Mayor	Willow District	Acacia District	Ironwood District	Mesquite District	Palo Verde District	Pine District
Cathy Carlat	Jon Edwards, Vice Mayor	Vicki Hunt	Bill Patena	Bridget Binsbacher	Michael Finn	Carlo Leone

City Council Meeting Notice & Agenda

Tuesday, November 7, 2017
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345

Special Meeting

5:00 P.M. Convene

Consent Agenda

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

Consent

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

Discussion and possible action to authorize the holding of an Executive Session for the purpose of discussions or consultations with designated representatives of the public body and/or legal counsel in order to consider its position and instruct its representatives regarding:

(a) Labor Negotiations Update with the Peoria Police Officers Association pursuant to A.R.S. § 38-431.03.A.5.

(b) Labor Negotiations Update with the American Federation of State, County, and Municipal Employees Local 3282 pursuant to A.R.S. § 38-431.03.A.5.

Adjournment

Executive Session

Convene immediately following Special City Council Meeting
Executive Room, City Council Chamber

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

Executive Session Agenda

2. An Executive Session for the purpose of discussions or consultations with designated representatives of the public body and/or legal counsel in order to consider its position and instruct its representatives regarding:

   (a) Labor Negotiations Update with the Peoria Police Officers Association pursuant to A.R.S. § 38-431.03.A.5.

   (b) Labor Negotiations Update with the American Federation of State, County, and Municipal Employees Local 3282 pursuant to A.R.S. § 38-431.03.A.5.

The above-named Public Body of the City of Peoria, Arizona will convene into Executive Session pursuant to A.R.S. 38-431.03 for those items listed on the agenda. Only those persons who are:

- Members of the Public Body, or
- Officers of the City that are required to attend, or
- Those individuals whose presence is reasonably necessary for the Public Body to carry out its Executive Session responsibilities as determined by the City Attorney may be present during the Executive Session.

All persons who remain present during the Executive Session are reminded that the business conducted in Executive Session, including all discussion taking place herein, is confidential and may not be disclosed to any person, except as permitted by law.

Arizona Open Meeting Act:

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

- Members of the Council,
- Appointees or employees who were subject of discussion under the personnel item subsection of the Open Meetings Act,
- County Attorney or Attorney General pursuant to an investigation of a violation of the Open Meetings Act, and
- Arizona Auditor General in connection with an audit authorized by law.

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

Regular Meeting

7:00 P.M. Convene

Pledge of Allegiance
Roll Call
Final Call to Submit Speaker Request Forms

Presentation

3. **Proclamation Proclaiming Peoria as a Purple Heart City**

Consent Agenda

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

Consent

4 C. **Disposition of Absence**

Discussion and possible action to approve the absence of Council Youth Liaison Gatrost from the Regular City Council Meeting held on October 17, 2017.

5 C. **Minutes**

Discussion and possible action to approve the October 17, 2017 City Council Meeting minutes.

6 C. **Board and Commission Appointments**

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

- Adopt **RES. 2017-116** reappointing Michael Watt as a regular member of the Building Board of Appeals for a term to expire in December 2021;
- Adopt **RES. 2017-117** appointing Matthew Cunningham as a regular member of the Industrial Development Authority for a partial term to expire June 2021;
- Adopt **RES. 2017-118** appointing Matthew Cunningham as a regular member of the Municipal Development Authority for a partial term to expire in November 2019;

- Adopt **RES. 2017-119** appointing Joanna Conde as a regular member and John Albright as an alternate member of the Planning and Zoning Commission for partial terms to expire in December 2019;

- Adopt **RES. 2017-120** appointing Linda Grice as a regular member of the Planning and Zoning Commission for a partial term to expire December 2018;

- Adopt **RES. 2017-121** appointing Tad Snidecor as a regular member of the Veterans Memorial Board for a term to expire in December 2021; and

- Adopt **RES. 2017-122** appointing Leah Gilbertson as an alternate member of the Youth Advisory Board for a partial term to expire in June 2019.

7 C. **Grants, State of Arizona Department of Homeland Security, Various Fire Department Programs**

Discussion and possible action to: (a) authorize the Fire-Medical Department to accept two grant awards in the total amount of $80,711 from the Arizona Department of Homeland Security to be used to strengthen chemical, biological, radiological, nuclear or explosive detection, response and decontamination capabilities; and sustain and enhance the Terrorism Liaison Officer program; and (b) approve a budget amendment in the amount of $80,711 from the Proposed Grants Contingency account to various Homeland Security Grant Fund accounts.

8 C. **Investment Report, Quarter Ending September 30, 2017**

Discussion and possible action to review and accept the Investment Report as presented.

9 C. **Maintenance Improvement District No. 1214, Townley Park, 89th Avenue and Olive Avenue**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2017-114** intention and ordering the formation of proposed Maintenance Improvement District No. 1214, Townley Park, located at 89th Avenue and Olive Avenue; and adopt **RES. 2017-115** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

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

Discussion and possible action to adopt **RES. 2017-123** accepting Deeds and Easements for various Real Property interests acquired by the City.

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

Discussion and possible action to adopt **RES. 2017-125** 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.

12 C. **Replat, CCV/Terrazza Center – Lot 10, 67th Avenue and Happy Valley Road**

Discussion and possible action to approve the Replat of CCV/Terrazza Center – Lot 10 located at 67th Avenue and Happy Valley Road, subject to stipulations.

13 C. **PUBLIC HEARING – Grant, United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant**

Discussion and possible action to: (a) accept a grant from the United States Department of Justice in the amount of $21,297 to be used by the Peoria Police Department to fund crisis intervention and mental health training to all department personnel; and (b) approve a budget adjustment in the amount of $21,297 from the Proposed Grants Contingency account to the Justice Assistance Grant Award account.

14 C. **PUBLIC HEARING - Liquor License, Gift Marketing Alliance, 8550 North 91st Avenue #F67**

Discussion and possible action to recommend approval to the State Liquor Board for a New Wine and Beer (Series 10) Liquor License for Gift Marketing Alliance, located at 8550 North 91st Avenue #F67, Alex Quintana, Applicant, LL#20018469.

Regular Agenda

New Business

15 R. **PUBLIC HEARING - Code Amendment, Zoning Ordinance, Section 21-813 Wireless Communication Facilities**

PUBLIC HEARING: RE: Amendment of Chapter 21 of the Peoria City Code (1977 Edition), sections 21-202 Definitions and 21-813 Wireless Communication Facilities (Case TA17-01).

Staff Report:
Open Public Hearing:
Public Comment:
Close Public Hearing:

COUNCIL ACTION:

Discussion and possible action to adopt **ORD. 2017-44** amending Chapter 21 of the Peoria City Code (1977 Edition), Sections 21-202 ("Definitions") and 21-813 ("Wireless Communication Facilities").

16 R. **PUBLIC HEARING - Harvest Church Annexation, 8340 West Northern Avenue**

PUBLIC HEARING: RE: Annexation of 10.49 acres of privately owned property, located west of the northwest corner of 83rd Avenue and Northern Avenue.

Staff Report:
Open Public Hearing:
Public Comment:
Close Public Hearing:

COUNCIL ACTION:
No Council action required.

17 R. **Contract Approval and Budget Transfer, Beardsley Road Channel Improvements**

Discussion and possible action to: (a) approve the contract with Blucor Contracting; and (b) approve a budget transfer in the amount of $540,937 from the Union Hills Channel project to the Beardsley Road Channel Improvements project.

Vistancia West Community Facilities District Board Meeting

VWCFD Consent Agenda

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

Consent

18 C. **Minutes**

Discussion and possible action to approve the August 15, 2017 Vistancia West Community Facilities District Meeting minutes.

19 C. **Investment Report, Quarter Ending September 30, 2017**

Discussion and possible action to review and accept the Investment Report as presented.

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

Reports from City Manager

20. **Council Calendar**

21. **Reports**

A. **Upcoming City Events Video**

Reports from City Council

Reports from the Mayor

Adjournment

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

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

Public Notice

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

City Council Meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at https://www.peoriaaz.gov/government/mayor-and-city-council/city-council-videos

City Manager
Jeff Tyne

City Clerk
Rhonda Geriminsky

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 3.

Date Prepared: 10/26/2017

Council Meeting Date: 11/7/2017

TO: Council Members

FROM: Mayor Cathy Carlat

SUBJECT: Proclamation Proclaiming Peoria as a Purple Heart City

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Purpose:

The City of Peoria declaring its support for members of the Armed Forces who have been wounded or died by an instrument of war in the hands of our Nation's enemies by becoming a Purple Heart City.

Background/Summary:

The Purple Heart is specifically a combat decoration and it is our nation's oldest military medal. It was first created by General George Washington in 1781 and was known as the Badge of Military Merit and it is the predecessor of the Purple Heart medal.

The Purple Heart is awarded to members of the armed forces of the U.S. who are wounded by an instrument of war in the hands of the enemy and posthumously to the next of kin in the name of those who are killed in action or die of wounds received in action. The heritage it represents is sacred to those who understand the price paid to wear it.

Arizona became a Purple Heart State on May 9, 2016. By becoming a Purple Heart City, Peoria will be joining all fifteen counties and other Arizona cities who have proclaimed their support of Purple Heart Recipients and the Military Order of the Purple Heart.

ATTACHMENTS:

Proclamation

Proclamation

Whereas, *the City of Peoria, Arizona has a great admiration and the utmost gratitude for all the men and women who have, and are, selflessly serving their country and this community in the Armed forces; and*

Whereas, *Veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all; and*

Whereas, *the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and*

Whereas, *many men and women in uniform have given their lives while serving in the Armed Forces; and*

Whereas, *citizens of our country have received the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, construed as an admirable act of essential service; and*

Whereas, *the City of Peoria seeks to remember and recognize veterans who are recipients of the Purple Heart Medal.*

Now, Therefore, *I, Cathy Carlat, Mayor of the City of Peoria, in the State of Arizona, do hereby proclaim Peoria, AZ as a*

"Purple Heart City"

honoring the service and sacrifice of our nation's men and women in uniform, wounded or killed by the enemy while serving to protect our freedoms.

In Witness Thereof, *I have set my hand and caused the Seal of the City of Peoria, Arizona to be affixed this 7th day of November, 2017.*

____

Cathy Carlat, Mayor

Attest:

____

Rhonda Geriminsky, City Clerk

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 4C.

Date Prepared: 10/18/2017

Council Meeting Date: 11/7/2017

TO: Jeff Tyne, City Manager

FROM: Rhonda Geriminsky, MMC, City Clerk

SUBJECT: Disposition of Absence

Staff Recommendation:

Discussion and possible action to approve the absence of Council Youth Liaison Gatrost from the Regular City Council Meeting held on October 17, 2017.

Contact Name and Number:

Rhonda Geriminsky, (623) 773-7340

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 5C.

Date Prepared: 10/24/2017

Council Meeting Date: 11/7/2017

TO: Jeff Tyne, City Manager

FROM: Rhonda Geriminsky, MMC, City Clerk

SUBJECT: Minutes

Staff Recommendation:

Discussion and possible action to approve the October 17, 2017 City Council Meeting minutes.

ATTACHMENTS:

October 17, 2017 Minutes

Contact Name and Number:

Rhonda Geriminsky, (623) 773-7340

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
October 17, 2017

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.

Members Present: Mayor Cathy Carlat; Councilmembers Bridget Binsbacher, Michael Finn, Vicki Hunt, Carlo Leone and Bill Patena

Clerk's Note: Councilmember Finn participated in the Study Session meeting by telephone conference call.

Council Youth Liaisons: Maylee Acosta.

Other Municipal Officials Present: Jeff Tyne, City Manager; Julie Arendall, Deputy City Manager; Andy Granger, Deputy City Manager; Valli Goss, Assistant City Attorney; Rhonda Geriminsky, City Clerk; Katie Gregory, Management and Budget Director; Chris Jacques, Planning and Community Development Director; Laura Ingegneri, Human Resources Director; Adina Lund, Development and Engineering Director; John Sefton, Community Services Director; Stuart Kent, Public Works/Utilities Director; Thomas Adkins, Intergovernmental Affairs Director; Scott Whyte, Economic Development Services Director; Dawn Prince, Assistant to the City Manager; and Natalie Gilstrap, Management Analyst.

Audience: Approximately three members of the public were present.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

1. VOID

2. VOID

3. Development Trends

Jeff Tyne, City Manager, introduced the Study Session item regarding development trends. Mr. Tyne indicated that this is the first presentation in a series of discussions with City Council regarding future development and the management of growth for the City of Peoria.

Andy Granger, Deputy City Manager, indicated that this presentation would focus on development trends for the previous five years as well as a look at projected trends for the next five years.

Chris Jacques, Planning and Community Development Director provided information regarding:

- Background on Peoria's population, land growth history and population distribution
- Maricopa Association of Government's historical and projected growth rate for the City of Peoria

Discussion ensued regarding the amount of land available in the year 2040 at the projected population count of 278,000.

Mr. Jacques continued the presentation providing information regarding:

- Geographical projection of population growth
- Maricopa Association of Government's 2015 employment concentration data and projected data for the City of Peoria
- Major land ownership throughout the City's planning areas
- Bureau of Land Management's land and mission statement – sustain the health, diversity and production of public lands
- Arizona State Land Department's land and mission statement – manage to enhance value and optimize return

Discussion ensued regarding the differences between the State Land Department's and the Bureau of Land Management's mission statements; specifically, the State Land Department's mission to hold onto the land to obtain the highest and best use value and what impact this may have on the City of Peoria. Staff indicated that continued discussions with the State Land Department would help ensure that these parcels are optimized as the City's infrastructure around those areas is developed.

Mr. Jacques continued the presentation and provided information regarding the State Land Department properties currently marketed in the City of Peoria.

Discussion ensued regarding a specific parcel on Lake Pleasant Parkway that inhibits traffic flow and Council's desire to include this land as part of the marketed land in Peoria.

Mr. Jacques continued the presentation outlining:

- Development patterns and trends with regard to single-family residential permitting activity compared to other valley cities over the last five years.
- Maricopa County Government's map highlighting valley housing sales prices

Mr. Jacques provided the following information regarding the area South of Bell Road where it is estimated that 7% of the projected housing units will be located:

- Single-family residential permitting activity compared to that of neighboring cities
- Valley housing sales pricing and desirability of the area in the City of Peoria
- Single-family residential permitting over the last five years
- Projected residential growth in the next five years
- Other multi-family residential (MFR) and non-residential growth

Mr. Jacques provided the following information regarding the Central Corridor area where it is estimated that 46% of the projected housing units will be located:

- Single-family residential permitting activity compared to that of neighboring cities
- Valley housing sales pricing and desirability of the area in the City of Peoria
- Single-family residential permitting over the last five years
- Projected residential growth in the next five years
- Other multi-family residential (MFR) and non-residential growth

Discussion ensued regarding:

- Importance of being proactive in discussing funding for growth
- Impact of the City's employment needs with the projected new growth over the next five years
- Being mindful of building a community that matches the character of the residents of the City

Mr. Jacques continued the presentation and provided the following information regarding the Northwest Area (west of Agua Fria) where it is estimated that 47% of the projected housing units will be located:

- Single-family residential permitting activity compared to that of neighboring cities
- Valley housing sales pricing and desirability of the area in the City of Peoria
- Single-family residential permitting over the last five years
- Projected residential growth in the next five years
- Other multi-family residential (MFR) and non-residential growth

Mr. Jacques spoke regarding the Lake Pleasant Heights – Mystic area.

Discussion ensued regarding future infrastructure funding possibilities in the Lake Pleasant Heights area, including Community Facilities Districts.

Mr. Jacques continued the presentation and spoke regarding the area West of Trilogy at Vistancia.

Discussion ensued regarding the privately owned land in that area.

Mr. Jacques continued the presentation and spoke regarding the area located near Loop 303 and Maricopa County and City of Surprise parcels.

Discussion ensued regarding the operational impacts and timing of development in this area.

Mr. Jacques provided a summary of the overall projections for single-family residential permitting for the City of Peoria in the next five years and growth implications and considerations.

Discussion ensued regarding the feasibility of a high-end hotel at Lake Pleasant and protecting certain street corners in order to manage the types of development in those areas.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 6:06 p.m.

A **Regular Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 7:01 p.m.

Following a moment of silent reflection, Council Youth Liaison Acosta led the Pledge of Allegiance.

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

Clerk's Note: Councilmember Finn participated in the Regular City Council meeting by telephone conference call.

Council Youth Liaisons: Maylee Acosta.

Members Absent: Council Youth Liaison Cassidy Gatrost.

Other Municipal Officials Present: Jeff Tyne, City Manager; Julie Arendall, Deputy City Manager; Andy Granger, Deputy City Manager; Valli Goss, Assistant City Attorney; Rhonda Geriminsky, City Clerk; Bobby Ruiz, Fire Chief; Katie Gregory, Management and Budget Director; Chris Jacques, Planning and Community Development Director; Laura Ingegneri, Human Resources Director; Adina Lund, Development and Engineering Director; Sonia Andrews, Interim Finance Director; Roy Minter, Police

Chief; John Sefton, Community Services Director; Stuart Kent, Public Works/Utilities Director; Thomas Adkins, Intergovernmental Affairs Director; Jennifer Stein, Office of Communications Director; John Imig, Information Technology Director; Dawn Prince, Assistant to the City Manager and Natalie Gilstrap, Management Analyst.

Audience: Approximately thirty-five members of the public were present.

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

Presentation:

4. Certificates of Appointment to newly appointed Board and Commission members who were appointed by Resolution at the October 3, 2017 City Council Meeting

Mayor Carlat and Councilmember Patena presented Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the October 3, 2017 City Council Meeting:

- Patrick Sells, Public Safety Personnel System Local Fire Board
- Patrick Sells, Public Safety Personnel System Local Police Board
- Micah Dionisio Aviles, Youth Advisory Board

Clerk's Note: Micah Dionisio Aviles was not present to receive her Certificate of Appointment.

5. **Christmas for the Troops**

Mr. and Mrs. Bob and Rachelle Barrett provided information on the upcoming 2017 Christmas for the Troops campaign sponsored by the Peoria Sunset Lions Club.

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

Mayor Carlat announced that the Consent Agenda included a Public Hearing on a New Restaurant Liquor License (Series 12) for Fletcher's Sports Grill, located at 20783 North 83rd Avenue #112. There were no requests from those present to address this agenda item.

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

6C. **Disposition of Absence**

Approved the absence of Mayor Cathy Carlat from the Regular City Council Meeting held on October 3, 2017.

7C. **Minutes**

Approved the October 3, 2017 City Council Meeting minutes.

8C. **Intergovernmental Agreement, Peoria Unified School District, School Resource Officers**

Authorized the City Manager to execute an Intergovernmental Agreement with the Peoria Unified School District to assign four Peoria Police Officers to the campuses of Peoria, Sunrise Mountain, Centennial and Liberty High Schools as School Resource Officers.

9C. **Grants, Arizona Department of Homeland Security, Statewide Disaster Response Program**

(a) Authorized the Peoria Police Department to accept two grants totaling $66,165 from the Arizona Department of Homeland Security and;

(b) Approved a budget adjustment in the amount of $66,165 from the Proposed Grants Contingency account to the Homeland Security Grant Fund.

10C. **Grants, Governor's Office of Highway Safety, Highway Safety Projects**

(a) Authorized the City Manager to accept five grants totaling the amount of $172,654 from the Governor’s Office of Highway Safety (GOHS) for various enforcement and education efforts; and

(b) Approved a budget amendment in the amount of $172,654 from the Proposed Grants Contingency account to various Governor's Office of Highway Safety Grant accounts.

11C. **<u>Grant, Bureau of Justice Assistance, Body-Worn Camera Policy and Implementation Program</u>**

(a) Accepted a grant from the Bureau of Justice Assistance in the amount of $26,360 to fund the enhancement of the Body Worn Camera program; and

(b) Approved a budget adjustment in the amount of $26,360 from the Proposed Grants Contingency account to the Justice Assistance Grant account.

12C. **<u>Budget Adjustment, DLT Solutions, PeopleSoft Licensing</u>**

Approved a budget adjustment in the amount of $13,800 from the General Fund contingency account to the Human Resources Computer Software Support and Maintenance account to ensure adequate funding for required PeopleSoft licensing.

