on the Agenda; however, the subsequent action must be noticed in accordance with the Open Meeting Law.

4. Call to Order.

The meeting shall be called to order by the Presiding Officer.

5. Roll Call.

Following the Call to Order and before proceeding with the business of the Public Body, the Presiding Officer shall call the Roll, and the names of Public Body members both present and absent shall be entered in to the minutes. If a quorum is not present, those in attendance will be named for

the record and, in the absence of the Presiding Officer, the Staff Liaison will adjourn the meeting.

6. Consent Agenda.
 - a. The Consent Agenda lists items that are of such a nature that discussion is not required, or concern issues that have been previously studied by the Public Body. These items may be adopted by one motion.
 - b. There is no detailed discussion on items listed under the Consent Agenda, unless a member of the Public Body requests that an item or items be removed for discussion. Members may ask a question without removal of the item from the Consent Agenda.
 - c. Items removed from the Consent Agenda are considered in their normal sequence as listed on the Agenda, unless called out of sequence as provided for herein.
7. Public Hearings.
 - a. Generally Public Hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:
 - 1) The Presiding Officer will announce the matter that is set forth for a Public Hearing, and (if appropriate) ask the Staff to provide a short summary of the matter.
 - 2) The Presiding Officer will then ask the Applicant to speak on their application if they so desire.

- 3) At the conclusion of the Staff Report and/or presentation by the Applicant, the Presiding Officer will open the Public Hearing for comments from the public.
 - 4) After all public comments are heard, the Presiding Officer will close the Public Hearing, and may ask Staff or the applicant to respond to the comments.
 - 5) The Presiding Officer may then call for a motion and second (if applicable) and ask if the Public Body wishes to discuss the issue. The Public Body may then proceed to discuss the matter.
 6. Upon conclusion of discussion, the Presiding Officer will call for action on the motion.
- b. Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the Agenda, and the number of persons desiring to speak on an issue, the Presiding Officer may, at the beginning of the hearing, limit testimony, but in no event to less than three minutes per individual. Upon approval of the Public Body, persons may be allowed to speak longer than three minutes. The Public Body may ask the individual speaker questions, and the speaker may respond.
 - c. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the Legal Counsel to the Public Body shall advise the Public Body in this regard.
8. Public Comment.
 - a. General. At the pleasure of the Public Body, individuals may address the Public Body on any subject pertaining to or related to the Public Body's business, whether listed on the Agenda or not, and according to the prescribed schedule.
 - b. Speaker Request Form. All citizens and interested parties wishing to speak before the Public Body shall fully complete a Speaker Request Form/s and, if possible, submit the form/s to the City Clerk, or designee prior to the meeting being convened; but in any case submissions should be made no later than the Presiding Officer announcing the "Final Call to Submit Speaker Request Forms and Call to the Public".
 - c. Call to the Public--Non-Agenda Items. Presentation of petitions, or

public comments on Non-Agenda issues, are heard under, "Call to the Public."

- 1) The Presiding Officer may limit the number of speakers heard on non-agenda topics at any single meeting. If it appears that several speakers desire to speak regarding a single topic, the Presiding Officer will limit the number of speakers to a maximum of five.
- 2) All citizens and interested parties will be limited to a maximum of three minutes to address the Public Body on a Non-Agenda item. The time limit may be waived by consensus of the Public Body.
- 3) The Public Body may not discuss any issue not listed on the Agenda, except to thank the speaker, or direct Staff to address appropriately. Any questions raised by the speaker on non-agenda items will not be answered by the Public Body, but will be referred to the City Staff for follow-up.

d. Call to the Public - Agenda Item.

At the appropriate item on the Agenda, the Presiding Officer will, in the order in which the Speaker Request Form was received, call by name each individual who has asked to speak on a specific Agenda Item. Those speaking before the Public Body will be allowed three minutes to address the Public Body, but time limits may be waived upon consensus of the Public Body.

e. Interaction between Speaker and Public Body.

The purpose of all public comments is to provide information and the speaker's views for the Public Body's consideration. It is not appropriate for the speakers to question directly or debate the matter under consideration with Staff, other speakers, the audience, or members of the Public Body. All comments should be addressed through the Presiding Officer. After being recognized by the Presiding Officer, the Public Body may question the speakers, any applicant's representatives, or City Staff. Except when answering a direct question from a Public Body member, all remarks will be addressed to the Public Body as a whole, and not to individual members.

f. Speaker Decorum.

Proper decorum must be observed by speakers in providing testimony and remarks.

- 1) The Presiding Officer shall keep control of the Meeting, and require that the speakers refrain from abusive or profane remarks, disruptive outbursts, protests, or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting.
- 2) Personal attacks on Public Body members, City Staff, or members of the public are not allowed. Oral communications during the Public Body Meeting may not be used to lodge charges or complaints against any employee of the City, regardless of whether such employee is identified in the presentation by name or by any other reference, which tends to identify the employee. Any such charges or complaints against employees shall be submitted during normal business hours to the City Manager for appropriate action.
- 3) It is inappropriate to utilize the public hearing or other Agenda items for the purpose of making political speeches, including threats of political action. Engaging in such conduct, and failing to cease such conduct upon request of the Presiding Officer, will be grounds for ending a speaker's time at the podium or, at the direction of the Presiding Officer, for removal of any disruptive person from the Meeting Room.
- 4) After a motion has been made, or after a public hearing has been closed, no member of the public shall address the Public Body without first securing permission of the Presiding Officer.

g. Documents

Exhibits, letters, petitions, and other documentary items presented or shown to the Public Body on a public hearing item become part of the record of the public hearing. Twelve collated sets of written or graphic materials should be provided by the speaker prior to the commencement of the hearing to allow for distribution to the Public Body, key City Staff, and a copy for the Staff Liaison to include in the public record of the hearing. Reduced copies (8 1/2" x 11") of large graphic exhibits should be provided as part of the sets of materials for distribution as provided above. This requirement may be waived for signed petitions submitted by neighborhoods or other citizen groups, although these groups are required to present the originals to the City Clerk for the Record, and are encouraged to provide copies as set forth above.

9. Presentations/Reports by Members of the Public Body or Staff.

- a. Any Public Body member or City staff may bring before the Public Body information regarding activities of outside agencies, City or Community events or programs, or items needing placement on future Agendas related to the duties of the Public Body.
- b. These informational issues, appointments, or requests are put before the Public Body under the "Reports from the Members" or "Reports from Staff" portions of the Agenda. These matters need not be specifically listed on the Agenda.

10. Adjournment.

- a. The open public meetings of the Public Body may be adjourned without motion and vote.
- b. The Presiding Officer shall ask: "Is there any further business to come before the Public Body?" Being none, the Presiding Officer shall then formally adjourn the meeting by saying: "There being no further business to come before the _____ (name of the Public Body), the meeting is adjourned," or "Hearing none, the meeting is adjourned."

G. Rules, Decorum, and Order

1. Robert's Rules of Order.

Certain rules known as Robert's Rules of Order, Newly Revised shall be used as a general guide for the conduct of all Public Body meetings.

2. Participation of Presiding Officer.

The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak unless they have first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer. The Presiding Officer may debate from the Chair, subject only to such limitations of debate as are imposed on all Public Body members; and he/she shall not be deprived of any of the rights and privileges of a member by reason of his/her acting as Presiding Officer.

3. Question to be Stated.

The Presiding Officer shall verbally restate each question immediately prior to calling for discussion and/or the vote. Following the vote, the Presiding Officer shall verbally announce whether the question carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

4. Points of Order.

The Presiding Officer shall determine all Points of Order, subject to the right of any member to appeal to the whole Public Body. If any appeal is taken, the question (motion) shall be: "Shall the decision of the Presiding Officer be sustained?" In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.

5. Decorum and Order.

a. Public Body members.

Any member desiring to speak shall address the Chair and, upon recognition by the Presiding Officer, may speak.

b. Employees.

Members of the administrative staff and employees of the City shall

observe the same rules of procedure and decorum applied to members of the Public Body. Any staff members desiring to address the Public Body or members of the public shall first be recognized by the Chair.

c. Public.

Members of the public attending Public Body meetings shall observe the same rules of order and decorum applicable to the Public Body. Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos, yells, and/or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting shall not be permitted.

d. Enforcement.

The Presiding Officer may direct a Police Officer present to remove from the room any person who violates the decorum and order of the meeting. If no Police Officer is available, a member of the Board or a Staff Member may be designated as the ex-officio Sergeant-at-Arms of the Public Body. Upon instructions from the Presiding Officer, it shall be the duty of the Sergeant-at-Arms to remove any person from the public meeting.

6. Conflict of Interest.

All Public Body members are subject to provisions of the Arizona Revised Statutes, City Charter, City Code, and the City's Ethics Policy relative to conflicts of interest. Any member prevented from voting because of a conflict of interest shall also refrain from any participation in the issue under which a conflict exists. Such member must leave the dais during debate and vote on the issue.

7. Rulings of Chair on Procedural Issues.

In presiding over Public Body meetings, the Presiding Officer shall decide all questions of interpretation of these rules, points of order, or other questions of procedure requiring rulings.

- a. The Presiding Officer, or Public Body by consensus, may suspend strict observance of Policies, Rules, Regulations, and Procedures, and any applicable provision of Robert's Rules, for the timely and orderly progression of the meeting.

- b. In the event of a conflict between these rules and Robert's Rules of Order, these rules shall govern.
 - c. In the absence of a rule herein to govern a point or procedure, Robert's Rules of Order shall be used as a guide.
8. Appeal the Ruling of the Chair.

As applies to members of the Public Body, any such decision or ruling of the Chair shall be final. However, immediately following the Chair's ruling as it applies to other than members of the Public Body, a motion and second to appeal the ruling can be made, and the ruling can be overridden or suspended by a majority vote of the members present and voting. If not appealed, the Chair's ruling shall be binding and legally effective for purposes of the matter under consideration.

H. Motions

A motion is the formal action taken by the Public Body in order to introduce and place an item before the Public Body for debate and possible action. A motion also may be made following the presentation of a report or other communication.

- 1. Processing of Motions.
 - a. When a motion is made and seconded, it shall be repeated by the Presiding Officer before debate. A motion may not be withdrawn by the mover without the consent of the person seconding.
 - b. Prior to discussion commencing on a motion, the movant may modify the motion with concurrence of the second, or if they mover modifies the motion, the member who seconded has the right to withdraw the second. The modified motion must either be seconded or be deemed to have died for lack of a second.
 - c. Prior to discussion on the motion, the member of the Public Body may request the mover accept a modification to the original motion. If the proposed modification is accepted by the original movant and the second concurs, the modified motion is considered to be on the table.

2. Division of Question.

If the question contains two or more parts, the Presiding Officer may, and upon request of the Member of the Public Body shall, vote on each part separately.

3. Precedence of Motions.

When a motion is before the Public Body, no motion shall be entertained except the following, which shall have precedence in the following order:

Fix the time to adjourn
Adjourn
Recess
Raise a question of Privilege
Call for Orders of the Day
Lay on the Table
Previous Question
Limit or extend limits of debate
Postpone to a certain time (Definite)(Same as "Carry Over" or "Continue")
Commit (Refer or remand to a Committee)
Amend
Postpone Indefinitely ("Kills")
Main Motion

4. Motion to Postpone Indefinitely.

A motion to postpone indefinitely is used to effectively "kill" a main motion. A motion to postpone is debatable. Debate on the motion to postpone indefinitely can go fully into the merits of the main motion and can be held after the motion is considered pending (a motion and second has been made and restated by the Presiding Officer).

5.

Motion to Lay on the Table.

A motion to table is used to temporarily postpone action on a pending motion. A motion to table may not be used to "kill" a main motion and cannot be amended or debated. If the motion to table prevails, the matter may be "taken from the table" at any time prior to the end of the next scheduled meeting containing regular agenda items.

6.

Motion to Limit or Terminate Discussion.

A motion to limit or terminate discussion shall be used to limit or close debate on, or amend the main motion. A motion to limit or terminate discussion cannot be debated and can be amended only as to the length of speeches or when the vote will be taken. In order to pass, a motion to limit or terminate requires a two-thirds vote of the Council. If the motion to limit or terminate discussion fails, debate on the main motion shall be reopened.

7.

7. Motion to Amend.

- a. A motion to amend must be related to the pending motion on the floor and can be debated. Only two amendments may be pending at any one time.
- b. Amendments shall be voted on first. Adoption of the amendment does not adopt the motion; it only changes the motion on the floor. After adoption of the amendment, the motion may be further amended.
- c. A substitute motion must be related to the subject. The vote is taken on whether the substitute motion will replace the main motion.

8. Motion to Continue.

Motions to continue to a definite time shall be amended and debated only as to the appropriateness of postponement and time set.

I. Voting Procedure

1. Casting a Vote.

- a. In acting upon every motion, the vote shall be taken by casting a mechanical yes/no vote, voice, or roll call or any other method as determined by the Presiding Officer by which the vote of each member of the Public Body may be ascertained clearly.
- b. The vote on each motion shall be entered in the records by number of votes for or against. Members casting a vote in the minority shall be identified by name in the record. The record also shall include

the name/s of any member not casting a vote by reason of being absent from the room at the time of the vote.

- c. If a member has declared a Conflict of Interest and is absent during the roll call vote, the Staff Liaison shall include "Absent for the Vote due to a declared Conflict of Interest" in the official minutes as part of the results of the vote.
- d. If the roll call method of voting is used, the Presiding Officer shall call the names of all members. Members shall respond "**Yes**" or "**No**." It shall not be in order for members to explain their vote during "roll call" voting.

2. Failure to Vote.

- a. All members of the Public Body, in attendance of a duly called meeting that requires formal action, are required to vote, unless the issue involves the conduct of the member or a declared conflict of interest.
- b. Should a member fail to vote, his/her "vote" shall be counted with the majority of votes cast; however, in the event of a tie vote, his/her "vote" shall be counted as a "No."

3. Reconsideration.

Any member of the Public Body who voted with the majority on an item may move for reconsideration. Reconsideration of any item must be held at the same meeting. After a motion for reconsideration has been acted upon, no other motion for reconsideration thereof shall be made without the unanimous vote of the Public Body.

4. Tie Votes.

A tie vote is a lost vote as a majority was not obtained.

1. The Staff Liaison shall ensure staff attendance at all meetings of the Public Bod for the purpose of producing minutes of each meeting to be kept on file and of record in the Office of the City Clerk.

2. To the extent possible, all open public meetings shall be recorded by means of audio or video technology and retained as provided in the current applicable retention schedule.
3. All minutes of a Public Body are deemed to be Public Records. However, Executive Session minutes are not subject to public disclosure. Minutes of Executive Sessions (and if taped, the tape recordings) shall be confidential, are maintained and secured by the City Clerk, and may be accessed only as provided by Arizona Revised Statutes. Any confidential documentation provided to the Public Body and used during Executive Session discussion shall be provided to the City Clerk, who shall maintain and secure the documentation.

5. Minutes of all Open Public Meeings may be approved under the Consent Agenda, unless removed for discussion and separate action.

APPROVED:

/S/
Bob Barrett, Mayor

APPROVED AS TO FORM:

/S/
Stephen M. Kemp, City Attorney
Adopted: 8/31/93 (CC #4439)
Amended: 1/31/94 (No CC)
Amended: 8/26/98 (CC #257-8C) [Prior Numbering: PPR Section 1-2]
Amended: 7/10/07, CC #SS3B

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: 13C
Amend No. _____

Date prepared: June 8, 2011

Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager

FROM: Jeff Tyne, Community Services Director

SUBJECT: Naming of Parks, Recreation Facilities, and Special Areas

RECOMMENDATION:

Discussion and possible action to adopt the recommended names for three neighborhood parks.

- Scotland Yard Park – 9251 West Scotland Avenue
- Westland Park – 31656 North Westland Road
- Camino a Lago Park – 21111 North 98th Avenue

SUMMARY:

According to City Council Policy 3 – 4, Naming of Parks, Recreation Facilities, and Special Areas, the procedure states that parks and recreation facilities may be named to describe the geographical areas where the facilities are located. Furthermore, a recognized name within a specific community, such as the name of the development, is also an acceptable means for park identification. Also within the City Council policy, the naming of parks and recreation facilities should normally be done in conjunction with the community or neighborhood that will be served.

Some examples to support this policy includes Sweetwater and Monroe Parks named after the adjacent street where they are located; Terramar and Country Meadows Parks named after the developments where they are located; and Apache and Sundance Parks named after the elementary schools that are adjacent to the park.

As you may recall, Staff and the Parks and Recreation Board utilized a very participative public input process for naming Rio Vista Community Park, and also the unnamed second community park. In these examples, it was appropriate to seek citizen input on projects that impacted a larger area by comparison to neighborhood parks. Therefore, the Parks and Recreation Board utilized the Council Policy to recommend the three

names for the various neighborhood parks based on the following information:

The first park is located at 9251 West Scotland Avenue. It is known to staff as Scotland Yard Park because the previous location of the maintenance and service yard was located on this parcel. The parcel was acquired with the aid of Community Development Block Grant Funds in 2000, and the quick reference name for this park has been Scotland Yard Park ever since. During our public input process to design the park, this name was also used in planning reference and it seems appropriate to carry this on in a formal manner. The Parks and Recreation Board is recommending the name Scotland Yard Park for this park.

The second park is located in the Vistancia development, 31656 North Westland Road. The park is adjacent to Lake Pleasant Elementary School, but since much more development will likely occur closer to Lake Pleasant, use of the Lake Pleasant name is not recommended. Since the park is located on Westland Road, the Board recommends Westland Park. The other park in the Vistancia development is also named after the adjacent street where it is located, Sunset Park.

Lastly, the final neighborhood park project that will be under design in the near future is located in the Camino a Lago development, directly north of Sunrise Mountain Branch Library. Our parks system already has a park named Sunrise Park and therefore we cannot copy the name of the library at this location. The Parks and Recreation Board is recommending the name Camino a Lago Park to signify the residential development where the park is located.

According to the Council Policy 3 – 4, City Council may accept the recommendations from the Parks and Recreation Board and approve these names, reject these recommendations and return to the Board for further review, or provide name alternatives for each park project.

CONTACT: Kirk Haines, Parks Manager 623-773-7120

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: **14R**
Amend No. _____

Date prepared: June 13, 2011

Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager
THROUGH: Susan K. Thorpe, Deputy City Manager
FROM: Brent Mattingly, Finance Director
SUBJECT: Proposed Recommendations by the City to the Arizona State Liquor Board

RECOMMENDATION: That following a public hearing, the Mayor and Council recommend approval to the State Liquor Board for:

1. A New Wine and Beer Liquor License (Series 10) for Shell #34, located at 24805 N. Lake Pleasant Parkway, Howard E. Magee, Applicant, LL#20002494.
2. A New Wine and Beer Liquor License (Series 10) for Food Mart, located at 7473 W. Bell Road, Madanlal Patel, Applicant, LL#20002310.

SUMMARY: Pursuant to Arizona Law the City must recommend to the State Liquor Board for approval applications to sell alcoholic beverages in the City. The Standard for the recommendation is whether the best interest of the community will be served by the issuance of this license and whether the public convenience is served. In the event that the City Council recommends an application for denial, a 2/3 vote of the State Liquor Board will be required to approve the application and issue a license.

In making its recommendation, the Council may consider the following factors set forth in the Arizona Administrative Code:

1. *Petitions and testimony from persons in favor of or opposed to the issuance of a license who reside in, own or lease property in close proximity.*
2. *The number and series of licenses in close proximity.*
3. *Evidence that all necessary licenses and permits have been obtained from the state and all other governing bodies.*
4. *The residential and commercial population of the community and its likelihood of increasing, decreasing or remaining static.*
5. *Residential and commercial population density in close proximity.*
6. *Evidence concerning the nature of the proposed business, its potential market, and its likely customers.*
7. *Effect on vehicular traffic in close proximity.*

8. *The compatibility of the proposed business with other activity in close proximity.*
9. *The effect or impact of the proposed premises on businesses or the residential neighborhood whose activities might be affected by granting the license.*
10. *The history for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant has received a detailed report(s) of such activity at least 20 days before the hearing by the Board.*
11. *Comparison of the hours of operation of the proposed premises to the existing businesses in close proximity.*
12. *Proximity to licensed childcare facilities as defined by A.R.S. § 36-881.*

The State recently updated their liquor license application with two significant changes:

1. The applicant is no longer required to provide the distance between the applicant's business and the nearest church or school for government (Series 05), hotel/motel (Series 11), or restaurant (Series 12) liquor license applications.
2. The State no longer requires a geographical map or list of licenses located in the vicinity for any license series.

The applicant must still provide the distance between the applicant's business and the nearest church or school for a In-State Producer (Series 01), Out-of-State Producer (Series 02), Domestic Microbrewery (Series 03), Wholesaler (Series 04), Bar (Series 06), Beer and Wine Bar (Series 07), Conveyance (Series 08), Liquor Store (Series 09), Beer and Wine Store (Series 10), Domestic Farm Winery (Series 13) and a Club (Series 14).

Licenses are issued by designated series. The license before the Council on this item consist of the following:

Series 10—permits the retail sale of beer and wine for consumption off premises.

All required public hearing notices were posted at the proposed license locations and the applications were reviewed according to the City's Liquor License Policy. All Comments, if any were received in the Revenue and Collections Division and transmitted with the applications. No comments have been received from the public on this applications. The applicants have been notified of the date and time of the City Council meeting and the City's request that they be present and available to answer any questions that may arise.

Therefore, the staff is recommending the following actions pertaining to these licenses:

1. A New Wine and Beer Liquor License (Series 10) for Shell #34, located at 24805 N. Lake Pleasant Parkway, Howard E. Magee, Applicant, LL#20002494. Recommend Approval.
2. A New Wine and Beer Liquor License (Series 10) for Food Mart, located at 7473 W. Bell Road, Madanlal Patel, Applicant, LL#20002310. Recommend Approval.

ATTACHMENT:

Applications for Liquor Licenses

CONTACT:

Marcy Belanger, Interim Finance Manager, 623-773-7184.

Arizona Department of Liquor Licenses and Control

800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

11 APR 28 Lic. Lic. PM 1 039

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): Series 10

2. Total fees attached:

Department Use Only \$ 1000.00

10076169

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

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

SECTION 4 Applicant

- Owner/Agent's Name: Mr. Magee Howard Everett
Ms. Magee Howard Everett
(Insert one name ONLY to appear on license) Last First Middle
Corp./Partnership/L.L.C.: The Carioca Company
(Exactly as it appears on Articles of Inc. or Articles of Org.)
Business Name: Shell #34
(Exactly as it appears on the exterior of premises)
Principal Street Location: 24805 N. Lake pleasant Parkway Peoria Maricopa 85383
(Do not use PO Box Number) City County Zip
Business Phone: Pending Daytime Contact:
Is the business located within the incorporated limits of the above city or town? YES NO
Mailing Address: 2601 W. Dunlap Ave #10, Phoenix, Az 85021
City State Zip
Price paid for license only bar, beer and wine, or liquor store: Type \$ Type \$

DEPARTMENT USE ONLY

Fees: Application Interim Permit Agent Change Club Finger Prints \$ 1000.00
TOTAL OF ALL FEES

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

Accepted by: HC Date: 4/28/2011 Lic. # 10076169

SECTION 5 Interim Permit:

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

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

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

(Print full name)

State of _____ County of _____

X _____
(Signature)

The foregoing instrument was acknowledged before me this

My commission expires on: _____

_____ day of _____
Day Month Year

(Signature of NOTARY PUBLIC)

11 APR 28 10:48 AM '08

SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$24 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) _____

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

(ATTACH ADDITIONAL SHEET IF NECESSARY)

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 \$24 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.: The Carioca Company
(Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 06/13/72 State where Incorporated/Organized: Arizona
3. AZ Corporation Commission File No.: 0087406-9 Date authorized to do business in AZ: 06/13/72
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
Rose	Marvin	Leroy /	President DIRECTOR	[REDACTED]	[REDACTED]
Cowley	Dixon	Duke /	VP DIRECTOR	[REDACTED]	[REDACTED]
Rose	Mark	Alan /	Sec/Treas DIRECTOR	[REDACTED]	[REDACTED]
Cardon	Wilford	Allen /	Sec. Director DIRECTOR	[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
Ditta	LLC		33.3%	[REDACTED]	[REDACTED]
Marvin L Rose	Revocable Trust		6.6%	[REDACTED]	[REDACTED]
Rio Consolidated Assets	Limited Partnership		26.7%	[REDACTED]	[REDACTED]
SMT Investors	Limited Partnership		33.3%	[REDACTED]	[REDACTED]

NO ONE ELSE OWNS MORE THAN 10% (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 \$24 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)

11 APR 28 1972

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

11 APR 28 11:40 AM '11

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: 2104 ft. Name of school Canoe Schools
Address 9965w. Calle Lejos Peoria, AZ
City, State, Zip 85383
2. Distance to nearest church: 2600 ft. Name of church Discovery Pointe
Address 9812 W. YEARLING Peoria AZ
City, State, Zip 85383

3. I am the: Lessee Sublessee Owner Purchaser (of premises)

4. If the premises is leased give lessors: Name Lake Pleasant Shell, LLC
Address 2601 W. Dunlap Ave. #10, Phoenix, AZ 85021
City, State, Zip _____

4a. Monthly rental/lease rate \$ 20,000.00 What is the remaining length of the lease 100 yrs. _____ mos.

4b. What is the penalty if the lease is not fulfilled? \$ 0.00 or other related party lease _____
(give details - attach additional sheet if necessary)

5. What is the total **business** indebtedness for this license/location excluding the lease? \$ 0.00

Please list debtors below if applicable.

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)? Convenience store with gas

SECTION 13 - continued

- 7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?
 YES NO If yes, attach explanation.
- 8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? YES NO
- 9. Is the premises currently licensed with a liquor license? YES NO If yes, give license number and licensee's name:

License # _____ (exactly as it appears on license) Name _____

SECTION 14 Restaurant or hotel/motel license applicants:

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? YES NO
 If yes, give the name of licensee, Agent or a company name:

_____ and license #: _____
Last First Middle

- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this hotel/motel restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

_____ applicant's signature

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

_____ applicants initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

- 1. Check ALL boxes that apply to your business:

Entrances/Exits Liquor storage areas Patio: Contiguous
 Service windows Drive-in windows Non Contiguous

- 2. Is your licensed premises currently closed due to construction, renovation, or redesign? YES NO
 If yes, what is your estimated opening date? July 20 2011
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

_____ initials

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.