13C. **<u>Additional Affiliate Event Funding Request for FY2018</u>**

Approved the recommended affiliate event funding requests for Vintage Market Days to be held twice in the next fiscal year at Johnny E. Osuna Park and the WHAM Art Association and the Sonoran Desert Plein Air Festival at the Mita Club at Trilogy in Vistancia.

14C. **<u>Cross of Glory Lutheran Church Annexation, South of 101st Lane and Jomax Road</u>**

Adopted **ORD. 2017-43** approving the annexation of approximately 7.52 acres located south of the intersection of 101st Lane and Jomax Road.

15C. **<u>PUBLIC HEARING - Liquor License, Fletcher's Sports Grill, 20783 North 83rd Avenue #112</u>**

Recommended approval to the State Liquor Board for a New Restaurant Liquor License (Series 12) for Fletcher's Sports Grill, located at 20783 North 83rd Avenue #112, Michael Lindsey, Applicant, LL#20018483.

REGULAR AGENDA

New Business:

16R. **PUBLIC HEARING - 71st Avenue and Thunderbird Road Annexation**

Staff Report:

Chris Jacques, Planning and Community Development Director, provided an overview of the proposed annexation of approximately 11.82 acres of privately owned property located at the northwest corner of 71st Avenue and Thunderbird Road, including the process for annexing property.

Public Hearing:

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the proposed annexation.

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

COUNCIL ACTION:

No Council action required.

17R. **Budget Adjustment, 2018 All American Festival**

At the request of staff, discussion and possible action to approve the budget adjustment in the amount of $126,083 from the General Fund Contingency account to the Special Events General Fund accounts for operations related to the All American Festival at the Peoria Sports Complex due to a date change for the event was continued to a future City Council meeting.

Call To The Public (Non-Agenda Items)

Joe Clure, a member of the Citizens for Peoria Organization, expressed concerns regarding the Police Department's priority-one response times.

Phillip Woolbright, representing A and B Homes Development Company, expressed concerns regarding the application and permitting processes related to the construction of new homes.

Reports from City Manager:

18. Council Calendar

19. Reports

A. Homeless Outreach

Roy Minter, Police Chief, introduced Detective Lisa Scott and Debbie Pearson, Human Services Coordinator, who provided an overview on the success of the Homeless Outreach Event held at Rio Vista Recreation Center on October 5, 2017.

Reports from City Council:

Council Youth Liaison Acosta reported on the G.A.I.N. Public Safety Night event held at Pioneer Community Park on October 14, 2017.

Councilmember Patena reported on the October 11, 2017 Peoria Chamber of Commerce Luncheon at which the City Manager, Jeff Tyne, was the guest speaker. Councilmember Patena reported on the G.A.I.N. Public Safety Night event held at Pioneer Community Park on October 14, 2017. Councilmember Patena expressed his appreciation to the Police Department and the Community Assistance Division of the Planning and Community Development Department for the expansion of services to the City of Peoria citizens.

Councilmember Binsbacher expressed her appreciation for the Human Services *Resource Guide* available to the Peoria citizens. Councilmember Binsbacher reported on the National Night Out event hosted by the Terramar Home Owner's Association on October 5, 2017 and the Coffee with a Cop event held at Dunkin Donuts on October 7, 2017. Councilmember Binsbacher reported on the Peoria Chamber of Commerce Luncheon at which the City Manager, Jeff Tyne, was the guest speaker held on October 11, 2017. Councilmember Binsbacher reported on the G.A.I.N. Public Safety Night event held at Pioneer Community Park on October 14, 2017 and expressed her appreciation for the event.

Vice Mayor Edwards expressed his appreciation to the Police Department and the Community Assistance Division of the Planning and Community Development Department for the services provided at the October 5, 2017 Homeless Outreach event. Vice Mayor Edwards reported on the G.A.I.N. Public Safety Night event held at Pioneer Community Park on October 14, 2017. Vice Mayor Edwards invited citizens to attend the Grand Opening and Ribbon Cutting Ceremony for the new Peoria "Route 83" bus route to be held at 8:00 a.m. on October 23, 2017 at the Rio Vista Recreation Center. Vice Mayor Edwards explained that the new bus route will begin at Camelback Road and extend through the Arrowhead Town Center and will provide connectivity to the Cities of Glendale, Surprise and Phoenix.

Councilmember Finn echoed City Council's previous comments regarding the G.A.I.N. Public Safety Night event held at Pioneer Community Park on October 14, 2017.

Councilmember Hunt reported on Arizona's Singing Cowboy, Gary Sprague, and his horse Dusty event held at the Ira Murphy Elementary School on October 10, 2017 in recognition of National Library Reading Week. Councilmember Hunt reported on Theater Works' opening night performance of Frankenstein held on October 13, 2017. Councilmember Hunt encouraged citizens to attend Theater Works' Monster Movie Mondays series featuring the Bride of Frankenstein on October 23, 2017 and Dracula on October 30, 2017. Councilmember Hunt reported on the Peoria Chamber of Commerce Luncheon at which the City Manager, Jeff Tyne, was the guest speaker held on October 11, 2017. Councilmember Hunt announced that October 15, 2017 through October 21, 2017 is National Friends of Libraries Week and reported on the success of the Friends of the Peoria Public Library organization.

Councilmember Leone reported on the September 28, 2017 Breast Cancer Awareness Luncheon held at City Hall. Councilmember Leone reported regarding the Shred-a-Thom event at the Sun Valley Elementary School and the G.A.I.N. Public Safety Night event held at Pioneer Community Park both held on October 14, 2017.

Reports from the Mayor:

None.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:02 p.m.

Cathy Carlat, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the City Council Meetings of the City Council of Peoria, Arizona held on the 17th day of October, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of November, 2017.

(Seal)

____
Rhonda Geriminsky, City Clerk

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 6C.

Date Prepared: 10/11/2017

Council Meeting Date: 11/7/2017

TO: Jeff Tyne, City Manager

FROM: Rhonda Geriminsky, MMC, City Clerk

SUBJECT: Board and Commission Appointments

Purpose:

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

Building Board of Appeals

Reappoint Michael Watt as a regular member for a term to expire December 2021.

Industrial Development Authority

Appoint Matthew Cunningham as a regular member for a partial term to expire June 2021.

Municipal Development Authority

Appoint Matthew Cunningham as a regular member for a partial term to expire November 2019.

Planning and Zoning Commission

Appoint Joanna Conde and Linda Grice as regular members and John Albright as an alternate member for partial terms to expire December 2019, December 2018 and December 2019, respectively.

Veterans Memorial Board

Appoint Tad Snidecor as a regular member for a term to expire December 2021.

Youth Advisory Board

Appoint Leah Gilbertson as an alternate member for a partial term to expire June 2019.

Background/Summary:

The Council Boards and Commissions Subcommittee makes recommendations for board and commission membership based on term expirations and vacancies from resignations or changes to member eligibility status.

Previous Actions:

On October 10, 2017 the Council Boards and Commissions Subcommittee made appointment/reappointment recommendations to various Boards and Commissions.

On October 12, 2017, a memorandum was submitted to Mayor and Council, outlining the appointment/reappointment recommendations from the October 10, 2017 Subcommittee meeting, asking for concerns to be submitted in writing to the Mayor. No comments were received.

Options:

A: Appoint/Reappoint recommended board and commission members.

B: Continue recruitment efforts to fill the board and commission vacancies.

Staff Recommendation:

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

- Adopt **RES. 2017-116** reappointing Michael Watt as a regular member of the Building Board of Appeals for a term to expire in December 2021;
- Adopt **RES. 2017-117** appointing Matthew Cunningham as a regular member of the Industrial Development Authority for a partial term to expire June 2021;
- Adopt **RES. 2017-118** appointing Matthew Cunningham as a regular member of the Municipal Development Authority for a partial term to expire in November 2019;
- Adopt **RES. 2017-119** appointing Joanna Conde as a regular member and John Albright as an alternate member of the Planning and Zoning Commission for partial terms to expire in December 2019;
- Adopt **RES. 2017-120** appointing Linda Grice as a regular member of the Planning and Zoning Commission for a partial term to expire December 2018;
- Adopt **RES. 2017-121** appointing Tad Snidecor as a regular member of the Veterans Memorial Board for a term to expire in December 2021; and
- Adopt **RES. 2017-122** appointing Leah Gilbertson as an alternate member of the Youth Advisory Board for a partial term to expire in June 2019.

Fiscal Analysis:

There is no fiscal impact regarding this item.

Narrative:

If appointed, the newly appointed board/commission members will be invited to attend the November 28, 2017 City Council meeting to accept their Certificates of Appointment.

ATTACHMENTS:

Resolution No. 2017-116
Resolution No. 2017-117
Resolution No. 2017-118
Resolution No. 2017-119
Resolution No. 2017-120
Resolution No. 2017-121
Resolution No. 2017-122

Contact Name and Number:

Rhonda Geriminsky, MMC, City Clerk, 623-773-7340

RESOLUTION 2017-116

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

WHEREAS, the term for Michael Watt, a regular member of the Building Board of Appeals, expires on December 30, 2017 and there will exist one vacancy; and

WHEREAS, Michael Watt desires to be reappointed to the Building Board of Appeals; and

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

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

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

Michael Watt	December 2021

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 7th day of November, 2017.

CITY OF PEORIA, an Arizona municipal corporation

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Cathy Carlat, Mayor

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Date Signed

ATTEST:

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Rhonda Geriminsky, City Clerk

Approved as to Form:

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Steve Burg, City Attorney

Effective Date: ________________________

RESOLUTION 2017-117

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

WHEREAS, William Schindler, a regular member of the Industrial Development Authority, resigned and there exists one partial term vacancy; and

WHEREAS, Matthew Cunningham desires to be appointed to the Industrial Development Authority; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said appointment of Matthew Cunningham, as a regular member, to the City of Peoria Industrial Development Authority.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Matthew Cunningham is appointed, as a regular member, to a partial term on the City of Peoria Industrial Development Authority.

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

Matthew Cunningham June 2021

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 7th day of November, 2017.

CITY OF PEORIA, an Arizona municipal corporation

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Cathy Carlat, Mayor

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Date Signed

ATTEST:

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Rhonda Geriminsky, City Clerk

Approved as to Form:

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Steve Burg, City Attorney

Effective Date: ________________________

RESOLUTION 2017-118

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

WHEREAS, William Schindler, a regular member of the Municipal Development Authority, resigned and there exists one partial term vacancy; and

WHEREAS, Matthew Cunningham desires to be appointed to the Municipal Development Authority; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said appointment of Matthew Cunningham, as a regular member, to the City of Peoria Municipal Development Authority.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Matthew Cunningham is appointed, as a regular member, to a partial term on the City of Peoria Municipal Development Authority.

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

Matthew Cunningham November 2019

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 7th day of November, 2017.

CITY OF PEORIA, an Arizona municipal corporation

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Cathy Carlat, Mayor

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Date Signed

ATTEST:

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Rhonda Geriminsky, City Clerk

Approved as to Form:

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Steve Burg, City Attorney

Effective Date: ________________________

RESOLUTION 2017-119

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING JOANNA CONDE AND JOHN ALBRIGHT TO THE PLANNING AND ZONING COMMISSION AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, Clayton Allsop was reappointed from an alternate member to a regular member of the Planning and Zoning Commission and Leah Strickman, a regular member, resigned and there exists two partial term vacancies; and

WHEREAS, Joanna Conde and John Albright desire to be appointed to the Planning and Zoning Commission; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said appointments of Joanna Conde, as a regular member, and John Albright, as an alternate member, to the City of Peoria Planning and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Joanna Conde is appointed, as a regular member, and John Albright is appointed, as an alternate member, to partial terms on the City of Peoria Planning and Zoning Commission.

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

Joanna Conde	December 2019
John Albright	December 2019

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 7th day of November, 2017.

CITY OF PEORIA, an Arizona municipal corporation

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Cathy Carlat, Mayor

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Date Signed

ATTEST:

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Rhonda Geriminsky, City Clerk

Approved as to Form:

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Steve Burg, City Attorney

Effective Date: _______________

RESOLUTION 2017-120

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING LINDA GRICE TO THE PLANNING AND ZONING COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, Willliam Louis, a regular member of the Planning and Zoning Commission, is term limited and is be ineligible to serve after December 30, 2017 and there will exist one partial term vacancy; and

WHEREAS, Linda Grice desires to be appointed to the Planning and Zoning Commission; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said appointment of Linda Grice, as a regular member, to the City of Peoria Planning and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Linda Grice is appointed, as a regular member, to a partial term on the City of Peoria Planning and Zoning Commission.

BE IT FURTHER RESOLVED that said term of appointment shall be as follows:

Member Name	Term Commencement	Term Expiration
Linda Grice	January 1, 2018	December 30, 2018

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 7th day of November, 2017.

CITY OF PEORIA, an Arizona municipal corporation

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Cathy Carlat, Mayor

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Date Signed

ATTEST:

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Rhonda Geriminsky, City Clerk

Approved as to Form:

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Steve Burg, City Attorney

Effective Date: _______________________

RESOLUTION 2017-121

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING TAD SNIDECOR TO THE VETERANS MEMORIAL BOARD AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, the term for Chuck Strange, a regular member of the Veterans Memorial Board, expires on December 30, 2017 and there will exist one vacancy; and

WHEREAS, Tad Snidecor desires to be appointed to the Veterans Memorial Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said appointment of Tad Snidecor, as a regular, to the City of Peoria Veterans Memorial Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Tad Snidecor is appointed, as a regular member, of the City of Peoria Veterans Memorial Board.

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

Tad Snidecor	December 2021

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 7th day of November, 2017.

CITY OF PEORIA, an Arizona municipal corporation

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Cathy Carlat, Mayor

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Date Signed

ATTEST:

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Rhonda Geriminsky, City Clerk

Approved as to Form:

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Steve Burg, City Attorney

Effective Date: January 1, 2018

RESOLUTION 2017-122

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING LEAH GILBERTSON TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, Brandon Gonzales, an alternate member of the Youth Advisory Board, resigned and there exists one partial term vacancy; and

WHEREAS, Leah Gilbertson desires to be appointed to the Youth Advisory Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said appointment of Leah Gilbertson, as an alternate member, to the City of Peoria Youth Advisory Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Leah Gilbertson is appointed, as an alternate member, to a partial term on the City of Peoria Youth Advisory Board.

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

Leah Gilbertson	June 2019

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 7th day of November, 2017.

CITY OF PEORIA, an Arizona municipal corporation

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Cathy Carlat, Mayor

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Date Signed

ATTEST:

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Rhonda Geriminsky, City Clerk

Approved as to Form:

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Steve Burg, City Attorney

Effective Date: ________________________

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 7C.

Date Prepared: 10/24/2017

Council Meeting Date: 11/7/2017

TO: Jeff Tyne, City Manager

THROUGH: Julie Arendall, Deputy City Manager

FROM: Bobby Ruiz, Fire Chief

SUBJECT: Grants, State of Arizona Department of Homeland Security, Various Fire Department Programs

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Purpose:

This is a request for City Council to authorize the Peoria Fire-Medical Department to accept two grants from the Arizona Department of Homeland Security totaling $80,711 for the Chemical, Biological, Radiological, Nuclear or Explosive (CBRNE) and Terrorism Liaison Officer (TLO) programs.

Background/Summary:

The Peoria Fire-Medical Department has been working collaboratively over the past several years to develop various emergency response programs. In order to further integrate Peoria as part of the statewide disaster response program, the Peoria Fire-Medical Department has received 2017 Homeland Security Grant funds from the Arizona Department of Homeland Security (AZDOHS) in the amount of $80,711 to (1) strengthen chemical, biological, radiological, nuclear or explosive (CBRNE) weapon detection, response and decontamination capabilities; and (2) sustain and enhance the Terrorism Liaison Officer (TLO) program.

The Fire-Medical Department received an award in the amount of $60,000 to purchase supplies and provide training to support, enhance and maintain CBRNE operations.

The Fire-Medical Department also received an award in the amount of $20,711 to purchase equipment and supplies to support TLO operations and provide access to critical information when out in the field. The TLO program functions as a Field Intelligence Unit in support of police tactical, hazardous material, explosive special operations and uncommon event types.

These grants are reimbursable with funding through September 2018.

Previous Actions:

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

Options:

A: Accept two grant awards in the amount of $80,711 from the Arizona Department of Homeland Security and approve a budget amendment in the amount of $80,711 from the Proposed Grants Contingency Account to the Homeland Security Fund, thus providing expenditure authority.

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

Staff Recommendation:

Discussion and possible action to: (a) authorize the Fire-Medical Department to accept two grant awards in the total amount of $80,711 from the Arizona Department of Homeland Security to be used to strengthen chemical, biological, radiological, nuclear or explosive detection, response and decontamination capabilities; and sustain and enhance the Terrorism Liaison Officer program; and (b) approve a budget amendment in the amount of $80,711 from the Proposed Grants Contingency account to various Homeland Security Grant Fund accounts.

Fiscal Analysis:

Request a budget amendment in the amount of $80,711 from the Proposed Grants Contingency account to the Homeland Security Grant Fund thus providing expenditure authority.

Dept.	Account #	Description	Amount	Program
Fire	7670-7870-510206	Wages – Reimbursable Overtime	$37,467	CBRNE
Fire	7670-7870-520510	Overnight Travel	$952	CBRNE
Fire	7670-7870-520511	Local Training/Meetings	$8,486	CBRNE
Fire	7670-7870-530012	Expendable Tools and Equipment	$420	CBRNE
Fire	7670-7870-523510	Telecomm Service, Lease/Rentals	$500	CBRNE
Fire	7670-7870-524007	Tools R & M	$12,000	CBRNE
Fire	7670-7870-530010	Wearing Apparel - Safety	$175	CBRNE
			Total: $60,000	
Fire	7670-7870-510206	Wages – Reimbursable Overtime	$6,324	TLO
Fire	7670-7870-520510	Overnight Travel	$2,772	TLO
Fire	7670-7870-520511	Local Training/Meetings	$1,900	TLO
Fire	7670-7870-530503	Motor Vehicle Parts	$4,350	TLO
Fire	7670-7870-530010	Wearing Apparel - Safety	$4815	TLO
Fire	7670-7870-530019	Operational Supplies/Equipment	$550	TLO
			Total: $20,711	

Narrative:

Once approved by City Council, the contract funds will be available for use for each program.

ATTACHMENTS:

FFY17 CBRNE Award Letter
FFY17 CBRNE Budget Detail Worksheet
FFY17 TLO Award Letter
FFY17 TLO Budget Detail Worksheet

Contact Name and Number:

Bobby Ruiz, (623) 773-7380

September 25, 2017

Fire Chief Bobby Ruiz
Peoria Fire-Medical Department
8401 W Monroe St
Peoria, AZ 85345-6560

Subject: FFY 2017 Homeland Security Grant Program Award
Subrecipient Agreement Number: **170814-01**
Project Title: **CBRNE Enhancement**

Dear Fire Chief Bobby Ruiz,

The application that your agency submitted to the Arizona Department of Homeland Security (AZDOHS) for consideration under the Homeland Security Grant Program has been awarded. The project titled "**CBRNE Enhancement**" has been fully funded under the 2017 Urban Area Security Initiative Grant Program for **$60,000**. The grant performance period is ***October 1, 2017 to September 30, 2018***. This grant program is part of the U.S. Department of Homeland Security Grant Program and specifically is awarded under CFDA #97.067 (Catalog of Federal Domestic Assistance).

<u>To access your award documentation:</u>

- Log-in to azdohs.gov/user. A username/password was provided to you/your staff during the application phase. If you no longer have your username/password, please contact your Strategic Planner for assistance.

<u>To initiate the award process:</u>
The following action items must be downloaded, completed, signed and returned to AZDOHS:

1. Project Administration Page - Print and sign one original Project Administration Page.
2. Two Subrecipient Agreements – Print and sign two original Subrecipient Agreements.
3. NIMS Compliance Certification – Complete and sign one original certification.
4. Environmental and Historic Preservation (EHP) required documentation, if applicable.

These items must be completed and on file at AZDOHS in order for your agency to be eligible for reimbursement. **<u>If all documentation listed in numbers 1, 2, 3 and 4 (if applicable), above is not signed and received by AZDOHS on or before January 31, 2018, this award is rescinded and the funds will be reallocated.</u>**

Additional grant requirements:

- This letter does not serve as authorization to obligate or begin spending funds toward this award. Obligations and expenditures cannot take place until October 1, 2017. Additionally, all actions associated with this project must be completed, invoiced and received by the end of the period of performance.
- Reimbursements are limited to approved quantities and funding thresholds. You will not be reimbursed for quantities in excess of what you have been authorized to purchase.
- If your project requires an Environmental and Historic Preservation (EHP) review; this must be completed, submitted and **approved** by FEMA/AZDOHS prior to any obligation/expenditure of funds.
- All travel associated in support of this award must comply with the State of Arizona Accounting Manual (SAAM)

Travel Policies, found at: https://gao.az.gov/publications/SAAM. This includes maximum lodging, meals, parking and incidental expense reimbursement rates.
- All procurement conducted must comply with internal procurement rules and regulations and as well as comply with Chapter 23 fo the Arizona Procurement Code, found at: https://spo.az.gov/administration-policy/state-procurement-resource/procurement-regulations.
- All Land Mobile Radio equipment purchased with Homeland Security funds are required to comply with P25 standards, with SAFECOM Guidance, to the Land Mobile Radio Minimum Equipment Standards as approved by the Statewide Interoperability Executive Committee (SIEC), and be programmed in accordance to the Arizona's State Interoperable Priority Programming Guide also as approved by the SIEC.
- Quarterly programmatic reports must be submitted on the most recent form/template available on the AZDOHS website.
- Consultants/Trainers/Training Providers costs must be within the prevailing rates; must be obtained under consistent treatment with the procurement policies of the subrecipient and 2 CFR 200; and shall not exceed the maximum of $450 per day per consultant/trainer/training provider unless prior written approval is granted by the AZDOHS.
- Per 2 CFR 200 Subpart F, Subrecipients who expend $750,000 or more in Federal dollars in the previous fiscal year must have a single audit or program specific audit conducted for that year. Subrecipients shall submit their annual Single or program specific audit to audits@azdohs.gov within 9 months after the close of the fiscal year. If a Subrecipient does not expend more than $750,000 a statement must be submitted in writing to audits@azdohs.gov identifying that they did not meet the threshold and therefore do not have to conduct a Single or program specific audit. The AZDOHS reserves the right to withhold reimbursement payments or future subrecipient agreements until the Single Audit or statement has been received and, if applicable, an approved action plan for compliance has been completed.
- Subrecipients are subject to the AZDOHS Site Monitoring Program.
- The FFY 2017 federal award date as indicated in the U.S. DHS award package is 9/5/2017 with a total amount of funding of $21,531,000. The Federal Award Identification Number is EMW-2017-SS-00003-S01.
- AZDOHS reserves the right to request additional documentation at any time.

If you should have any questions, please do not hesitate to contact your Strategic Planner.

Congratulations on your Homeland Security Grant Program award.

Sincerely,

[redacted]

Gilbert M. Orrantia
Director

Cc: Robert Brewster

Training - Budget Detail Worksheet

Peoria Fire-Medical Department **170814-01**

Training Title: AZ-001 - Advanced Hazmat Technician Course

Description:
Initial Advanced Hazardous Materials Technician Course

Backfill/Overtime		*Supplies*		*Contract/Consult*		*Travel*		*Wkshp/Conf*		*Total*	
Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded
$24,000	$24,000	$0	$0	$0	$0	$0	$0	$7,000	$7,000	$31,000	$31,000

Training Total for Peoria Fire-Medical Department Subrecipient Agreement Number 170814-01 - *Requested:* **$46,905** *Approved:* **$46,905**

Training Item 1 of 4

Training - Budget Detail Worksheet

Peoria Fire-Medical Department **170814-01**

Training Title: PER-241 WMD Radiological/Nuclear Course for Haz Mat Techs

Description:
This course prepares the hazardous materials (HazMat) Technician to respond to an incident involving a radiological or nuclear weapon of mass destruction (WMD), such as a radiological dispersal device (RDD, "dirty bomb") or an improvised nuclear device (IND).

Backfill/Overtime		*Supplies*		*Contract/Consult*		*Travel*		*Wkshp/Conf*		*Total*	
Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded
$7,950	$7,950	$0	$0	$0	$0	$0	$0	$0	$0	$7,950	$7,950

Training Total for Peoria Fire-Medical Department Subrecipient Agreement Number 170814-01 - *Requested:* **$46,905** *Approved:* **$46,905**

Training - Budget Detail Worksheet

Peoria Fire-Medical Department **170814-01**

Training Title: PER-290 Tank Car Specialist

Description:
Participants learn about various types of rail cars, their nomenclature, design features, commodities, and common types of leaks involved during an emergency. Containment measures, product transfer techniques, and liquid/vapor flaring options are also covered. This Tank Car Specialist course covers the technical skills and knowledge necessary for effectively managing a HazMat/WMD incident in a rail transportation emergency.

Backfill/Overtime		*Supplies*		*Contract/Consult*		*Travel*		*Wkshp/Conf*		*Total*	
Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded
$4,557	$4,557	$0	$0	$0	$0	$0	$0	$0	$0	$4,557	$4,557

Training Total for Peoria Fire-Medical Department Subrecipient Agreement Number 170814-01 - *Requested:* **$46,905** *Approved:* **$46,905**

Training Item 3 of 4

Training - Budget Detail Worksheet

Peoria Fire-Medical Department **170814-01**

Training Title: ToxMedic Course

Description:
Training for EMS providers in medical care of hazardous materials exposures.

Backfill/Overtime		*Supplies*		*Contract/Consult*		*Travel*		*Wkshp/Conf*		*Total*	
Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded
$960	$960	$0	$0	$0	$0	$952	$952	$1,486	$1,486	$3,398	$3,398

Training Total for Peoria Fire-Medical Department Subrecipient Agreement Number 170814-01 - *Requested:* **$46,905** *Approved:* **$46,905**

Training Item 4 of 4

Equipment - Budget Detail Worksheet

Peoria Fire-Medical Department **170814-01**

AEL #	Item Description	Qty Requested	Total Requested	Qty Approved	Total Approved
03SR-03-TPBM	hazardous/caution boundary tape	12	$420	12	$420
06CC-02-DSAD	MiFi wireless router/mobile hotspot	1	$500	1	$500
21GN-00-MAIN	general equipment maintenance/repair	1	$12,000	1	$12,000
03OE-01-VSTO	Operational vests	5	$175	5	$175
TOTAL:			**$13,095**		**$13,095**

Displaying 1 - 4 of 4 Equipment Items

Governor Douglas A. Ducey

State of Arizona
Department of Homeland Security
State Homeland Security Program

Director Gilbert M. Orrantia

September 25, 2017

Fire Chief Bobby Ruiz
Peoria Fire-Medical Department
8401 W Monroe St.
Peoria , AZ 85345-6560

Subject: FFY 2017 Homeland Security Grant Program Award
Subrecipient Agreement Number: **170814-02**
Project Title: **2017 Peoria Fire-Medical TLO Sustainment**

Dear Fire Chief Bobby Ruiz,

The application that your agency submitted to the Arizona Department of Homeland Security (AZDOHS) for consideration under the Homeland Security Grant Program has been awarded. The project titled "**2017 Peoria Fire-Medical TLO Sustainment**" has been fully funded under the 2017 Urban Area Security Initiative Grant Program for **$20,711**. The grant performance period is ***October 1, 2017 to September 30, 2018***. This grant program is part of the U.S. Department of Homeland Security Grant Program and specifically is awarded under CFDA #97.067 (Catalog of Federal Domestic Assistance).

To access your award documentation:

- Log-in to azdohs.gov/user. A username/password was provided to you/your staff during the application phase. If you no longer have your username/password, please contact your Strategic Planner for assistance.

To initiate the award process:
The following action items must be downloaded, completed, signed and returned to AZDOHS:

1. Project Administration Page - Print and sign one original Project Administration Page.
2. Two Subrecipient Agreements – Print and sign two original Subrecipient Agreements.
3. NIMS Compliance Certification – Complete and sign one original certification.
4. Environmental and Historic Preservation (EHP) required documentation, if applicable.

These items must be completed and on file at AZDOHS in order for your agency to be eligible for reimbursement. **If all documentation listed in numbers 1, 2, 3 and 4 (if applicable), above is not signed and received by AZDOHS on or before January 31, 2018, this award is rescinded and the funds will be reallocated.**

Additional grant requirements:

- This letter does not serve as authorization to obligate or begin spending funds toward this award. Obligations and expenditures cannot take place until October 1, 2017. Additionally, all actions associated with this project must be completed, invoiced and received by the end of the period of performance.
- Reimbursements are limited to approved quantities and funding thresholds. You will not be reimbursed for quantities in excess of what you have been authorized to purchase.
- If your project requires an Environmental and Historic Preservation (EHP) review; this must be completed, submitted and **approved** by FEMA/AZDOHS prior to any obligation/expenditure of funds.
- All travel associated in support of this award must comply with the State of Arizona Accounting Manual (SAAM)

Travel Policies, found at: https://gao.az.gov/publications/SAAM. This includes maximum lodging, meals, parking and incidental expense reimbursement rates.

- All procurement conducted must comply with internal procurement rules and regulations and as well as comply with Chapter 23 fo the Arizona Procurement Code, found at: https://spo.az.gov/administration-policy/state-procurement-resource/procurement-regulations.
- All Land Mobile Radio equipment purchased with Homeland Security funds are required to comply with P25 standards, with SAFECOM Guidance, to the Land Mobile Radio Minimum Equipment Standards as approved by the Statewide Interoperability Executive Committee (SIEC), and be programmed in accordance to the Arizona's State Interoperable Priority Programming Guide also as approved by the SIEC.
- Quarterly programmatic reports must be submitted on the most recent form/template available on the AZDOHS website.
- Consultants/Trainers/Training Providers costs must be within the prevailing rates; must be obtained under consistent treatment with the procurement policies of the subrecipient and 2 CFR 200; and shall not exceed the maximum of $450 per day per consultant/trainer/training provider unless prior written approval is granted by the AZDOHS.
- Per 2 CFR 200 Subpart F, Subrecipients who expend $750,000 or more in Federal dollars in the previous fiscal year must have a single audit or program specific audit conducted for that year. Subrecipients shall submit their annual Single or program specific audit to audits@azdohs.gov within 9 months after the close of the fiscal year. If a Subrecipient does not expend more than $750,000 a statement must be submitted in writing to audits@azdohs.gov identifying that they did not meet the threshold and therefore do not have to conduct a Single or program specific audit. The AZDOHS reserves the right to withhold reimbursement payments or future subrecipient agreements until the Single Audit or statement has been received and, if applicable, an approved action plan for compliance has been completed.
- Subrecipients are subject to the AZDOHS Site Monitoring Program.
- The FFY 2017 federal award date as indicated in the U.S. DHS award package is 9/5/2017 with a total amount of funding of $21,531,000. The Federal Award Identification Number is EMW-2017-SS-00003-S01.
- AZDOHS reserves the right to request additional documentation at any time.

If you should have any questions, please do not hesitate to contact your Strategic Planner.

Congratulations on your Homeland Security Grant Program award.

Sincerely,

[redacted]

Gilbert M. Orrantia
Director

Cc: Stacy Irvine

Training - Budget Detail Worksheet

Peoria Fire-Medical Department **170814-02**

Training Title: National Homeland Security Conference

Description:
The National Homeland Security Conference provides a direct bridge to connect and share best practices among those charged with keeping our Nation safe. The Conference is the annual meeting of local Homeland Security and emergency management professionals from the Nation's largest metropolitan areas.

Backfill/Overtime		*Supplies*		*Contract/Consult*		*Travel*		*Wkshp/Conf*		*Total*	
Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded
$4,464	$4,464	$0	$0	$0	$0	$2,772	$2,772	$1,100	$1,100	$8,336	$8,336

Training Total for Peoria Fire-Medical Department Subrecipient Agreement Number 170814-02 - *Requested:* **$10,996** *Approved:* **$10,996**

Training Item 1 of 2

Training - Budget Detail Worksheet

Peoria Fire-Medical Department **170814-02**

Training Title: Arizona TLO Conference

Description:
The primary focus of the conference is to promote and enhance greater communication between individual TLO's and partner agencies, and to facilitate and coordinate advanced training and education for the attendees.

Backfill/Overtime		*Supplies*		*Contract/Consult*		*Travel*		*Wkshp/Conf*		*Total*	
Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded	Requested	Awarded
$1,860	$1,860	$0	$0	$0	$0	$0	$0	$800	$800	$2,660	$2,660

Training Total for Peoria Fire-Medical Department Subrecipient Agreement Number 170814-02 - *Requested:* **$10,996** *Approved:* **$10,996**

Training Item 2 of 2

Governor Douglas A. Ducey

State of Arizona
Department of Homeland Security
State Homeland Security Program

Director Gilbert M. Orrantia

Equipment - Budget Detail Worksheet

Peoria Fire-Medical Department **170814-02**

AEL #	Item Description	Qty Requested	Total Requested	Qty Approved	Total Approved
12VE-00-MISS	Camper Shell	1	$2,850	1	$2,850
12VE-00-MISS	Code-3 lights for shell	1	$1,500	1	$1,500
01LE-01-ARMR	Ballistic Vest	4	$4,400	4	$4,815
19SS-00-SHEL	Shade Tarp	1	$550	1	$550
	Ice Cooler	1	$415	0	$0
TOTAL:			**$9,715**		**$9,715**

Displaying 1 - 5 of 5 Equipment Items

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 8C.

Date Prepared: 10/26/2017 Council Meeting Date: 11/7/2017

TO: Jeff Tyne, City Manager

THROUGH: Julie Arendall, Deputy City Manager

FROM: Sonia Andrews, Deputy Finance Director

SUBJECT: Investment Report, Quarter Ending September 30, 2017

Purpose:

This is a request for the City Council to review and accept the Investment Report for the quarter ended September 30, 2017.

Background/Summary:

Effective cash management includes investment of available or idle funds. The City of Peoria invests all available funds of the City, taking into consideration anticipated cash flow requirements and the safety and risk of investments. Investments are made in accordance with the City's Investment Policy, and Arizona Revised Statues Title 35-321 through 35-329. The primary objective of the City's investments, in order of priority, is:

1. Safety – Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the portfolio.

2. Liquidity – The investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.

3. Yield – The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's very strict risk constraints. Public funds may only be invested in authorized and suitable investments such as US Treasury Obligations, US Agency Obligations, Certificates of Deposits, Commercial Paper rated A-1/P-1, Corporate Notes rated AA or better, Money Market Funds and the Arizona State Investment Pool. Investment in stocks, mutual funds, hedge funds, real estate, foreign investments or other risky or alternative investments are strictly prohibited.

The Investment Policy imposes a 3 year maximum weighted average maturity on the overall investment portfolio with specific maximum maturities for each type of investment.

The City utilizes FirstSouthwest, an investment advisory firm, to provide advice and assist with managing its investments. All securities are held by a third party custodian in the City's name.

Quarterly investment reports are provided to the City Council to report the investment portfolio holdings, maturity distribution, investment performance and compliance with the Investment Policy.

Previous Actions:

There are no previous actions for this item.

Options:

A: Accept the Quarterly Investment Report as presented.

B: Not accept the Quarterly Investment Report and request additional information from staff.

Staff Recommendation:

Discussion and possible action to review and accept the Investment Report as presented.

Fiscal Analysis:

There are no fiscal impacts.

Narrative:

At 9/30/17, all of the City's investments were in compliance with the City's Investment Policy. Book value of the investment portfolio at 9/30/17 was $333,961,293 and investment income for the quarter (7/1/17 to 9/30/17) totaled $973,750.

The portfolio's weighted average yield to maturity was 1.28% for the quarter ended 9/30/17.

The attached Investment Report prepared by FirstSouthwest includes the following detail information on the City's investments:

Contents of Investment Report

1. Snapshot of investment portfolio
2. Benchmark comparisons
3. Investment policy compliance and investment income
4. National economic trends

ATTACHMENTS:

Investment Report

Contact Name and Number:

Sonia Andrews, (623) 773-5206

FirstSouthwest Asset Management
A Hilltop Holdings Company

Investment Portfolio Summary

City of Peoria

For the Quarter Ended

September 30, 2017

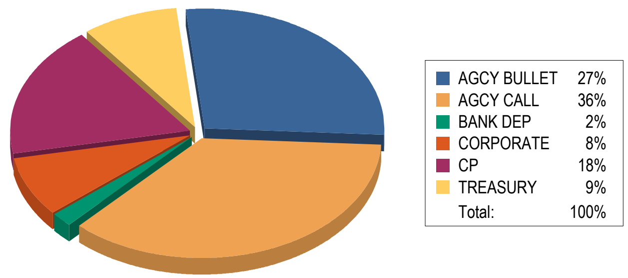
Prepared by
FirstSouthwest Asset Management

City of Peoria
Executive Summary
As of 09/30/17

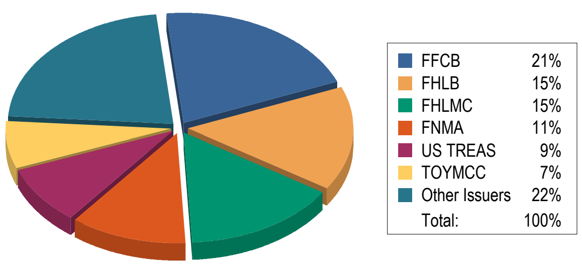
Account Summary

	Beginning Values as of 06/30/17	Ending Values as of 09/30/17
Par Value	327,828,608.71	334,112,961.55
Market Value	327,224,160.08	333,332,011.75
Book Value	327,784,509.41	333,961,292.81
Unrealized Gain /(Loss)	(560,349.33)	(629,281.06)
Market Value %	**99.83%**	**99.81%**
Weighted Avg. YTW	1.104%	1.278%
Weighted Avg. YTM	1.147%	1.284%