[Empty box for diagram rendering]

11 APR 28 11:40 AM '40

SECTION 16 Signature Block

I, Howard Everett Magee, 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 _____ County of _____

The foregoing instrument was acknowledged before me this _____ of _____ Year
Day Month

My commission expires on : _____
Day Month Year

signature of NOTARY PUBLIC

AMENDMENT

SECTION 15 Diagram of Premises

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

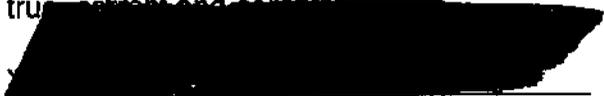
If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.

Diagram attached

11 APR 28 11:40 AM '11

SECTION 16 Signature Block

I, Howard Magee Everett, 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.


(signature of applicant listed in Section 4, Question 1)

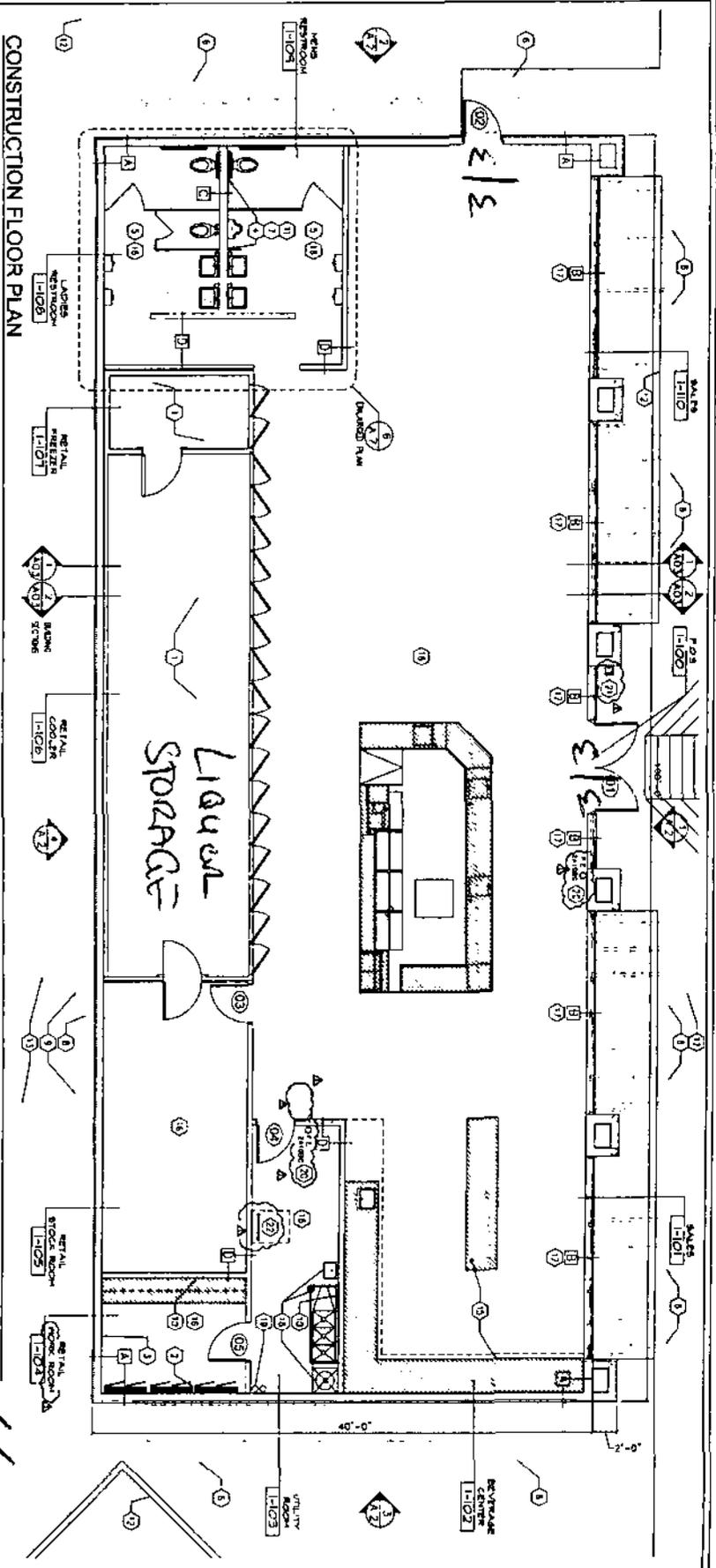


State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 27 of April 2011
Day Month Year



My commission expires on: 9 6 14
Day Month Year



CONSTRUCTION FLOOR PLAN

GENERAL NOTES:

- 1. ALL WORKMANSHIP TO BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
- 2. ALL WORKMANSHIP TO BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
- 3. ALL WORKMANSHIP TO BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
- 4. ALL WORKMANSHIP TO BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
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- 6. ALL WORKMANSHIP TO BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
- 7. ALL WORKMANSHIP TO BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
- 8. ALL WORKMANSHIP TO BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
- 9. ALL WORKMANSHIP TO BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
- 10. ALL WORKMANSHIP TO BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.

KEYED NOTES:

- 1. REMOVE EXISTING WALLS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.
- 2. REMOVE EXISTING WALLS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.
- 3. REMOVE EXISTING WALLS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.
- 4. REMOVE EXISTING WALLS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.
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- 8. REMOVE EXISTING WALLS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.
- 9. REMOVE EXISTING WALLS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.
- 10. REMOVE EXISTING WALLS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.

TYPICAL WALL TYPES:

- 1. TYPICAL INTERIOR WALL CONSTRUCTION - SEE DETAIL 1/1-07
- 2. TYPICAL EXTERIOR WALL CONSTRUCTION AT STOREFRONT - SEE DETAIL 2/1-07
- 3. TYPICAL EXTERIOR WALL CONSTRUCTION AT STOREFRONT - SEE DETAIL 2/1-07
- 4. TYPICAL EXTERIOR WALL CONSTRUCTION AT STOREFRONT - SEE DETAIL 2/1-07
- 5. TYPICAL EXTERIOR WALL CONSTRUCTION AT STOREFRONT - SEE DETAIL 2/1-07
- 6. TYPICAL EXTERIOR WALL CONSTRUCTION AT STOREFRONT - SEE DETAIL 2/1-07
- 7. TYPICAL EXTERIOR WALL CONSTRUCTION AT STOREFRONT - SEE DETAIL 2/1-07
- 8. TYPICAL EXTERIOR WALL CONSTRUCTION AT STOREFRONT - SEE DETAIL 2/1-07
- 9. TYPICAL EXTERIOR WALL CONSTRUCTION AT STOREFRONT - SEE DETAIL 2/1-07
- 10. TYPICAL EXTERIOR WALL CONSTRUCTION AT STOREFRONT - SEE DETAIL 2/1-07

DOOR SCHEDULE

DOOR	TYPE	FRAME	HINGE	GLASS	REMARKS
1
2
3
4
5
6
7
8
9
10

DOOR NOTES:

- 1. REMOVE EXISTING DOORS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.
- 2. REMOVE EXISTING DOORS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.
- 3. REMOVE EXISTING DOORS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.
- 4. REMOVE EXISTING DOORS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.
- 5. REMOVE EXISTING DOORS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.
- 6. REMOVE EXISTING DOORS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.
- 7. REMOVE EXISTING DOORS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.
- 8. REMOVE EXISTING DOORS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.
- 9. REMOVE EXISTING DOORS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.
- 10. REMOVE EXISTING DOORS AND RECONSTRUCT WITH CONCRETE BLOCK AND PLASTER.

11 APR 28 11:40 AM '11



4022
SP. R.

<p>DESIGN ACC COBSEN ARCHITECTS & DESIGN</p>	<p>AKRIB ENGINEERING</p>	<p>COMMERCIAL RENOVATION CARIOCA/SHELL Convenience Store 583 Lake Pleasant/Johnny Valley Rd.</p>	<p>ISSUED TO OWNER CONTRACTOR INSURANCE BUILDING DEPT.</p>
<p>CONST. FLOOR AND LEGENDS A-1</p>	<p>DATE: 04/11/11 SCALE: 1/4" = 1'-0"</p>	<p>PROJECT NO.: 11-000-000-000 SHEET NO.: 11-000-000-000</p>	<p>DATE: 04/11/11 SCALE: 1/4" = 1'-0"</p>

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934

(602) 542-5141

*11 APR 28 Lir. Lic. PM 1 140

QUESTIONNAIRE

*P1030647
KBR
FP WLRent
10/2009*

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting for any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLC. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLLC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a \$24.00 processing fee for each fingerprint card submitted.
The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

Liquor License #
10076169
(If the location is currently licensed)

1. Check appropriate box → Controlling Person (Complete Questions 1-19) Agent (Complete Questions 1-19) Manager (Only) (Complete All Questions except # 14, 14a & 21)
Controlling Person or Agent must complete #21 for a Manager. Controlling Person or Agent must complete # 21

2. Name: Magee Howard Everett Date [Redacted]
Last First Middle (NOT a Public Record)

3. Social Security No. [Redacted] Drivers Lic. [Redacted] State [Redacted]
(NOT a public record) (NOT a public record)

4. Place of Birth: [Redacted] Height: [Redacted] Weight: [Redacted] Eyes: [Redacted] Hair: [Redacted]
City State Country (not county)

5. Marital Status Single Married Divorced Widowed Daytime Contact Phone: [Redacted]

6. Name of Current or Most Recent Spouse: Magee Michele Madeline Magnusen Date of [Redacted]
(List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden (NOT a public record)

7. You are a bona fide resident of what state? Arizona If Arizona, date of residency: 11/15/1983

8. Telephone number to contact you during business hours for any questions regarding this document. 602-741-3532

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Shell #34 Premises Phone: Pending

11. Physical Location of Licensed Premises Address: 24805 N. Lake Pleasant Parkway Peoria Maricopa 85383
Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
11/1987	CURRENT	General Manager	[Redacted]

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION ↓

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet with name, address and phone number of landlord	City	State	Zip
4/97	CURRENT		[Redacted]	[Redacted]	[Redacted]	[Redacted]

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
If you answered YES, how many hrs/day? _____, and **answer #14a below**. If NO, skip to #15. YES NO
- 14a. Have you attended a DLLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof)
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license. YES NO
15. Have you been detained, cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years (include only traffic violations that were alcohol and/or drug related)? YES NO
16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? YES NO
17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? YES NO
18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? YES NO
19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? YES NO

If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement.
Give complete details including dates, agencies involved, and dispositions.
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

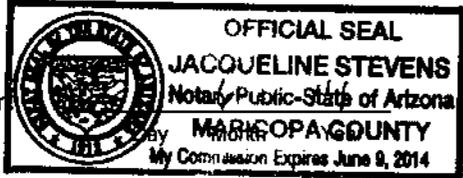
20. I, Howard Everett Magee, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)
filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

X [Redacted Signature]
(Signature of Applicant)

State of AZ County of Maricopa

The foregoing instrument was acknowledged before me this
27 day of April, 2011
Month Year

[Redacted Signature]



My commission expires on _____

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license.
The manager named must be at least 21 years of age.

State of _____ County of _____

The foregoing instrument was acknowledged before me this

X _____
Signature of Controlling Person or Agent (circle one)

_____ day of _____
Month Year

(Signature of NOTARY PUBLIC)

Print Name

My commission expires on: _____
Day Month Year

11 APR 28 11:40 AM '11

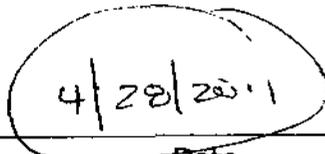
Questionnaire Supplemental Information

11 APR 28 Lic. Lic. # 140 Howard E. Magee
24805 N. Lake Pleasant Parkway, Peoria, AZ 85383

Question 19 – The Carioca Company has several locations, most of which have a liquor license.

Manager of Econogas in Nogales Arizona.
Lic # 10123050 As of 2009
ZARRO MANAGER Lic. # 10123051 As of 2009.


Howard E. Magee


Date

11 APR 28 11:47 AM 140



**ARIZONA STATEMENT OF CITIZENSHIP
AND ALIEN STATUS FOR STATE PUBLIC BENEFITS**

Professional License and Commercial License
Department of Liquor Licenses and Control

Liquor License #: 10076169
 Ownership Name: THE Carioca Company
 (as listed on the current liquor license application or renewal application)

Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), 8 U.S.C. § 1621, provides that, with certain exceptions, only United States citizens, United States non-citizen nationals, non-exempt "qualified aliens" (and sometimes only particular categories of qualified aliens), nonimmigrants, and certain aliens paroled into the United States are eligible to receive state or local public benefits. With certain exceptions, a professional license and commercial license issued by a State agency is a State public benefit.

Arizona Revised Statutes § 1-501 requires, in general, that a person applying for a license must submit documentation to the licensing agency that satisfactorily demonstrates that the applicant is lawfully present in the United States.

Directions: All applicants must complete Sections I, II, and IV. Applicants who are not U.S. citizens or nationals must also complete Section III. Submit this completed form and copy of one or more documents that evidence your citizenship or alien status with your application for license or renewal.

SECTION I — APPLICANT INFORMATION

 APPLICANT'S NAME (Print or type) Howard Everett Magee DATE 4/28/2011

 TYPE OF APPLICATION (check one) INITIAL APPLICATION RENEWAL

 TYPE OF LICENSE Series 10

SECTION II — CITIZENSHIP OR NATIONAL STATUS DECLARATION

Directions: Attach a legible copy of the front and the back (if any), of a document from the attached List A or other document that demonstrates U.S. citizenship or nationality. Name of document provided: Passport

 A. Are you a citizen or national of the United States? (check one) Yes No

 B. If the answer is "Yes," where were you born? List city, state (or equivalent), and country.
 City Cedar Falls State (or equivalent) Iowa Country or Territory Blackhawk

If you are a citizen or national of the United States, go to Section IV. If you are not a citizen or national of the United States, please complete Sections III and IV.

SECTION III — ALIEN STATUS DECLARATION

Directions: To be completed by applicants who are not citizens or nationals of the United States. Please indicate alien status by checking the appropriate box. Attach a legible copy of the front, and the back (if any), of a document from the attached List B or other document that evidences your status. A.R.S. § 1-501. Name of document provided:

“Qualified Alien” Status (8 U.S.C. §§ 1621(a)(1), -1641(b) and (c))

- 1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA).
- 2. An alien who is granted asylum under Section 208 of the INA.
- 3. A refugee admitted to the United States under Section 207 of the INA
- 4. An alien paroled into the United States for at least one year under Section 212(d)(5) of the INA.
- 5. An alien whose deportation is being withheld under Section 243(h) of the INA.
- 6. An alien granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980
- 7. An alien who is a Cuban and Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980).
- 8. An alien who is, or whose child or child’s parent is a “battered alien” or an alien subjected to extreme cruelty in the United States.

11 APR 28 11:49 AM '09

Nonimmigrant Status (8 U.S.C. § 1621(a)(2))

- 9. A nonimmigrant under the Immigration and Nationality Act [8 U.S.C. § 1101 et seq.] Nonimmigrants are persons who have temporary status for a specific purpose. See 8 U.S.C. § 1101(a)(15).

Alien Paroled into the United States For Less Than One Year (8 U.S.C. § 1621(a)(3))

- 10. An alien paroled into the United States for less than one year under Section 212(d)(5) of the INA

Other Persons (8 U.S.C. § 1621(c)(2)(A) and (C))

- 11. A nonimmigrant whose visa for entry is related to employment in the United States, or
- 12. A citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect [Freely Associated States include the Republic of the Marshall Islands, Republic of Palau and the Federate States of Micronesia, 48 U.S.C. § 1901 et seq.];
- 13. A foreign national not physically present in the United States.

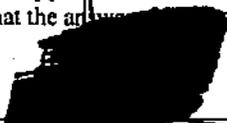
Otherwise Lawfully Present (A.R.S. § 1-501)

- 14. A person not described in categories 1–13 who is otherwise lawfully present in the United States. PLEASE NOTE: The federal Personal Responsibility and Work Opportunity Reconciliation Act may make persons who fall into this category ineligible for licensure. See 8 U.S.C. § 1621(a).

'11 APR 28 Lic. Lic. PM 1 40

SECTION IV — DECLARATION

All applicants must complete this section. I declare under penalty of perjury under the laws of the state of Arizona that the information given are true and correct to the best of my knowledge.



APPLICANT'S SIGNATURE

4/28/2011

TODAY'S DATE

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

11 APR 28 Lic. Lic. PM 1 41

QUESTIONNAIRE

*FP 1008890
FP current 6/09*

Attention all Local Governing Bodies: Social Security and Birthdate information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLC. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLLC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a \$24.00 processing fee for each fingerprint card submitted. The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

Liquor License #
10076169
(If the location is currently licensed)

1. Check appropriate box → Controlling Person (Complete Questions 1-19) Agent Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete #21 for a Manager

2. Name: Cowley Dixon Duke Date of Birth [REDACTED]
Last First Middle (NOT a Public Record)

3. Social Security [REDACTED] Drivers License [REDACTED] State [REDACTED]
(NOT a public record) (NOT a public record)

4. Place of Birth [REDACTED] Height [REDACTED] Weight [REDACTED] Eyes [REDACTED] Hair [REDACTED]
City State Country (not county)

5. Marital Status Single Married Divorced Widowed Daytime Contact Phone [REDACTED]

6. Name of Current or Most Recent Spouse: Cowley Alice Date [REDACTED]
(List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden (NOT a public record)

7. You are a bona fide resident of what state? Arizona If Arizona, date of residence [REDACTED]

8. Telephone number to contact you during business hours for any questions regarding this document. 602-385-4200

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Shell #34 Premises Phone: Pending

11. Physical Location of Licensed Premises Address: 24805 N. Lake Pleasant Parkway Peoria Maricopa 85383
Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
01/65	CURRENT	President	Self Employed - 1242 E. Jackson, Phoenix, AZ 85034

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION ↑ ↓

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address	City	State	Zip
01/10	CURRENT	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
11/90	01/10	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

If you checked the Manager box on the front of this form skip to # 15

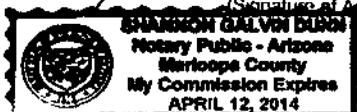
14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
If you answered YES, how many hrs/day? _____, and **answer #14a below**. If NO, skip to #15. YES NO
- 14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof)
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license. YES NO
15. Have you been detained, cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years (include only traffic violations that were alcohol and/or drug related)? YES NO
16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? YES NO
17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? YES NO
18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? YES NO
19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? YES NO

If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement.
Give complete details including dates, agencies involved, and dispositions.
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

20. I, Dixon Duke Cowley, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)

filing this application and I have read this questionnaire and all statements are true, correct and complete.

X [Redacted Signature]
(Signature of Applicant)



My commission expires on: 12 Day 4 Month 14 Year

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 20th day of April 2011

[Redacted Signature]
(Signature of NOTARY PUBLIC)

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.

State of _____ County of _____

The foregoing instrument was acknowledged before me this _____ day of _____ Month _____ Year

X _____
Signature of Controlling Person or Agent (circle one)

Print Name

My commission expires on: _____ Day _____ Month _____ Year

(Signature of NOTARY PUBLIC)

11 APR 28 2011 Lic. PM 1 41

*11 APR 28 11:47 Lic. ~~Questi~~onnaire Supplemental Information
Dixon Duke Cowley
24805 N. Lake Pleasant Parkway, Peoria, AZ 85383

Question 17 – I, Dixon D. Cowley have been an officer and a stockholder for many years with The Carioca Company. It is possible there may have been a violation of some sort that I am unaware of.

Question 18 – I, Dixon D. Cowley was named in a Civil Lawsuit alleging fraud on May 21, 2007, Case NO. CV2007-008955. The case was settled and subsequently dismissed on July 23, 2009. Dismissal and pertinent recital from the Civil Settlement Agreement is attached.

Question 19 – I, Dixon D. Cowley have been an officer in various entities that held liquor licenses from the late 1960's to present.


Dixon Duke Cowley

4-20-2011
Date

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

'11 APR 28 Lic. Lic. PM 1 41

QUESTIONNAIRE

P1053242
fpcurrent/5/9

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

Liquor License #

10076169

(if the location is currently licensed)

1. Check appropriate box -> [X] Controlling Person (Complete Questions 1-19) [] Agent [] Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete #21 for a Manager

2. Name: Bowden Brent Alan Date [redacted] Last First Middle (NOT a Public Record)

3. Social Security Number [redacted] Drivers Lic [redacted] State [redacted] (NOT a public record)

4. Place of Birth [redacted] Height [redacted] Weight [redacted] Eyes [redacted] Hair [redacted] City State Country (not county)

5. Marital Status [] Single [X] Married [] Divorced [] Widowed Daytime Contact Phone: [redacted]

6. Name of Current or Most Recent Spouse: Bowden Susette Cardon Date of [redacted] Last First Middle Maiden (NOT a public record)

7. You are a bona fide resident of what state? Arizona If Arizona, date of residence [redacted]

8. Telephone number to contact you during business hours for any questions regarding this document. 480-222-5800

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Shell #34 Premises Phone: Pending

11. Physical Location of Licensed Premises Address: 24805 N. Lake Pleasant Parkway Peoria Maricopa 85383 Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

Table with 4 columns: FROM Month/Year, TO Month/Year, DESCRIBE POSITION OR BUSINESS, EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip). Row 1: 05/00, CURRENT, Real Estate Investment, Vineyard Management 1223 S Clearview Ave #105, Mesa AZ 85209

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

Table with 6 columns: FROM Month/Year, TO Month/Year, Rent or Own, RESIDENCE Street Address, City, State, Zip. Row 1: 01/09, CURRENT, Rent, [redacted], [redacted], [redacted]

If you checked the Manager box on the front of this form skip to # 15

- 14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
If you answered YES, how many hrs/day? _____, and **answer #14a below**. If NO, skip to #15 YES NO
- 14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof)
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license. YES NO
- 15. Have you been detained, cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years (include only traffic violations that were alcohol and/or drug related)? YES NO
- 16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? YES NO
- 17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? YES NO
- 18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? YES NO
- 19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? YES NO

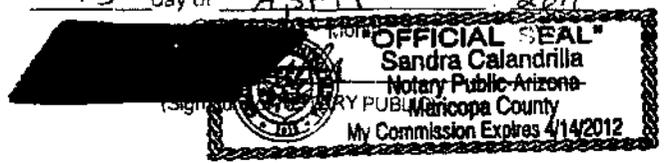
.If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement.
Give complete details including dates, agencies involved, and dispositions.
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

20. I, Brent Alan Bowden, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)
filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

X [Redacted Signature]
(Signature of Applicant)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this
13th day of April, 2011

My commission expires on: 14 4 2012
Day Month Year



COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.

State of _____ County of _____

The foregoing instrument was acknowledged before me this

X _____
Signature of Controlling Person or Agent (circle one)

_____ day of _____
Month Year

Print Name

(Signature of NOTARY PUBLIC)

My commission expires on: _____
Day Month Year

11 APR 28 11:47 AM '11

11 APR 28 11:41 AM '11
Questionnaire Supplemental Information
Brent Alan Bowden
24805 N. Lake Pleasant Parkway, Peoria, AZ 85383

Question 17 – For quite some time I have been the manager of an entity that has a minority ownership interest in The Carioca Company and it is possible that The Carioca Company may have had a liquor license violation of some sort.

Question 18 – Case No. CV2007-008955 filed May 2007. In my capacity as a manager and officer of various entities, I was joined to the suit in November 2007. The suit has been dismissed with prejudice and without action.

Question 19 – I am the manager of an entity that has a minority ownership interest in The Carioca Company. The Carioca Company has several locations, most of which have a liquor license.



Brent Alan Bowden

April 13 2011

Date

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

11 APR 28 Lic. Lic. PM 1 41

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

PI 1053342 KOP
FP current 5/9

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

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TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLIC - FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLIC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE

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

Liquor License #

10076169
(If the location is currently licensed)

1. Check appropriate box → Controlling Person (Complete Questions 1-19) Agent Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete #21 for a Manager

2. Name: Last: Hiatt First: Broc Middle: Cardon Date: [Redacted] (NOT a Public Record)

3. Social Security #: [Redacted] Drivers License #: [Redacted] State: [Redacted] (NOT a public record)

4. Place of Birth: City: [Redacted] State: [Redacted] Country: [Redacted] Height: [Redacted] Weight: [Redacted] Eyes: [Redacted] Hair: [Redacted]

5. Marital Status: Single Married Divorced Widowed Daytime Contact Phone: [Redacted]

6. Name of Current or Most Recent Spouse: Last: Hiatt First: Lori Middle: Van Maiden: Wagoner Date of Birth: [Redacted] (NOT a public record)

7. You are a bona fide resident of what state? Arizona If Arizona, date of residency: May 1985

8. Telephone number to contact you during business hours for any questions regarding this document. 480-222-5800

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card

10. Name of Licensed Premises: Shell #34 Premises Phone: Pending

11. Physical Location of Licensed Premises Address: 24805 N. Lake Pleasant Parkway Peoria Maricopa 85383
Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
01/89	CURRENT	Executive	Cardon Hiatt Companies 1223 S Clearview Ave #103, Mesa AZ 85205

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address (If rented, attach additional sheet with name, address and phone number of landlord)	City	State	Zip
01/96	CURRENT	Own	[Redacted]	[Redacted]	[Redacted]	[Redacted]

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
If you answered YES, how many hrs/day? _____, and **answer #14a below**. If NO, skip to #15 YES NO
- 14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof)
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license. YES NO
15. Have you been detained, cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years (include only traffic violations that were alcohol and/or drug related)? YES NO
16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? YES NO
17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? YES NO
18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? YES NO
19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? YES NO

If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement. Give complete details including dates, agencies involved, and dispositions.
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

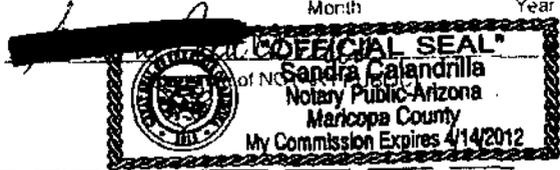
20. I, Broc Cardon Hiatt, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)
filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

X [Redacted Signature]
(Signature of Applicant)

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this
12th day of April, 2011
Month Year

My commission expires on: 14 4 2012
Day Month Year



COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.