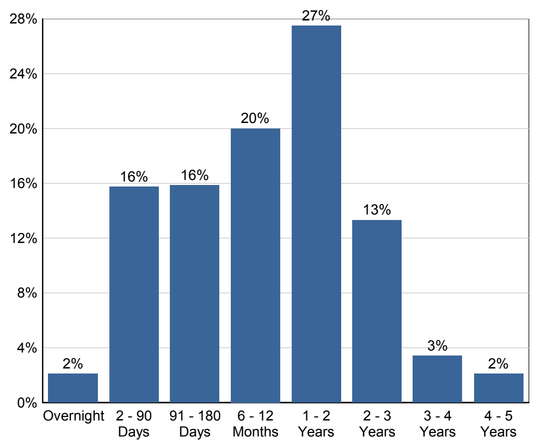
Allocation by Security Type



Allocation by Issuer

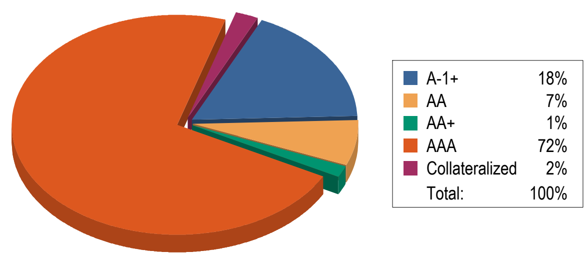


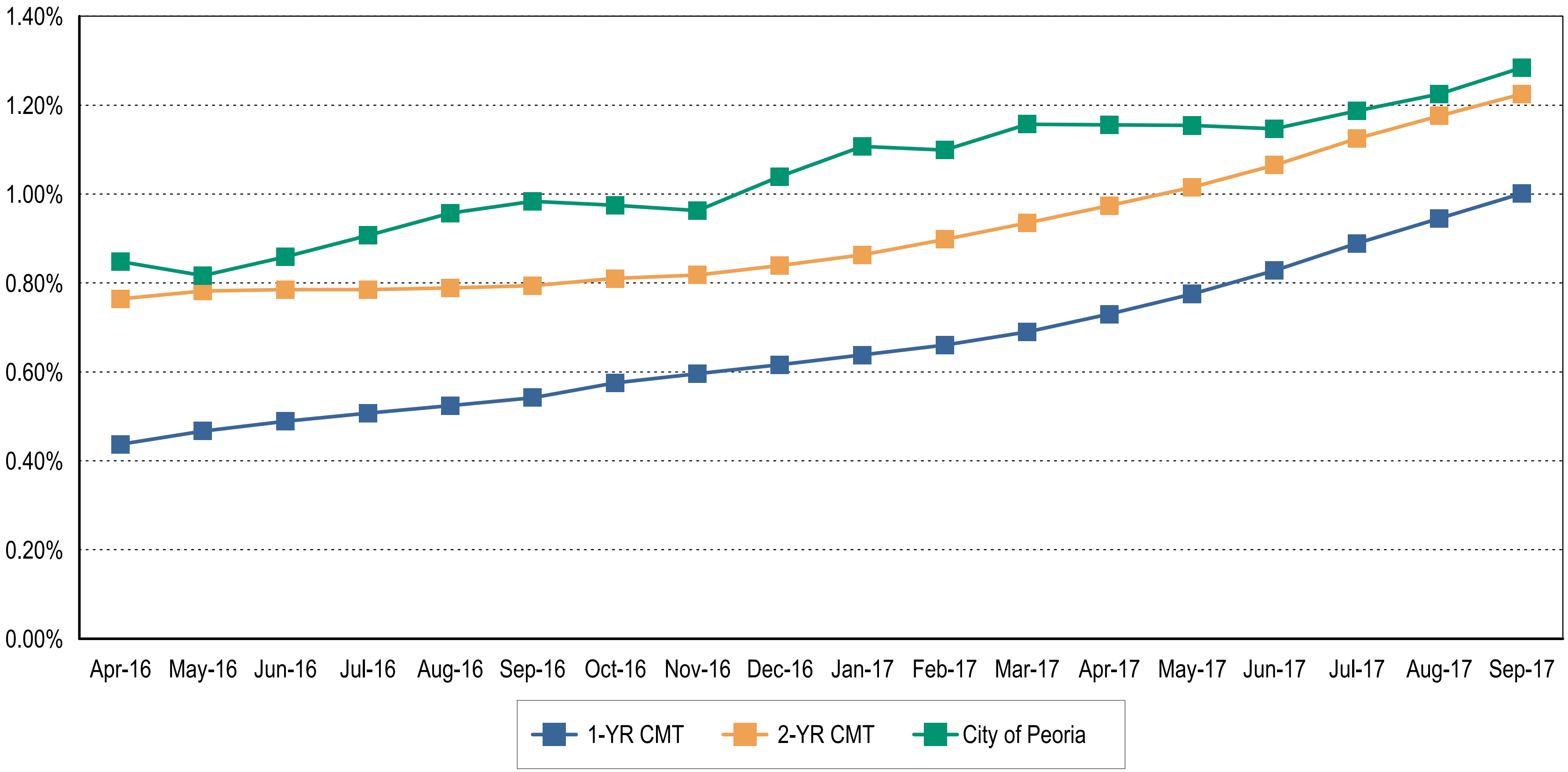
Maturity Distribution %



Weighted Average Days to Maturity: 428

Credit Quality





Note 1: CMT stands for Constant Maturity Treasury. This data is published in Federal Reserve Statistical Release H.15 and represents an average of all actively traded Treasury securities having that time remaining until maturity. This is a standard industry benchmark for Treasury securities. The CMT benchmarks are moving averages. The 3-month CMT is the daily average for the previous 3 months, the 6-month CMT is the daily average for the previous 6 months, and the 1-year and 2-year CMT's are the daily averages for the previous 12-months.

FirstSouthwest AssetManagement
A Hilltop Holdings Company.

City of Peoria
Investment Policy Compliance and Investment Income
As of September 30, 2017

Investment Type Allocation:	Book Value	Percent	Policy Maximum	Pass / Fail?
Money Market Funds	6,992,961.55	2.1%	35.00%	Pass
Agencies	197,545,764.91	59.2%	80.00%	Pass
Commercial Paper	64,473,194.36	19.3%	35.00%	Pass
U.S. Treasury	21,047,089.30	6.3%	80.00%	Pass
Corporates	43,902,282.69	13.1%	35.00%	Pass
	333,961,292.81	**100.00%**		

Maturity Breakdown:	Book Value	Percent	Policy Maximum	Pass / Fail?
Less Than 90 Days	59,476,175.43	17.8%	No Limit	
90 to 180 Days	52,869,038.75	15.8%	No Limit	
181 to 365 Days	66,752,718.43	20.0%	No Limit	
1 to 2 Years	91,937,117.03	27.5%	No Limit	
2 to 3 Years	44,485,260.71	13.3%	No Limit	
More Than 3 Years	18,440,982.46	5.5%	20.00%	Pass
	333,961,292.81	**100.00%**		

Other Policy Tests:		Pass / Fail?
Policy requires at least 35% of portoflio to mature in less than one year.		
Current Portfolio Maturing in Less Than One Year =	**53.6%**	Pass
Policy sets a maximum weighted average maturity of 3 years (1095 days).		
Current Portfolio Weighted Average Maturity =	**428**	Pass

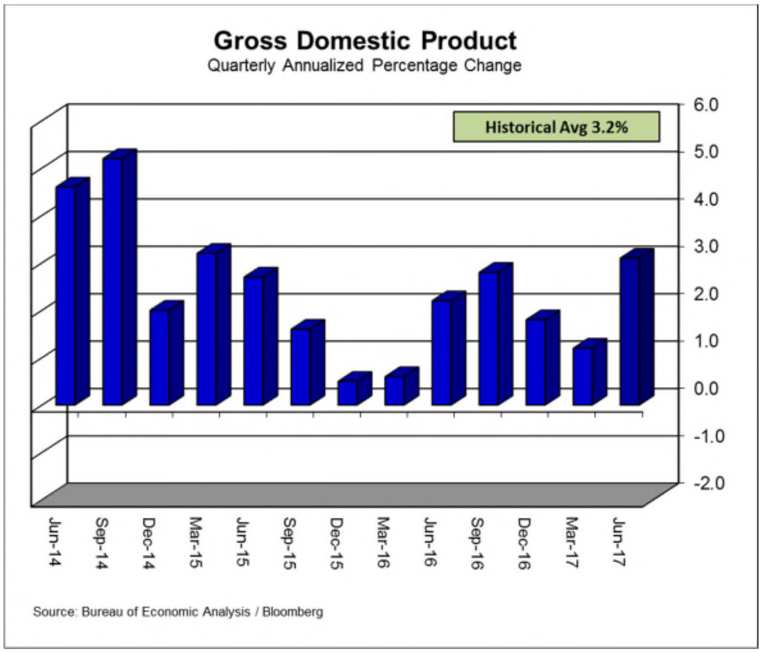
Issuer Allocation:	Book Value	Percent	Policy Maximum	Pass / Fail?
Fannie Mae	30,507,480.93	9.1%	40.00%	Pass
Freddie Mac	54,690,310.80	16.4%	40.00%	Pass
FHLB	57,448,270.84	17.2%	40.00%	Pass
Federal Farm Credit	42,023,075.11	12.6%	40.00%	Pass
U.S. Treasury	21,047,089.30	6.3%	80.00%	Pass
Private Export Funding Corp	12,876,627.23	3.9%	40.00%	Pass
Wells Fargo MM	6,992,961.55	2.1%	35.00%	Pass
Amer Honda Fin	7,987,420.00	2.4%	10.00%	Pass
GE Capital Treasury	8,000,378.56	2.4%	10.00%	Pass
J.P.Morgan Sec	23,921,460.43	7.2%	10.00%	Pass
Nestle Finance	6,476,499.41	1.9%	10.00%	Pass
Toyota Mtr Cr	20,086,824.30	6.0%	10.00%	Pass
Apple Inc	6,999,949.39	2.1%	5.00%	Pass
Berkshire Hathaway	15,994,272.32	4.8%	5.00%	Pass
Chevron Corp	9,946,772.20	3.0%	5.00%	Pass
Exxon Mobil	4,004,872.64	1.2%	5.00%	Pass
Wells Fargo	4,957,027.80	1.5%	5.00%	Pass
	333,961,292.81	**100.00%**		

Investment Income for the Period From 7/1/2017 through 9/30/2017:	
Interest Income	973,750.33
Realized Gains/Losses	-
Net Investment Income	**973,750.33**

National Economic Trends

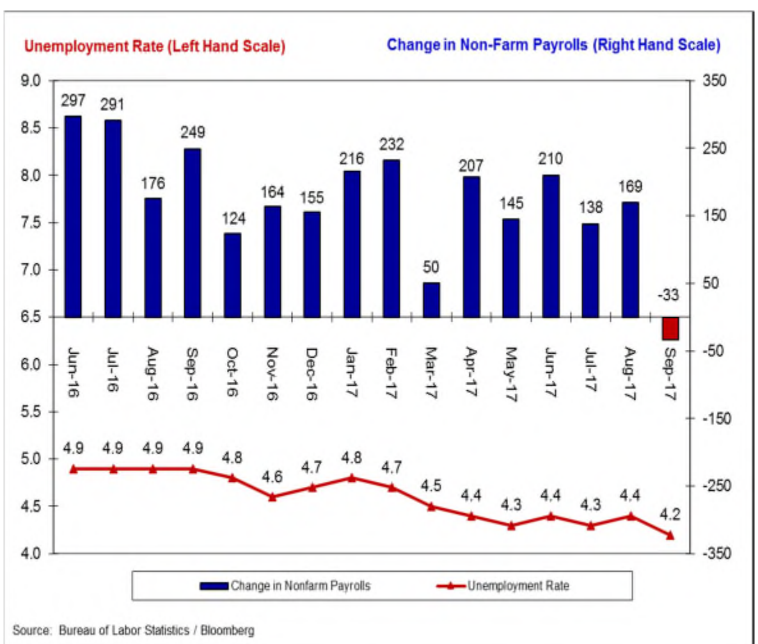
Period Ending September 30, 2017

Gross Domestic Product (GDP)



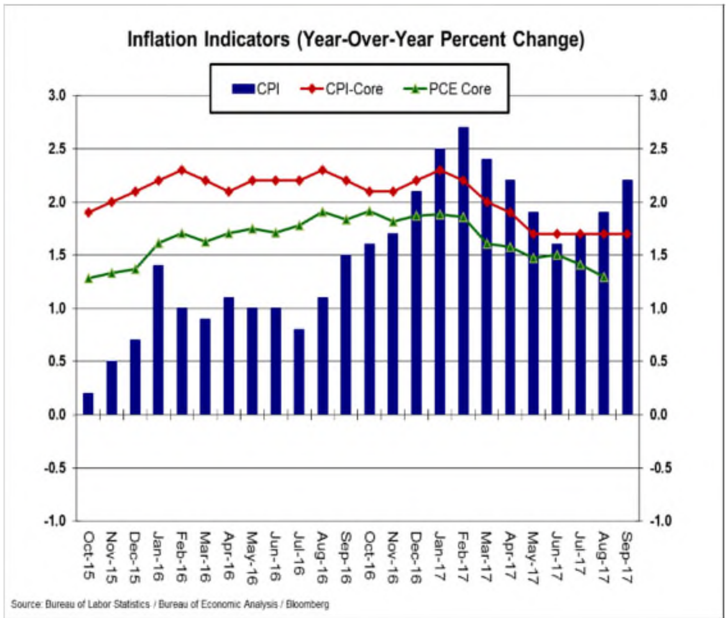
The second quarter (annualized) GDP growth rate was revised from +3.0% to +3.1%, *the fastest pace since the first quarter of 2015*. This boosted the average for the first half of 2017 to +2.25%, slightly above the +2.1% to +2.2% first half pace in each of the last three years. The third quarter began on an even more promising note, tracking around +4.0% in late July according to the Atlanta Fed's *GDPNow* measure. Unfortunately, two monster storms rewrote the economic story of the quarter, and in all likelihood clouded-up growth for the next several quarters. *GDPNow* was tracking early Q4 growth at +2.7% on October 25th, while the New York Fed's "NowCast" reading was +1.5% on October 20th. The latest Bloomberg economist survey indicates average annual GDP growth of between +2.0% and +2.4% for the next five quarters. *There is significant upside potential to all of these forecasts.*

Nonfarm Payrolls



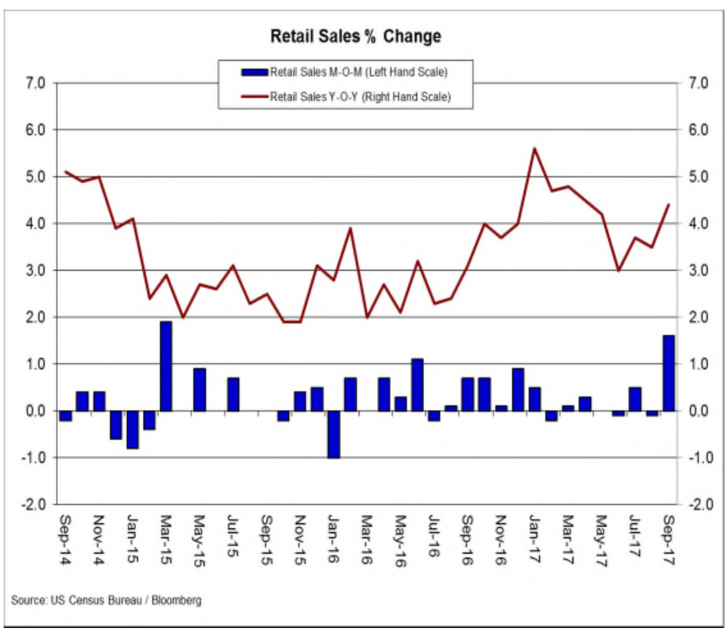
Business payrolls fell by -33k in September, the first outright decline in 84 months. As expected, the Bureau of Labor Statistics reported that "many employees in the areas affected by the hurricanes were likely off payrolls during the reference period." The September year-over-year earnings growth rate increased from +2.5% to +2.9%, equaling an eight-year high. Although this sharp rise suggests labor market tightness is creating wage pressure, the cause was primarily a result of low-earning restaurant and bar workers not being able to report for work during the survey period. On the household side, the total labor force grew by +575k while a stunning +906k found work. Unlike in the company survey, the BLS cited "no discernable effect" from the hurricanes in the household survey. This surprisingly strong employment growth pushed headline unemployment from 4.4% to a 16-year low of 4.2%.

Inflation



Inflation, *or the lack of inflation*, will continue to be a focus for the Fed as it debates interest rate policy going forward. The Fed would like to see inflation grow closer to +2.0% on an annual basis. The consumer price index (CPI) rose +0.5% in September, while core CPI gained +0.1%. Higher storm-related gasoline prices drove 75% of the large headline change. On a year-over-year basis, overall consumer inflation increased from +1.9% to +2.2%, while core CPI remained anchored at +1.7% for the fifth straight month. Prices on *services* are driving the modest increase in the core rate, while prices on *goods are actually falling*. The -1.0% year-over-year drop in goods prices was the steepest in 13+ years. The PCE core slipped further, falling from +1.4% in July to +1.3% in August, extending the downtrend after peaking at +1.9% in Jan & Feb.

Retail Sales



Retail sales rose +1.6% in September, the biggest advance since March 2015. *However*, the gain was storm-related with oversized increases in (replacement) vehicles, building materials and gasoline station sales. *There are few signs that underlying spending patterns have improved despite consumer confidence measures near a 16-year high*. After falling all summer, auto sales rocketed to a 12-year high in September. An estimated one million vehicles were reportedly destroyed by Hurricanes Harvey and Irma, so some of the sales surge can be attributed to replacement activity. Pricing discounts and incentives offered by manufacturers in an effort to reduce bloated auto inventories earlier in the month were also a driver of sales. Any significant future tax cut could boost short-term spending as confidence finally translates into discretionary purchases.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 9C.

Date Prepared: 10/12/2017

Council Meeting Date: 11/7/2017

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Adina Lund, P.E., Development and Engineering Director

SUBJECT: Maintenance Improvement District No. 1214, Townley Park, 89th Avenue and Olive Avenue

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Purpose:

This is a request for City Council to approve a Petition for Formation, adopt the Resolution of Intention, and Resolution Ordering the Improvements for a proposed Maintenance Improvement District No. 1214, Townley Park, located at 89th Ave. & Olive Avenue, as well as authorize the City Clerk to record the Maintenance Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil and landscape/irrigation plans must be approved by the City of Peoria (City) prior to recordation of the Maintenance Improvement District;

2. The final plat for the subdivision must be approved by City Council and recorded with the Maricopa County Recorder's Office prior to recordation of the Maintenance Improvement District; and

3. The developer must provide a fully executed Petition, Waiver and Consent to Formation of a Municipal Improvement District.

Background/Summary:

The purpose of the Maintenance Improvement District is for the operations, maintenance, repair and improvements to landscaping adjacent to designated public roadways and parkways within the proposed district, as well as drainage and retention within each proposed district. Until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, a line item of $0.00 will display on the homeowners' property tax bills.

Pursuant to the provision of A.R.S. 48-574, et. seq., the Mayor and Council are empowered to adopt a Resolution ordering the formation of a Maintenance Improvement District. A Petition and Resolution of Intention are attached for formation of City of Peoria Maintenance Improvement District No. 1214, Townley Park, located at 89th Ave. & Olive Avenue. In the case in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law; the Council may then adopt a Resolution ordering the improvements when necessary once the Resolution of Intention is first adopted. The Resolution Ordering the improvements finalizes the formation of the Maintenance Improvement District process.

Under Arizona State law, commencing in October 2018, the residents will have a line item of $0.00 on their property tax bill for maintenance of the landscape, irrigation and drainage improvements, located adjacent to and within the public rights-of-way and tracts until such time the Homeowner’s Association fails. In accordance with state statute, an assessment diagram and map, listing each parcel of property within the district has been prepared.

Previous Actions:

The final plat for Townley Park was approved by the City on October 3, 2017 and recorded with the County.

Options:

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

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

Staff Recommendation:

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2017-114** intention and ordering the formation of proposed Maintenance Improvement District No. 1214, Townley Park, located at 89th Avenue and Olive Avenue; and adopt **RES. 2017-115** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

Fiscal Analysis:

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

Narrative:

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

ATTACHMENTS:

Exhibit 1: Petition for Formation
Exhibit 2: Proposed Resolution of Intention to Create
Exhibit 3: Proposed Resolution Declaring Intention to Order

Contact Name and Number:

Ann DeHerrera, Engineering Technician II, (623) 773-7691

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

[1214]
MID#

[Townley Park]
Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

Pursuant to Arizona Revised Statutes, Sections 48-574 and 48-575, the undersigned property owner respectfully petitions the City Council of the City of Peoria, Arizona (City Council) to order the formation of a Municipal Improvement District under Arizona Revised Statutes, Title 48, Chapter 4, Article 2. In support of this petition, the undersigned agrees to waive certain rights under the Arizona Improvement District Law and to consent to the formation and completion of the District.

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A" that is attached hereto and incorporated herein by reference. The proposed district consists of 10.18 acres and is entirely within the corporate boundaries of the City of Peoria.

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

3. Purpose. The district is proposed to be formed for the purpose of the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated public roadways and parkways within the proposed district and drainage and retention within each proposed district.

4. Public Convenience and Necessity. The necessity for the proposed district is for the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated streets and parkways within the proposed district by the levying of special assessments in the proposed district.

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

   (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;

   (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;

   (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work; and

   (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

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

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

	Date:	Property (Tax Parcel Numbers)
Townley Park LLLC Print Property Owner Name Rick Tayrien Print Name 1838 West Parkside Lane, Suite 200, Phoenix AZ 85027 Address [redacted] Signature	October 10, 2017	142 · 35 · 003F
Print Property Owner Name Print Name Address Signature	Date:	Property (Tax Parcel Numbers)

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By______________________________
Mayor

____
City Clerk

APPROVED AS TO FORM:

____
City Attorney

C:\Users\williamrb\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.MSO\801B4B69.docx
Revised: 02/06/07, 04/01/09, 01/25/11, 01/30/13, 1/21/16, 6/15/16

RESOLUTION NO. 2017-114

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1214, TOWNLEY PARK, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

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

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

WHEREAS, the City Council declares that the maintenance of landscaping included within and adjacent to a parkway and related facilities preserves and promotes the health, safety, and welfare of those citizens of the City of Peoria living within the District as well as preservation of the streets and parkways which may be adversely impacted by drainage and other water formations; and

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

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

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

Section 1. <u>Definitions</u>.

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

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

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

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

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

"Clerk" shall mean the City Clerk.

"Engineer" shall mean City Engineer.

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

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

"Plans and Specifications" shall mean the engineer's estimate for the Maintenance Improvement District No. 1214 filed with the Clerk prior to the adoption of this Resolution.

"Superintendent of Streets" shall mean the City Engineer.

Section 2. Declaration of Intention to Order an Improvement.

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

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

SEE EXHIBIT "A", LEGAL DESCRIPTION OF CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1214

The Mayor and Council of the City of Peoria, Arizona designate as parkways, those areas set forth on Exhibit "B" Assessment Diagram in accordance with Title 48, Chapter 4, Article 2, Arizona Revised Statutes. The public interest and convenience require, and it is the intention of the City Council to order the Work adjacent to the designated parkways to be performed as stated herein. All items of the Work shall be performed as prescribed by the Plans and Specifications hereby approved and adopted by the Council and on file in the Office of the City Engineer and no assessment for any lot shall exceed its proportion of the Estimate. The estimate of the cost and expenses of the work or improvements on file in the offices of the Superintendent of Streets and the Clerk of the City are hereby approved and adopted by the Mayor and Council of the City. In addition to the requirements of law, the procedures set forth in the City Code will be followed regarding acceptance of bids and setting tax levies. For purposes of this Resolution and of all resolutions, ordinances and notices pertaining to this Resolution, the improvement as herein described is hereby designated City of Peoria Maintenance Improvement District No. 1214.

Section 3. Determination of Need.

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

Section 4. Preparation of Assessment Diagrams.

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

Section 5. Exclusion of Certain Property.

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

Section 6. Officers Not Liable.

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

Section 7. Annual Statement.

The City Council shall make annual statements and estimates of the expenses of the District which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all real and personal property in the District as provided in A.R.S. § 48-574 and amendments thereto.

Section 8. Statutory Authority.

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

Section 9. Delegation of Authority.

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 7th day of November, 2017.

CITY OF PEORIA, an Arizona municipal corporation

____
Cathy Carlat, Mayor

____
Date Signed

ATTEST:

____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

____
Stephen Burg, City Attorney

Effective Date: _______________

CERTIFICATION OF CITY ENGINEER

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

____
Adina Lund, Engineering Director

CERTIFICATION OF CITY CLERK

I hereby certify that the above and foregoing Resolution No. 2017-114 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on November 7, 2017 and that a quorum was present there and that the vote thereon was________ayes and_________nays._________were no vote or absent.

____
City Clerk, City of Peoria

Legal Description
Maintenance Improvement District Exhibit
TOWNLEY PARK

Job No. 15-343 7/25/17

A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 34, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 34 BEARS NORTH 89 DEGREES 23 MINUTES 25 SECONDS EAST, 2641.31 FEET; THENCE ALONG THE NORTH LINE OF SAID SECTION 34, NORTH 89 DEGREES 23 MINUTES 25 SECONDS EAST, 747.01 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 89 DEGREES 23 MINUTES 25 SECONDS EAST, 573.65 TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34;

THENCE ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34, AND ALSO ALONG THE WEST LINE OF 'WESTGREEN ESTATES V', RECORDED IN BOOK 277, PAGE 31 OF MARICOPA COUNTY RECORDS, SOUTH 00 DEGREES 00 MINUTES 10 SECONDS WEST, 773.01 FEET TO THE NORTHEAST CORNER OF 'PEORIA 53', RECORDED IN BOOK 968, PAGE 12 OF MARICOPA COUNTY RECORDS;

THENCE ALONG THE NORTH LINE OF 'PEORIA 53', SOUTH 89 DEGREES, 23 MINUTES 25 SECONDS WEST, 573.27 FEET TO THE SOUTHEAST CORNER OF 'FRY'S NO. 56 SUBDIVISION' RECORDED IN BOOK 428, PAGE 20 OR MARICOPA COUNTY RECORDS;

THENCE ALONG THE EAST LINE OF 'FRY'S NO. 56 SUBDIVISION', NORTH 00 DEGREES 01 MINUTES 29 SECONDS WEST, 773.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 443,263 SQUARE FEET OR 10.1759 ACRES, MORE OR LESS.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
53160
RAYMOND S.
MUNOZ III
Date Signed 7/25/17
ARIZONA, U.S.A.
Expires 3/31/18

Resolution No. 2017 - 114

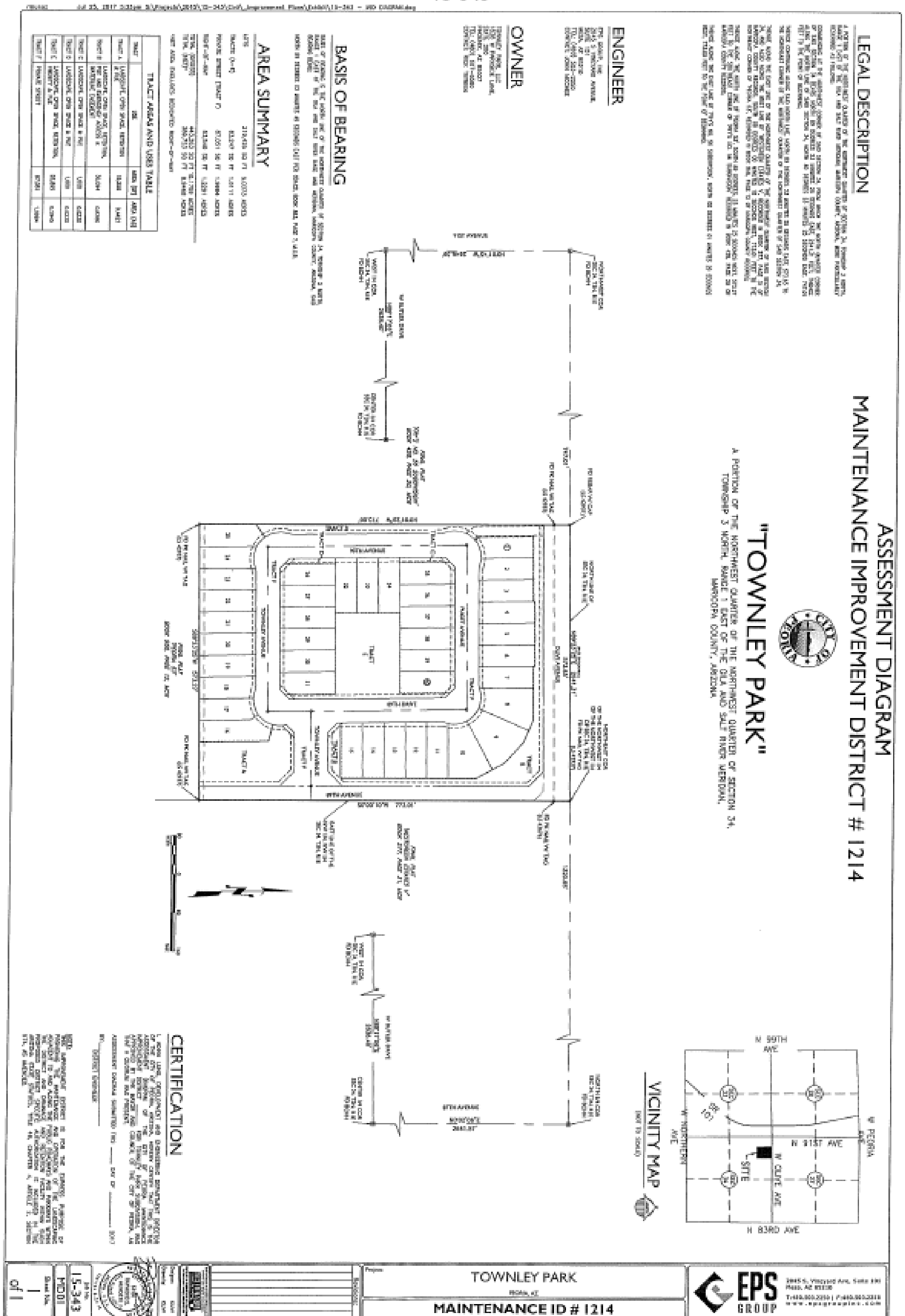
EXHIBIT “B”

IS ON FILE IN THE

CITY OF PEORIA
CITY CLERK’S OFFICE
8401 W. MONROE STREET
PEORIA, AZ 85345

Resolution No. 2017-114
MID 1214, TOWNLEY PARK
November 7, 2017
Page 9 of 10

15-343



C.O.P. Review #R160071

CITY OF PEORIA, ARIZONA
NOTICE

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE MAINTENANCE OF LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITHIN APPURTENANT STRUCTURES AS SHOWN ON THE PLANS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1214, TOWNLEY PARK.

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

On the 7th day of November, 2017 the Mayor and Council of the City of Peoria adopted Resolution No. 2017-115; ordering the improvements of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures shown on the plans, within the corporate limits of the City and creating an Improvement District known as the City of Peoria Maintenance Improvement District No. 1214, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures, which includes a charge for the maintenance of landscaping and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

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

Further information concerning City of Peoria Maintenance Improvement District No. 1214 may be obtained by contacting Ms. Adina Lund, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7691.

DATED AND SIGNED this______day of__________________, 2017.

____
Adina Lund, P.E.
Superintendent of Streets
City of Peoria, Arizona

RESOLUTION NO. 2017-115

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1214, TOWNLEY PARK; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

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

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the maintenance of landscaping within the proposed district and that the cost of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be assessed upon a certain improvement district to be known as Peoria Maintenance Improvement District No. 1214.

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

SECTION 2. The maintenance of the landscaping, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the maintenance of the landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be chargeable upon a district to be known and designated as the City of Peoria Maintenance Improvement District No. 1214 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures, which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1214 and if a portion of the costs and expenses for the maintenance of landscaping is for the general public benefit, the City shall assess the boundaries of the City of Peoria Maintenance Improvement District No. 1214 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1214.

SECTION 3. The costs and expense for the maintenance of landscaping shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Maintenance Improvement District No. 1214 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

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

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

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

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 7th day of November, 2017.

CITY OF PEORIA, an Arizona municipal corporation

____
Cathy Carlat, Mayor

____
Date Signed

ATTEST:

____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

____
Stephen Burg, City Attorney

Effective Date: ________________

Legal Description
Maintenance Improvement District Exhibit
TOWNLEY PARK

Job No. 15-343 7/25/17

A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 34, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 34 BEARS NORTH 89 DEGREES 23 MINUTES 25 SECONDS EAST, 2641.31 FEET; THENCE ALONG THE NORTH LINE OF SAID SECTION 34, NORTH 89 DEGREES 23 MINUTES 25 SECONDS EAST, 747.01 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 89 DEGREES 23 MINUTES 25 SECONDS EAST, 573.65 TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34;

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THENCE ALONG THE NORTH LINE OF 'PEORIA 53', SOUTH 89 DEGREES, 23 MINUTES 25 SECONDS WEST, 573.27 FEET TO THE SOUTHEAST CORNER OF 'FRY'S NO. 56 SUBDIVISION' RECORDED IN BOOK 428, PAGE 20 OR MARICOPA COUNTY RECORDS;

THENCE ALONG THE EAST LINE OF 'FRY'S NO. 56 SUBDIVISION', NORTH 00 DEGREES 01 MINUTES 29 SECONDS WEST, 773.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 443,263 SQUARE FEET OR 10.1759 ACRES, MORE OR LESS.

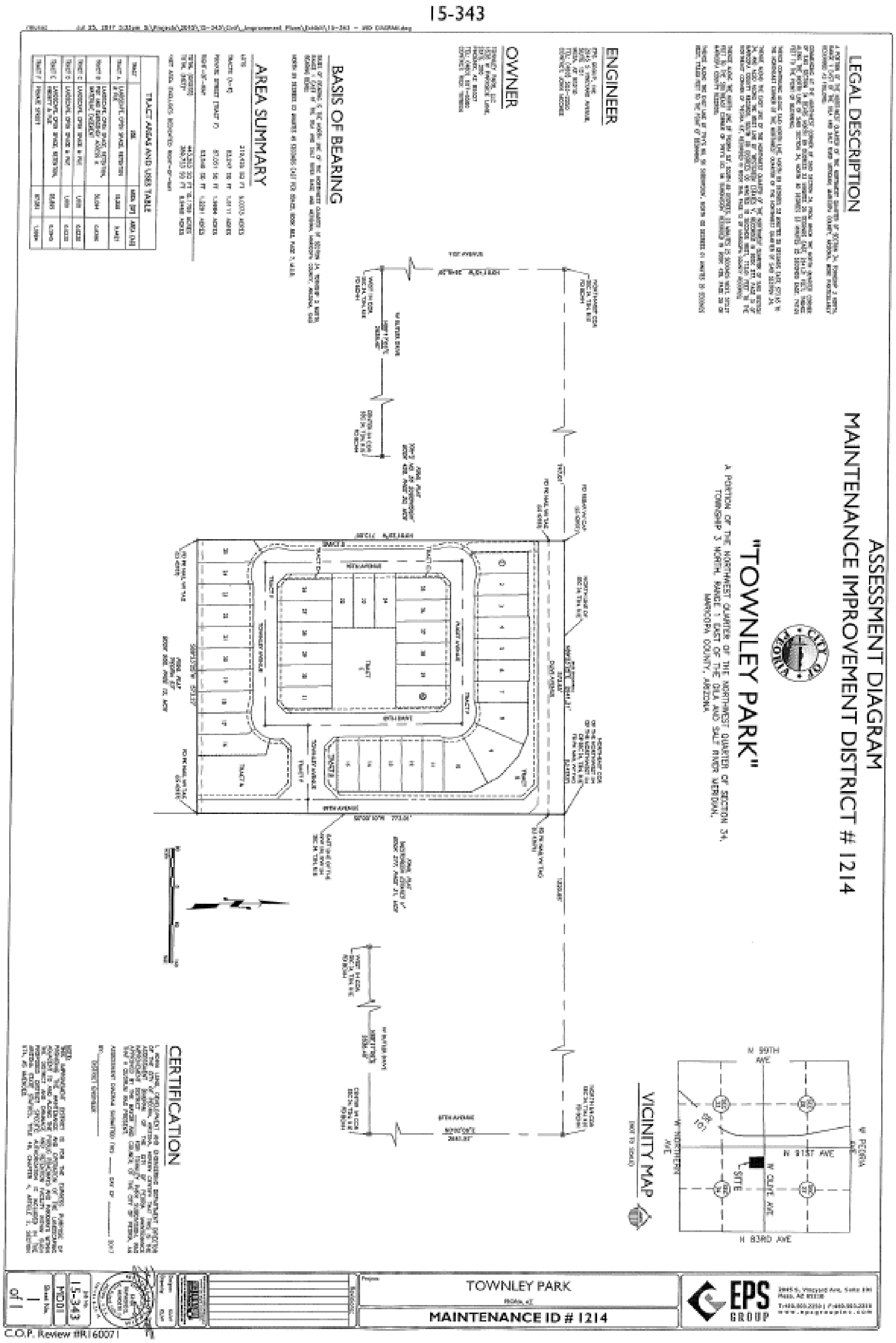
Resolution No. 2017 - 115

EXHIBIT “B”

IS ON FILE IN THE

CITY OF PEORIA
CITY CLERK’S OFFICE
8401 W. MONROE STREET
PEORIA, AZ 85345

Resolution No. 2017-115
MID 1214, TOWNLEY PARK
November 7, 2017
Page 6 of 6 Pages



CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 10C.

Date Prepared: 10/23/2017 Council Meeting Date: 11/7/2017

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Adina Lund, P.E., Development and Engineering Director

SUBJECT: Deeds and Easements, Various Locations

Purpose:

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

Background/Summary:

The City of Peoria periodically acquires a number of property interests including 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.

Previous Actions:

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

Options:

A: Approve the adoption of the Resolution accepting Deeds and Easements into our system.

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

Staff Recommendation:

Discussion and possible action to adopt **RES. 2017-123** accepting Deeds and Easements for various Real Property interests acquired by the City.

Fiscal Analysis:

There is no fiscal impact to the City.

Narrative:

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

ATTACHMENTS:

Exhibit 1: Resolution

Contact Name and Number:

Jodi Breyfogle, Civil Engineer, (623) 773-7577

RESOLUTION NO. 2017-123

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.

Peoria Industrial — NEC 79th Ave. & Olive
Al Naaly, LLC
EASEMENT FOR CROSS ACCESS
Maricopa County Recording No. 20170734603
(Project No. ML17-03/ Deed No. 17-028)

Peoria Industrial — NEC 79th Ave. & Olive
Al Naaly, LLC
EASEMENT FOR PUBLIC UTILITIES
Maricopa County Recording No. 20170734604
(Project No. ML17-03/ Deed No. 17-029)

Peoria Industrial — NEC 79th Ave. & Olive
Al Naaly, LLC
EASEMENT FOR PUBLIC UTILITIES
Maricopa County Recording No. 20170734605
(Project No. ML17-03/ Deed No. 17-030)

Peoria Industrial NEC 79th Ave. & Olive
Al Naaly, LLC
DEDICATION OF PUBLIC ROADWAY
Maricopa County Recording No. 20170734606
(Project No. ML17-03/ Deed No. 17-031)

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 7th day of November, 2017.

____
Cathy Carlat, Mayor

____

Date Signed

ATTEST:

____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

____
Stephen Burg, City Attorney

Effective Date: ____________________

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 11C.

Date Prepared: 10/23/2017

Council Meeting Date: 11/7/2017

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Adina Lund, P.E., Development and Engineering Director

SUBJECT: Designate Roadways, Establish Rights-of-Way, Various Locations

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Purpose:

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

Background/Summary:

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

Previous Actions:

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

Options:

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

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

Staff Recommendation:

Discussion and possible action to adopt **RES. 2017-125** 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.

Fiscal Analysis:

There is no significant fiscal impact to the City.

Narrative:

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

ATTACHMENTS:

Exhibit 1: Resolution

Contact Name and Number:

Jodi Breyfogle, Civil Engineer, 623-773-7577

RESOLUTION NO. 2017-125

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 Development and 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 Development and 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 Development and 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.

Peoria Industrial NEC 79th Ave. & Olive
Al Naaly, LLC
DEDICATION OF PUBLIC ROADWAY
Major Arterial
Maricopa County Recording No. 20170734606
(Project No. ML17-03/Deed No. 17-031)

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 Development and 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 7th day of November, 2017.

CITY OF PEORIA, an Arizona municipal corporation

____
Cathy Carlat, Mayor

____
Date Signed

ATTEST:

____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

____
Stephen Burg, City Attorney

Effective Date: ____________________

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 12C.

Date Prepared: 9/28/2017

Council Meeting Date: 11/7/2017

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Adina Lund, P.E., Development and Engineering Director

SUBJECT: Replat, CCV/Terrazza Center – Lot 10, 67th Avenue and Happy Valley Road

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Purpose:

This is a request for City Council to approve a Replat of CCV/Terrazza Center – Lot 10, located on 67th Avenue & Happy Valley Road, and authorize the Mayor and City Clerk to sign and record the Replat with the Maricopa County Recorder's Office subject to the following stipulation:

In the event that the Replat is not recorded within 60 days of Council approval, the Replat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

Background/Summary:

The purpose of the Replat is to replat one lot within an existing commercial subdivision. The replat is necessary to dedicate additional easements. No new lots are being created. This development is located within the City's water/sewer service area.

Previous Actions:

The Final Plat for CCV/Terrazza Center was approved by the City and recorded in Book 1296 Page 5.

Options:

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

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

Staff Recommendation:

Discussion and possible action to approve the Replat of CCV/Terrazza Center – Lot 10 located at 67th Avenue and Happy Valley Road, subject to stipulations.