State of _____ County of _____

The foregoing instrument was acknowledged before me this

X _____
Signature of Controlling Person or Agent (circle one)

_____ day of _____
Month Year

Print Name

(Signature of NOTARY PUBLIC)

My commission expires on: _____
Day Month Year

APR 28 11:47 AM '11

'11 APR 28 Liq. Lic. Questionnaire Supplemental Information
Broc Cardon Hiatt
24805 N. Lake Pleasant Parkway, Peoria, AZ 85383

Question 17 – For quite some time I have been the manager of an entity that has a minority ownership interest in The Carioca Company and it is possible that The Carioca Company may have had a liquor license violation of some sort.

Question 18 – Case No. CV2007-008955 filed May 2007. In my capacity as a manager and officer of various entities, I was joined to the suit in November 2007. The suit has been dismissed with prejudice and without action.

Question 19 – I am the manager of an entity that has a minority ownership interest in The Carioca Company. The Carioca Company has several locations, most of which have a liquor license.


Broc Cardon Hiatt

12. APRIL. 2011

Date

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934

(602) 542-5141

*11 APR 28 Liq. Lic. PM 1 41

QUESTIONNAIRE

*P1051104
KOR
FP Current 5/9*

Attention all Local Governing Bodies: Social Security and Birthdate information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLC. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLLC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a \$24.00 processing fee for each fingerprint card submitted.

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

Liquor License #

10076169

(If the location is currently licensed)

1. Check appropriate box →

<input checked="" type="checkbox"/> Controlling Person (Complete Questions 1-19) Controlling Person or Agent must complete #21 for a Manager	<input type="checkbox"/> Agent (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete # 21	<input type="checkbox"/> Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete # 21
--	--	---

2. Name: Rose Last Mark First Alan Middle Date of Birth [Redacted] (NOT a Public Record)

3. Social Security Number [Redacted] Drivers License Number [Redacted] State [Redacted] (NOT a public record)

4. Place of Birth [Redacted] City [Redacted] State [Redacted] Country (not county) [Redacted] Height [Redacted] Weight [Redacted] Eyes [Redacted] Hair [Redacted]

5. Marital Status Single Married Divorced Widowed Daytime Contact Phone: [Redacted]

6. Name of Current or Most Recent Spouse: Rose Last Teryle First Goodson Middle [Redacted] Maiden [Redacted] Date of Birth [Redacted] (NOT a public record)

7. You are a bona fide resident of what state? Arizona If Arizona, date of residence [Redacted]

8. Telephone number to contact you during business hours for any questions regarding this document. 602-395-2600

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Shell #34 Premises Phone: Pending

11. Physical Location of Licensed Premises Address: [Redacted] N. Lake Pleasant Parkway City Peoria County Maricopa Zip 85383

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
05/95	CURRENT	Secretary	The Carioca Company, 2601 W. Dunlap Ave #10, Phoenix AZ 85021

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION ↑

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address (If rented, attach additional sheet with name, address and phone number of landlord)	City	State	Zip
4/2010	CURRENT	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
4/2009	4/2010	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
08/2000	01/2009	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? YES NO
If you answered YES, how many hrs/day? _____, and answer #14a below.
- 14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof) YES NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.
15. Have you been detained, cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years (include only traffic violations that were alcohol and/or drug related)? YES NO
16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? YES NO
17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? YES NO
18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? YES NO
19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? YES NO

If any answer to Question #15 through #19 is "YES" YOU MUST attach a signed statement. Give complete details including dates, agencies involved, and dispositions.

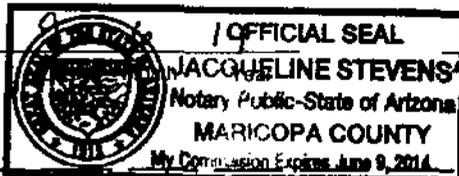
~~SUBSTANTIVE CHANGED TO THIS APPLICATION SHOULD BE ACCEPTED~~

20. I, Mark Alan Rose, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)
filling this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

X [Signature] State of Arizona County of Maricopa
(Signature of Applicant)

The foregoing instrument was acknowledged before me this 12 day of April, 2011
Month Year

My commission expires on:



[Signature]
(Signature of NOTARY PUBLIC)

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.
State of _____ County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, _____ Year
X _____
(Signature of Controlling Person or Agent (circle one))

(Signature of NOTARY PUBLIC)

My commission expires on: _____ Day _____ Month _____ Year

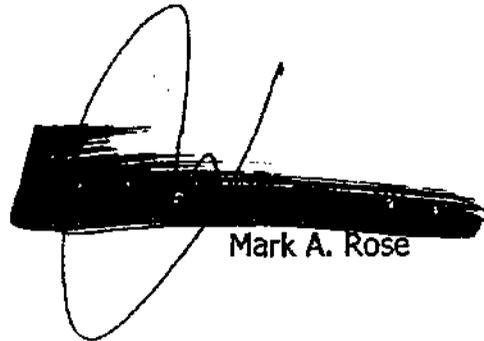
Questionnaire Supplemental Information

'11 APR 28 Lic. Lic. #141

Mark Alan Rose

461 N. Val Vista, Mesa, AZ 85205

Question 17 - I have been an officer with the Carioca Co. for many years.
It's possible that there may have been a violation of some SNT.
Question 19 - The Carioca Company has several locations, most of which have a liquor license.



Mark A. Rose

5/19/10

Date

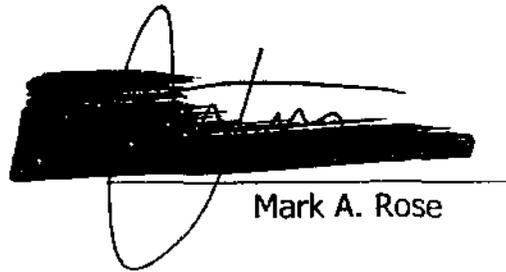
'11 APR 28 Lique. Lic. PM 1 41

Questionnaire Supplemental Information

Mark Alan Rose

24805 N. Lake Pleasant Parkway, Peoria, AZ 85383

Question 19 – The Carioca Company has several locations, most of which have a liquor license.



Mark A. Rose

5/12/11

Date

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

11 APR 28 Liq. Lic. PH 1 41

QUESTIONNAIRE

Handwritten notes: FP 1000453, KBR, 5/9, FP current

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLC. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLLC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a \$24.00 processing fee for each fingerprint card submitted.

Liquor License #

10076169

(If the location is currently licensed)

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

1. Check appropriate box - Controlling Person (checked), Agent, Manager (Only). Instructions for completing questions.

2. Name: Rose Marvin Leroy. Last, First, Middle, Date. (NOT a Public Record)

3. Social Security Number, Drivers License, State: AZ. (NOT a public record)

4. Place of Birth, City, State, Country, Height, Weight, Eyes, Hair.

5. Marital Status: Single, Married (checked), Divorced, Widowed. Daytime Contact Phone.

6. Name of Current or Most Recent Spouse: Rose, Margarita, Jimenez. Last, First, Date. (record)

7. You are a bona fide resident of what state? Arizona. If Arizona, date.

8. Telephone number to contact you during business hours for any questions regarding this document. 602-399-2900

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card

10. Name of Licensed Premises: Shell #34. Premises Phone: Pending

11. Physical Location: Lake Pleasant Parkway, Peoria, Maricopa, 85383. Street Address, City, County, Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

Table with 4 columns: FROM Month/Year, TO Month/Year, DESCRIBE POSITION OR BUSINESS, EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip). Entry: 01/69, CURRENT, President, The Carioca Company, 2601 W. Dunlap Ave #10, Phoenix AZ 85021

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

Table with 7 columns: FROM Month/Year, TO Month/Year, Rent or Own, RESIDENCE Street Address, City, State, Zip. Entries for 2/2011, 11/2007, 06/04.

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? YES NO
 If you answered YES, how many hrs/day? _____, and answer #14a below. If NO, skip to #15.
- 14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof) YES NO
 If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.
15. Have you been detained, cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years (include only traffic violations that were alcohol and/or drug related)? YES NO
16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? YES NO
17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? YES NO
18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? YES NO
19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? YES NO

If any answer to Questions 14 through 19 is "YES" YOU MUST attach Signed Statement. Give complete details including dates, agencies involved, and dispositions.
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED.

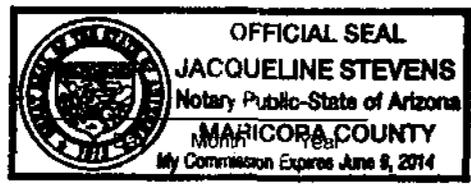
20. I, Marvin Leroy Rose, hereby declare that I am the APPLICANT/REPRESENTATIVE
(Print full name of Applicant)
 After reading this questionnaire and all statements are true, correct and complete.

X _____
 (Signature of Applicant)

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 13 day of April, 2011 Year

 (Signature of NOTARY PUBLIC)



My commission expires on: _____

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.
 State of _____ County of _____

The foregoing instrument was acknowledged before me this

X _____ day of _____ Month _____ Year

Signature of Controlling Person or Agent (circle one)

 (Signature of NOTARY PUBLIC)

My commission expires on: _____ Day _____ Month _____ Year _____

11 APR 28 Liq. Lic. #11241

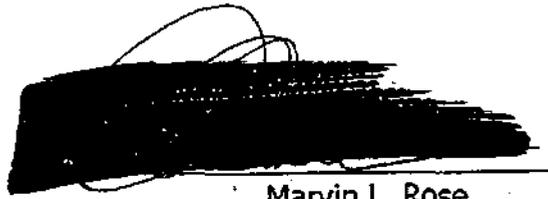
Questionnaire Supplemental Information

Marvin Leroy Rose

461 N. Val Vista, Mesa, AZ 85205

Question 17 - I have been an officer/stockholder for many years with the Carioca Co. It's possible that there may have been a violation of some sort.

Question 19 - The Carioca Company has several locations, most of which have a liquor license.



Marvin L. Rose

5/19/10

Date

*11 APR 28 11:41 AM

Questionnaire Supplemental Information
Marvin Leroy Rose
24805 N. Lake Pleasant Parkway, Peoria, AZ 85383

Question 19 – The Carioca Company has several locations, most of which have a liquor license.



Marvin L. Rose

4/12/11

Date

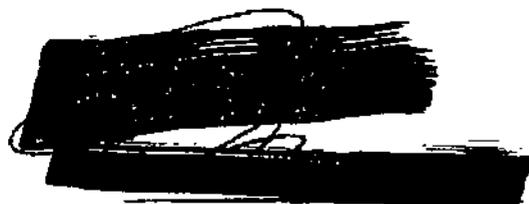
'11 APR 28 Liq. Lic. #1142

Statement
Marvin Leroy Rose

Question #19

~~In the past, some stores have had liquor violations.~~

Approximately 25 years ago, I had partial ownership of the Hotel Vendome in Prescott, Arizona. I currently have no ownership or involvement in the property whatsoever.



Marvin L. Rose

4/28/11

Date

'11 APR 28 Liq. Lic. #11223

'11 APR 28 Liq. Lic. PM 1 42

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

QUESTIONNAIRE

P1000737
AP Current 5/19

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLG. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLLC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a \$24.00 processing fee for each fingerprint card submitted.

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

Liquor License #

10076169
(If the location is currently licensed)

1. Check appropriate box → Controlling Person (Complete Questions 1-19) Agent Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete #21

2. Name: Cardon Wilford Allen Date of [Redacted] (NOT a Public Record)

3. Social Security [Redacted] Drivers [Redacted] State [Redacted] (NOT a public record)

4. Place of Birth: [Redacted] Height: [Redacted] Weight: [Redacted] Eyes: [Redacted] Hair: [Redacted] City State Country (not county)

5. Marital Status Single Married Divorced Widowed Daytime Contact Phone [Redacted]

6. Name of Current or Most Recent Spouse: Cardon Phyllis Reneer Date of Birth [Redacted] (List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden (NOT a public record)

7. You are a bona fide resident of what state? Arizona If Arizona, date of residence [Redacted]

8. Telephone number to contact you during business hours for any questions regarding this document. 480-830-6060

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Shell #34 Premises Phone Pending

11. Physical Location of Licensed Premises Address: 24805 N. Lake Pleasant Parkway Peoria Maricopa 85383 Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
01/65	CURRENT	Cardon Companies	1819 E Southern Ave Ste B-10, Mesa, AZ 85204

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION ↓

13. Indicate your residence address for the last five (5) years.

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address (If rented, attach additional sheet with name, address and phone number of landlord)	City	State	Zip
01/90	CURRENT	Rent	[Redacted]	[Redacted]	[Redacted]	[Redacted]

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
If you answered YES, how many hrs/day? _____, and answer #14a below If NO, skip to #15. YES NO
- 14a Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof)
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on
an existing license. YES NO
15. Have you been detained, cited, arrested, indicted or summoned into court for violation of ANY law or
ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years
(include only traffic violations that were alcohol and/or drug related)? YES NO
16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments
or summonses PENDING against you or ANY entity in which you are now involved? YES NO
17. Have you or any entity in which you have held ownership, been an officer, member, director or manager
EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended
or fined in this or any other state? YES NO
18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or
misrepresentation? YES NO
19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member,
director or manager on any other liquor license in this or any other state? YES NO

If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement.
Give complete details including dates, agencies involved, and dispositions.
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

20. I, Wilford Allen Cardon, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)
filing this questionnaire. I understand this questionnaire and all statements are true, correct and complete.

x [Redacted Signature]
(Signature of Applicant)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this
12th day of April, 2011
Year

[Redacted Signature]
(Signature of Notary Public)

My commission expires on: 05/15/2011
Day Month Year
KRISTINE DUKE
Notary Public - Arizona
Pinal County
Expires 05/15/2011



**COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT
APPROVING A MANAGER'S APPLICATION**

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license.
The manager named must be at least 21 years of age.

State of _____ County of _____
The foregoing instrument was acknowledged before me this

x _____
Signature of Controlling Person or Agent (circle one)

_____ day of _____
Month Year

Print Name

(Signature of NOTARY PUBLIC)

My commission expires on: _____
Day Month Year

11 APR 28 11:42 AM '11
Liquor, Lic. PM 1:42

Attachment for Wilford Cardon

11 APR 28 Lir. Lic. PM 1:42

17. I have been an officer and a stockholder for many years with the Carioca Company. It is possible that there may have been a violation of some sort.

19. From the late 1960's to current, I have been an officer in various entities that held liquor licenses.

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934

(602) 542-5141

11 APR 28 Lic. Lic. PM 1:42

QUESTIONNAIRE

f P 1021114
KOR
2/109

Attention all Local Governing Bodies: Social Security and Birthdate information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting for any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLC. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLLC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a \$24.00 processing fee for each fingerprint card submitted.

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

Liquor License #

10076169
(If the location is currently licensed)

1. Check appropriate box → Controlling Person Agent Manager (Only)
(Complete Questions 1-19) (Complete All Questions except # 14, 14a & 21)
Controlling Person or Agent must complete #21 for a Manager Controlling Person or Agent must complete # 21

2. Name: Buchanan Susan Kay Date of Birth: [Redacted]
Last First Middle (NOT a Public Record)

3. Social Security Number: [Redacted] Driver's License: [Redacted] State: [Redacted]
(NOT a public record) (NOT a public record)

4. Place of Birth: [Redacted] Height: [Redacted] Weight: [Redacted] Eyes: [Redacted] Hair: [Redacted]
City State Country (not county)

5. Marital Status Single Married Divorced Widowed Daytime Contact Phone: [Redacted]

6. Name of Current or Most Recent Spouse: [Redacted] Date of Birth: [Redacted]
(List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden (NOT a Public Record)

7. You are a bona fide resident of what state? Arizona If Arizona, date of residence: [Redacted]

8. Telephone number to contact you during business hours for any questions regarding this document. 623-3[Redacted]

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Shell #34 Premises Phone: Pending

11. Physical Location of License: [Redacted] Lake Pleasant Parkway Peoria Maricopa 85383
Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
10/03	CURRENT	Manager	The Carioca Company, 2601 W. Dunlap Ave #10, Phx, AZ 85021

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION ↑ ↓

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address	City	State	Zip
01/03	CURRENT	Own	[Redacted]	[Redacted]	[Redacted]	[Redacted]

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
If you answered YES, how many hrs/day? _____, and **answer #14a below**. If NO, skip to #15. YES NO
- 14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof)
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license. YES NO
15. Have you been detained, cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years (include only traffic violations that were alcohol and/or drug related)? YES NO
16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? YES NO
17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? YES NO
18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? YES NO
19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? YES NO

answer to Questions 15 through 19 is NO. **YOU MUST** attach a signed statement.
Give complete details including dates, agencies involved, and dispositions.
SUBSTANTIVE CHANGES TO THIS APPLICATION ARE PROHIBITED.

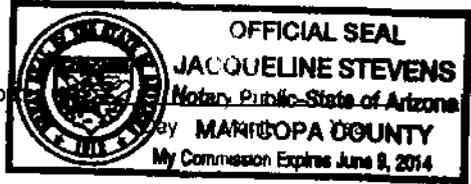
20. I, Susan Kay Buchanan, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)
filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

X [Signature]
(Signature of Applicant)

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this
19 day of April, 2011
Year

[Signature]
(Signature of NOTARY PUBLIC)



COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this
19 day of April, 2011
Month Year

X [Signature]
Marvin Rose
Print Name

Jacqueline Stevens
(Signature of NOTARY PUBLIC)



Questionnaire Supplemental Information

'11 APR 28 Lic. Lic. PM 1 Susan Kay Buchanan
24805 N. Lake Pleasant Parkway, Peoria, AZ 85383

Question 19 – I have been a manager at other convenience stores owned by The Carioca Company.



Susan Kay Buchanan

4/19/11

Date

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141



400 W Congress #150
Tucson AZ 85701-1352
(520) 628-6595

CERTIFICATION OF COMPLETED ALCOHOL TRAINING PROGRAM(S)

OBTAIN ORIGINALS OF THIS FORM FROM DLLC DO NOT PHOTOCOPY, DOCUMENT IS COMPUTER SCANNED. TYPE OR PRINT WITH BLACK INK

ALCOHOL TRAINING PROGRAM INDIVIDUAL INFORMATION

SUSAN BUCHANAN
Individual Name (Print)

[Signature]
Individual Signature

01/20/09
Date Training Completed

TYPE OF TRAINING COMPLETED
TRAINER MUST CHECK YES OR NO FOR EACH TYPE

<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO BASIC	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO ON-SALE
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO MANAGEMENT	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO OFF-SALE
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO BOTH	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO OTHER

LANGUAGE OF INSTRUCTION:
 ENGLISH SPANISH

IF TRAINER IS EMPLOYED BY A LICENSEE:

MARVIN LEROY ROSE CARLOCA Co 10070809
 NAME OF THE LICENSEE BUSINESS NAME LIQUOR LICENSE NUMBER

ALCOHOL TRAINING PROGRAM PROVIDER INFORMATION

Arizona Liquor Industry Consultants
Company or Individual Name

P.O. Box 2502
Address

Chandler Arizona 85244 480-730-2675
City State Zip Phone

I Certify the above named individual has successfully completed the specified program(s).

Brian Andersen
Trainer Name (Print)

[Signature]
Trainer Signature

1/20/09
Date

Trainer give original of completed form to trainee, photocopy and maintain completed document for your records.

Mandatory Liquor Law Training for all new applications submitted after Nov. 1, 1997, A.R.S. Section 4-112(G)(2). Completion of the Liquor License Training Courses is required at the issuance of a license.

The person(s) required to attend both the Basic Liquor Law and Management Training, (either on-site or off-site), will include all of the following: owner(s), licensee/agent or manager(s) WHO ARE ACTIVELY INVOLVED IN THE DAY TO DAY OPERATION OF THE BUSINESS.

Proof of attendance within the last five years for the required courses must be submitted to the Department before the license application is considered complete.

Before acceptance of a Manager's Questionnaire and/or Agent Change for an existing license, proof of attendance for the Basic Liquor Law and Management Training (either on-site or off-site) will be required.

11 APR 28 10:49 AM '09

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141



400 W Congress #150
Tucson AZ 85701-1352
(520) 622-6595

CERTIFICATION OF COMPLETED ALCOHOL TRAINING PROGRAM(S)

Obtain original of this form from D.L.P. do not photocopy, document is computer generated. A type certificate is also type.

ALCOHOL TRAINING PROGRAM INDIVIDUAL INFORMATION

SUSAN BUCHANAN
Name of Individual

12/20/08
Date Training Completed

LANGUAGE OF INSTRUCTION:
 ENGLISH SPANISH

TYPE OF TRAINING COMPLETED
TRAINER MUST CHECK YES OR NO FOR EACH TYPE

<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO BASIC	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO ON SALE
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO MANAGEMENT	<input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO OFF SALE
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO BOTH	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO OTHER

IF TRAINEE IS EMPLOYED BY A LICENSEE:

NAME OF THE LICENSEE

BUSINESS NAME

LIQUOR LICENSE NUMBER

ALCOHOL TRAINING PROGRAM PROVIDER INFORMATION

ARIZONA LIQUOR INDUSTRY CONSULTANTS
Company or Individual Name

P.O. BOX 2502
Address

CHANDLER
City

ARIZONA
State

85244
Zip

480-730-2875
Phone

I Certify the above named individual has successfully completed the specified program(s).

LARRY ELLIGET
Trainer Name (Print)

12/20/08
Date

Secondary Liquor Law Training for all new applicants is required after Nov. 1, 1997, A.R.S. Section 4-120(C)(2). Completion of the Liquor License Training Course is required of the holder of a license.

The programs required in addition to the Basic Liquor Law and Alcohol Law Training, (either on-site or off-site), will include all of the following:
1. Employment of manager(s) WHO ARE ACTIVELY INVOLVED IN THE DAY TO DAY OPERATION OF THE BUSINESS.
2. Proof of attendance within the last five years for the required course(s) as indicated in the Department's Liquor License Training Application is considered complete.
3. Proof of attendance of a Manager's Certificate or other Agent Change for an existing license, proof of attendance for the Basic Liquor Law and Management Training (either on-site or off-site) will be required.

Distilled spirits containing 24% alcohol by volume please call (602) 622-0027

11 APR 28 19:14 PM '02

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

MAY 5 2011 Lic. PM 4:24

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): Beer & Wine store #10

10076172

2. Total fees attached: \$

Department Use Only
2720⁰⁰

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. Patel Madanlal Jowhadas
(Insert one name ONLY to appear on license) Last First Middle
2. Corp./Partnership/L.L.C.: Evergreen Investments LLC
(Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: Food Mart
(Exactly as it appears on the exterior of premises)
4. Principal Street Location: 7473 West Bell Road Peoria Maricopa 85382
(Do not use PO Box Number) City County Zip
5. Business Phone: 623-773-0102 Daytime Contact: [REDACTED]
6. Is the business located within the incorporated limits of the above city or town? YES NO
7. Mailing Address: 7473 West Bell Road, Peoria AZ 85382
City State Zip
8. Price paid for license only bar, beer and wine, or liquor store: Type _____ \$ _____ Type _____ \$ _____

DEPARTMENT USE ONLY					
Fees:	<u>100⁰⁰</u>	<u>100⁰⁰</u>	_____	_____	<u>220⁰⁰</u>
	Application	Interim Permit	Agent Change	Club	Finger Prints \$
					<u>2720⁰⁰</u>
					TOTAL OF ALL FEES
Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
Accepted by:	<u>PC</u>	Date:	<u>5/5/2011</u>	Lic. #	<u>10076172</u>

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. 10074833
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, THOMAS JOHN CRUM, 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.

X 
(Signature)

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

15th day of April, 2011
Day Month Year

My commission expires on: 8-26-2014



OFFICIAL SEAL
LUKE M. CAMPBELL
NOTARY PUBLIC - ARIZONA
MARICOPA COUNTY

My Commission Expires 8-26-2014


(Signature of NOTARY PUBLIC)

11 MAY 5 11:42 AM '11

SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$24 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) _____

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

(ATTACH ADDITIONAL SHEET IF NECESSARY)

2. Is any person, other than the above, going to share in the profits/losses of the business? YES NO
If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

STATE OF ARIZONA

DEPARTMENT OF LIQUOR LICENSES
AND CONTROL
ALCOHOLIC BEVERAGE LICENSE

License 10074833

Issue Date: 10/12/2004

Expiration Date: 12/31/2011

Issued To:

THOMAS JOHN CRUM, Agent
EXPRESS GAS & CAR WASH LLC, Owner

Beer & Wine Store

Mailing Address:

THOMAS JOHN CRUM
EXPRESS GAS & CAR WASH LLC
EXPRESS GAS & CAR WASH
7473 W BELL RD
PEORIA, AZ 85382

Location:

EXPRESS GAS & CAR WASH
7473 W BELL RD
PEORIA, AZ 85382



EXP

12/31/2011

POST THIS LICENSE IN A CONSPICUOUS PLACE

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$24 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.: Evergreen Investments LLC
(Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 10/14/2010 State where Incorporated/Organized: ARIZONA
3. AZ Corporation Commission File No.: L-1634160-1  Date authorized to do business in AZ: 10/19/2010
4. AZ L.L.C. File No: L-1634160-1 Date authorized to do business in AZ: 10/19/2010
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
Patel	Madanlal	Jamnadas	Member manager	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Patel	Ratna Kalabhai	Harshad	Member	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Patel	Pramesh	Madanlal	Member	[REDACTED]	[REDACTED]	[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
Patel	Madanlal	Jamnadas	18%	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Patel	Ratna Kalabhai	Harshad	70%	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Patel	Pramesh	Madanlal	12%	[REDACTED]	[REDACTED]	[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 \$24 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 Assignm or Divorce Decree of an existing Bar c quor Store License:

- 1. Current Licensee's Name: _____
(Exactly as it appears on license) Last First Middle
- 2. Assignee's Name: _____
Last First Middle
- 3. License Type: _____ License Number: _____ Date of Last Renewal: _____
- 4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

SECTION 10 Government: (for cities, towns, or counties only)

- 1. Governmental Entity: _____
- 2. Person/designee: _____
Last First Middle Contact Phone Number

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 11 Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

- 1. Current Licensee's Name: _____ Entity: _____
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
- 2. Corporation/L.L.C. Name: _____
(Exactly as it appears on license)
- 3. Current Business Name: _____
(Exactly as it appears on license)
- 4. Physical Street Location of Business: Street _____
City, State, Zip _____
- 5. License Type: _____ License Number: _____
- 6. If more than one license to be transfered: License Type: _____ License Number: _____
- 7. Current Mailing Address: Street _____
(Other than business) City, State, Zip _____
- 8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? YES NO
- 9. Does the applicant intend to operate the business while this application is pending? YES NO If yes, complete Section 5 of this application, attach fee, and current license to this application.