Fiscal Analysis:

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

Narrative:

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

ATTACHMENTS:

Exhibit 1: Replat
Exhibit 2: Vicinity Map

Contact Name and Number:

Jodi Breyfogle, P.E., (623) 773-7577

REPLAT FOR
"CCV / TERRAZZA CENTER - LOT 10"

A RE-PLAT OF LOT 10 OF "CCV / TERRAZZA CENTER" RECORDED IN
BOOK 1296, PAGE 5, MARICOPA COUNTY RECORDS
AND A PORTION OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 NORTH,
RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA } SS
COUNTY OF MARICOPA }

KNOW ALL MEN BY THESE PRESENTS:
THAT VISTA RICA HOLDINGS, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY PUBLISH THIS REPLAT 'CCV/TERRAZZA CENTER-LOT 10', BEING A PART OF 'CCV / TERRAZZA CENTER' RECORDED IN BOOK 1296, PAGE 5, M.C.R., AND A PORTION OF THE SOUTHEAST QUARTER OF SECTION 1 AND THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AS SHOWN AND PLATTED HEREON, HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID 'CCV/TERRAZZA CENTER-LOT 10' AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, EASEMENTS AND STREETS CONSTITUTING SAME, AND THAT EACH LOT SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH, RESPECTIVELY ON SAID PLAT. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

VISTA RICA HOLDINGS, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY GRANTS TO THE CITY OF PEORIA AN EASEMENT FOR MAINTENANCE OF ON-SITE RETENTION BASINS, PIPE STORAGE SYSTEMS, OR ANY DRAINAGE FACILITIES WITHIN THIS DEVELOPMENT AS REFLECTED ON THE APPROVED GRADING AND DRAINAGE PLAN. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA ONLY AT SUCH TIME THAT THE PROPERTY OWNER OR ASSOCIATION RESPONSIBLE FOR THE MAINTENANCE OF SUCH FACILITIES FAILS TO PROVIDE THE REQUIRED MAINTENANCE AND OPERATION AM) THE CITY HAS DETERMINED THAT THE LACK OF SUCH MAINTENANCE AND OPERATION CONSTITUTES A NUISANCE OR IMPACT PUBLIC HEATH AND SAFETY. AS LONG AS THE PROPERTY OWNER OR ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL REQUIRED MAINTENANCE OF SUCH FACILITIES REGARDLESS OF THE DEDICATION OF THE EASEMENT.

VISTA RICA HOLDINGS, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY GRANTS AND CONVEYS TO THE PUBLIC, A NON-EXCLUSIVE PERMANENT ACCESS EASEMENT FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS (BUT NO PARKING) UPON OR ACROSS WHICH EASEMENTS ARE BEING DEDICATED BY THIS PLAT. THE ACCESS EASEMENT SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNERS, AND THEIR SUCCESSORS AND ASSIGNS.

VISTA RICA HOLDINGS, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY DEDICATES TO THE CITY A WATER/SEWER UTILITY EASEMENT DEDICATED TO THE CITY OF PEORIA FOR USE AS SUCH. TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS. FOREVER TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC WATER/SEWER LINE. SUBJECT TO NOTES 1, 2, 3 AND 4.

NOTES:
1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES. AS MAY EXTEND OVER SAC EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID SEWER LINES.
2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR, OR ITS SUCCESSORS AND ASSIGNS, EXCEPT AS NOTED HEREIN.
3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.
4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENTS PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS GOOD AND LAWFUL RIGHT TO SELL AND CONVEY IT; AM) THAT THEY WILL WARRANT THE TITLE AND QUIET POSSESSION THERETO AGAINST THE LAWFUL CLAIM OF ALL PERSONS.

ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE RECORDED PLAT OF 'CCV / TERRAZZA CENTER' BOOK 1296, PAGE 5, M.C.R. SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDATION OF THIS REPLAT.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED, ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY ITS DULY AUTHORIZED SIGNATORY.

VISTA RICA HOLDINGS, L.L.C., AN ARIZONA LIMITED LIABILITY COMPANY

BY: [redacted] 9/12/17
DATE

ITS: MEMBER 9/12/17
DATE

ACKNOWLEDGMENT

STATE OF ARIZONA } SS
COUNTY OF MARICOPA }

ON THIS THE 12 DAY OF SEPTEMBER, 2017, BEFORE ME, ANDY KROOT

PERSONALLY APPEARED, WHO ACKNOWLEDGED HIMSELF TO BE THE OWNER AND ACKNOWLEDGED THAT HE, AS SUCH, BEING AUTHORIZED TO DO SO, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: [redacted] MY COMMISSION EXPIRES: 11.18.19
NOTARY PUBLIC

LEGAL DESCRIPTION

LOT 10, OF FINAL PLAT "CCV/TERRAZZA CENTER", ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 1296 OF MAPS, PAGE 5 AND CERTIFICATE OF CORRECTION RECORDED IN 2017-0168812 OF OFFICIAL RECORDS.

BASIS OF BEARING

PER THE FINAL PLAT "CCV / TERRAZZA CENTER," BK 1296, PG 5, M.C.R., THE EAST LINE OF THE SOUTHEAST QUARTER OF TOWNSHIP 4 NORTH, RANGE 1 EAST, SECTION 1, HAVING A BEARING OF S 00°02'19" E.

FLOOD ZONE INFORMATION

THIS PROPERTY LIES WITHIN THE FLOOD ZONE DESIGNATION SHADED ZONE 'X' AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 04013C1255L DATED OCTOBER 16, 2013.

SHADED ZONE 'X' IS DEFINED AS:
AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

REFERENCE DOCUMENTATION

R RECORDED DATA PER PLAT OF "CCV/TERRAZZA CENTER" BY WOOD/PATEL RECORDED IN BOOK 1296 PAGE 5, MCR

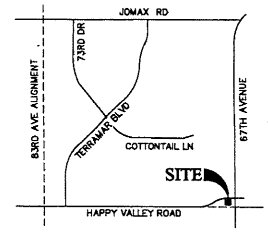
SHEET INDEX

DESCRIPTION	SHEET NO	
COVER SHEET	PL01	1
FINAL PLAT	PL02	2

CERTIFICATION

I, PHILLIP C. WILLIAMS, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS MAP OR PLAT CONSISTING OF TWO (2) SHEETS REPRESENTS A SURVEY PERFORMED DURING THE MONTH OF JUNE OF 2017; THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND MEETS THE "MINIMUM STANDARDS FOR ARIZONA LAND BOUNDARY SURVEYS," AND IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT THE BOUNDARY MONUMENTS SHOWN ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

PHILLIP C. WILLIAMS, P.E., R.L.S.
REGISTERED LAND SURVEYOR #51970
R.B. WILLIAMS & ASSOCIATES, INC.
40 W. BASELINE RD., STE 110
TEMPE, AZ 85283



VICINITY MAP
T 4N, R 1E, S 1
(N.T.S.)

OWNER

VISTA RICA HOLDINGS, L.L.C.
AN ARIZONA LIMITED LIABILITY COMPANY
7541 N. SHADOW MOUNTAIN ROAD
PARADISE VALLEY, ARIZONA 85253
CONTACT: ANDREW L. KROOT
PHONE: (602) 430-8580

SURVEYOR

R.B. WILLIAMS & ASSOCIATES, INC.
40 W. BASELINE RD., STE 110
TEMPE, AZ 85283
CONTACT: PHIL WILLIAMS, P.E., R.L.S.
PHONE: (480) 424-2352
FAX: (480) 424-2353
EMAIL: PHIL@RBWILLIAMS.COM

SITE INFORMATION

THE LAND AREA OF THE SUBJECT PROPERTY IS 47,028.48 SF OR 1.0796 AC

NOTES

1. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING AND CURBING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
2. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC. SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
3. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS.
4. ALL LOT CORNERS SHALL BE MONUMENTED WITH A 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
5. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
6. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
7. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
8. NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.
9. ALL LOTS TO PROVIDE RETENTION FOR THE 100 YEAR, 2 HOUR STORM EVENT. THE CROSS DRAINAGE EASEMENTS ARE INTENDED FOR THE CONVEYANCE OF OVERFLOW.

APPROVALS

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA THIS THE ___ DAY OF ____________, 2017.

BY: ____________ MAYOR ________ DATE

ATTEST: ____________ CITY CLERK ________ DATE

____________ FOR CITY ENGINEER ________ DATE

R.B. WILLIAMS & ASSOCIATES, INC.
CONSULTING ENGINEERS
40 W. BASELINE ROAD SUITE 110
TEMPE, ARIZONA 85283
PHONE: (480) 424-2352
FAX: (480) 424-2353
JEFFREY L. WILLIAMS, P.E.
PHILLIP C. WILLIAMS, P.E., R.L.S.

51970
PHILLIP C.
WILLIAMS

STARBUCKS
6737 W HAPPY VALLEY RD
PEORIA, AZ 85383

FINAL PLAT

REVISIONS:

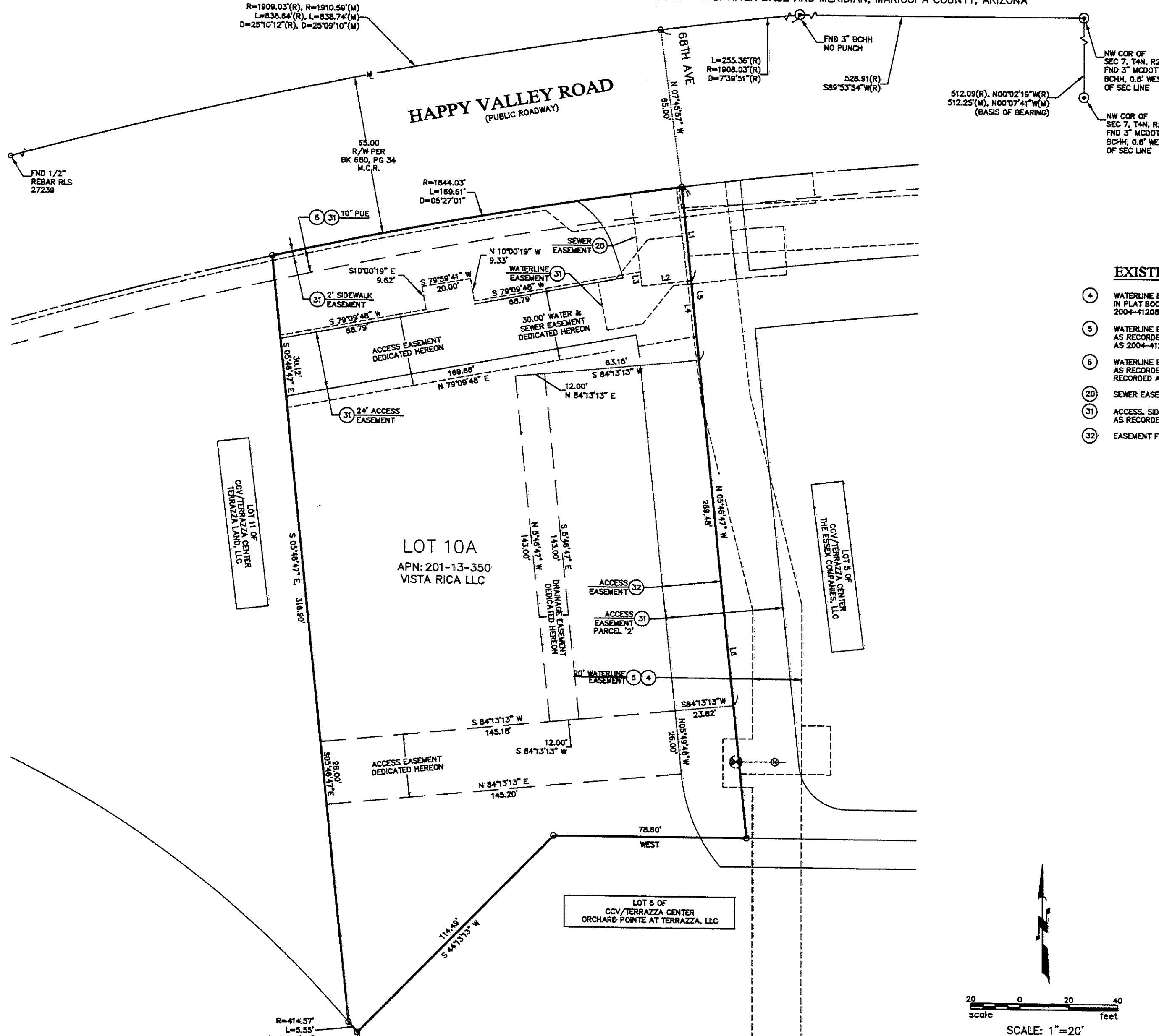
DATE	09-06-17
DESIGN	
DRAWN	PCW
CHK'D	PCW
SUB.	
16002PL01.DWG	

PL01
SHEET NO.
1/2

R170056

FINAL PLAT

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



EXISTING EASEMENTS

4 WATERLINE EASEMENT PER FINAL PLAT "CHRIST'S CHURCH OF THE VALLEY" AS RECORDED IN PLAT BOOK 515 OF MAPS, PAGE 43 AND PARTIAL ABANDONMENT RECORDED AS 2004-412083 OF OFFICIAL RECORDS.

5 WATERLINE EASEMENT PER THE AMENDED FINAL PLAT "CHRIST'S CHURCH OF THE VALLEY" AS RECORDED IN PLAT BOOK 659 OF MAPS, PAGE 2 AND PARTIAL ABANDONMENT RECORDED AS 2004-412083 OF OFFICIAL RECORDS.

6 WATERLINE EASEMENT PER THE FINAL PLAT "CHRIST'S CHURCH OF THE VALLEY AMENDED" AS RECORDED IN PLAT BOOK 680 OF MAPS, PAGE 34 AND PARTIAL ABANDONMENT RECORDED AS 2004-412083 OF OFFICIAL RECORDS.

20 SEWER EASEMENT AS PER 2014-0420601 OF OFFICIAL RECORDS.

31 ACCESS, SIDEWALK AND WATERLINE EASEMENTS PER FINAL PLAT "CCV/TERRAZZA CENTER," AS RECORDED IN PLAT BOOK 1296, PAGE 5 OF OFFICIAL RECORDS.

32 EASEMENT FOR ACCESS DRIVE AS PER 2016-0821166 OF OFFICIAL RECORDS.

PNT	LENGTH	BEARING
L1	38.66'	S 05°46'47" E
L2	20.09'	S 82°40'56" W
L3	5.87'	N 07°22'42" W
L4	23.00'	N 05°46'47" W
L5	67.76'	S 05°46'47" E
L6	214.77'	S 05°46'47" E

LEGEND

PROPERTY LINE
MONUMENT LINE
EASEMENT
BRASS CAP
BCHH BRASS CAP HAND HOLE
O PROPERTY CORNER
R/W RIGHT-OF-WAY

R170056

R.B. WILLIAMS & ASSOCIATES, INC.
CONSULTING ENGINEERS
40 W. BASELINE ROAD SUITE 110
TEMPE, ARIZONA 85283
PHONE: (480) 424-2352
FAX: (480) 424-2353
JEFFREY L. WILLIAMS, P.E.
PHILLIP C. WILLIAMS, P.E., R.L.S.

51970
PHILLIP C.
WILLIAMS
ARIZONA, U.S.A.

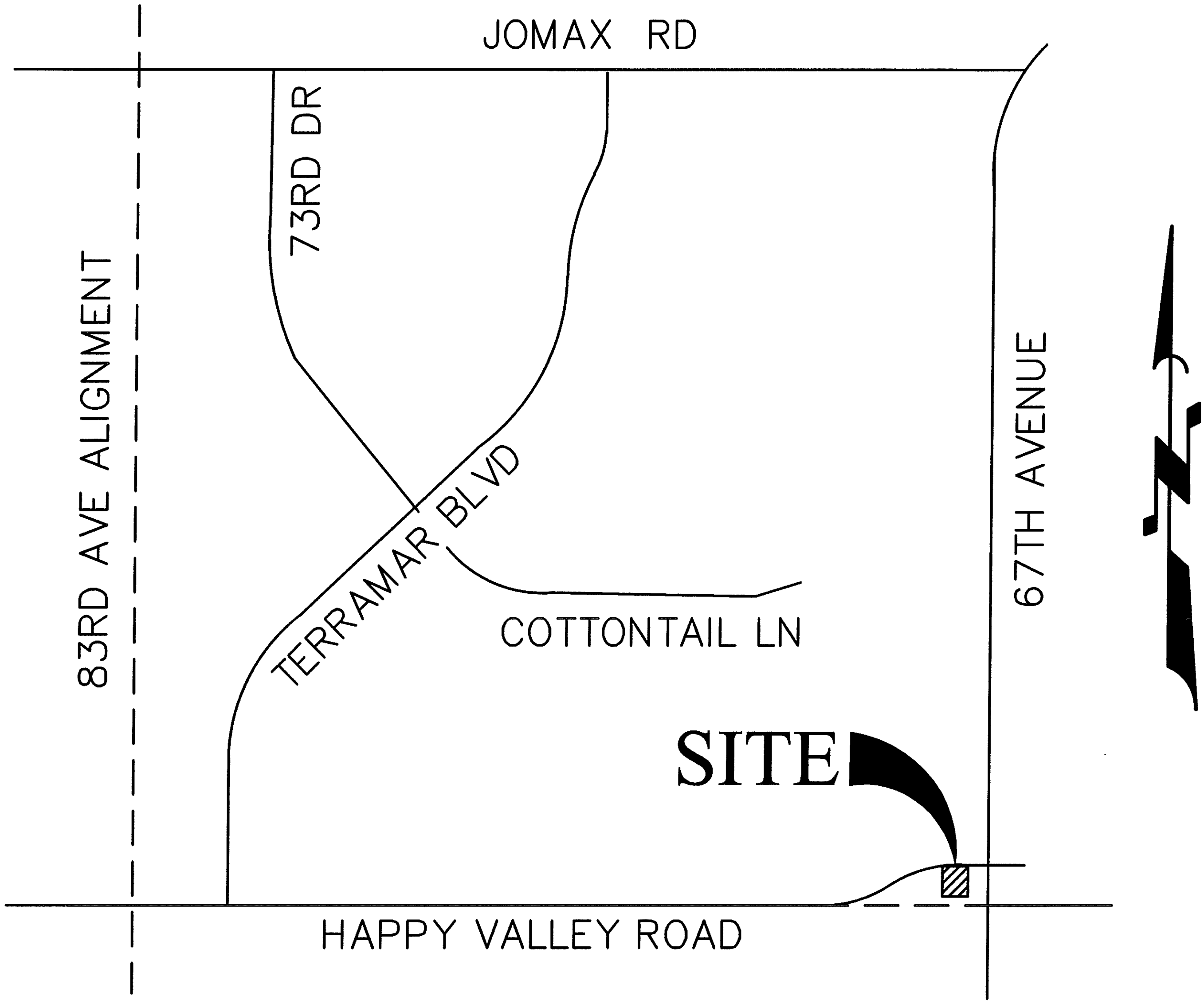
STARBUCKS
6737 W HAPPY VALLEY RD
PEORIA, AZ 85383

FINAL PLAT

REVISIONS:

DATE	09-06-17
DESIGN	
DRAWN	PCW
CHK'D	PCW
SUB.	
16002PL02.DWG	

PL02
SHEET NO.
2/2



VICINITY MAP

T 4N, R 1E, S 1

(N.T.S.)

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 13C.

Date Prepared: 10/19/2017

Council Meeting Date: 11/7/2017

TO: Jeff Tyne, City Manager

THROUGH: Julie Arendall, Deputy City Manager

FROM: Roy W. Minter, Jr., Chief of Police

SUBJECT: PUBLIC HEARING – Grant, United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant

---

Purpose:

This is a request for the City Council to authorize the acceptance of funding from the United States Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $21,297 to fund crisis intervention and mental health training for all police department personnel.

Background/Summary:

The Peoria Police Department was notified by the United States Department of Justice that an Edward Byrne Memorial Justice Assistance Grant (JAG) award in the amount of $21,297 was available to the City of Peoria in order to support criminal justice initiatives.

The JAG Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, as well as courts, corrections, treatment, and justice information sharing initiatives. The JAG program requires that operations financed with these funds be supplemental to normally funded police programs (not supplant normal police funding).

This JAG funding will enhance police community interactions by providing training to department personnel on de-escalation techniques, crisis response and mental health intervention. Additionally, this training will improve the department’s relationship with the community by increasing awareness of mental health issues and police interactions. It will also allow personnel to work in concert with other resources such as specialized communications software recently purchased that provides officers critical information on potential issues they may encounter when responding to crisis situations.

Previous Actions:

This is the thirteenth consecutive year that the United States Department of Justice's Edward

Byrne Memorial Justice Assistance Grant (JAG) has made funding available to the Peoria Police Department. The Council has accepted all previous grant awards.

Past funding has been used to enhance police operations, including the purchase of police equipment and computer software, community policing overtime, and youth programs.