10. I, _____, hereby authorize the department to process this application to transfer the 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)

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: 1/2 mile ft. Name of school Arrowhead elementary School
Address 7490 W. Union Hills, Glendale, AZ 85308
City, State, Zip

2. Distance to nearest church: 1/2 mile ft. Name of church City of Life Church
Address 17235 N. 75th Ave., Glendale, AZ 85308
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 \$ _____ 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? \$ 1,875,000
Please list debtors below if applicable.

Last	First	Middle	Amount Owed	Mailing Address	City	State	Zip
Borrego Springs Bank			1,875,000	1999 South Bascom Ave.		CA	95008

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Beer & wine

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 # 10074833 (exactly as it appears on license) Name Thomas John Crum

SECTION 14 Restaurant or hotel/motel license applicants:

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

applicant's signature

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

applicants initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

- 1. Check ALL boxes that apply to your business:
 Entrances/Exits Liquor storage areas Patio: Contiguous
 Service windows Drive-in windows Non Contiguous
- 2. Is your licensed premises currently closed due to construction, renovation, or redesign? YES NO
 If yes, what is your estimated opening date? _____
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.

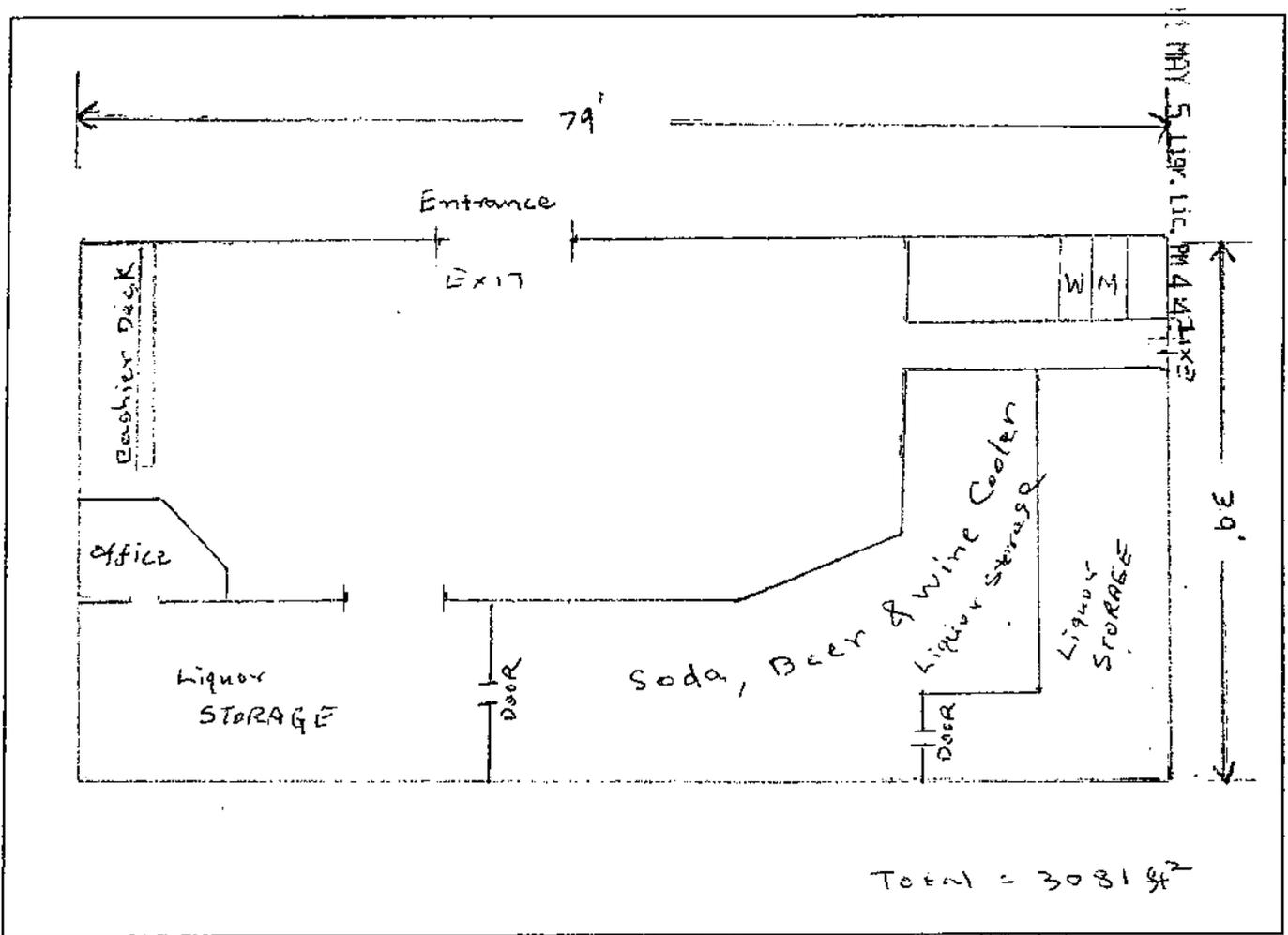
As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this 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.



SECTION 16 Signature Block

I, Madanlal J. Patel ^{amxada5}, 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.

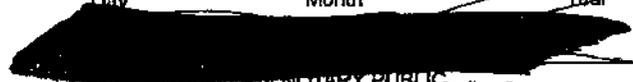
(print full name of applicant)

X 
(signature of applicant listed in Section 4, Question 1)



State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 2nd of December, 2010
Day Month Year

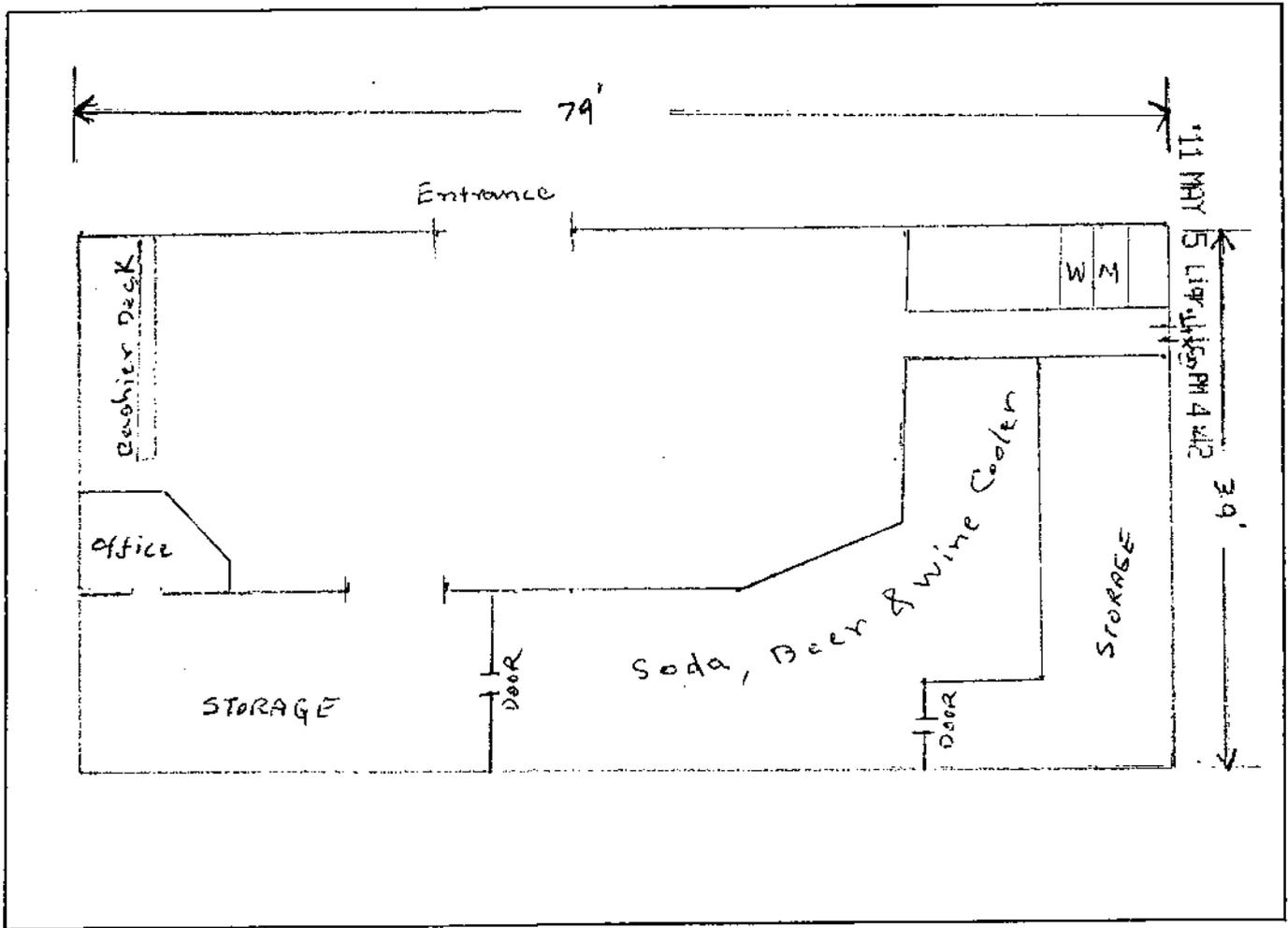

Signature of NOTARY PUBLIC

My commission expires on: 22-02-2014
Day Month Year

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.

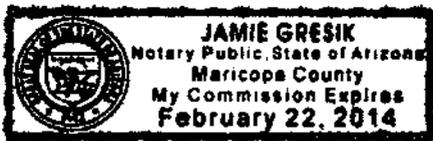
If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.



SECTION 16 Signature Block

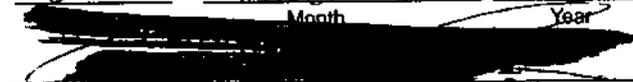
I, Madanlal J. Patel, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

X 
 (signature of applicant listed in Section 4, Question 1)



State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 2nd of December, 2010


 signature of NOTARY PUBLIC

My commission expires on: 22-02-2014
 Day Month Year

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

Handwritten number: P104544042

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLC. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLLC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a \$24.00 processing fee for each fingerprint card submitted. The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

Liquor License # 10074833 (If the location is currently licensed)

1. Check appropriate box: Controlling Person, Agent, Manager (Only). (Complete Questions 1-19) / (Complete All Questions except # 14, 14a & 21)

2. Name: Patel, Madania, Jamnadas. Date of Birth: / / (NOT a Public Record)

3. Social Security Number: Drivers License #: State: (NOT a public record)

4. Place of Birth: City, State, Country. Height, Weight, Eyes, Hair.

5. Marital Status: Single, Married, Divorced, Widowed. Daytime Contact Phone:

6. Name of Current or Most Recent Spouse: Last, First, Middle, Maiden. Date of Birth: / / (NOT a public record)

7. You are a bona fide resident of what state? If Arizona, date of residency:

8. Telephone number to contact you during business hours for any questions regarding this document.

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Food Mart. Premises Phone:

11. Physical Location of Licensed Premises Address: Street Address, City, County, Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

Table with 4 columns: FROM Month/Year, TO Month/Year, DESCRIBE POSITION OR BUSINESS, EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

Table with 7 columns: FROM Month/Year, TO Month/Year, Rent or Own, RESIDENCE Street Address, City, State, Zip

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802-teleo

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

QUESTIONNAIRE

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Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED FROM ANY FINGERPRINTING SERVICE APPROVED BY THE DEPARTMENT. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a \$24.00 processing fee for each fingerprint card submitted.
The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

Liquor License #

10074833

(if the location is currently licensed)

1. Check appropriate box → Controlling Person (Complete Questions 1-19) Agent (Complete All Questions except # 14, 14a & 21) Manager (Only) (Complete All Questions except # 14, 14a & 21)
Controlling Person or Agent must complete #21 for a Manager

2. Name: Patel, madanlal, Jamnadas Date of Birth: [REDACTED]
Last First Middle (NOT a Public Record)

3. Social Security Number: [REDACTED] Drivers License #: [REDACTED] State: [REDACTED]
(NOT a public record) (NOT a public record)

4. Place of Birth: [REDACTED] City State Country (not county) Height: [REDACTED] Weight: [REDACTED] Eyes: [REDACTED] Hair: [REDACTED]

5. Marital Status Single Married Divorced Widowed Daytime Contact Phone: [REDACTED]

6. Name of Current or Most Recent Spouse: Patel, Kusumben madanlal Date of Birth: [REDACTED]
(List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden (NOT a public record)

7. You are a bona fide resident of what state? ARIZONA If Arizona, date of residence: [REDACTED]

8. Telephone number to contact you during business hours for any questions regarding this document. 623-113-0102

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: [REDACTED] Investments LLC Premises Phone: 623-773-0102

11. Physical Location of License: [REDACTED] 3 W. Bell Road, Peoria, Maricopa, 85382
Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
3/2005	CURRENT	Managing member	Maricopa Shell LLC 19680 N. Johnwayne Pkwy Maricopa, AZ. 85139

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION ↓

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address (if rented, attach additional sheet with name, address and phone number of landlord)	City	State	Zip
1/1984	CURRENT	OWN	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
If you answered YES, how many hrs/day? _____, and answer #14a below. If NO, skip to #15. YES NO
- 14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof)
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on
an existing license. YES NO
15. Have you been detained, cited, arrested, indicted or summoned into court for violation of ANY law or
ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years
(include only traffic violations that were alcohol and/or drug related)? YES NO
16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments
or summonses PENDING against you or ANY entity in which you are now involved? YES NO
17. Have you or any entity in which you have held ownership, been an officer, member, director or manager
EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended
or fined in this or any other state? YES NO
18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or
misrepresentation? YES NO
19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member,
director or manager on any other liquor license in this or any other state? YES NO

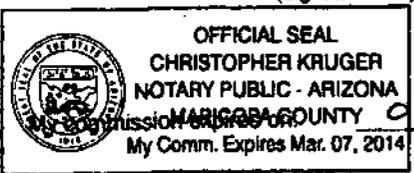
If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement.
Give complete details, agencies involved, dates, etc.
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

20. I, Madanlal J. Patel, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)
of this business. I have read this questionnaire and all statements are true, correct and complete.

X _____
(Signature of Applicant)

State of ARIZONA County of MARICOPA

The foregoing instrument was acknowledged before me this
26th day of APRIL, 2011
Month Year



03/07/2014
Day Month Year

(Signature of NOTARY PUBLIC)

**COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT
APPROVING A MANAGER'S APPLICATION**

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license.
The manager named must be at least 21 years of age.

State of _____ County of _____

The foregoing instrument was acknowledged before me this

X _____
Signature of Controlling Person or Agent (circle one)

_____ day of _____
Month Year

(Signature of NOTARY PUBLIC)

Print Name

My commission expires on: _____
Day Month Year

Date: April 25th 2011

#19

I, Madantlal J. Patel member of the following LLC, which is currently in business.

① Maricopa Shell LLC DBA Shell Food Mart

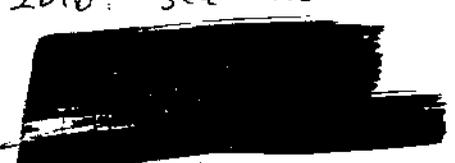
Liquor License # 10113109
State of Arizona

② Nineteenbell Properties LLC DBA Chevron Food Mart

Liquor License # 10075380
State of Arizona

#17

Employees of Shell Food Mart violate the law for identification procedures, and as a result liquor dept. fined employee and LLC. in month of October 2010. See the attached complaint.


Maricopa Shell LLC
DBA Shell Food Mart

11 MAY 5 199, LIC. PH 4 25



ARIZONA STATEMENT OF CITIZENSHIP AND ALIEN STATUS FOR STATE PUBLIC BENEFITS Professional License and Commercial License Department of Liquor Licenses and Control

11 MAY 5 11:41 AM '11

Liquor License #: _____

Ownership Name: Evergreen Investments LLC (as listed on the current liquor license application or renewal application)

Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), U.S.C. § 1621, provides that, with certain exceptions, only United States citizens, United States non-citizen nationals, non-exempt "qualified aliens" (and sometimes only particular categories of qualified aliens), nonimmigrants, and certain aliens paroled into the United States are eligible to receive state or local public benefits. With certain exceptions, a professional license and commercial license issued by a State agency is a State public benefit.

Arizona Revised Statutes § 1-501 requires, in general, that a person applying for a license must submit documentation to the licensing agency that satisfactorily demonstrates that the applicant is lawfully present in the United States.

Directions: All applicants must complete Sections I, II, and IV. Applicants who are not U.S. citizens or nationals must also complete Section III. Submit this completed form and copy of one or more documents that evidence your citizenship or alien status with your application for license or renewal.

SECTION I - APPLICANT INFORMATION

APPLICANT'S NAME (Print or type) Madanlal J. Patel DATE 4-25-11

TYPE OF APPLICATION (check one) [X] INITIAL APPLICATION [] RENEWAL

TYPE OF LICENSE Beer & wine store

SECTION II - CITIZENSHIP OR NATIONAL STATUS DECLARATION

Directions: Attach a legible copy of the front, and the back (if any), of a document from the attached List A or other document that demonstrates U.S. citizenship or nationality. Name of document provided: Passport

A. Are you a citizen or national of the United States? (check one) [X] Yes [] No

B. If the answer is "Yes," where were you born? List city, state (or equivalent), and country. City Rundhwada State (or equivalent) Gujrat Country or Territory INDIA

If you are a citizen or national of the United States, go to Section IV. If you are not a citizen or national of the United States, please complete Sections III and IV.


APPLICANT'S SIGNATURE

4-25-2011
TODAY'S DATE

Attachment: Lists A and B Evidence of U.S. Citizenship, U.S National Status, or Alien Status,

DLLC 1/15/09

AG 11/08/07 - 81662

Attachment to Form 1 Applicant Statement

EVIDENCE OF U.S. CITIZENSHIP, U.S NATIONAL STATUS, OR ALIEN STATUS

LIST A: U.S. CITIZEN OR U.S. NATIONAL

Note: In this List, the term "Service" refers to the U.S. Citizenship and Immigration Service, formerly, the U.S. Immigration and Naturalization Service (INS).

[Source: Proposed Rules, Verification of Eligibility for Public Benefits, 8 CFR § 104.23; 63 FR 41662-01 August 1998); and Interim Guidance of Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("Interim Guidance"), 62 FR 61344 (Nov. 17, 1997), Attachment 4]

Evidence showing U.S. citizen or U.S. national status includes the following:

a. Primary Evidence:

- (1) A birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time) (unless the applicant was born to foreign diplomats residing in such a jurisdiction);
- (2) United States passport;
- (3) Report of birth abroad of a U.S. citizen (FS-240) (issued by the Department of State to U.S. citizens);
- (4) Certificate of Birth (FS-545) (issued by a foreign service post) or Certification of Report of Birth (DS-1350), copies of which are available from the Department of State;
- (5) Form N-561, Certificate of Citizenship;
- (6) Form I-197, United States Citizen Identification Card (issued by the Service until April 7, 1983 to U.S. citizens living near the Canadian or Mexican border who needed it for frequent border crossings) (formerly Form I-179, last issued in February 1974);
- (7) Form I-873 (or prior versions), Northern Marianas Card (issued by the Service to a collectively naturalized U.S. citizen who was born in the Northern Mariana Islands before November 3, 1986);
- (8) Statement provided by a U.S. consular official certifying that the individual is a U.S. citizen (given to an individual born outside the United States who derives citizenship through a parent but does not have an FS-240, FS-545, or DS-1350); or
- (9) Form I-872 (or prior versions), American Indian Card with a classification code "KIC" and a statement on the back identifying the bearer as a U.S. citizen (issued by the Service to U.S. citizen members of the Texas Band of Kickapoos living near the U.S./Mexican border).

[Source: Interim Guidance of Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("Interim Guidance"), 62 FR 61344 (Nov. 17, 1997), Attachment 4]

b. Secondary Evidence

If the applicant cannot present one of the documents listed in (a) above, the following may be relied upon to establish U.S. citizenship or U.S. national status:

- (1) Religious record recorded in one of the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time) (unless the applicant was born to foreign diplomats residing in such a jurisdiction) within three 3 months after birth showing that

MAY 5 11 41 AM '11

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

P1049441482

QUESTIONNAIRE

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Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLC. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLLC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a \$24.00 processing fee for each fingerprint card submitted. The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

Liquor License # 10074833 (if the location is currently licensed)

1. Check appropriate box: [] Controlling Person, [] Agent, [] Manager (Only)
(Complete Questions 1-19)
(Complete All Questions except # 14, 14a & 21)
Controlling Person or Agent must complete #21 for a Manager
Controlling Person or Agent must complete # 21

2. Name: Patel Pramesh Date of Birth: / /
Last First Middle (NOT a Public Record)

3. Social Security Number: Drivers License #: State:
(NOT a public record) (NOT a public record)

4. Place of Birth: City State Country Height: Weight: Eyes: Hair:

5. Marital Status [] Single [] Married [] Divorced [] Widowed Daytime Contact Phone:

6. Name of Current or Most Recent Spouse: Last First Middle Maiden Date of Birth: / /
(List all for last 5 years - Use additional sheet if necessary) (NOT a public record)

7. You are a bona fide resident of what state? If Arizona, date of residency:

8. Telephone number to contact you during business hours for any questions regarding this document.

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Food Mart Premises Phone:

11. Physical Location of Licensed Premises Address: Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

Table with 4 columns: FROM Month/Year, TO Month/Year, DESCRIBE POSITION OR BUSINESS, EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

Table with 7 columns: FROM Month/Year, TO Month/Year, Rent or Own, RESIDENCE Street Address (if rented, attach additional sheet with name, address and phone number of landlord), City, State, Zip

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

QUESTIONNAIRE

AC 1064899

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Effective 10/01/07 there is a \$24.00 processing fee for each fingerprint card submitted. The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

Liquor License #
10074833
(If the location is currently licensed)

1. Check appropriate box → **Controlling Person** (Complete Questions 1-19) **Agent** (Complete All Questions except # 14, 14a & 21) **Manager (Only)** (Complete All Questions except # 14, 14a & 21)
Controlling Person or Agent must complete #21 for a Manager

2. Name: Patel Pramesh Modanlal Date of Birth: [REDACTED]
Last First Middle (NOT a Public Record)

3. Social Security Number: [REDACTED] Drivers License #: [REDACTED] State: [REDACTED]
(NOT a public record) (NOT a public record)

4. Place of Birth: [REDACTED] Height: [REDACTED] Eyes: [REDACTED] Hair: [REDACTED]
City State Country (not county)

5. Marital Status Single Married Divorced Widowed Daytime Contact Phone: [REDACTED]

6. Name of Current or Most Recent Spouse: N-A Date of Birth: [REDACTED]
(List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden (NOT a Public Record)

7. You are a bona fide resident of what state? CA If Arizona, date of residence: [REDACTED]

8. Telephone number to contact you during business hours for any questions regarding this document. 510 648 0063

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Everett Food Mart Premises Phone: 623-773-0102

11. Physical Location of Licensed Premises: 495 W. Bell Rd Peoria Maricopa 85382
Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
8/2004	CURRENT	Material Division Manager	[REDACTED]

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address (If rented, attach additional sheet with name, address and phone number of landlord)	City	State	Zip
8/2005	CURRENT	Own	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
 If you answered YES, how many hrs/day? _____, and answer #14a below. If NO, skip to #15. YES NO

14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof)
 If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license. YES NO

15. Have you been detained, cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years (include only traffic violations that were alcohol and/or drug related)? YES NO

16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? YES NO

17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? YES NO

18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? YES NO

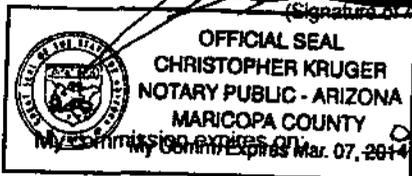
19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? YES NO

If any answer to Questions 15 through 19 is "YES" YOU MUST attach _____
 _____ give complete details, agencies involved, and _____
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

20. I, Pravech Madanlal Patel, hereby declare that I am the APPLICANT/REPRESENTATIVE
 (print full name of Applicant)
 filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

X _____
 (Signature of Applicant)

State of ARIZONA County of MARICOPA



03/07/2011
 Day Month Year

The foregoing instrument was acknowledged before me this
20 day of APRIL, 2011
 Month Year

 (NOTARY PUBLIC)

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.

State of _____ County of _____

The foregoing instrument was acknowledged before me this

X _____ day of _____
 Signature of Controlling Person or Agent (circle one) Month Year

 (Signature of NOTARY PUBLIC)

Print Name

My commission expires on: _____
 Day Month Year

I, Pramesh Patel, have had no other arrests, charges, or convictions before and after the offense in question.

1. What was the offense?

Misdemeanor DUI.

2. When did this offense(s) occur?

Jan 24th 2009.

3. Where did this offense(s) occur?

El Segundo CA.

5. Was time served in jail or not? (If so, how much time served?)

No.

11 MAY 5 10:41 AM '11



Pramesh Patel

4-26-11

Date

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

1049441 KBR

QUESTIONNAIRE

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Liquor License # 10074833 (If the location is currently licensed)

1. Check appropriate box: [X] Controlling Person (Complete Questions 1-19) [] Agent [] Manager (Only) (Complete All Questions except #14, 14a & 21) Controlling Person or Agent must complete #21 for a Manager

2. Name: Patel, Ratnabala, Harshadkumar Date of Birth: / / (NOT a Public Record)

3. Social Security Number: Drivers License #: State: (NOT a public record)

4. Place of Birth: City State Country (not county) Height Weight Eyes Hair

5. Marital Status: [] Single [] Married [] Divorced [] Widowed Daytime Contact Phone:

6. Name of Current or Most Recent Spouse: (List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden Date of Birth: / / (NOT a public record)

7. You are a bona fide resident of what state? If Arizona, date of residency:

8. Telephone number to contact you during business hours for any questions regarding this document.

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Food Mart Premises Phone:

11. Physical Location of Licensed Premises Address: Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

Table with 4 columns: FROM Month/Year, TO Month/Year, DESCRIBE POSITION OR BUSINESS, EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip). Includes a row for CURRENT.

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

Table with 7 columns: FROM Month/Year, TO Month/Year, Rent or Own, RESIDENCE Street Address (If rented, attach additional sheet with name, address and phone number of landlord), City, State, Zip. Includes a row for CURRENT.

AMENDMENT

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
(602) 542-5141

P1049441 KBR

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLC. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DELCA. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a \$24.00 processing fee for each fingerprint card submitted.