Options:

A: Accept the grant award totaling $21,297 from the United States Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) and approve a budget adjustment of $21,297 from the Proposed Grants Contingency account to the JAG Award account.

B: Do not accept the United States Department of Justice's Edward Byrne Memorial Justice Assistance Grant (JAG).

Staff Recommendation:

Discussion and possible action to: (a) accept a grant from the United States Department of Justice in the amount of $21,297 to be used by the Peoria Police Department to fund crisis intervention and mental health training to all department personnel; and (b) approve a budget adjustment in the amount of $21,297 from the Proposed Grants Contingency account to the Justice Assistance Grant Award account.

Fiscal Analysis:

Request a budget adjustment of $21,297 from the Proposed Grants Contingency account (7990-7990-570000) to the JAG Award account 7507-7757-520505. No matching funds are required.

Narrative:

Once approved by City Council, the final grant contract will be provided to Peoria Police Department by the United States Department of Justice for execution.

ATTACHMENTS:

Preliminary Grant Award 2017-DJ-BX-0265

Contact Name and Number:

Donna Martin, (623) 773-7018

U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

Chief Roy W. Minter Jr.
City of Peoria
8401 W. Monroe Street
P.O. Box 340
Peoria, AZ 85345

Dear Chief Minter:

On behalf of Attorney General Jefferson Sessions III, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 17 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation in the amount of $21,297 for City of Peoria.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Elaine Vanlandingham, Program Manager at (202) 305-0034; and

- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

[redacted]

Alan R. Hanson
Acting Assistant Attorney General

Enclosures

OFFICE FOR CIVIL RIGHTS

Office of Justice Programs
U.S. Department of Justice
810 7th Street, NW
Washington, DC 20531

Tel: (202) 307-0690
TTY: (202) 307-2027
E-mail: askOCR@usdoj.gov
Website: www.ojp.usdoj.gov/ocr

Chief Roy W. Minter Jr.
City of Peoria
8401 W. Monroe Street
P.O. Box 340
Peoria, AZ 85345

Dear Chief Minter:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of federal funding to compliance with federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is responsible for ensuring that recipients of financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) comply with the applicable federal civil rights laws. We at the OCR are available to help you and your organization meet the civil rights requirements that come with DOJ funding.

Ensuring Access to Federally Assisted Programs

Federal laws that apply to recipients of financial assistance from the DOJ prohibit discrimination on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in employment but also in the delivery of services or benefits. A federal law also prohibits recipients from discriminating on the basis of age in the delivery of services or benefits.

In March of 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013. The statute amends the Violence Against Women Act of 1994 (VAWA) by including a nondiscrimination grant condition that prohibits discrimination based on actual or perceived race, color, national origin, religion, sex, disability, sexual orientation, or gender identity. The new nondiscrimination grant condition applies to certain programs funded after October 1, 2013. The OCR and the OVW have developed answers to some frequently asked questions about this provision to assist recipients of VAWA funds to understand their obligations. The Frequently Asked Questions are available at http://ojp.gov/about/ocr/vawafaqs.htm.

Enforcing Civil Rights Laws

All recipients of federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to prohibitions against unlawful discrimination. Accordingly, the OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, the OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal opportunity standards.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with DOJ guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). See U.S. Department of Justice, Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455 (2002). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website http://www.lep.gov.

Ensuring Equal Treatment for Faith-Based Organizations

The DOJ regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. pt. 38, requires State Administering Agencies (SAAs) to treat faith-based organizations the same as any other applicant or recipient. The regulation prohibits SAAs from making awards or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the DOJ to fund inherently (or explicitly) religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must hold them separately from the program funded by the DOJ, and recipients cannot compel beneficiaries to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see the OCR's website at http://www.ojp.usdoj.gov/about/ocr/equal_fbo.htm.

SAAs and faith-based organizations should also note that the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, as amended, 42 U.S.C. § 3789d(c); the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10604(e); the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5672(b); and VAWA, Pub. L. No. 113-4, sec. 3(b)(4), 127 Stat. 54, 61-62 (to be codified at 42 U.S.C. § 13925(b)(13)) contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the DOJ has concluded that it may construe the Religious Freedom Restoration Act (RFRA) on a case-by-case basis to permit some faith-based organizations to receive DOJ funds while taking into account religion when hiring staff, even if the statute that authorizes the funding program generally forbids recipients from considering religion in employment decisions.
Please consult with the OCR if you have any questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment.

Using Arrest and Conviction Records in Making Employment Decisions

The OCR issued an advisory document for recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at http://www.ojp.usdoj.gov//about/ocr/pdfs/UseofConviction_Advisory.pdf. Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOPs) (see below).

Complying with the Safe Streets Act

An organization that is a recipient of financial assistance subject to the nondiscrimination provisions of the Safe Streets Act, must meet two obligations: (1) complying with the federal regulation pertaining to the development of an EEOP (see 28 C.F.R. pt. 42, subpt. E) and (2) submitting to the OCR findings of discrimination (see 28 C.F.R. §§ 42.204(c), .205(c)(5)).

Meeting the EEOP Requirement

If your organization has less than fifty employees or receives an award of less than $25,000 or is a nonprofit organization, a medical institution, an educational institution, or an Indian tribe, then it is exempt from the EEOP requirement. To claim the exemption, your organization must complete and submit Section A of the Certification Form, which is available online at http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf.

If your organization is a government agency or private business and receives an award of $25,000 or more, but less than $500,000, and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form), but it does not have to submit the report to the OCR for review. Instead, your organization has to maintain the Utilization Report on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to the OCR. The Certification Form is available at http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf.

If your organization is a government agency or private business and has received an award for $500,000 or more and has fifty or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare a Utilization Report (formerly called an EEOP Short Form) and submit it to the OCR for review within sixty days from the date of this letter. For assistance in developing a Utilization Report, please consult the OCR's website at http://www.ojp.usdoj.gov/about/ocr/eeop.htm. In addition, your organization has to complete Section C of the Certification Form and return it to the OCR. The Certification Form is available at http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf.

To comply with the EEOP requirements, you may request technical assistance from an EEOP specialist at the OCR by telephone at (202) 307-0690, by TTY at (202) 307-2027, or by e-mail at EEOsubmisson@usdoj.gov.

Meeting the Requirement to Submit Findings of Discrimination

If in the three years prior to the date of the grant award, your organization has received an adverse finding of discrimination based on race, color, national origin, religion, or sex, after a due-process hearing, from a state or federal court or from a state or federal administrative agency, your organization must send a copy of the finding to the OCR.

Ensuring the Compliance of Subrecipients

SAAs must have standard assurances to notify subrecipients of their civil rights obligations, written procedures to address discrimination complaints filed against subrecipients, methods to monitor subrecipients' compliance with civil rights requirements, and a program to train subrecipients on applicable civil rights laws. In addition, SAAs must submit to the OCR every three years written Methods of Administration (MOA) that summarize the policies and procedures that they have implemented to ensure the civil rights compliance of subrecipients. For more information on the MOA requirement, see http://www.ojp.usdoj.gov/funding/other_requirements.htm.

If the OCR can assist you in any way in fulfilling your organization's civil rights responsibilities as a recipient of federal financial assistance, please contact us.

Sincerely,

[redacted]

Michael L. Alston
Director

cc: Grant Manager
Financial Analyst

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Grant

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Peoria 8401 W. Monroe Street P.O. Box 340 Peoria, AZ 85345	4. AWARD NUMBER: 2017-DJ-BX-0265
	5. PROJECT PERIOD: FROM 10/01/2016 TO 09/30/2018 BUDGET PERIOD: FROM 10/01/2016 TO 09/30/2018
	6. AWARD DATE
2a. GRANTEE IRS/VENDOR NO. 866003631	8. SUPPLEMENT NUMBER 00
	7. ACTION Initial
2b. GRANTEE DUNS NO. 002494128	9. PREVIOUS AWARD AMOUNT $ 0
3. PROJECT TITLE FY 17 Local JAG Program	10. AMOUNT OF THIS AWARD $ 21,297
	11. TOTAL AWARD $ 21,297

12. SPECIAL CONDITIONS

THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).

13. STATUTORY AUTHORITY FOR GRANT

This project is supported under FY17(BJA - JAG State and JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 42 U.S.C. 3711 - 3797ff-5), including subpart 1 of part E (codified at 42 U.S.C. 3750 - 3758); see also 28 U.S.C. 530C(a).

14 . CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number)

16.738 - Edward Byrne Memorial Justice Assistance Grant Program

15. METHOD OF PAYMENT

GPRS

AGENCY APPROVAL	GRANTEE ACCEPTANCE
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Alan R. Hanson Acting Assistant Attorney General	18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Roy W. Minter Chief
17. SIGNATURE OF APPROVING OFFICIAL [redacted]	19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 19A. DATE

AGENCY USE ONLY

20. ACCOUNTING CLASSIFICATION CODES

FISCAL YEAR	FUND CODE	BUD. ACT.	OFC.	DIV. REG.	SUB.	POMS	AMOUNT
X	B	DJ	80	00	00		21297

21. SDJUGT1124

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)

PROJECT NUMBER 2017-DJ-BX-0265 AWARD DATE

SPECIAL CONDITIONS

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any certifications or assurances submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or a certification or assurance related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 42 U.S.C. 3795a), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2017 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2017 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2017 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at https://ojp.gov/funding/Part200UniformRequirements.htm.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

3. Compliance with DOJ Grants Financial Guide

The recipient agrees to comply with the DOJ Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide" available at https://ojp.gov/financialguide/DOJ/index.htm), including any updated version that may be posted during the period of performance.

PROJECT NUMBER 2017-DJ-BX-0265 AWARD DATE

SPECIAL CONDITIONS

4. Required training for Point of Contact and all Financial Points of Contact

   Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

   In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after-- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2015, will satisfy this condition.

   A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at https://www.ojp.gov/training/fmts.htm. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

   The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

5. Requirements related to "de minimis" indirect cost rate

   A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

6. Requirement to report potentially duplicative funding

   If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

PROJECT NUMBER 2017-DJ-BX-0265 AWARD DATE

SPECIAL CONDITIONS

7. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at https://www.sam.gov/. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at https://ojp.gov/funding/Explore/SAM.htm (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

8. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at https://ojp.gov/funding/Explore/SubawardAuthorization.htm (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

9. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed $150,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, $150,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed $150,000)), and are incorporated by reference here.

SPECIAL CONDITIONS

10. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

11. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "2015 DOJ Grants Financial Guide").

12. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

13. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at https://ojp.gov/funding/ojptrainingguidingprinciples.htm.

14. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

15. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

SPECIAL CONDITIONS

16. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

17. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

18. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38, specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries. Part 38 of 28 C.F.R., a DOJ regulation, was amended effective May 4, 2016.

Among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38 also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of the regulation, now entitled "Partnerships with Faith-Based and Other Neighborhood Organizations," is available via the Electronic Code of Federal Regulations (currently accessible at https://www.ecfr.gov/cgi-bin/ECFR?page=browse), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

19. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

SPECIAL CONDITIONS

20. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2017)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2017, are set out at https://ojp.gov/funding/Explore/FY17AppropriationsRestrictions.htm, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

21. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: oig.hotline@usdoj.gov; and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at https://www.usdoj.gov/oig.

SPECIAL CONDITIONS

22. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

SPECIAL CONDITIONS

23. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

24. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

25. Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

26. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of $25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at https://ojp.gov/funding/Explore/FFATA.htm (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than $25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

PROJECT NUMBER 2017-DJ-BX-0265 AWARD DATE

SPECIAL CONDITIONS

27. Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

28. Justice Information Sharing

In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, the recipient (and any subrecipient at any tier) must comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular award. The recipient shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The recipient shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

29. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

30. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). The recipient may not satisfy such a fine with federal funds.

31. Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

32. Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 42 U.S.C. 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

PROJECT NUMBER 2017-DJ-BX-0265 AWARD DATE

SPECIAL CONDITIONS

33. Verification and updating of recipient contact information

The recipient must verify its Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.

34. Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

35. Required attendance at BJA-sponsored events

The recipient (and its subrecipients at any tier) must participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.

36. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of $650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

SPECIAL CONDITIONS

37. Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

a. New construction;

b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;

c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;

d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and

e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at https://bja.gov/Funding/nepa.html, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

38. Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

SPECIAL CONDITIONS

39. Prohibition on use of award funds for match under BVP program

JAG funds may be used to purchase vests for an agency, but they may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

40. Certification of body armor "mandatory wear" policies

The recipient agrees to submit a signed certification that all law enforcement agencies receiving body armor purchased with funds from this award have a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

41. Body armor - compliance with NIJ standards

Ballistic-resistant and stab-resistant body armor purchased with JAG award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (https://nij.gov/). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx.

42. Required monitoring of subawards

The recipient must monitor subawards under this JAG award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

43. Reporting requirements

The recipient must submit quarterly Federal Financial Reports (SF-425) and semi-annual performance reports through OJP's GMS (https://grants.ojp.usdoj.gov). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

44. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

SPECIAL CONDITIONS

45. Prohibited Expenditures List

Award funds may not be used for items that are listed on the Prohibited Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time. The Prohibited Expenditure List may be accessed here: https://www.bja.gov/funding/JAGControlledPurchaseList.pdf

46. Controlled expenditures - prior written approval required

Award funds may not be used for items that are listed on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, without explicit written prior approval from BJA. The Controlled Expenditure List, and instructions on how to request approval for purchase or acquisitions are set out at https://www.bja.gov/funding/JAGControlledPurchaseList.pdf

47. Controlled expenditures - incident reporting

If an agency uses award funds to purchase or acquire any item on the Controlled Expenditure List at the time of purchase or acquisition, including as the list may be amended from time to time, the agency must collect and retain (for at least 3 years) certain information about the use of-- (1) any federally-acquired Controlled Equipment in the agency's inventory, and (2) any other controlled equipment in the same category as the federally-acquired controlled equipment in the agency's inventory, regardless of source; and the agency must make that information available to BJA upon request. Details about what information must be collected and retained are set out at https://ojp.gov/docs/LE-Equipment-WG-Final-Report.pdf.

48. Sale of items on Controlled Expenditure List

Notwithstanding the provision of the Part 200 Uniform Requirements set out at 2 C.F.R. 200.313, no equipment listed on the Controlled Expenditure List that is purchased with award funds may be transferred or sold to a third party, except as described below:

a. Agencies may transfer or sell any controlled equipment, except riot helmets and riot shields, to a Law Enforcement Agency (LEA) after obtaining prior written approval from BJA. As a condition of that approval, the acquiring LEA will be required to submit information and certifications to BJA as if it were requesting approval to use award funds for the initial purchase of items on the Controlled Expenditure List.

b. Agencies may not transfer or sell any riot helmets or riot shields purchased under this award.

c. Agencies may not transfer or sell any Controlled Equipment purchased under this award to non-LEAs, with the exception of fixed wing aircraft, rotary wing aircraft, and command and control vehicles. Before any such transfer or sale is finalized, the agency must obtain prior written approval from BJA. All law enforcement-related and other sensitive or potentially dangerous components, and all law enforcement insignias and identifying markings must be removed prior to transfer or sale.

The recipient must notify BJA prior to the disposal of any items on the Controlled Expenditure List purchased with award funds, and must abide by any applicable laws (including regulations) in such disposal.

49. Prohibited or controlled expenditures - Effect of failure to comply

Failure to comply with an award condition related to prohibited or controlled expenditures may result in denial of any further approvals of controlled expenditures under this or other federal awards.

PROJECT NUMBER 2017-DJ-BX-0265 AWARD DATE

SPECIAL CONDITIONS

50. Controlled expenditures - Standards

Consistent with recommendation 2.1 of Executive Order 13688, a law enforcement agency that acquires controlled equipment with award funds must adopt robust and specific written policies and protocols governing General Policing Standards and Specific Controlled Equipment Standards. General Policing Standards includes policies on (a) Community Policing; (b) Constitutional Policing; and (c) Community Input and Impact Considerations. Specific Controlled Equipment Standards includes policies specifically related to (a) Appropriate Use of Controlled Equipment; (b) Supervision of Use; (c) Effectiveness Evaluation; (d) Auditing and Accountability; and (e) Transparency and Notice Considerations. Upon OJP's request, the recipient must provide a copy of the General Policing Standards and Specific Controlled Equipment Standards, and any related policies and protocols.

51. Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2016

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2016), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via a Grant Adjustment Notice). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through a Grant Adjustment Notice, the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

Nothing in this condition shall be understood to authorize the recipient (or any subrecipient at any tier) to use award funds to "supplant" State or local funds in violation of the recipient's certification (executed by the chief executive of the State or local government) that federal funds will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.

52. "Certification of Compliance with 8 U.S.C. 1373" required for valid award acceptance by a unit of local government

In order validly to accept this award, the applicant local government must submit the required "Certification of Compliance with 8 U.S.C. 1373" (executed by the chief legal officer of the local government). Unless that executed certification either-- (1) is submitted to OJP together with the fully-executed award document, or (2) is uploaded in OJP's GMS no later than the day the signed award document is submitted to OJP, any submission by a unit of local government that purports to accept the award is invalid.

If an initial award-acceptance submission by the recipient is invalid, once the unit of local government does submit the necessary certification regarding 8 U.S.C. 1373, it may submit a fully-executed award document executed by the unit of local government on or after the date of that certification.

For purposes of this condition, "local government" does not include any Indian tribes.

SPECIAL CONDITIONS

53. Ongoing compliance with 8 U.S.C. 1373 is required

1. With respect to the "program or activity" funded in whole or part under this award (including any such "program or activity" of any subrecipient at any tier), throughout the period of performance for the award, no State or local government entity, -agency, or -official may prohibit or in any way restrict-- (1) any government entity or -official from sending or receiving information regarding citizenship or immigration status as described in 8 U.S.C. 1373(a); or (2) a government entity or -agency from sending, requesting or receiving, maintaining, or exchanging information regarding immigration status as described in 8 U.S.C. 1373(b). For purposes of this award, any prohibition (or restriction) that violates this condition is an "information-communication restriction."

2. Certifications from subrecipients. The recipient may not make a subaward to a State or local government or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373, properly executed by the chief legal officer of the jurisdiction or institution that would receive the subaward, using the appropriate form available at https://ojp.gov/funding/Explore/SampleCertifications-8USC1373.htm. Similarly, the recipient must require that no subrecipient (at any tier) may make a further subaward to a State or local government or a "public" institution of higher education, unless it first obtains a certification of compliance with 8 U.S.C. 1373, properly executed by the chief legal officer of the jurisdiction or institution that would receive the further subaward, using the appropriate OJP form.

3. The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

4. Allowable costs. Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) that the recipient, or any subrecipient at any tier that is a State or local government or a "public" institution of higher education, incurs to implement this condition.

5. Rules of Construction

A. For purposes of this condition:

(1) "State" and "local government" include any agency or other entity thereof, but not any institution of higher education or any Indian tribe.

(2) A "public" institution of higher education is one that is owned, controlled, or directly funded by a State or local government.

(3) "Program or activity" means what it means under title VI of the Civil Rights Act of 1964 (see 42 U.S.C. 2000d-4a).

(4) "Immigration status" means what it means for purposes of 8 U.S.C. 1373 (Illegal Immigration Reform and Immigrant Responsibility Act of 1996); and terms that are defined in 8 U.S.C. 1101 (Immigration and Nationality Act) mean what they mean under that section 1101, except that the term "State" also shall include American Samoa (cf. 42 U.S.C. 901(a)(2)).

(5) Pursuant to the provisions set out at (or referenced in) 8 U.S.C. 1551 note ("Abolition … and Transfer of Functions"), references to the "Immigration and Naturalization Service" in 8 U.S.C. 1373 are to be read as references to particular components of the Department of Homeland Security (DHS).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, any "public" institution of higher education, or any other entity (or individual) to violate any federal law, including any applicable civil rights or nondiscrimination law.

SPECIAL CONDITIONS

IMPORTANT NOTE: Any questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

54. Authority to obligate award funds contingent on compliance with 8 U.S.C. 1373; unallowable costs; obligation to notify

1. If the recipient is a State or local government--

A. The recipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the recipient (or of any subrecipient at any tier that is a either a State or unit of local government or a "public" institution of higher education) that is funded in whole or in part with award funds is subject to any "information-communication restriction."