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

Liquor License # 1007483
10074833
(If the location is currently licensed)

1. Check appropriate box → Controlling Person (Complete Questions 1-19) Agent (Complete Questions 1-19) Manager (Only) (Complete All Questions except #14, 14a & 21)
Controlling Person or Agent must complete #21 for a Manager. Controlling Person or Agent must complete #21

2. Name: Patel Ratna Harshadkumar Date of Birth: [REDACTED]
Last First Middle (NOT a Public Record)

3. Social Security Number: [REDACTED] Drivers License #: [REDACTED] State: [REDACTED]
(NOT a public record) (NOT a public record)

4. Place of Birth: [REDACTED] Height: [REDACTED] Weight: [REDACTED] Eyes: [REDACTED] Hair: [REDACTED]
City State Country (not county)

5. Marital Status Single Married Divorced Widowed Daytime Contact Phone: [REDACTED]

6. Name of Current or Most Recent Spouse: Patel Harshadkumar Kantilal Date of Birth: [REDACTED]
(List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden (NOT a public record)

7. You are a bona fide resident of what state? Arizona If Arizona, date of residency: [REDACTED]

8. Telephone number to contact you during business hours for any questions regarding this document. [REDACTED]

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Shell Gas station Premises Phone: 623 773 0102

11. Physical Location of [REDACTED] 7473 W Bell Rd Peoria Maricopa 85328
Street Address (Do not use PO Box #) City County Zip

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. List most recent 1st.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
05 05	CURRENT	Shell Gas station store D/O	[REDACTED]
04 07	CURRENT	Chevron Gas Station & store	[REDACTED]
12 03	06 10	Wal-Mart. cashier	[REDACTED]

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION 12

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet with name, address and phone number of landlord	City	State	Zip
10 04	CURRENT	Own	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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Serial No. 393

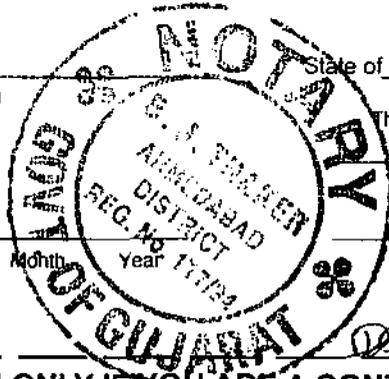
If you checked the Manager box on the front of this form skip to #15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
If you answered YES, how many hrs/day? _____, and answer #14a below. If NO, skip to #15. YES NO
- 14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof)
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license. YES NO
15. Have you been detained, cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years (include only traffic violations that were alcohol and/or drug related)? YES NO
16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? YES NO
17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? YES NO
18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? YES NO
19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, or any other liquor license in this or any other state? YES NO

20. If your answer to Q. 19 is "YES" YOU MUST
Give complete details including dates, agencies involved, and dispositions:
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

20. I, Bhupendra Thaker hereby declare that I am the APPLICANT/REP...
(print full name of Applicant)
filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

(Signature of Applicant)



MY COMMISSION EXPIRES ON 28/7/2015
My commission expires on:
BHUPENDRA THAKER
NOTARY INDIA.

State of _____ County of _____
The foregoing instrument was acknowledged before me this _____ day of _____, 2011, before me
BHUPENDRA THAKER
(Signature of NOTARY PUBLIC)
NOTARY

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor li.
The manager named must be at least 21 years of age.

State of _____ County of _____
The foregoing instrument was acknowledged before me this _____ day of _____, 2011.

X
Signature of Controlling Person or Agent (circle one)

Print Name

(Signature of NOTARY PUBLIC)

My commission expires on: _____ Day _____ Month _____ Year

April 25, 2011

11 MAY 5 10:43 AM '11

h 19 I Ratna H. Patel member of the following LLC, which is currently in business.

1. Maricopa shell LLC DBA shell Food Mart

Liquor License # 10113109
State of Arizona

2. Nineteenbell properties LLC DBA Chevron Food Mart

Liquor License # 10075380
State of Arizona

2 17 Employees of shell Food Mart violet the law, for identification procedures and as result Liquor dept. fined employee and LLC in month of October 2010, see the attached complaint.

~~XXXXXXXXXX~~

Maricopa Shell LLC
DBA Shell Food Mart

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 15R _____
Amend No. _____

Date Prepared: May 5, 2011

Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager
THROUGH: Susan J. Daluddung, Deputy City Manager
FROM: Scott Whyte, Economic Development Services Director
SUBJECT: Old Town Commercial Rehabilitation Easement Agreement

RECOMMENDATION:

Discussion and possible action to approve the Old Town Commercial Rehabilitation Easement Agreement for Phase I of the Program.

SUMMARY:

Phase I will include improvements to the facades of both the Wagoner I and II Plazas, as well as site and landscaping improvements. At the time of execution of the easement agreement between the City and Wagoner Plaza, L.L.C., a term of 20 years will commence for the purpose protecting the public investment through a dedicated easement. Specific inspection, maintenance and repair obligations on the property owner will be in place to ensure that the visual improvements associated with the public investment continues for the full term of the easement agreement.

ATTACHMENT:

1. Old Town Commercial Rehabilitation Easement Agreement
2. Schematic Designs of the Façade Improvements

CONTACT: Rebecca Zook, P.E., Site Development Manager, x7589

When Recorded Return to:

City of Peoria
City Clerk
8401 W. Monroe Street
Peoria, Arizona 85345

CITY OF PEORIA OLD TOWN COMMERCIAL REHABILITATION EASEMENT AGREEMENT

This CITY OF PEORIA OLD TOWN COMMERCIAL REHABILITATION EASEMENT AGREEMENT (the "Rehabilitation Easement") is made as of the _____ day of _____, 2011, by and between Wagoner Plaza, L.L.C., an Arizona limited liability company (the "Property Owner"), whose principal address is 13825 North 7th Street, Suite M, Phoenix, Arizona 85022 and the City of Peoria, Arizona, an Arizona charter municipal corporation (the "City"). The Property Owner and the City may be referred to herein as a "Party" or collectively as the "Parties."

RECITALS

A. The City is authorized under Arizona Revised Statutes, Title 9, Chapter 4, Article 1, and Article I, Section 3 of the City of Peoria Charter to accept easements to preserve the historical, architectural, archaeological or cultural aspects of real property within the City of Peoria, Arizona. The City is also authorized to accept easements over real property adjacent to public rights-of-way and public improvements for the purpose of preserving the public's investment in these improvements.

B. The City has adopted the City of Peoria Old Town Commercial Rehabilitation Program (the "Rehabilitation Program") to promote improvements to the exteriors of commercial buildings in the Old Town area. The Rehabilitation Program is designed to promote and assist the improvement of Old Town commercial properties through exterior rehabilitation of facades on primary structures and related structural and site elements including parking areas and walkways. The objective of the Rehabilitation Program is to preserve the history of the area as well as revitalize the commercial district while at the same time preserving the public's substantial investment in public improvements that have been made and will be made in Old Town.

C. The Property Owner holds title in fee simple to that certain property located at 8400 West Peoria Avenue, Peoria, Arizona 85345-6561 and 8401-8435 West Peoria Avenue, Peoria, Arizona 85345, which is more particularly described in *Exhibit "A"* attached hereto and made a part hereof (the "Property"), including all improvements, fixtures, and buildings thereon (the "Structures"). (Any reference to the "Property" hereinafter shall be deemed to include each of the "Structures".)

D. On December 21, 2010, the Property Owner submitted an Old Town Commercial Rehabilitation Program Application (the "Application") for the purpose of participating in the Rehabilitation Program. The City thereafter confirmed that the Property is eligible for participation in the Rehabilitation Program. The Parties have met and reached an agreement in regard to what improvements will be made to the Property pursuant to the Rehabilitation Program, which improvements are described in **Exhibit "B"** attached hereto and made a part hereof (the "Project"). The portion of the Property upon which the Project will be constructed and to which this Rehabilitation Easement shall apply will be those portions of the Property upon which improvements will be made as shown on the final construction documents for the Project (the "Project Area"). The final construction documents, as approved by the City and the Property Owner, will be attached to this Rehabilitation Easement as **Exhibit "C"** and be made a part hereof.

E. In order to effectuate the respective obligations of the City and the Property Owner under the Rehabilitation Program, the Property Owner desires to grant, convey, transfer, and assign to the City, and the City desires to accept, an easement on the Project Area for purposes of constructing the Project.

AGREEMENT

NOW, THEREFORE, in consideration of the City's agreement to fund, design, and construct the Project, in an amount not to exceed ONE MILLION ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$1,175,000.00) (the "Project Cost") subject to the terms and conditions of this Rehabilitation Easement, the Property Owner and the City hereby agree as follows:

1. **Grant of Easement:** The Property Owner does hereby irrevocably grant, convey, transfer, and assign unto the City an easement over and upon the Project and the Project Area for a term of twenty (20) years from the date hereof through and including May ____, 2031 (the "Term"), which easement contains the covenants herein stated for the public purpose of constructing the Project, conserving and preserving the historical, architectural, and cultural aspects of the Property, and protecting the public's substantial financial investment in public improvements in the Old Town area.

2. **Property Owner's Covenants:** In furtherance of the Rehabilitation Easement herein granted, the Property Owner hereby covenants and agrees with the City as follows:

2.1. **Documentation of the Project after Completion of Construction and Acceptance by the City.** For the purposes of this Rehabilitation Easement, the exterior condition of the Property, the Project Area, and the Project will be depicted in an original set of photographs (collectively, the "Photographs") dated thirty (30) days following the issuance of a certificate of occupancy for the Project and filed in the office of the City of Peoria Economic Development Services Department. The exterior condition and appearance of the Property, the Project Area, and the Project as depicted in the

Photographs (collectively, the "Present Condition") will be deemed to describe their external nature as of the date thereof.

2.2. Maintenance of the Property, the Project, and the Project Area.

The Property Owner will, at all times, maintain the Property, the Project, and the Project Area in a good and sound state of repair. The Property Owner shall maintain the exterior of the entire Property (including the Project and the Project Area) during the Term of this Rehabilitation Easement in substantially its Present Condition (normal wear and tear excepted), including keeping the Property free of trash and debris, weeds, and graffiti, and shall promptly replace any broken windows, lighting, or signs. Upon receiving written notice from the City that the Property, the Project, or the Project Area is not being maintained properly or requires repair, the Property Owner shall complete all necessary work within thirty (30) calendar days, at its sole cost and expense. The time period for completing the work may only be extended beyond thirty (30) days with the City's written approval and then shall be completed to the City's satisfaction within a mutually agreed upon time period. If the Property Owner fails to undertake or complete the necessary work, the Parties agree that the City may cause the work to be completed and may thereafter record a lien for the costs against the Property, as permitted by Paragraph 6 hereof.

2.3. Maintenance of the Project.

The Property Owner shall inspect the Project at least every six (6) months and promptly notify the City's Economic Development Services Department when it becomes aware that maintenance or repairs to the Project or the Project Area are necessary. With the concurrence of the Economic Development Services Department, the Property Owner shall undertake and complete, at its sole cost and expense, any and all necessary maintenance or repairs. The Property Owner shall not destroy, modify, or add anything to the Project or the Project Area, except as otherwise approved in advance in writing by the City's Economic Development Services Department. Any changes to the Project or Project Area by the Property Owner shall be in accordance with the City's Design Review Manual for Old Town.

2.4. Inspection.

In order to periodically observe the Project and the Project Area, representatives of the City shall have the right to enter the Property to conduct inspections of the Project and the Project Area. These inspections will be made and performed at times mutually agreed upon by the Property Owner and the City.

2.5. Insurance.

The Property Owner, at the Property Owner's sole cost and expense, shall at all times keep the Project insured at its replacement value on an "all risk" basis to ensure complete restoration of the Project in the event of loss or physical damage. Said property coverage policy shall contain provisions which ensure that the face amount of the policy is periodically adjusted for inflation, and the Property Owner shall provide a Certificate of Insurance to the City evidencing such insurance. The Property Owner, at the Property Owner's sole cost and expense, shall at all times also carry and maintain liability insurance in an amount satisfactory to the City to protect

against injury to visitors or other persons on the Property, and the Property Owner shall provide a Certificate of Insurance to the City evidencing such insurance.

2.6. Visual Access. The Property Owner agrees not to substantially obstruct the opportunity of the general public to view the exterior architectural features of the Property from adjacent publicly accessible areas such as public streets and sidewalks. This provision shall not apply to any portion of the Project that is not visible from a public area.

2.7. Compliance with Applicable Laws and Codes. The Property Owner shall maintain, operate, and manage the Project and the Project Area in full compliance with all applicable Federal, State, Peoria City Code, and Peoria Zoning Ordinance provisions. Failure to do so shall be considered a breach of this Rehabilitation Easement subject to the notice and cure provisions set forth above in Section 2.2, and would constitute a default if not timely cured or otherwise rectified.

3. Warranties and Representations of the Property Owner. The Property Owner represents and warrants to the City as follows:

3.1. Information Furnished, True and Correct. All information given to the City by the Property Owner in order to induce the City to accept this Rehabilitation Easement, including all information contained in this Rehabilitation Easement, is true, correct and complete.

3.2. Legal, Valid and Binding. This Rehabilitation Easement is in all respects, legal, valid and binding upon the Property Owner and enforceable in accordance with its terms, and grants to the City a direct, valid, and enforceable easement upon the Project Area and the Project. The Property Owner warrants and covenants that it represents all lenders, tenants, and other persons having an interest in the Property and that each has or will execute and acknowledge the binding nature of this Rehabilitation Easement.

3.3. No Impairment of Rehabilitation Easement. The Property Owner, for itself, its successors, and assigns, has not reserved, and to the Property Owner's knowledge, no other person or entity has reserved or obtained any rights, the exercise of which may impair the easement granted herein.

4. Application of Insurance Proceeds. Subject to the insurance proceeds requirements of any recorded Deed of Trust or Mortgage applicable to the Property, but except as provided to the contrary in Paragraph 6, in the event of damage or destruction of the Project Area or Project resulting from casualty, the Property Owner agrees to apply all available insurance proceeds and donations to the repair and reconstruction of the damage. In the event the City determines, in its reasonable discretion, after reviewing all bona fide cost estimates in light of all available insurance proceeds and other monies available for such repair and reconstruction, that the damage to the Project Area or Project is of such magnitude and extent that repair and reconstruction of the damage would not be possible or practical, then the City may elect to not have the

Property Owner repair or reconstruct the damaged Project Area or Project. In the event of such a determination by the City, the City shall release any interest it has in the insurance proceeds for the damage to the Project. Nothing in this paragraph is intended to supersede or impair the rights to insurance proceeds of a lienholder pursuant to a recorded Deed of Trust or Mortgage applicable to the Property, except as provided to the contrary in Paragraph 6.

5. Indemnification. The Property Owner covenants and agrees to pay, protect, indemnify, hold harmless, and defend the City at the Property Owner's sole cost and expense from any and all liabilities, claims, costs, attorneys' fees, judgments or expenses asserted against the City, its mayor, city council members, employees, agents or independent contractors, resulting from actions or claims of any nature arising out of the conveyance, possession, administration or exercise of rights under this Rehabilitation Easement, except in such matters arising solely from the misconduct or negligence of the City, its mayor, city council members, employees or agents.

5.1. Survival of Indemnification. The obligations of the Property Owner under this indemnification shall survive termination of this Rehabilitation Easement for a period of two (2) years.

5.2. Explanation of Indemnification. For purposes of explanation of Paragraph 5 only, the Property Owner and the City agree that the purpose of Paragraph 5 is to require the Property Owner to bear the expense of any claim made by any third party against the City, which arises because the City has an interest in the Property as a result of this Rehabilitation Easement. The Property Owner will have no obligation to the City for any claims that may be asserted against the City as a result of the City's misconduct or negligence. In addition, the Property Owner will have no obligation to defend the City against any claims made by a third party wherein it is alleged that the City exceeded its legal authority, abused its discretion, or was without legal authority to negotiate and enter into this Rehabilitation Easement on grounds that doing so was unconstitutional or contrary to any federal, state, or local law. Any such third party claim whether instituted against the City or the Property Owner shall be defended by the City at its sole cost and expense, provided the Property Owner fully cooperates with any such defense.

6. Default/Remedy. In the event that (a) the Property Owner fails to perform any obligation of the Property Owner set forth herein or fails to otherwise comply with any stipulation or restriction set forth herein and such failure to perform shall continue for thirty (30) days after notice thereof in writing to Property Owner, or (b) any representation or warranty of the Property Owner set forth in the Application or herein is determined by the City to have been untrue when made, then in addition to any remedies now or hereafter provided by law and in equity, the City, following prior written notice to the Property Owner, may (i) institute suit(s) to enjoin such violation by ex parte, temporary, preliminary or permanent injunction, including prohibitory and/or mandatory injunctive relief, and to require the restoration of the Property to the condition and appearance required under this Rehabilitation Easement, or (ii) enter upon the Property, correct any such violation, and hold the Property Owner responsible for the cost thereof,

and such cost until repaid shall constitute an unsubordinated lien on the Property. Any lien acquired by the City pursuant to this Paragraph 6 shall be an unsubordinated lien upon the Property. However, the City shall subordinate any such lien on the Property at the Property Owner's request, if as a result of the proposed new lien, the remaining balance of the then equity in the Property is at least equal to One Hundred Twenty-Five Percent (125%) of the then depreciated cash value of the City's financial investment in this Rehabilitation Easement as represented by the Project Cost. Determination of the then depreciated cash value of the Project Cost shall be made as follows: the Project Cost will be reduced at a rate of five percent (5%) annually for each year of full compliance by the Property Owner with this Rehabilitation Easement calculated on each anniversary date of this Rehabilitation Easement. In the event of an uncured Default by the Property Owner, the then depreciated cash value of the Project Cost shall be and shall remain fixed at the value as calculated at the preceding anniversary date of this Rehabilitation Easement. The Property Owner's request that the City subordinate its lien shall be accompanied by a current appraisal of the Property prepared by a licensed appraiser approved by the City at the Property Owner's sole cost and expense setting forth the then fair market value of the Property. In order to effectuate this Paragraph 6, the Property Owner agrees that it will not permit any secured interest or lien to attach to the Property subsequent to the date of this Rehabilitation Easement without first obtaining the City's written consent as provided in this Paragraph 6. The Property Owner's failure to comply with this requirement shall be a default actionable by the City under this Paragraph 6. In the event the Property Owner violates any of its obligations under this Rehabilitation Easement and such default is not cured within the time period provided in this Paragraph 6, the Property Owner shall reimburse the City for any and all costs and expenses incurred by the City in connection therewith, including all court costs and attorneys' fees.

7. Waiver. The exercise by the City of any remedy hereunder shall not have the effect of waiving or limiting any other remedy and the failure to exercise any remedy shall not have the effect of waiving or limiting the use of any other remedy or the use of such remedy at any other time.

8. Runs with the Land. This Rehabilitation Easement shall run with the land and shall be binding upon the City, the Property Owner, and their respective heirs, successors, and assigns.

9. Effect and Interpretation. The following provisions shall govern the effectiveness and duration of this Rehabilitation Easement:

9.1 Interpretation. Any rule of strict construction designed to limit the breadth of restriction on alienation or use of property shall not apply in the construction or interpretation of this Rehabilitation Easement, and this Rehabilitation Easement shall be interpreted broadly to affect the transfer of rights and restrictions on use herein contained.

9.2 Violation of Law. Nothing contained herein shall be interpreted to authorize or permit the Property Owner to violate any ordinance or regulation relating to

building materials, construction methods or use, and the Property Owner agrees to comply with all applicable laws, including, without limitation, all building codes, zoning laws, and all other applicable laws related to the maintenance and demolition of property, including historic property, as applicable. In the event of any conflict between any such laws and the terms hereof, the Property Owner promptly shall notify the City of such conflict and shall cooperate with the City and the appropriate authorities to accommodate the purposes of both this Rehabilitation Easement and such ordinance or regulation.

9.3 Amendments and Modifications. For purposes of furthering the preservation of the Project Area, the Project, and the Property and the other purposes of this Rehabilitation Easement, and to meet changing conditions, the Property Owner and the City are free to amend jointly the terms of this Rehabilitation Easement in writing without notice to any third party; provided, however, that no such amendment shall limit the Term or interfere with the purposes of this Rehabilitation Easement, and further provided that any such amendment shall be authorized, approved and/or ratified by the City of Peoria City Council. Such amendment shall become effective upon recording the same among the land records of Maricopa County, Arizona, in the Office of the County Recorder.

9.4 Recitals. The above Recitals are incorporated herein by this reference.

9.5 Time of the Essence. Time is of the essence in the performance of each and every term and condition of this Rehabilitation Easement by the Property Owner.

9.6 Gender. The pronouns "he", "his" and "himself" appearing herein shall be construed to be the singular or plural, masculine, feminine, or neuter gender, as the context requires.

9.7 Cancellation. The City may cancel this Rehabilitation Easement for conflict of interest without penalty or further obligation pursuant to A.R.S. § 38-511.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "A"

PARCEL NO. 1

BEGINNING AT THE SOUTHEAST CORNER OF SECTION TWENTY-TWO (22), TOWNSHIP THREE (3) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN;

THENCE WEST A DISTANCE OF 671.22 FEET TO THE TRUE POINT OF BEGINNING;

THENCE WEST A DISTANCE OF 170.49 FEET TO A CORNER POINT;

THENCE NORTH A DISTANCE OF 215.04 FEET TO A CORNER POINT, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF PEORIA AVENUE;

THENCE NORTH 89 DEGREES 59 MINUTES 26 SECONDS EAST ALONG THE SAID RIGHT OF WAY LINE A DISTANCE OF 184.31 FEET TO A POINT OF CURVE;

THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 95 DEGREES 17 MINUTES 42 SECONDS AND A RADIUS OF 20.00 FEET A DISTANCE OF 33.26 FEET TO A POINT OF COMPOUND CURVE, SAID POINT LYING ON THE WEST RIGHT OF WAY LINE OF 84TH AVENUE AS SHOWN IN DOCKET 7752, PAGE 520, RECORDS OF THE MARICOPA COUNTY RECORDER;

THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE CONCAVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 12 DEGREES 30 MINUTES 47 SECONDS AND A RADIUS OF 342.7 FEET A DISTANCE OF 74.85 FEET TO A POINT OF COMPOUND CURVE;

THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE CONCAVE TO THE LEFT HAVING A CENTRAL ANGLE OF 17 DEGREES 47 MINUTES 55 SECONDS AND A RADIUS OF 392.71 FEET A DISTANCE OF 121.99 FEET TO A CORNER POINT AND THE TRUE POINT OF BEGINNING.

PARCEL NO. 2

BEGINNING AT THE SOUTHWEST CORNER OF SECTION TWENTY-TWO (22), TOWNSHIP THREE (3) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN;

THENCE WEST A DISTANCE OF 841.71 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING WEST A DISTANCE OF 60.00 FEET TO A CORNER POINT;

THENCE NORTH A DISTANCE OF 215.03 FEET TO A CORNER POINT, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF PEORIA AVENUE;

THENCE NORTH 89 DEGREES 59 MINUTES 26 SECONDS EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 60.00 FEET TO A CORNER POINT;

THENCE SOUTH A DISTANCE OF 215.04 FEET TO A CORNER POINT AND THE TRUE POINT OF BEGINNING.

PARCEL NO. 3

BEGINNING AT THE SOUTHEAST CORNER OF SECTION TWENTY-TWO (22), TOWNSHIP THREE (3) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA:

THENCE WEST A DISTANCE OF 841.71 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING WEST A DISTANCE OF 105.00 FEET TO A CORNER POINT;

THENCE NORTH A DISTANCE OF 215.03 FEET TO A CORNER POINT, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF PEORIA AVENUE;

THENCE NORTH 89 DEGREES 59 MINUTES 26 SECONDS EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 105.00 FEET TO THE CORNER POINT;

THENCE SOUTH A DISTANCE OF 215.03 FEET TO A CORNER POINT AND THE TRUE POINT OF BEGINNING;

EXCEPT THE EAST 60 FEET THEREOF.

PARCEL NO. 4

A PARCEL OF LAND LYING IN THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION TWENTY-TWO (22), TOWNSHIP THREE (3) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE ABOVE SAID SECTION 22;

THENCE NORTH 0 DEGREES 10 MINUTES 17 SECONDS EAST (ASSUMED BEARING) 510.24 FEET ALONG THE WEST LINE OF THE SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (BEING ALSO THE MONUMENT LINE OF 85TH AVENUE), SECTION 22 TO A POINT;

THENCE SOUTH 89 DEGREES 49 MINUTES 43 SECONDS EAST, 30.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF 85TH AVENUE AND THE TRUE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE SOUTH 89 DEGREES 49 MINUTES 45 SECONDS EAST 96.91 FEET TO A POINT;

THENCE SOUTH 44 DEGREES 17 MINUTES 18 SECONDS EAST, 302.01 FEET TO A POINT ON A CURVE OF THE NORTHERLY RIGHT OF WAY LINE OF PEORIA AVENUE AS DESCRIBED IN DOCKET 7141, PAGE 363, RECORDS OF THE MARICOPA COUNTY RECORDER;

THENCE IN A SOUTHWESTERLY DIRECTION 228.22 FEET ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID PEORIA AVENUE AND THE ARC OF A CURVE CONCAVE LEFT, HAVING A CENTRAL ANGLE OF 40 DEGREES 04 MINUTES 12 SECONDS AND A RADIUS OF 326.33 FEET TO A POINT;

THENCE SOUTH 44 DEGREES 59 MINUTES 26 SECONDS, WEST, 101.93 FEET TO A POINT;

THENCE 47.19 FEET ALONG THE ARC OF A CURVE CONCAVE RIGHT, HAVING A CENTRAL ANGLE OF 135 DEGREES 10 MINUTES 51 SECONDS AND A RADIUS OF 20.00 FEET AS SHOWN ON THE DEDICATION OF RIGHT OF WAY FOR STREET, RECORDED IN BOOK OF MAPS 149, PAGE 34, RECORDS OF THE MARICOPA COUNTY RECORDER, APPROVED BY THE COUNCIL OF THE CITY OF PEORIA, ARIZONA ON THE 9TH DAY OF MAY, 1972, TO A POINT;

THENCE NORTH 0 DEGREES 10 MINUTES 17 SECONDS EAST, 368.77 FEET ALONG THE EAST RIGHT OF WAY LINE OF 85TH AVENUE TO THE TRUE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL OF LAND.

PARCEL NO. 5

BEGINNING AT THE SOUTHEAST CORNER OF SECTION TWENTY-TWO (22), TOWNSHIP THREE (3) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE WEST A DISTANCE OF 841.71 FEET TO THE TRUE POINT OF BEGINNING, CONTINUING THENCE WEST A DISTANCE OF 205 FEET TO A CORNER POINT;

THENCE NORTH 194 FEET MORE OR LESS, TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF PEORIA AVENUE;

THENCE EASTERLY ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF PEORIA AVENUE TO A POINT 215.03 FEET NORTH OF THE POINT OF BEGINNING;

THENCE SOUTH 215.03 FEET TO THE POINT OF BEGINNING;

EXCEPT THE EAST 105 FEET THEREOF.

PARCEL NO. 6

BEGINNING AT THE SOUTHEAST CORNER OF SECTION TWENTY-TWO (22), TOWNSHIP THREE (3) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE WEST A DISTANCE OF 946.71 FEET TO THE TRUE POINT OF BEGINNING, CONTINUING THENCE WEST A DISTANCE OF 210 FEET TO A CORNER POINT;

THENCE NORTH 111 FEET MORE OR LESS TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF PEORIA AVENUE;

THENCE EASTERLY ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF PEORIA AVENUE TO A POINT 215.03 FEET NORTH OF THE POINT OF BEGINNING;

THENCE SOUTH 215.03 FEET TO THE POINT OF BEGINNING;

EXCEPT THE EAST 100 FEET THEREOF.

PARCEL NO. 7

A PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION TWENTY-TWO (22), TOWNSHIP THREE (3) NORTH, RANGE

ONE (1) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SAID SECTION 22, THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 22, A DISTANCE OF 1156.71 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING WEST ALONG THE SOUTH LINE OF SAID SECTION 22 TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEORIA AVENUE, AS DESCRIBED IN DOCKET 7141, PAGES 363 AND 364, RECORDS OF MARICOPA COUNTY, ARIZONA; AND WITH THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 22 LYING WEST 26.39 FEET FROM SAID POINT;

THENCE IN A NORTHEASTERLY DIRECTION ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF PEORIA AVENUE 106 FEET ALONG THE ARC OF A CURVE CONCAVE LEFT HAVING A CENTRAL ANGLE OF 18 DEGREES 36 MINUTES 55 SECONDS AND A RADIUS OF 326.24 FEET TO THE NORTHEASTERLY END OF SAID CURVE;

THENCE CONTINUING NORTHEASTERLY ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PEORIA AVENUE TO A POINT 111 FEET MORE OR LESS NORTH OF THE POINT OF BEGINNING;

THENCE SOUTH 111 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION OF THE PEORIA AVENUE RIGHT-OF-WAY DESCRIBED IN DOCKET 7141, PAGE 364, RECORDS OF MARICOPA COUNTY;

BEGINNING AT A POINT SOUTH 89 DEGREES 47 MINUTES WEST 1281.88 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 22;

THENCE SOUTH 89 DEGREES 47 MINUTES WEST 10.03 FEET TO THE SOUTHEASTERLY LINE OF THE ABOVE DESCRIBED TRACT;

THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE THEREOF FOR A DISTANCE OF 11.35 FEET MORE OR LESS TO THE EAST LINE OF ALMOND STREET;

THENCE SOUTH 0 DEGREES 13 MINUTES EAST ALONG THE EAST LINE OF SAID STREET 5.33 FEET TO THE PLACE OF BEGINNING.



City of Peoria

Parcel Location

References:
 Datum: NAD 83
 Projection: Alaska Albers Plane Coordinate (GCS)
 Map: 820788





City of Peoria

Parcel Location

References:
 Datum: NAD 83
 Projection: Arizona State Plane Central (M 11)
 Map: 928780




EXHIBIT "B"

DESCRIPTION OF IMPROVEMENTS

Wagoner I & II Facade Improvements

- New canopy support beam
- Metal roofing over existing structure
- New steel column and signage support with concrete base
- Facade gabion columns
- New gabion pilaster
- Removal of existing stucco and provide new stucco finish
- Existing parapet with new sand stucco finish
- Stucco finish over metal studs
- New stucco on existing fascia
- Metal stud framing with finish
- Prefinished sheet metal parapet cap
- 1" stucco reveals throughout building
- Steel channel fascia
- Hat Channel Soffit
- New bent wide flange or tube steel to form column and canopy
- New bent steel shade canopy structure with perforated metal panels (Peoria Café)
- Perforated metal shade panel
- Steel trellis with perforated metal
- Metal stud framing with tile finish
- Existing CMU, option 1, sandblast CMU and stain with color or option 2 paint existing
CMU color options will be tested on site for viability and appearance
- New precast concrete planter
- New steel canopy with perforated metal panels
- New reinforced concrete wall with stucco finish (for patio) Wagoner II
- New landscape screens (for patio) Wagoner I & II
- Anodized aluminum building signage
- Metal signage support
- Anodized aluminum tenant building signage will be externally illuminated with
fluorescent fixture along base concealed by steel channel
- New internally illuminated signage backlit (prefinished sheet metal panels over metal
stud framing) (1) for building
- New internally illuminated wall sign for Peoria Café and Brother's Restaurant
- Wall mounted light fixtures
- Internally illuminated building address sign
- Perforated metal shading (east elevation) sun protection
- Existing single-pane clear glazing (windows) or cleaning
- Existing door paint where necessary

Site Improvements

- 3' tall gabion basket filled with regional blend of river rock. Clear sealer on metal gabion basket. Utilized for benches, site walls, screening, and sign monument base.
- New outdoor dining area for both Wagoner I & II
- Relocated mailboxes
- New pole mounted light fixtures
- Relocated light poles on new concrete base
- Landscaped parking and associated irrigation/back flow prevention/water meter
- Landscaping at building base and associated irrigation
- Freestanding precast concrete planters
- Asphalt pavement rehabilitation
- New monument sign above gabion base with internal illumination Wagoner I & II
- New monument sign with gabion base with internal illumination Wagoner I & II
- Re-striping and adjusted configuration of parking lot
- Concrete pavers
- Ribbon curb border at edge of walkways
- Concrete walk
- Hand rails where needed
- New bike racks
- New driveway entry
- Pedestrian walk with pavers (where parking lot pedestrian connections are needed)

EXHIBIT "C"

(Final Construction Documents showing Project Area – To be added)









WAGONER PLAZA I

PEORIA CAFE	FLOWERS
NEWS STAND	FURNITURE
INSURANCE	PHOTO SHOP
MATTRESS SHOP	THE ITALIAN GROTTO
SUBS 'N' STUFF	LABOR UNION
FUTURE	FUTURE

PEORIA PLAZA



Peoria Cafe

PEORIA
WAGONER PLAZA I





Parade Shop

Floral Creations

Janet's Salon

Boutique

Brother's 

RESTAURANT



WAGONER PLAZA II



WAGONER PLAZA II

PEORIA

BOUTIQUE	BROTHER'S RESTAURANT
HOME CARE	JANET'S SALON
UPHOLSTERY	FLORAL CREATIONS
PRINT SHOP	PAWNSHOP
SMITH & JONES LAW OFFICE	INCOME TAX
MRS. DENTIST DENT	CARDS & ETC.



**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATIONS**

CC: 16R
Amend No. _____

Date prepared: June 6, 2011

Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager

THROUGH: Susan J. Daluddung, Deputy City Manager

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

PREPARED BY: Ed Striffler, Design & Construction Manager

SUBJECT: Award, Contract Amendment No. 2, Brignall Construction Co., Community Center Building Addition, 84th Avenue and Jefferson Street.

RECOMMENDATION:

Discussion and possible action to award Contract Amendment No. 2 to Brignall Construction Co. in the amount of \$6,812,125 for a Guaranteed Maximum Price (GMP) contract for the construction of the Community Center Building Addition, located at 84th Avenue and Jefferson Street (Project No. CS00070, LCON 02310B).

Also, authorize the use of \$370,000 in development impact fees in place of the currently budgeted general fund dollars allocated to this project. To do so, approve a budget transfer within the project in the amount of \$370,000 from the General Fund, Buildings and Improvements Account, 1000-0310-540500-CIPOF-CS00070, to the Citywide Park/Recreation Facility Development Fee Fund, Buildings and Improvements Account, 7910-7910-540500-CIPOF-CS00070.

SUMMARY:

In February 2010, the City engaged Gabor Lorant Architects and Brignall Construction to deliver the Community Center Building Addition project under a Construction Manager at Risk delivery method. The Construction Manager at Risk (CMAR) delivery method was determined by staff to be the most appropriate delivery method for this multi-phase major renovation project. Brignall Construction provided estimating, scheduling, constructability review, and subcontractor bidding services during the preconstruction phase of the project culminating in a GMP contract to construct the project.

Constrained by a pre-established budget, the 2008 masterplan for the Community Center recommended the expansion of the existing building with a 10,000 square-foot addition and cosmetic enhancements to the existing twenty-five year old structure. Staff subsequently developed a project scope to permit a holistic sustainability driven approach to the building addition. The new approach will result in a facility that seeks Leadership in Energy and Environmental Design (LEED) Silver Certification from the US Green Building Council. Portions of the existing structure will be encapsulated within a new, energy efficient building envelope while modernizing all other building systems. The final building size will be 26,109 square feet.

Not unlike the City's recent renovation of the Municipal Court, the Community Center project will be constructed in 3 phases to allow the facility to be continuously occupied. The proposed project schedule is as follows:

July 2011	Mobilization and Removal of Existing Modular Buildings
August 2011	Target Start of Demolition for Phase 1
Fall 2012	Construction completion (all phases)
Spring 2013	LEED Certification achieved

The Contract Amendment history for Brignall Construction is as follows:

Base Agreement (Preconstruction Services)	\$ 204,769
Contract Amendment No. 1 (Reduction in Preconstruction Services Allowances)	(\$ 25,000)
Contract Amendment No. 2 (Guaranteed Maximum Price Contract)	\$ 6,812,125

In addition to the awarded contract amendment amount of \$6,812,125, this project also includes the following City-paid project expenses:

\$25,000	Program relocation expenses (temporary lease payments and storage unit rental fees)
\$ 10,000	Arizona Public Service capital charges
\$ 6,200	Small dollar procurements (egress maps, document scanning, Building Peoria sign, AED)
\$2,500	Building start-up items (custodial shelving, trash & recycle cans)

\$ 235,000	Information Technology systems cabling and hardware via State of Arizona contract vendors and small dollar procurements
<hr/>	
\$ 278,700	Total City paid project expenses

FISCAL NOTE:

Funding for this contract amendment (\$6,812,125) and the related City-paid project expenses (\$278,700) is available in the FY 2012 Capital Improvement Program. A total expenditure in the amount of \$7,090,825 will be made from the following Buildings & Improvements and Information Technology Equipment accounts:

\$ 3,191,411	Proposed General Obligation Bonds 4250-4250-540500-CIPOF-CS00070
\$ 370,000	Citywide Park/Recreation Facility Development Fees 7910-7910-540500-CIPOF-CS00070
\$ 121,854	General Obligation Bonds 4240-4240-540500-CIPOF-CS00070
\$ 3,172,560	General Fund 1000-0310-540500-CIPOF-CS00070
\$ 235,000	General Fund 1000-0310-543007-CIPOF-CS00070

The purpose of the recommended budget transfer is to enable the city to spend development impact fees assessed and collected for this project. These funds need to be expended before the limitations enacted in SB 1525 take effect, which will limit the future use of impact fees for general government facilities such as this one.

ATTACHMENT:

1. Vicinity Map

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



NOT TO SCALE

DOVE VALLEY RD

LONE MOUNTAIN RD

MONTGOMERY RD

DIXILETA DR

PEAK VIEW RD

DYNAMITE BL

PINNACLE VISTA DR

JOMAX RD

YEARLING RD

HAPPY VALLEY RD

CALLE LEJOS

PINNACLE PEAK RD

WILLIAMS RD

DEER VALLEY RD

ROSE GARDEN LN

BEARDSLEY RD

UTOPIA RD

UNION HILLS DR

GROVERS AVE

BELL RD

PARADISE LN

GREENWAY RD

ACOMA DR

THUNDERBIRD RD

SWEETWATER AVE

CACTUS RD

CHOLLA ST

PEORIA AVE

MOUNTAIN VIEW RD

OLIVE AVE

BUTLER DR

NORTHERN AVE

LEGEND

-  Community Center - Building Addition
84th Avenue & Jefferson Street

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



VICINITY MAP

The contract
pertaining to this
agenda item is on file
in the City Clerk's
Office.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 17R
Amend No. _____

Date prepared: June 22, 2011

Council Meeting Date: July 5, 2011

TO: Honorable Mayor and Council
FROM: Steve Kemp, City Attorney
SUBJECT: City Attorney FY 2011 Budget Adjustments

RECOMMENDATION: That the Mayor and Council approve the use of General Fund reserves and a budget amendment of \$180,000 in the City Attorney's Office for Legal Services, Litigation, and Administrative Hearing costs.

SUMMARY:

This budget amendment is primarily related to the City's administrative hearing process for personnel matters.

The City hires four types of administrative hearing officers related to administrative proceedings arising out of its utility, tax, zoning/land use and personnel codes. Two factors are primarily responsible for the need for this budget adjustment.

First, the lengthy Desert Harbor Utility Hearing. In this matter, we also had a conflict of interest as one of our lawyer's was a witness and therefore we had to use outside counsel.

Second, the City's personnel appeals system. In the personnel area, the City Council has historically granted employees broad due process rights when an employee discipline action results in discipline greater than two days off. Peoria's employees have unparalleled due process and appeal rights in comparison to employees who work for other local government employers.

For example, in Peoria, employees can do unlimited discovery and requests for information as part of a personnel hearing. Moreover, employees do not have to identify witnesses and evidence in advance, as required in civil cases in Superior Court. At the same time, employees can call witnesses regardless of the relevancy of their testimony, unlike in civil cases where such testimony is limited. We have had administrative hearings last as long as two weeks. Conversely, a two week civil trial in Superior Court is a rarity.

These policies have a sizeable fiscal impact on the City, greatly increasing administrative hearing costs.

City of Peoria Council Communication
July 5, 2011
Approve City Attorney Budget Amendment
Page 2 of 2

FISCAL NOTE: Budget amendment includes \$180,000 from General Fund contingency account 1000-0300-570000 and \$146,000 to Civil Administrative Hearing account 1000-0200-520006, \$29,000 to Civil Legal Services account 1000-0200-520001, and \$5,000 to Civil Litigation account 1000-0200-520024.

ATTACHMENT: NONE

CONTACT: Steve Kemp, City Attorney, (623) 773-7330

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: 18R
Amend No. _____

Date prepared: June 7, 2011

Council Meeting Date: July 5, 2011

TO: Carl Swenson, City Manager

FROM: Katie Gregory, Interim Management & Budget Director

SUBJECT: Fiscal Year 2012 Tax Levy

RECOMMENDATION:

That the Mayor and City Council adopt Resolution 2011-81 and Ordinance 2011-14 adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for FY 2012.

SUMMARY:

During the FY 2012 budget deliberations, it was recommended the City's overall property tax rate remain at \$1.44 per \$100 of assessed valuation. The primary property tax rate is recommended to be set to \$.1900 per \$100 of assessed valuation and the secondary tax rate at \$1.25 per \$100 of assessed valuation.

Given the proposed rate, the primary property tax levy is expected to generate \$2,412,743 in the next fiscal year. New development within the City limits will generate an additional \$64,605, but decreased valuations on existing properties will reduce the levy by \$554,359.

The City's secondary property tax rate is used to retire outstanding debt on City-issued general obligation bonds. This will generate a secondary tax levy of \$15,960,834.

Overall the FY 2012 property tax levy is \$18,373,577, which represents a decrease of 20.4% from the FY 2011 levy.

In compliance with Section 42-17104 and 42-17107, Arizona Revised Statutes, the City of Peoria notified property taxpayers through advertisements placed in the Peoria Times on June 3, 2011 and June 10, 2011 of our intention to set the City's primary property tax levy. A public hearing was held on June 21, 2011 for citizen input into the fiscal year 2012 budget which was adopted based upon these proposed levies. Additionally, a public hearing was held on June 21, 2011 for citizen input into the proposed tax levies.

FISCAL NOTE: (if applicable)

ATTACHMENT:

1. Resolution 2011-81
2. Property Tax Ordinance 2011-14

RESOLUTION NO. 2011-81

A RESOLUTION OF THE MAYOR AND
COUNCIL OF THE CITY OF PEORIA,
ARIZONA, APPROVING ORDINANCE 2011-14.

WHEREAS, in accordance with the provisions of Title 42, Section 17253, A.R.S. the City Council shall by resolution levy the tax for the city, and

WHEREAS, in accordance with said sections of said Code, compute the tax rate per one hundred dollars of valuation to be levied for each separate fund for which taxes are to be levied and collected; and

WHEREAS, in accordance with said sections of said Code, deliver a certified duplicate of its tax levy to the county board of supervisors on or before the day on which the board of supervisors levies the county tax; and

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

That said tax levies shown on the accompanying Ordinance 2011-14, are hereby adopted for Fiscal Year 2012.

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 5th day of July 2011.

Bob Barrett, Mayor

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

ATTEST:

Wanda Nelson, City Clerk

ORDINANCE NO. 2011 -14

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA, SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS AND PROVIDING FUNDS FOR GENERAL MUNICIPAL EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2012, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona, as follows:

SECTION 1. There is hereby levied a primary property tax of \$2,411,739.27 for the fiscal year ending on the 30th day of June, 2012. The levy is based on a rate for each One Hundred Dollars (\$100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City of Peoria, located in Maricopa County, except such property as may be by law exempt from taxation. If such sum exceeds the maximum levy allowed by law, the Board of Supervisors of the County of Maricopa is hereby authorized to reduce the levy to the maximum amount allowed by law after providing notice to the City.

SECTION 2. There is hereby levied a primary property tax of \$1,003.54 for the fiscal year ending on the 30th day of June, 2012. The levy is based on a rate for each One Hundred Dollars (\$100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City of Peoria, located in Yavapai County, Arizona, except such property as may be by law exempt from taxation. If such sum exceeds the maximum levy allowed by law, the Board of Supervisors of the County of Yavapai is hereby authorized to reduce the levy to the maximum amount allowed by law after providing notice to the City.

SECTION 3. In addition to the rate set in Section 1 hereof, there is hereby levied a secondary property tax of \$15,954,198.28, to support the general obligation bond debt service due during the year for the purpose of providing a bond interest and redemption fund for the City of Peoria for the fiscal year ending June 30, 2012. The levy is based on a rate for each One Hundred Dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Peoria, located in Maricopa County, except such property as may be by law exempt from taxation.

ORD. 2011-14

SECTION 4. In addition to the rate set in Section 2 hereof, there is hereby levied a secondary property tax of \$6,635.91, to support the general obligation bond debt service due during the year for the purpose of providing a bond interest and redemption fund for the City of Peoria for the fiscal year ending June 30, 2012. The levy is based on a rate for each One Hundred Dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Peoria, located in Yavapai County, except such property as may be by law exempt from taxation.

SECTION 5. Failure by the County Officials of Maricopa County, Arizona to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax deed; failure or neglect of any officer or officers to perform or to timely perform any of the duties assigned to him or them shall not invalidate any proceeding or any deed deficiency or sale pursuant thereto; the validity of the assessment or levy of taxes, or of the judgment of sale by which the collection of the same may be enforced, shall not affect the lien of the City of Peoria upon such property for delinquent taxed paid thereon; overcharge as to part of the taxes or of costs shall not invalidate any proceedings for the collection of taxes, or the foreclosure of lien therefore, or a sale of property under such foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

SECTION 6. Failure by the County Officials of Yavapai County, Arizona to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax deed; failure or neglect of any officer or officers to perform or to timely perform any of the duties assigned to him or them shall not invalidate any proceeding or any deed deficiency or sale pursuant thereto; the validity of the assessment or levy of taxes, or of the judgment of sale by which the collection of the same may be enforced, shall not affect the lien of the City of Peoria upon such property for delinquent taxed paid thereon; overcharge as to part of the taxes or of costs shall not invalidate any proceedings for the collection of taxes, or the foreclosure of lien therefore, or a sale of property under such foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

SECTION 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall be in full force and effect from and after its passage by the Mayor and City Council.

SECTION 9. In conformance with A.R.S. § 42-17107, the City Council held a public hearing on June 21, 2011 to allow discussion on the City's intent to increase the primary tax levy.

ORD. 2011-14

SECTION 10. In order to preserve the peace, health and safety of the City of Peoria, an EMERGENCY is declared to exist and this ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 5th day of July 2011.

Bob Barrett, Mayor

Date Signed

ATTEST:

Wanda Nelson, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times
Publication Dates: July 8 and 15, 2011
Effective Date:

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

CC: **19R**
Amend No. _____

Date prepared: June 27, 2011 Council Meeting Date: July 5, 2011

TO: Honorable Mayor and Council

FROM: Steve Kemp, City Attorney
 Wanda Nelson, City Clerk

SUBJECT: Redistricting

RECOMMENDATION: That the Mayor and Council adopt a redistricting concept and direct staff to prepare the necessary documents for implementation.

SUMMARY:

At the June 21, 2011 City Council Study Session, the Council consensus was that staff should bring back two redistricting concepts for council consideration. These concepts were Concept 1 and Concept 8. At this study session, council suggested some modifications for the consultant to evaluate and incorporate, provided that the mandatory redistricting criteria were not impacted.

The consultant has prepared a Concept 1 with modifications. In evaluating Concept 8,, for council suggested modifications, the consultant determined that two different approaches could be used to achieve the modifications. The Maps are designated as Concept 8 with modifications, version A and Concept 8 with modifications version B based on the Council Direction. National Demographics will be present at the council meeting to address any questions that the Council may have.

Staff is seeking direction on the implementation of a final redistricting concept.

FISCAL NOTE: (if applicable)

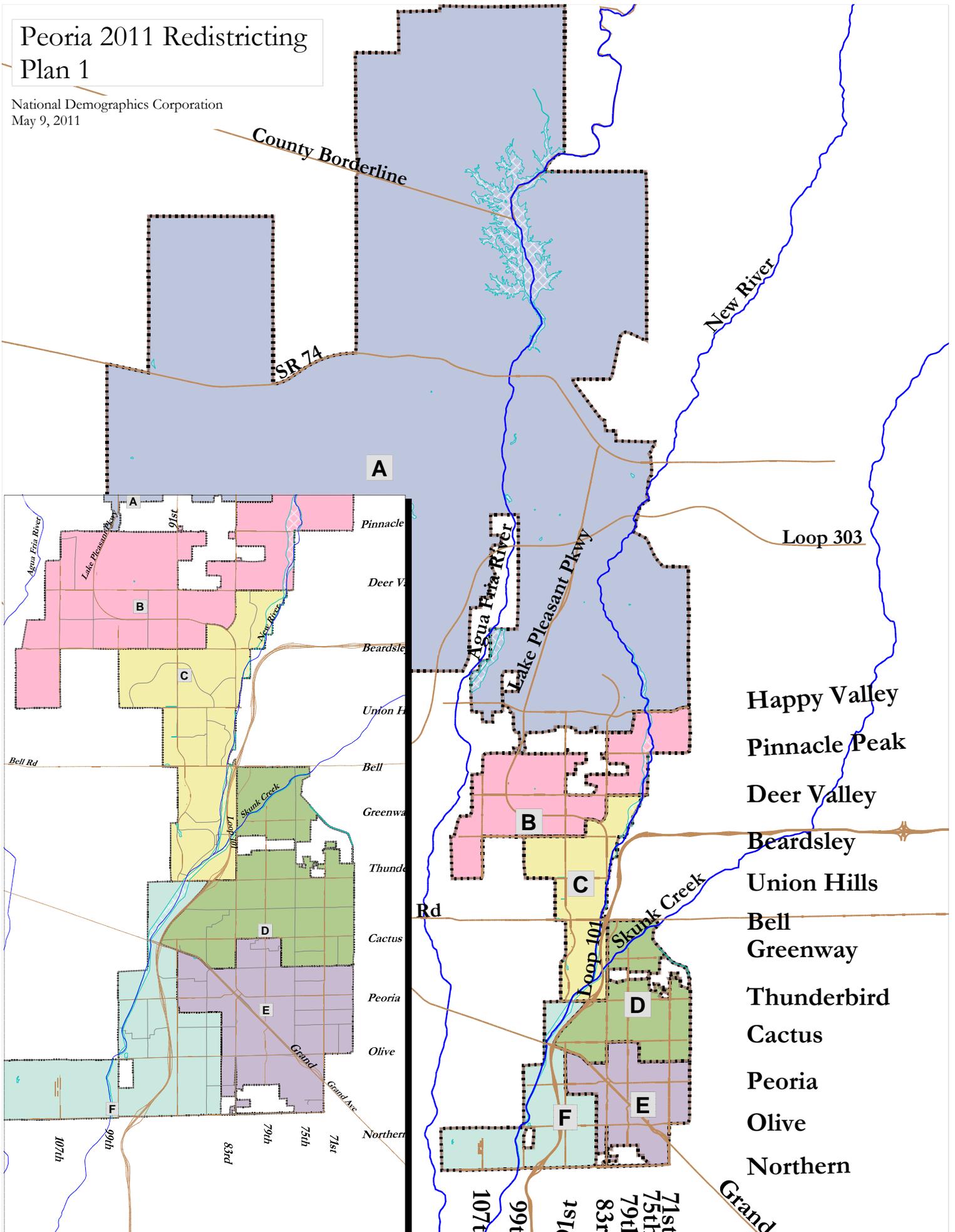
ATTACHMENT: (if applicable)

1. **Concept 1**
2. **Concept 8**
3. **Concept 1 with modifications**
4. **Concept 8 with modifications version A**
5. **Concept 8 with modifications version B**

CONTACT: Steve Kemp, City Attorney, 623-773-7331

Peoria 2011 Redistricting Plan 1

National Demographics Corporation
May 9, 2011



District	Tot. Pop.	Deviation		NH				NH	NH	NH	NH
		n	% Dev.	Hisp	NH Wht	DOJ Blk	DOJ Ind	DOJ Asn	DOJ Hwn	DOJ Oth	DOJ OthMR
A	25,134	-544	-2.12%	2,312	20,130	747	143	1,630	37	51	84
B	26,219	541	2.11%	2,639	21,738	593	200	902	49	43	55
C	25,863	185	0.72%	2,722	21,190	733	186	899	47	27	59
D	25,869	191	0.74%	4,443	18,991	941	248	1,030	55	69	92
E	25,643	-35	-0.14%	10,172	12,709	1,486	472	596	49	53	106
F	25,337	-341	-1.33%	6,341	16,484	1,209	375	735	63	58	72
Total	154,065	1,085	4.23%	28,629	111,242	5,709	1,624	5,792	300	301	468
Ideal	25,678										

Abbreviations:
 Dev. = Deviation
 Hisp = Hispanic
 NH = "Non-Hispanic"
 Wht = White
 Blk = Black / African American
 Ind = Native American
 Asn = Asian American
 Haw or Hwn = Hawaiian and Pacific Islander
 Oth = Other
 OthMR or MR = Multi-Race
 "DOJ" = Aggregated according to U.S. Department of Justice guidance
 CVAP = Citizen Voting Age Population

District	18+ Pop	NH18+		NH18+		NH18+		NH18+	
		Pop	Wht	DOJ Blk	DOJ Ind	DOJ Asn	DOJ Hwn	DOJ Oth	DOJ OthMR
A	17,247	1,350	14,235	433	86	1,047	24	31	41
B	19,126	1,587	16,332	381	133	605	33	30	25
C	20,790	1,757	17,643	505	145	662	30	15	33
D	19,392	2,870	14,824	629	175	774	38	32	50
E	18,193	6,247	10,177	905	295	443	31	35	60
F	19,237	3,961	13,497	833	275	543	46	42	40
Total	113,985	17,772	86,708	3,686	1,109	4,074	202	185	249

Dist	Special Tabulation									American Community Survey (ACS)								
	Total CVAP	Hisp CVAP	NH Wht CVAP	NH Blk CVAP	NH Asn CVAP	NH Ind CVAP	NH Hwn CVAP	NH MR CVAP	NH Oth CVAP	Total CVAP	Hisp CVAP	NH Wht CVAP	NH Blk CVAP	NH Asn CVAP	NH Ind CVAP	NH Hwn CVAP	NH MR CVAP	NH Oth CVAP
A	12,422	818	10,696	179	543	29	3	149		12,579	953	10,761	181	474	51	11	195	390
B	19,081	1,762	16,599	190	276	125	0	115		18,698	1,731	16,333	249	258	74	0	159	763
C	20,201	1,627	17,899	329	270	22	0	54		20,750	1,626	18,340	275	322	77	0	181	800
D	18,901	2,522	14,797	682	699	70	0	125		18,281	2,300	14,643	603	500	55	15	228	860
E	17,014	4,959	10,899	703	159	130	50	97		17,632	4,771	11,523	745	290	197	26	424	1,564
F	17,352	3,314	12,744	670	319	220	0	108		17,591	3,607	12,680	711	322	192	5	262	1,023
Total	104,971	15,001	83,633	2,753	2,266	596	53	648		105,530	14,988	84,280	2,764	2,166	645	58	1,449	5,401

District	% Hisp.	% NH	% NH	% NH	% NH	% NH	% NH	% NH
		Wht	Blk	Ind	DOJ Asn	DOJ Hwn	DOJ Oth	DOJ OthMR
A	9.2%	80.1%	3.0%	0.6%	6.5%	0.1%	0.2%	0.3%
B	10.1%	82.9%	2.3%	0.8%	3.4%	0.2%	0.2%	0.2%
C	10.5%	81.9%	2.8%	0.7%	3.5%	0.2%	0.1%	0.2%
D	17.2%	73.4%	3.6%	1.0%	4.0%	0.2%	0.3%	0.4%
E	39.7%	49.6%	5.8%	1.8%	2.3%	0.2%	0.2%	0.4%
F	25.0%	65.1%	4.8%	1.5%	2.9%	0.2%	0.2%	0.3%
Total	18.6%	72.2%	3.7%	1.1%	3.8%	0.2%	0.2%	0.3%

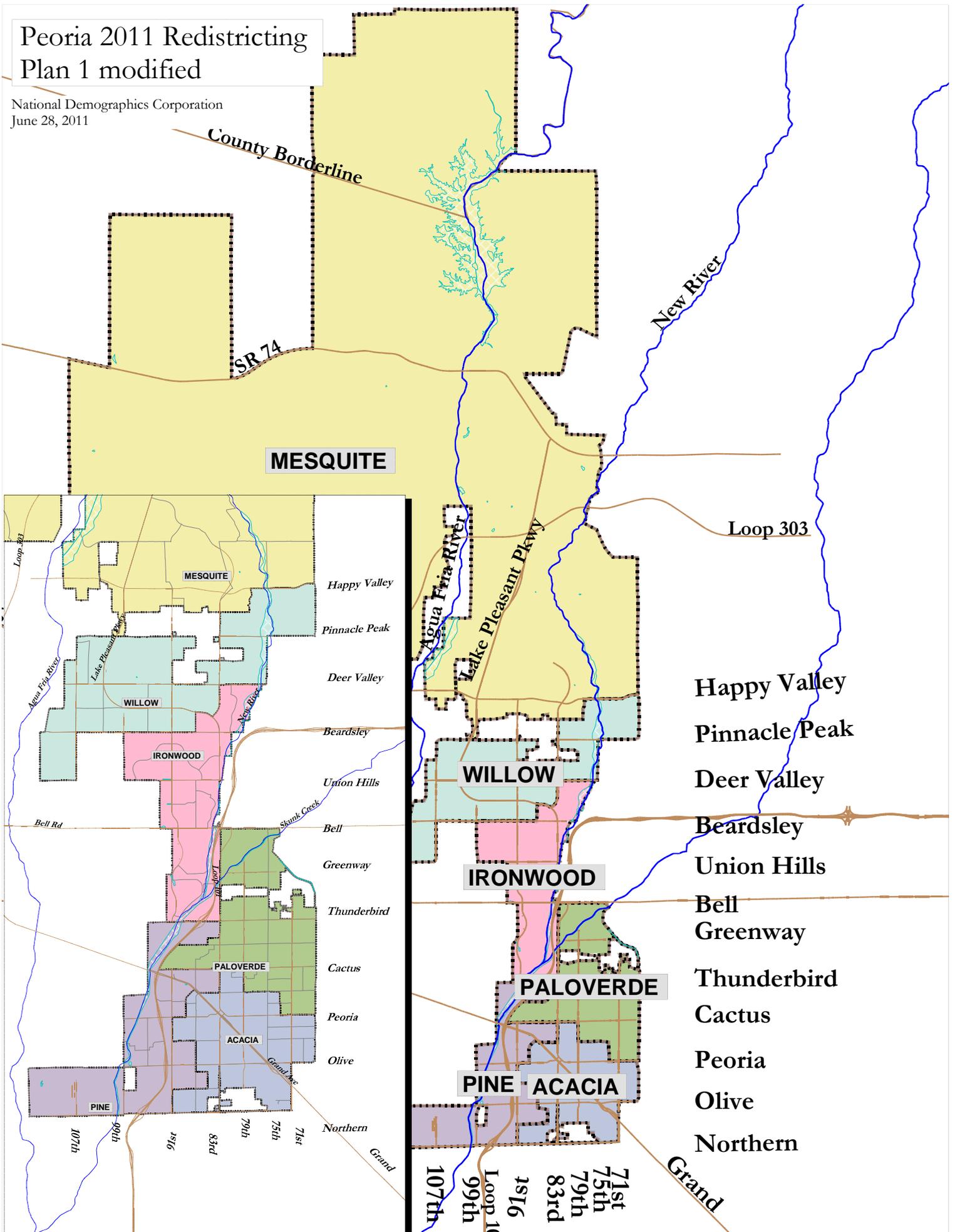
District	% H18+ Pop	% NH18+						
		Wht	Blk	Ind	DOJ Asn	DOJ Hwn	DOJ Oth	DOJ OthMR
A	7.8%	82.5%	2.5%	0.5%	6.1%	0.1%	0.2%	0.2%
B	8.3%	85.4%	2.0%	0.7%	3.2%	0.2%	0.2%	0.1%
C	8.5%	84.9%	2.4%	0.7%	3.2%	0.1%	0.1%	0.2%
D	14.8%	76.4%	3.2%	0.9%	4.0%	0.2%	0.2%	0.3%
E	34.3%	55.9%	5.0%	1.6%	2.4%	0.2%	0.2%	0.3%
F	20.6%	70.2%	4.3%	1.4%	2.8%	0.2%	0.2%	0.2%
Total	15.6%	76.1%	3.2%	1.0%	3.6%	0.2%	0.2%	0.2%

Abbreviations:
 Dev. = Deviation
 Hisp = Hispanic
 NH = "Non-Hispanic"
 Wht = White
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 OthMR or MR = Multi-Race
 "DOJ" = Aggregated according to U.S. Department of Justice guidance
 CVAP = Citizen Voting Age Population

Dist	Special Tabulation							Amercian Community Survey (ACS)							
	% Hisp CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Asn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% Hisp CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Asn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% NH Oth CVAP
A	6.6%	86.1%	1.4%	4.4%	0.2%	0.0%	1.2%	7.6%	85.5%	1.4%	3.8%	0.4%	0.1%	1.5%	3.1%
B	9.2%	87.0%	1.0%	1.4%	0.7%	0.0%	0.6%	9.3%	87.4%	1.3%	1.4%	0.4%	0.0%	0.9%	4.1%
C	8.1%	88.6%	1.6%	1.3%	0.1%	0.0%	0.3%	7.8%	88.4%	1.3%	1.5%	0.4%	0.0%	0.9%	3.9%
D	13.3%	78.3%	3.6%	3.7%	0.4%	0.0%	0.7%	12.6%	80.1%	3.3%	2.7%	0.3%	0.1%	1.2%	4.7%
E	29.1%	64.1%	4.1%	0.9%	0.8%	0.3%	0.6%	27.1%	65.4%	4.2%	1.6%	1.1%	0.1%	2.4%	8.9%
F	19.1%	73.4%	3.9%	1.8%	1.3%	0.0%	0.6%	20.5%	72.1%	4.0%	1.8%	1.1%	0.0%	1.5%	5.8%
Total	14.3%	79.7%	2.6%	2.2%	0.6%	0.1%	0.6%	14.2%	79.9%	2.6%	2.1%	0.6%	0.1%	1.4%	5.1%

Peoria 2011 Redistricting Plan 1 modified

National Demographics Corporation
June 28, 2011



Plan 1 Modified	Tot. Pop.	Dev.	% Dev.	NH		NH		NH		NH	
				DOJ	NH DOJ	DOJ	DOJ	DOJ	NH DOJ		
				Hisp	NH Wht	Blk	Ind	Asn	Hwn	Oth	OthMR
Acacia	26,085	408	1.59%	10,876	12,101	1,565	499	815	59	63	107
Ironwood	25,863	186	0.72%	2,722	21,190	733	186	899	47	27	59
Mesquite	25,134	-544	-2.12%	2,312	20,130	747	143	1,630	37	51	84
Paloverde	25,370	-308	-1.20%	4,355	18,755	892	241	927	48	52	100
Pine	25,394	-284	-1.10%	5,725	17,328	1,179	355	619	60	65	63
Willow	26,219	542	2.11%	2,639	21,738	593	200	902	49	43	55
Total	154,065	1,085	4.23%	28,629	111,242	5,709	1,624	5,792	300	301	468
Ideal	25,678										

Abbreviations:
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 "DOJ" = Aggregated according to U.S. Department of Justice guidance
 CVAP = Citizen Voting Age Population

Plan 1 Modified	18+ Pop	NH18+								
		H18+ Pop	NH18+ Wht	NH18+ DOJ Blk	NH18+ DOJ Ind	NH18+ DOJ Asn	NH18+ DOJ Hwn	NH18+ DOJ Oth	NH18+ DOJ OthMR	
Acacia	18,037	6,634	9,424	934	316	590	39	40	60	
Ironwood	20,790	1,757	17,643	505	145	662	30	15	33	
Mesquite	17,247	1,350	14,235	433	86	1,047	24	31	41	
Paloverde	19,275	2,822	14,856	612	171	700	33	23	58	
Pine	19,510	3,622	14,218	821	258	470	43	46	32	
Willow	19,126	1,587	16,332	381	133	605	33	30	25	
Total	113,985	17,772	86,708	3,686	1,109	4,074	202	185	249	

Plan 1 Modified	Special Tabulation									American Community Survey (ACS)								
	Total CVAP	Hisp CVAP	NH Wht CVAP	NH Blk CVAP	NH Asn CVAP	NH Ind CVAP	NH Hwn CVAP	NH MR CVAP		Total CVAP	Hisp CVAP	NH Wht CVAP	NH Blk CVAP	NH Asn CVAP	NH Ind CVAP	NH Hwn CVAP	NH MR CVAP	NH Oth CVAP
Acacia	17,574	5,469	10,795	728	248	210	41	72		17,646	5,247	10,977	826	268	249	21	411	1,599
Ironwood	20,200	1,630	17,907	332	261	16	0	56		20,733	1,632	18,338	272	313	72	0	172	800
Mesquite	12,422	819	10,693	182	543	30	0	151		12,578	954	10,763	182	475	53	11	197	389
Paloverde	18,410	2,446	14,576	588	619	47	0	116		18,395	2,324	14,843	513	525	38	0	265	922
Pine	17,283	2,878	13,063	735	313	162	0	133		17,471	3,105	13,025	716	323	156	25	245	926
Willow	19,081	1,760	16,599	188	283	130	0	120		18,707	1,727	16,334	256	262	77	0	159	764
Total	104,971	15,001	83,633	2,753	2,266	596	41	648		105,530	14,988	84,280	2,764	2,166	645	58	1,449	5,401

Plan 1 Modified	% Hisp.	% NH		% NH		% NH		% NH
		Wht	DOJ Blk	DOJ Ind	DOJ Asn	DOJ Hwn	DOJ Oth	
Acacia	41.7%	46.4%	6.0%	1.9%	3.1%	0.2%	0.2%	0.4%
Ironwood	10.5%	81.9%	2.8%	0.7%	3.5%	0.2%	0.1%	0.2%
Mesquite	9.2%	80.1%	3.0%	0.6%	6.5%	0.1%	0.2%	0.3%
Paloverde	17.2%	73.9%	3.5%	0.9%	3.7%	0.2%	0.2%	0.4%
Pine	22.5%	68.2%	4.6%	1.4%	2.4%	0.2%	0.3%	0.2%
Willow	10.1%	82.9%	2.3%	0.8%	3.4%	0.2%	0.2%	0.2%
Total	18.6%	72.2%	3.7%	1.1%	3.8%	0.2%	0.2%	0.3%

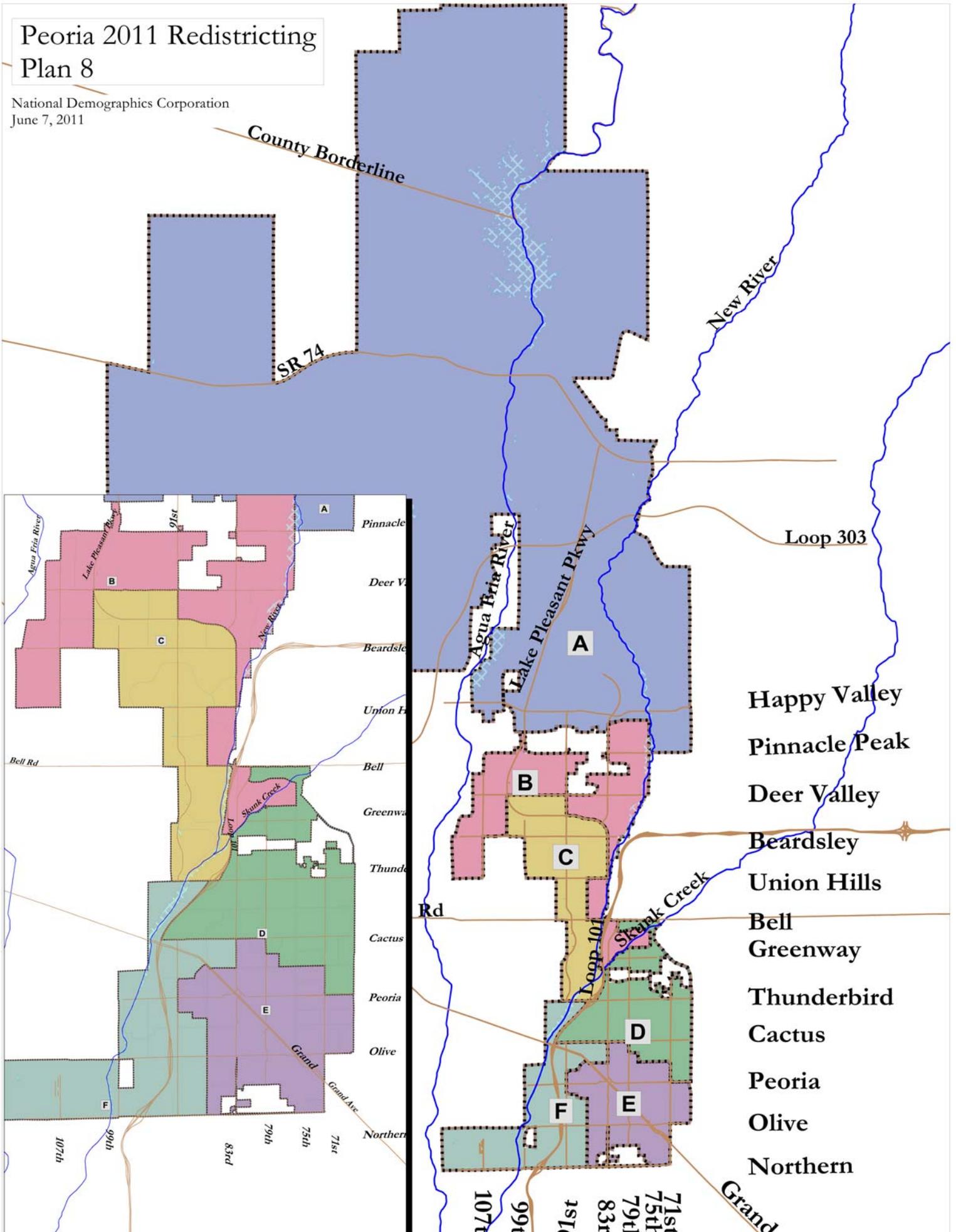
Abbreviations:
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 Oth = Other
 OthMR or MR = Multi-Race
 "DOJ" = Aggregated according to U.S. Department of Justice guidance
 CVAP = Citizen Voting Age Population

Plan 1 Modified	% H18+ Pop	% NH18+		% NH18+		% NH18+		% NH18+
		Wht	DOJ Blk	DOJ Ind	DOJ Asn	DOJ Hwn	DOJ Oth	
Acacia	36.8%	52.2%	5.2%	1.8%	3.3%	0.2%	0.2%	0.3%
Ironwood	8.5%	84.9%	2.4%	0.7%	3.2%	0.1%	0.1%	0.2%
Mesquite	7.8%	82.5%	2.5%	0.5%	6.1%	0.1%	0.2%	0.2%
Paloverde	14.6%	77.1%	3.2%	0.9%	3.6%	0.2%	0.1%	0.3%
Pine	18.6%	72.9%	4.2%	1.3%	2.4%	0.2%	0.2%	0.2%
Willow	8.3%	85.4%	2.0%	0.7%	3.2%	0.2%	0.2%	0.1%
Total	15.6%	76.1%	3.2%	1.0%	3.6%	0.2%	0.2%	0.2%

Plan 1 Modified	Special Tabulation								American Community Survey (ACS)								
	% Total CVAP	% Hisp CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Asn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% Total CVAP	% Hisp CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Asn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% NH Oth CVAP
Acacia	97.4%	31.1%	61.4%	4.1%	1.4%	1.2%	0.2%	0.4%	97.8%	29.7%	62.2%	4.7%	1.5%	1.4%	0.1%	2.3%	9.1%
Ironwood	97.2%	8.1%	88.6%	1.6%	1.3%	0.1%	0.0%	0.3%	99.7%	7.9%	88.4%	1.3%	1.5%	0.3%	0.0%	0.8%	3.9%
Mesquite	72.0%	6.6%	86.1%	1.5%	4.4%	0.2%	0.0%	1.2%	72.9%	7.6%	85.6%	1.4%	3.8%	0.4%	0.1%	1.6%	3.1%
Paloverde	95.5%	13.3%	79.2%	3.2%	3.4%	0.3%	0.0%	0.6%	95.4%	12.6%	80.7%	2.8%	2.9%	0.2%	0.0%	1.4%	5.0%
Pine	88.6%	16.6%	75.6%	4.3%	1.8%	0.9%	0.0%	0.8%	89.5%	17.8%	74.6%	4.1%	1.8%	0.9%	0.1%	1.4%	5.3%
Willow	99.8%	9.2%	87.0%	1.0%	1.5%	0.7%	0.0%	0.6%	97.8%	9.2%	87.3%	1.4%	1.4%	0.4%	0.0%	0.9%	4.1%
Total	92.1%	14.3%	79.7%	2.6%	2.2%	0.6%	0.0%	0.6%	92.6%	14.2%	79.9%	2.6%	2.1%	0.6%	0.1%	1.4%	5.1%

Peoria 2011 Redistricting Plan 8

National Demographics Corporation
June 7, 2011



District	Tot. Pop.	Deviation	% Dev.	NH		NH		NH		NH	
				Hisp	NH Wht	DOJ Blk	DOJ Ind	DOJ Asn	DOJ Hwn	DOJ Oth	NH DOJ OthMR
A	25,652	-26	-0.10%	2,346	20,563	743	148	1,673	43	49	87
B	25,806	128	0.50%	2,768	21,106	633	189	959	52	41	58
C	25,886	208	0.81%	2,582	21,506	670	191	817	36	30	54
D	25,460	-218	-0.85%	4,220	18,900	947	237	948	57	52	99
E	25,775	97	0.38%	10,704	12,068	1,531	486	767	56	61	102
F	25,486	-192	-0.75%	6,009	17,099	1,185	373	628	56	68	68
Total	154,065	426	1.66%	28,629	111,242	5,709	1,624	5,792	300	301	468
Ideal	25,678										

Abbreviations:
 Dev. = Deviation
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 NH = "Non-Hispanic"
 Wht = White
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 OthMR or MR = Multi-Race
 "DOJ" = Aggregated according to U.S. Department of Justice guidance
 CVAP = Citizen Voting Age Population

District	18+ Pop	NH18+		NH18+		NH18+		NH18+		NH18+	
		H18+ Pop	NH18+ Wht	DOJ Blk	DOJ Ind	DOJ Asn	DOJ Hwn	DOJ Oth	DOJ OthMR		
A	17,553	1,374	14,485	436	88	1,071	24	31	44		
B	19,115	1,675	16,146	416	125	665	37	23	28		
C	20,558	1,652	17,645	458	149	582	24	21	27		
D	19,380	2,746	14,978	641	170	725	40	23	57		
E	17,901	6,540	9,441	913	306	566	36	43	56		
F	19,478	3,785	14,013	822	271	465	41	44	37		
Total	113,985	17,772	86,708	3,686	1,109	4,074	202	185	249		

Dist	Special Tabulation									American Community Survey (ACS)								
	Total CVAP	Hisp CVAP	Wht CVAP	NH Blk CVAP	NH Asn CVAP	NH Ind CVAP	Hwn CVAP	NH MR CVAP	NH Oth CVAP	Total CVAP	Hisp CVAP	NH Wht CVAP	NH Blk CVAP	NH Asn CVAP	NH Ind CVAP	Hwn CVAP	NH MR CVAP	NH Oth CVAP
A	12,753	877	10,961	189	529	29	3	164		12,906	978	11,055	186	476	51	11	207	397
B	19,264	1,614	16,788	292	342	141	0	115		18,991	1,637	16,568	302	334	136	0	158	705
C	19,684	1,742	17,362	255	210	24	0	63		20,124	1,688	17,811	237	230	22	0	166	841
D	18,588	2,450	14,691	613	635	55	0	131		18,505	2,295	14,962	527	517	39	0	263	916
E	17,074	5,376	10,554	677	189	145	50	78		17,428	5,000	11,042	798	279	220	23	412	1,567
F	17,608	2,942	13,278	727	362	203	0	98		17,576	3,391	12,841	715	330	177	23	242	974
Total	104,971	15,001	83,633	2,753	2,266	596	53	648		105,530	14,988	84,280	2,764	2,166	645	58	1,449	5,401

District	% Hisp.	% NH Wht	% NH DOJ Blk	% NH DOJ Ind	% NH DOJ Asn	% NH DOJ Hwn	% NH DOJ Oth	% NH DOJ OthMR
A	9.1%	80.2%	2.9%	0.6%	6.5%	0.2%	0.2%	0.3%
B	10.7%	81.8%	2.5%	0.7%	3.7%	0.2%	0.2%	0.2%
C	10.0%	83.1%	2.6%	0.7%	3.2%	0.1%	0.1%	0.2%
D	16.6%	74.2%	3.7%	0.9%	3.7%	0.2%	0.2%	0.4%
E	41.5%	46.8%	5.9%	1.9%	3.0%	0.2%	0.2%	0.4%
F	23.6%	67.1%	4.6%	1.5%	2.5%	0.2%	0.3%	0.3%
Total	18.6%	72.2%	3.7%	1.1%	3.8%	0.2%	0.2%	0.3%

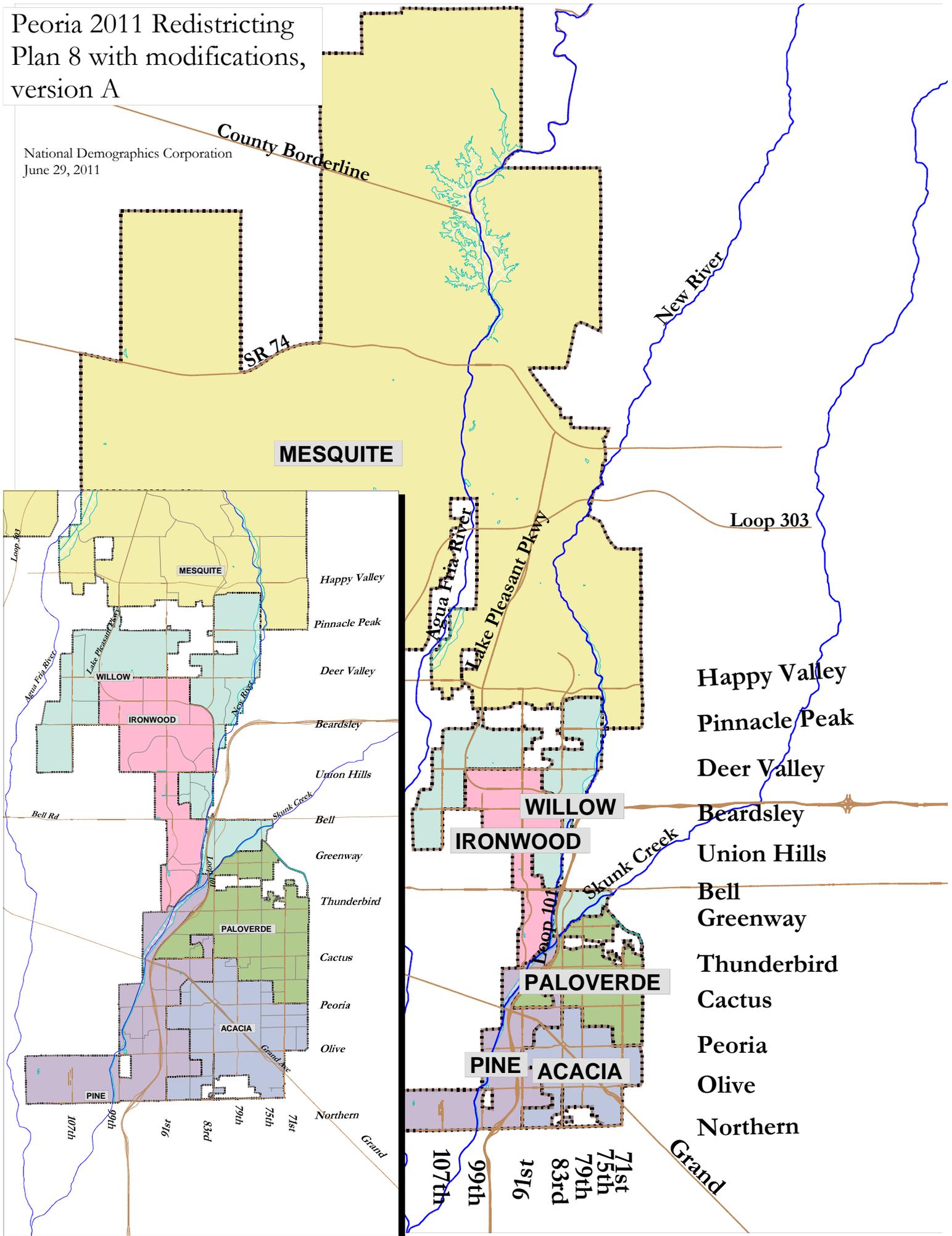
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 Hwn = Hawaiian and Pacific Islander
 Oth = Other
 OthMR or MR = Multi-Race
 "DOJ" = Aggregated according to U.S.
 Department of Justice
 guidance
 CVAP = Citizen Voting Age Population

District	% H18+ Pop	% NH18+ Wht	NH18+ DOJ Blk	NH18+ DOJ Ind	NH18+ DOJ Asn	NH18+ DOJ Hwn	NH18+ DOJ Oth	NH18+ DOJ OthMR
A	7.8%	82.5%	2.5%	0.5%	6.1%	0.1%	0.2%	0.3%
B	8.8%	84.5%	2.2%	0.7%	3.5%	0.2%	0.1%	0.1%
C	8.0%	85.8%	2.2%	0.7%	2.8%	0.1%	0.1%	0.1%
D	14.2%	77.3%	3.3%	0.9%	3.7%	0.2%	0.1%	0.3%
E	36.5%	52.7%	5.1%	1.7%	3.2%	0.2%	0.2%	0.3%
F	19.4%	71.9%	4.2%	1.4%	2.4%	0.2%	0.2%	0.2%
Total	15.6%	76.1%	3.2%	1.0%	3.6%	0.2%	0.2%	0.2%

Dist	Special Tabulation							American Community Survey (ACS)							
	% Hisp CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Asn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Asn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% NH Oth CVAP	
A	6.9%	85.9%	1.5%	4.1%	0.2%	0.0%	1.3%	7.6%	85.7%	1.4%	3.7%	0.4%	0.1%	1.6%	3.1%
B	8.4%	87.1%	1.5%	1.8%	0.7%	0.0%	0.6%	8.6%	87.2%	1.6%	1.8%	0.7%	0.0%	0.8%	3.7%
C	8.8%	88.2%	1.3%	1.1%	0.1%	0.0%	0.3%	8.4%	88.5%	1.2%	1.1%	0.1%	0.0%	0.8%	4.2%
D	13.2%	79.0%	3.3%	3.4%	0.3%	0.0%	0.7%	12.4%	80.9%	2.8%	2.8%	0.2%	0.0%	1.4%	5.0%
E	31.5%	61.8%	4.0%	1.1%	0.8%	0.3%	0.5%	28.7%	63.4%	4.6%	1.6%	1.3%	0.1%	2.4%	9.0%
F	16.7%	75.4%	4.1%	2.1%	1.2%	0.0%	0.6%	19.3%	73.1%	4.1%	1.9%	1.0%	0.1%	1.4%	5.5%
Total	14.3%	79.7%	2.6%	2.2%	0.6%	0.1%	0.6%	14.2%	79.9%	2.6%	2.1%	0.6%	0.1%	1.4%	5.1%

Peoria 2011 Redistricting Plan 8 with modifications, version A

National Demographics Corporation
June 29, 2011



Plan 8 mod., ver.A	% NH		% NH		% NH		% NH	
	% Hisp.	Wht	DOJ Blk	DOJ Ind	DOJ Asn	DOJ Hwn	DOJ Oth	OthMR
Acacia	41.7%	46.4%	6.0%	1.9%	3.1%	0.2%	0.2%	0.4%
Ironwood	9.8%	83.4%	2.5%	0.7%	3.1%	0.2%	0.1%	0.2%
Mesquite	9.1%	80.2%	2.9%	0.6%	6.5%	0.2%	0.2%	0.3%
Paloverde	17.2%	73.8%	3.5%	0.9%	3.8%	0.2%	0.2%	0.4%
Pine	22.8%	68.1%	4.6%	1.4%	2.4%	0.2%	0.3%	0.3%
Willow	10.7%	81.6%	2.8%	0.8%	3.6%	0.2%	0.2%	0.2%
Total	18.6%	72.2%	3.7%	1.1%	3.8%	0.2%	0.2%	0.3%

Abbreviations:
 Dev. = Deviation
 Hisp = Hispanic
 NH = "Non-Hispanic"
 Wht = White
 Blk = Black / African American
 Ind = Native American
 Asn = Asian American
 Haw or Hwn = Hawaiian and Pacific Islander
 Oth = Other
 OthMR or MR = Multi-Race
 "DOJ" = Aggregated according to U.S. Department of Justice guidance
 CVAP = Citizen Voting Age Population

Plan 8 mod., ver.A	% NH18+		% NH18+		% NH18+		% NH18+	
	% H18+ Pop	Wht	DOJ Blk	DOJ Ind	DOJ Asn	DOJ Hwn	DOJ Oth	OthMR
Acacia	36.8%	52.2%	5.2%	1.8%	3.3%	0.2%	0.2%	0.3%
Ironwood	7.9%	86.1%	2.1%	0.7%	2.8%	0.1%	0.1%	0.1%
Mesquite	7.8%	82.5%	2.5%	0.5%	6.1%	0.1%	0.2%	0.3%
Paloverde	14.7%	76.9%	3.2%	0.9%	3.8%	0.2%	0.1%	0.3%
Pine	18.7%	72.8%	4.1%	1.3%	2.3%	0.2%	0.2%	0.2%
Willow	8.8%	84.2%	2.4%	0.7%	3.4%	0.2%	0.1%	0.2%
Total	15.6%	76.1%	3.2%	1.0%	3.6%	0.2%	0.2%	0.2%

Plan 8 mod., ver.A	Special Tabulation								American Community Survey (ACS)								
	% Total CVAP	% Hisp CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Asn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% Total CVAP	% Hisp CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Asn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% NH Oth CVAP
Acacia	97.4%	31.1%	61.4%	4.1%	1.4%	1.2%	0.2%	0.4%	97.8%	29.7%	62.2%	4.7%	1.5%	1.4%	0.1%	2.3%	9.1%
Ironwood	96.5%	8.9%	88.0%	1.3%	1.2%	0.1%	0.0%	0.5%	97.8%	8.5%	88.4%	1.2%	1.2%	0.1%	0.0%	0.8%	4.3%
Mesquite	72.7%	6.9%	85.9%	1.5%	4.1%	0.2%	0.0%	1.3%	73.5%	7.6%	85.7%	1.4%	3.7%	0.4%	0.1%	1.6%	3.1%
Paloverde	95.6%	13.1%	78.9%	3.3%	3.5%	0.3%	0.0%	0.7%	96.1%	12.5%	80.7%	2.8%	2.9%	0.2%	0.0%	1.5%	5.0%
Pine	89.1%	16.6%	76.1%	4.0%	1.8%	0.8%	0.0%	0.7%	89.6%	17.8%	74.5%	4.1%	1.9%	0.9%	0.1%	1.4%	5.3%
Willow	99.6%	8.4%	87.5%	1.5%	1.6%	0.6%	0.0%	0.4%	98.9%	8.7%	87.4%	1.5%	1.7%	0.7%	0.0%	0.8%	3.6%
Total	92.1%	14.3%	79.7%	2.6%	2.2%	0.6%	0.0%	0.6%	92.6%	14.2%	79.9%	2.6%	2.1%	0.6%	0.1%	1.4%	5.1%

Plan 8 mod., ver.A	% Hisp.	% NH		% NH		% NH		% NH
		Wht	DOJ Blk	DOJ Ind	DOJ Asn	DOJ Hwn	DOJ Oth	
Acacia	41.7%	46.4%	6.0%	1.9%	3.1%	0.2%	0.2%	0.4%
Ironwood	9.8%	83.4%	2.5%	0.7%	3.1%	0.2%	0.1%	0.2%
Mesquite	9.1%	80.2%	2.9%	0.6%	6.5%	0.2%	0.2%	0.3%
Paloverde	17.4%	73.8%	3.4%	0.9%	3.7%	0.2%	0.2%	0.4%
Pine	22.6%	68.1%	4.6%	1.4%	2.5%	0.2%	0.3%	0.2%
Willow	10.7%	81.6%	2.8%	0.8%	3.6%	0.2%	0.2%	0.2%
Total	18.6%	72.2%	3.7%	1.1%	3.8%	0.2%	0.2%	0.3%

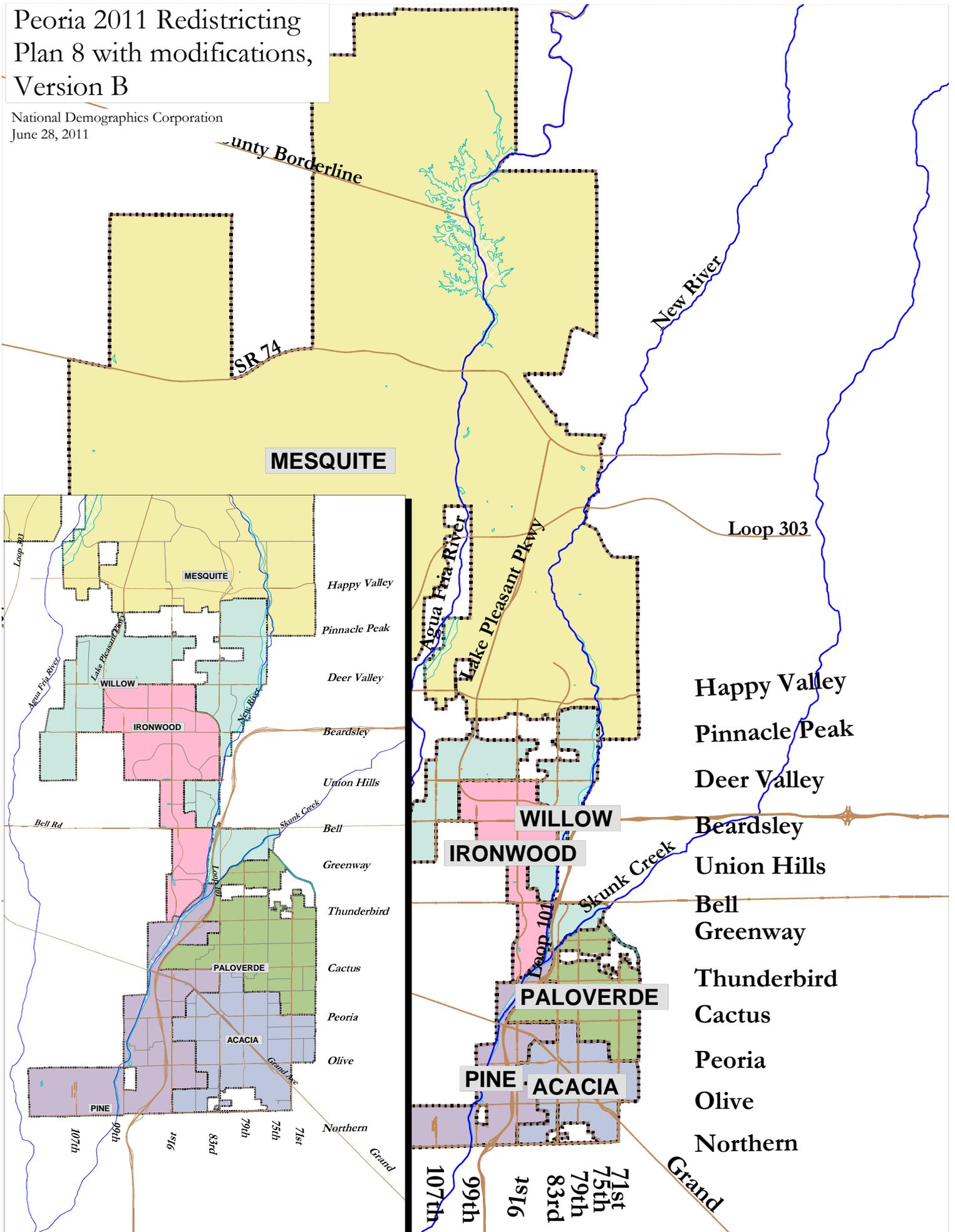
Abbreviations:
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 NH = "Non-Hispanic"
 Wht = White
 Blk = Black / African American
 Ind = Native American
 Asn = Asian American
 Haw or Hwn = Hawaiian and Pacific Islander
 Oth = Other
 OthMR or MR = Multi-Race
 "DOJ" = Aggregated according to U.S. Department of Justice guidance
 CVAP = Citizen Voting Age Population

Plan 8 mod., ver.A	% H18+ Pop	% NH18+		% NH18+		% NH18+		% NH18+
		Wht	DOJ Blk	DOJ Ind	DOJ Asn	DOJ Hwn	DOJ Oth	
Acacia	36.8%	52.2%	5.2%	1.8%	3.3%	0.2%	0.2%	0.3%
Ironwood	7.9%	86.1%	2.1%	0.7%	2.8%	0.1%	0.1%	0.1%
Mesquite	7.8%	82.5%	2.5%	0.5%	6.1%	0.1%	0.2%	0.3%
Paloverde	14.8%	77.0%	3.1%	0.9%	3.7%	0.2%	0.1%	0.3%
Pine	18.6%	72.8%	4.2%	1.3%	2.4%	0.2%	0.2%	0.2%
Willow	8.8%	84.2%	2.4%	0.7%	3.4%	0.2%	0.1%	0.2%
Total	15.6%	76.1%	3.2%	1.0%	3.6%	0.2%	0.2%	0.2%

Plan 8 mod., ver.A	Special Tabulation								American Community Survey (ACS)								
	% Total CVAP	% Hisp CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Asn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% Total CVAP	% Hisp CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Asn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% NH Oth CVAP
Acacia	97.4%	31.1%	61.4%	4.1%	1.4%	1.2%	0.2%	0.4%	97.8%	29.7%	62.2%	4.7%	1.5%	1.4%	0.1%	2.3%	9.1%
Ironwood	96.5%	8.9%	88.0%	1.3%	1.2%	0.1%	0.0%	0.5%	97.8%	8.5%	88.4%	1.2%	1.2%	0.1%	0.0%	0.8%	4.3%
Mesquite	72.7%	6.9%	85.9%	1.5%	4.1%	0.2%	0.0%	1.3%	73.5%	7.6%	85.7%	1.4%	3.7%	0.4%	0.1%	1.6%	3.1%
Paloverde	96.1%	13.1%	79.3%	3.1%	3.4%	0.3%	0.0%	0.7%	96.1%	12.5%	80.7%	2.8%	2.9%	0.2%	0.0%	1.5%	5.0%
Pine	88.7%	16.6%	75.7%	4.2%	1.8%	0.9%	0.0%	0.7%	89.6%	17.8%	74.5%	4.1%	1.9%	0.9%	0.1%	1.4%	5.3%
Willow	99.6%	8.4%	87.5%	1.5%	1.6%	0.6%	0.0%	0.4%	98.9%	8.7%	87.4%	1.5%	1.7%	0.7%	0.0%	0.8%	3.6%
Total	92.1%	14.3%	79.7%	2.6%	2.2%	0.6%	0.0%	0.6%	92.6%	14.2%	79.9%	2.6%	2.1%	0.6%	0.1%	1.4%	5.1%

Peoria 2011 Redistricting Plan 8 with modifications, Version B

National Demographics Corporation
June 28, 2011



Plan 8 B	Tot. Pop.	Dev.	% Dev.	NH		NH		NH		NH	
				DOJ	NH DOJ	DOJ	DOJ	DOJ	NH DOJ		
				Hisp	NH Wht	Blk	Ind	Asn	Hwn	Oth	NH DOJ OthMR
Acacia	26,085	408	1.59%	10,876	12,101	1,565	499	815	59	63	107
Ironwood	25,957	280	1.09%	2,552	21,636	648	181	807	41	30	62
Mesquite	25,652	-26	-0.10%	2,346	20,563	743	148	1,673	43	49	87
Paloverde	25,181	-497	-1.93%	4,376	18,584	860	237	929	47	50	98
Pine	25,295	-383	-1.49%	5,715	17,238	1,173	355	626	60	65	63
Willow	25,895	218	0.85%	2,764	21,120	720	204	942	50	44	51
Total	154,065	904	3.52%	28,629	111,242	5,709	1,624	5,792	300	301	468
Ideal	25,678										

Abbreviations:
 Dev. = Deviation
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 OthMR or MR = Multi-Race
 "DOJ" = Aggregated according to U.S. Department of Justice guidance
 CVAP = Citizen Voting Age Population

Plan 8 B	18+ Pop	H18+		NH18+		NH18+		NH18+		NH18+	
		Pop	Wht	DOJ Blk	DOJ Ind	DOJ Asn	DOJ Hwn	DOJ Oth	DOJ OthMR		
Acacia	18,037	6,634	9,424	934	316	590	39	40	60		
Ironwood	20,522	1,624	17,661	441	140	577	29	21	29		
Mesquite	17,553	1,374	14,485	436	88	1,071	24	31	44		
Paloverde	19,107	2,828	14,705	594	168	704	31	23	54		
Pine	19,436	3,612	14,151	818	258	476	43	46	32		
Willow	19,330	1,700	16,282	463	139	656	36	24	30		
Total	113,985	17,772	86,708	3,686	1,109	4,074	202	185	249		

Plan 8 B	Special Tabulation									American Community Survey (ACS)								
	Total CVAP	Hisp CVAP	NH Wht CVAP	NH Blk CVAP	NH Asn CVAP	NH Ind CVAP	NH Hwn CVAP	NH MR CVAP		Total CVAP	Hisp CVAP	NH Wht CVAP	NH Blk CVAP	NH Asn CVAP	NH Ind CVAP	NH Hwn CVAP	NH MR CVAP	NH Oth CVAP
Acacia	17,574	5,469	10,795	728	248	210	41	72		17,646	5,247	10,977	826	268	249	21	411	1,599
Ironwood	19,804	1,766	17,431	257	229	27	0	93		20,078	1,712	17,741	245	238	26	0	165	867
Mesquite	12,753	877	10,961	189	529	29	0	164		12,906	978	11,055	186	476	51	11	207	397
Paloverde	18,354	2,406	14,551	574	630	51	0	123		18,363	2,296	14,821	512	534	40	0	271	920
Pine	17,232	2,868	13,039	725	313	158	0	128		17,412	3,101	12,976	711	323	155	25	244	925
Willow	19,253	1,616	16,856	280	317	120	0	69		19,125	1,655	16,710	285	326	124	0	153	694
Total	104,971	15,001	83,633	2,753	2,266	596	41	648		105,530	14,988	84,280	2,764	2,166	645	58	1,449	5,401

Plan 8 B	% Hisp.	% NH		% NH		% NH		% NH
		Wht	DOJ Blk	DOJ Ind	DOJ Asn	DOJ Hwn	DOJ Oth	
Acacia	41.7%	46.4%	6.0%	1.9%	3.1%	0.2%	0.2%	0.4%
Ironwood	9.8%	83.4%	2.5%	0.7%	3.1%	0.2%	0.1%	0.2%
Mesquite	9.1%	80.2%	2.9%	0.6%	6.5%	0.2%	0.2%	0.3%
Paloverde	17.4%	73.8%	3.4%	0.9%	3.7%	0.2%	0.2%	0.4%
Pine	22.6%	68.1%	4.6%	1.4%	2.5%	0.2%	0.3%	0.2%
Willow	10.7%	81.6%	2.8%	0.8%	3.6%	0.2%	0.2%	0.2%
Total	18.6%	72.2%	3.7%	1.1%	3.8%	0.2%	0.2%	0.3%

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Plan 8 B	% H18+ Pop	% NH18+		% NH18+		% NH18+		% NH18+
		Wht	DOJ Blk	DOJ Ind	DOJ Asn	DOJ Hwn	DOJ Oth	
Acacia	36.8%	52.2%	5.2%	1.8%	3.3%	0.2%	0.2%	0.3%
Ironwood	7.9%	86.1%	2.1%	0.7%	2.8%	0.1%	0.1%	0.1%
Mesquite	7.8%	82.5%	2.5%	0.5%	6.1%	0.1%	0.2%	0.3%
Paloverde	14.8%	77.0%	3.1%	0.9%	3.7%	0.2%	0.1%	0.3%
Pine	18.6%	72.8%	4.2%	1.3%	2.4%	0.2%	0.2%	0.2%
Willow	8.8%	84.2%	2.4%	0.7%	3.4%	0.2%	0.1%	0.2%
Total	15.6%	76.1%	3.2%	1.0%	3.6%	0.2%	0.2%	0.2%

Plan 8 B	Special Tabulation								American Community Survey (ACS)								
	% Total CVAP	% Hisp CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Asn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% Total CVAP	% Hisp CVAP	% NH Wht CVAP	% NH Blk CVAP	% NH Asn CVAP	% NH Ind CVAP	% NH Hwn CVAP	% NH MR CVAP	% NH Oth CVAP
Acacia	97.4%	31.1%	61.4%	4.1%	1.4%	1.2%	0.2%	0.4%	97.8%	29.7%	62.2%	4.7%	1.5%	1.4%	0.1%	2.3%	9.1%
Ironwood	96.5%	8.9%	88.0%	1.3%	1.2%	0.1%	0.0%	0.5%	97.8%	8.5%	88.4%	1.2%	1.2%	0.1%	0.0%	0.8%	4.3%
Mesquite	72.7%	6.9%	85.9%	1.5%	4.1%	0.2%	0.0%	1.3%	73.5%	7.6%	85.7%	1.4%	3.7%	0.4%	0.1%	1.6%	3.1%
Paloverde	96.1%	13.1%	79.3%	3.1%	3.4%	0.3%	0.0%	0.7%	96.1%	12.5%	80.7%	2.8%	2.9%	0.2%	0.0%	1.5%	5.0%
Pine	88.7%	16.6%	75.7%	4.2%	1.8%	0.9%	0.0%	0.7%	89.6%	17.8%	74.5%	4.1%	1.9%	0.9%	0.1%	1.4%	5.3%
Willow	99.6%	8.4%	87.5%	1.5%	1.6%	0.6%	0.0%	0.4%	98.9%	8.7%	87.4%	1.5%	1.7%	0.7%	0.0%	0.8%	3.6%
Total	92.1%	14.3%	79.7%	2.6%	2.2%	0.6%	0.0%	0.6%	92.6%	14.2%	79.9%	2.6%	2.1%	0.6%	0.1%	1.4%	5.1%



City Council Calendar

Color Key:
City Council

< May	June 2011					July >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7 <u>Special Meeting and Study Session</u>	8	9	10	11
12	13	14	15	16	17	18
19	20	21 <u>Regular City Council Meeting</u> <u>Special Meeting and Study Session</u>	22	23	24	25
26	27	28	29	30		

To view event details, go to <http://citynet.peoriaaz.com/EventsCalendar/MeetingCalendar2.asp>



City Council Calendar

Color Key:
City Council
 No Category

< June	July 2011					August >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 Independence Day Holiday Independence Day Holiday	5 Regular City Council Meeting Special Meeting and Study Session	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

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

RCM #: 3a

Date Prepared: June 9, 2011

Council Meeting Date:

TO: Carl Swenson, City Manager
THROUGH: Susan K. Thorpe, Deputy City Manager
FROM: William Mattingly, Public Works – Utilities Director
SUBJECT: **2011 Arizona Water Conference Awards**

SUMMARY:

On May 4th 2011 the AZ Water Association held its 84th Annual Conference. AZ Water is the largest statewide non-profit organization dedicated to educating water and wastewater professionals and is affiliated with both the American Water Works Association and the Water Environment Federation. The City of Peoria was recognized for its outstanding service in safety and one of our very own received the great honor of receiving the Operator of the Year for Large Water Distribution Systems.

Mike Stevens, Lead Utility System Operator for the City of Peoria, was awarded 2011 Operator of the Year for Large Water Distribution Systems. Mr. Stevens was honored for his exceptional knowledge of water distribution systems, his problem solving abilities, and his efforts to train and educate other operators. Mike is a grade 4 certified operator (the highest certification granted in Arizona) in Water Distribution, Water Treatment, Wastewater Collection and Wastewater Treatment and has worked in the industry for over 31 years.

The City of Peoria Utilities Division was also recognized and awarded a total of 9 safety awards. These awards reflect the outstanding safety record of the City's water and wastewater utilities and the dedication of our professional staff to working safely and efficiently. Peoria received more safety awards than any other municipal utility for the third consecutive year. The workgroups that received awards were:

- Greenway WTP
- Quintero WTP
- City of Peoria Water Distribution System
- Quintero Water Distribution System
- Jomax Water Reclamation Facility
- Beardsley Water Reclamation Facility
- Butler Water Reclamation Facility

- City of Peoria Wastewater Collection System
- Quintero Wastewater Collection System

ATTACHMENT:

Photos

CONTACT: William Mattingly, Public Works – Utilities Director