B. In addition, with respect to any project costs it incurs "at risk," the recipient may not obligate award funds to reimburse itself if -- at the time it incurs such costs -- the "program or activity" of the recipient (or of any subrecipient at any tier that is a either a State or unit of local government or a "public" institution of higher education) that would be reimbursed in whole or in part with award funds was subject to any "information-communication restriction."

C. Any drawdown of award funds by the recipient shall be considered, for all purposes, to be a material representation by the recipient to OJP that, as of the date the recipient requests the drawdown, the recipient and all subrecipients (regardless of tier) are in compliance with 8 U.S.C. 1373.

D. The recipient must promptly notify OJP (in writing) if the recipient, from its requisite monitoring of compliance with award conditions or otherwise, has credible evidence that indicates that the funded "program or activity" of the recipient, or of any subrecipient at any tier that is either a State or a local government or a "public" institution of higher education, may be subject to any "information-communication restriction." In addition, any subaward (at any tier) to a subrecipient that is either a State or a local government or a "public" institution of higher education must require prompt notification to the entity that made the subaward, should the subrecipient such credible evidence regarding an "information-communication restriction."

2. Any subaward (at any tier) to a subrecipient that is either a State or a local government or a "public" institution of higher education must provide that the subrecipient may not obligate award funds if, at the time of the obligation, the "program or activity" of the subrecipient (or of any further such subrecipient at any tier) that is funded in whole or in part with award funds is subject to any "information-communication restriction."

3. Absent an express written determination by DOJ to the contrary, based upon a finding by DOJ of compelling circumstances (e.g., a small amount of award funds obligated by the recipient at the time of a subrecipient's minor and transitory non-compliance, which was unknown to the recipient despite diligent monitoring), any obligations of award funds that, under this condition, may not be made shall be unallowable costs for purposes of this award. In making any such determination, DOJ will give great weight to evidence submitted by the recipient that demonstrates diligent monitoring of subrecipient compliance with the requirements set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required."

4. Rules of Construction

A. For purposes of this condition "information-communication restriction" has the meaning set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required."

B. Both the "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full.

SPECIAL CONDITIONS

55. Required State-level rules or practices related to aliens; allowable costs

The following provisions apply to the recipient of this award, if the recipient is a State government, and also apply to any State-government subrecipient at any tier (whether or not the recipient is a State government).

1. Requirements

With respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award--

A. A State statute, or a State rule, -regulation, -policy, or -practice, must be in place that is designed to ensure that agents of the United States acting under color of federal law in fact are given to access any State (or State-contracted) correctional facility for the purpose of permitting such agents to meet with individuals who are (or are believed by such agents to be) aliens and to inquire as to such individuals' right to be or remain in the United States.

B. A State statute, or a State rule, -regulation, -policy, or -practice, must be in place that is designed to ensure that, when a State (or State-contracted) correctional facility receives from DHS a formal written request authorized by the Immigration and Nationality Act that seeks advance notice of the scheduled release date and time for a particular alien in such facility, then such facility will honor such request and -- as early as practicable (see para. 4.B. of this condition) -- provide the requested notice to DHS.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

3. Allowable costs

Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) of-- (1) developing and putting into place statutes, rules, regulations, policies, and practices to satisfy this condition, and (2) permitting access as described in para. 1.A. above, and (3) honoring any request from DHS that is encompassed by para. 1.B. above.

4. Rules of construction

A. For purposes of this condition--

(1) the term "alien" means what it means under section 101 of the Immigration and Nationality Act (see 8 U.S.C. 1101(a)(3)).

(2) the term "correctional facility" means what it means under the Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (see 42 U.S.C. 3791(a)(7)).

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, any State or local government, or any other entity or individual to maintain (or detain) any individual in custody beyond the date and time the individual would have been released in the absence of this condition.

Current DHS practice is ordinarily to request advance notice of scheduled release "as early as practicable (at least 48 hours, if possible)." (See DHS Form I-247A (3/17)). In the event that (e.g., in light of the date DHS made such request) the scheduled release date and time for an alien are such as not to permit the advance notice that DHS has requested, it shall not be a violation of this condition to provide only as much advance notice as practicable.

SPECIAL CONDITIONS

NOTE: Current DHS practice is to use one form (DHS Form I-247A (3/17)) for two distinct purposes -- to request advance notice of scheduled release, and to request that an individual be detained for up to 48 hours AFTER the scheduled release. This condition imposes NO requirements as to such DHS requests for detention.

C. Both the "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full.

56. Required local-government-level rules or practices related to aliens; allowable costs

The following provisions apply to the recipient of this award, if the recipient is a unit of local government, and also apply to any local-government subrecipient of this award at any tier (whether or not the recipient itself is a unit of local government).

1. Requirements

With respect to the "program or activity" that is funded (in whole or in part) by this award, as of the date the recipient accepts this award, and throughout the remainder of the period of performance for the award--

A. A local ordinance, -rule, -regulation, -policy, or -practice (or an applicable State statute, -rule, -regulation, -policy, or -practice) must be in place that is designed to ensure that agents of the United States acting under color of federal law in fact are given access a local-government (or local-government-contracted) correctional facility for the purpose of permitting such agents to meet with individuals who are (or are believed by such agents to be) aliens and to inquire as to such individuals' right to be or remain in the United States.

B. A local ordinance, -rule, -regulation, -policy, or -practice (or an applicable State statute, -rule, -regulation, -policy, or -practice) must be in place that is designed to ensure that, when a local-government (or local-government-contracted) correctional facility receives from DHS a formal written request authorized by the Immigration and Nationality Act that seeks advance notice of the scheduled release date and time for a particular alien in such facility, then such facility will honor such request and -- as early as practicable (see "Rules of Construction" incorporated by para. 4.B. of this condition) -- provide the requested notice to DHS.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with the requirements of this condition.

3. Allowable costs

Compliance with these requirements is an authorized and priority purpose of this award. To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated (including for authorized reimbursements) for the reasonable, necessary, and allocable costs (if any) of-- (1) developing and putting into place statutes, ordinances, rules, regulations, policies, and practices to satisfy this condition, (2) permitting access as described in para. 1.A. above, and (3) honoring any request from DHS that is encompassed by para. 1.B. above.

4. Rules of construction

A. The "Rules of Construction" and the "Important Note" set out in the award condition entitled "Ongoing compliance with 8 U.S.C. 1373 is required" are incorporated by reference as though set forth here in full.

B. The "Rules of Construction" set out in the award condition entitled "Required State-level rules or practices related to aliens; allowable costs" are incorporated by reference as though set forth here in full.

PROJECT NUMBER 2017-DJ-BX-0265 AWARD DATE

SPECIAL CONDITIONS

57. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS.

No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA.

Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS.

58. Encouragement of submission of "success stories"

BJA strongly encourages the recipient to submit annual (or more frequent) JAG success stories. To submit a success story, sign in to a My BJA account at https://www.bja.gov/Login.aspx to access the Success Story Submission form. If the recipient does not yet have a My BJA account, please register at https://www.bja.gov/profile.aspx. Once registered, one of the available areas on the My BJA page will be "My Success Stories." Within this box, there is an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the BJA Success Story web page at https://www.bja.gov/SuccessStoryList.aspx.

59. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

60. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

61. Withholding of funds: Required certification from the chief executive of the applicant government

The recipient may not obligate, expend, or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and a Grant Adjustment Notice (GAN) has been issued to remove this condition.

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

AWARD CONTINUATION SHEET
Grant

PROJECT NUMBER 2017-DJ-BX-0265 AWARD DATE

SPECIAL CONDITIONS

62. Initial period of performance; requests for extension

The recipient understands that the initial period of performance for this award is two years. The recipient further understands that any requests for an extension of the period of performance for this award will be approved automatically for up to a total of two additional years, pursuant to 42 U.S.C. 3751(f) and in accordance with the program solicitation associated with this award.

Any request for an extension of the period of performance beyond a four-year award period will require approval, and the approval (if any) will be at the discretion of the Director of BJA.

63. Withholding of funds: No current SAM registration

The recipient may not obligate, expend, or draw down any award funds until: (1) the recipient acquires current registration with the System for Award Management (SAM), (2) the recipient notifies the DOJ awarding agency (OJP or OVW, as appropriate) in writing of its current SAM registration, and (3) a Grant Adjustment Notice (GAN) is issued to remove this condition.

U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Orbin Terry, NEPA Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for City of Peoria

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:
a. New construction;
b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see https://www.bja.gov/Funding/nepa.html.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.

U.S. Department of Justice
Office of Justice Programs

Bureau of Justice Assistance

GRANT MANAGER'S MEMORANDUM, PT. I: PROJECT SUMMARY

Grant

PROJECT NUMBER

2017-DJ-BX-0265

This project is supported under FY17(BJA - JAG State and JAG Local) Title I of Pub. L. No. 90-351 (generally codified at 42 U.S.C. 3711 - 3797ff-5), including subpart 1 of part E (codified at 42 U.S.C. 3750 - 3758); see also 28 U.S.C. 530C(a).

1. STAFF CONTACT (Name & telephone number)

Elaine Vanlandingham
(202) 305-0034

2. PROJECT DIRECTOR (Name, address & telephone number)

Teresa Corless
Administrative Services Manager
8401 W. Monroe Street
Peoria, AZ 85345-6560
(623) 773-7035

3a. TITLE OF THE PROGRAM

BJA FY 17 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation

3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)

4. TITLE OF PROJECT

FY 17 Local JAG Program

5. NAME & ADDRESS OF GRANTEE

City of Peoria
8401 W. Monroe Street P.O. Box 340
Peoria, AZ 85345

6. NAME & ADRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2016 TO: 09/30/2018

8. BUDGET PERIOD

FROM: 10/01/2016 TO: 09/30/2018

9. AMOUNT OF AWARD

$ 21,297

10. DATE OF AWARD

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of criminal justice related activities based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following purpose areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; 7) crime victim and witness programs (other than compensation); and 8) mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.

This Local JAG award will be used to support criminal justice initiatives that fall under one or more of the allowable program areas above. Any equipment purchases or funded initiatives such as overtime, task forces, drug programs, information sharing, etc. will be aimed at reducing crime and/or enhancing public/officer safety. NCA/NCF

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 14C.

Date Prepared: 10/24/2017 Council Meeting Date: 11/7/2017

TO:	Jeff Tyne, City Manager
THROUGH:	Julie Arendall, Deputy City Manager
FROM:	Sonia Andrews, Acting Finance Director
SUBJECT:	PUBLIC HEARING - Liquor License, Gift Marketing Alliance, 8550 North 91st Avenue #F67

Purpose:

Pursuant to Arizona Law the City must make a recommendation to the State Liquor Board regarding the approval of applications to sell alcoholic beverages in the City. The Standard for the City's recommendation is whether the best interest of the community will be served by the issuance of these licenses and whether the public convenience is served.

Background/Summary:

Gift Marketing Alliance, is a new business, located at 8550 N. 91st Avenue #F67. The owners have applied for a New Wine and Beer (Series 10) Liquor License. The application agent is Alex Quintana.

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

Some of the businesses around Gift Marketing Alliance are RightSpace Storage, AZ Patio Heaters and Interstate All Battery Center. There are no staff concerns with Gift Marketing Alliance. The public hearing notice was posted for at least 20 days, and no comments were received during the posting period. The license application was reviewed according to State law and all Departments gave approvals.

Previous Actions:

There has never been a liquor license at 8550 N. 91st Avenue #F67.

Options:

A. Recommend approval to the Arizona State Liquor Board for a New Wine and Beer (Series 10) Liquor License for Gift Marketing Alliance, located at 8550 N. 91st Avenue #F67, Alex Quintana, Applicant, LL#20018469.

B. Recommend denial to the Arizona State Liquor Board for a New Wine and Beer (Series 10)

Liquor License for Gift Marketing Alliance, located at 8550 N. 91st Avenue #F67, Alex Quintana, Applicant, LL#20018469.

Staff Recommendation:

Discussion and possible action to recommend approval to the State Liquor Board for a New Wine and Beer (Series 10) Liquor License for Gift Marketing Alliance, located at 8550 North 91st Avenue #F67, Alex Quintana, Applicant, LL#20018469.

Fiscal Analysis:

The item has no financial implications.

Narrative:

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

ATTACHMENTS:

Gift Marketing App

Contact Name and Number:

Samuel Brown, 623-773-7658

'17 AUG 11 Liq. Lic. PM 2:38

DLLC USE ONLY

License #	10076907
Date Accepted:	8.11.17
CSR:	C.A.

Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

Application for Liquor License
Type or Print with Black Ink

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE
A service fee of $25 will be charged for all dishonored checks (A.R.S. § 44-6852)

SECTION 1 Type of License

- ☐ Interim Permit
- ☑ New License
- ☐ Person Transfer
- ☐ Location Transfer (series 6, 7 and 9)
- ☐ Probate/ Will Assignment/ Divorce Decree (No Fees)
- ☐ Seasonal

SECTION 2 Type of Ownership

- ☐ J.T.W.R.O.S.
- ☐ Individual
- ☑ Partnership
- ☐ Corporation
- ☐ Limited Liability Co
- ☐ Club
- ☐ Government
- ☐ Trust
- ☐ Tribe
- ☐ Other (Explain) ______

SECTION 3 Type of license

☐ Add Sampling Privilege for Series 9 and 10 only (Complete Sampling Privilege application) A.R.S.§4-206.01(G), (H), (I) & (L)

☐ Add Growler privileges (restaurant, series 12, license only. 300-foot restriction applies) A.R.S.§4-207(A) & (B)

1.Type of License (restaurant, bar etc.): ~~Gift Basket Company~~ Series 10 2. LICENSE # (if issued): 10076907

SECTION 4 Applicants

1. Agent's Name: Quintana (Last) Alex (First) (Middle) P1078759
2. Applicant/Licensee Name: Alex Quintana and Deborah Quintana B1059338
   (Ownership name for type of ownership checked on section 1)
3. Business Name (Doing Business As-DBA): AQ ~~Alex Quintana DBA~~- Gift Marketing Alliance B1059339
4. Business Location Address: AQ 8550 N 91st ave #F67 (Street) Peoria (City) AZ (State) 85345 (Zip Code) Maricopa (County)
   (Do not use PO Box)
5. Mailing Address: AQ 8550 N 91st ave #F67 (Street) peoria (City) AZ (State) 85345 (Zip Code)
   (All correspondence will be mailed to this address)
6. Business Phone: 623-374-3765 Daytime Contact Phone: [redacted]
7. Email Address: alex@giftmarketingalliance.com
8. Is the Business located within the incorporated limits of the above city or town? ☑Yes ☐No
   If you checked no, in what City, Town, County or Tribal/Indian Community is this business located? ______

Department Use Only

Fees: Application	Interim Permit	Site Inspection	Finger Prints	Total of All Fees
100	—		22x2	$ 144.00

Is Arizona Statement of Citizenship & Alien Status for State Benefits complete? ☒Yes ☐No

Individuals requiring ADA accommodations please call (602)542-9027

SECTION 5 **Background Check**

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD ALONG WITH $22. PROCESSING FEE PER CARD.

1. If the applicant is an entity, not an individual, answer questions 1a-b.

a) Date Incorporated/Organized: ________________ State where Incorporated/Organized: ________________

b) AZ Corporation or AZ L.L.C. File No: ________________ Date authorized to do business in AZ ________________

2. List any individual or entity that own a beneficial interest of 10% or more and/or controls the license. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed to disclose any controlling person, member, shareholder or general partner who owns a beneficial interest of 10 % or more of the license.

All General Partner

Last	First	Middle	Title	%Owned	Mailing Address	City	State	Zip
Quintana	Alex	N/A	Owner	50%	8550 91st ave #F 67	Peoria	AZ	85345
Quintana	Deborah	Christina	Owner	50%	8550 91st ave #F 67	Peoria	AZ	85345
		All General Partner						

(Attach additional sheet if necessary)

SECTION 6 **Interim Permit**

If you intend to operate business while your application is pending you will need an interim permit pursuant to A.R.S.§4-203.01
For approval of an interim permit:

- There **must** be a valid license of the same series issued to the current location you are applying for **OR**
- A Hotel/Motel license is being replaced with a restaurant license pursuant to A.R.S.§4-203.01 (A)

1. Enter license number currently at the location: N/A

2. Is the license currently in use? ☐ Yes ☐ No If no, how long has it been out of use? ________________

I, **(Signature)** ______________________________ declare that I am the CURRENT OWNER, AGENT, OR CONTROLLING PERSON on the stated license and location.

Attach a copy of the license currently issued at this location to this application.

NOTARY

State of Arizona)
County of ________________)

On this _____ Day of ____________, 20______ before me personally appeared ______________________
Day Month Year (Print Name of Document Signer)

Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.

____
Signature of NOTARY PUBLIC

(Affix Seal Above)

SECTION 7 **Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license ARS § 4-204**

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD ALONG WITH $22. PROCESSING FEE PER CARD.

1.Current Licensee's Name: N/A
(Exactly as it appears on the license) Last First Middle

2.Assignee's Name: ______________________________
Last First Middle

License Number: ______________________________

ATTACH A COPY OF THE DOCUMENT THAT SPECIFICALLY ASSIGNS THE LIQUOR LICENSE TO THE ASSIGNEE.

Individuals requiring ADA accommodations please call (602)542-9027

SECTION 8 Government (for Cities, Towns or Counties only)

1. Government Entity: n/a

2. Person/Designee: ______
Last First Middle Daytime Contact Phone #

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 9 ☐ **Person to Person – Current Licensee Information ARS§4-203(C), (D), (G)**
(Bar and Liquor Stores only – Series 06, 07 and 09)

1. License #: n/a

2. Current Agent Name: ______
Last First Middle

3. Current Licensee Name: ______
(Exactly as it appears on the license)

4. Current Business Name: ______
(Exactly as it appears on the license)

5. Current Daytime Phone: ______ Primary Email Address: ______

6. Does current licensee intend to operate the business while this application is pending? ☐ Yes ☐ No

7. I authorize the transfer of this license to the applicant: ______
Signature or Agent or Individual controlling person

NOTARY

State of Arizona)
)
County of ______)

On this ____ Day of ______, 20____ before me personally appeared ______
Day Month Year (Print Name of Document Signer)

Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.

______
Signature of NOTARY PUBLIC

(Affix Seal Above)

SECTION 10 Proximity to Church or School - Questions to be completed by 6, 7, 9, 10 and 12G applicants.

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) Restaurants that do not sell growlers (A.R.S.§4-205.02) Series 12
b) Hotel/motel license (A.R.S.§4-205.01) Series 11
c) Microbrewery (A.R.S.§4-205.08) Series 3
d) Craft Distillery (A.R.S.§4-205.10) Series 18
e) Government license (A.R.S.§4-205.03) Series 5
f) Playing area of a golf course (A.R.S.§4-207 (B)(5))
g) Wholesaler/Distributor Series 4
h) Farm Winery Series 13
i) Producer Series 1

1. Distance to nearest School: 3,960' Name of School: Peoria Unified School District
(If less than one (1) mile note footage) Address: 8990 west orangewood ave. Glenwood, AZ 85305

2. Distance to nearest Church: 1.2 miles Name of Church: Maranacha Baptist Church
(If less than one (1) mile note footage) Address: 9120 N 95th ave, Peoria, AZ 85345

SECTION 11 Business Financials A.R.S.§4-202(F)

1. I am the:

☑ Tenant: **a person who holds the lease of a property; a lessee.**
☐ Sub-tenant: **a person who holds a lease which was given to another person (tenant) for all or part of a property.**
☐ Owner
☐ Purchaser
☐ Management Company

2. If the premises is leased give lessors: Name: Jack Scanlan (Designated Broker)

Address: 4445 N 36th st # 251 (Street) Phoenix (City) AZ (State) 85018 (Zip)

3. What is the penalty if the lease is not fulfilled? $ remaining fees for lease amt or Other: ____________

4. Total money borrowed for the Business not including lease? $ 0

Please List Lenders/People you owe money to for business.

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

(Attach additional sheet if necessary)

5. Has a license or a transfer license for the premises on this application been denied by the state within the past year?

☐ Yes ☑ No If yes, attach explanation.

6. Does any spirituous liquor manufacture, wholesaler, or employee have an interest in your business?

☐ Yes ☑ No If yes, attach explanation.

SECTION 12 Diagram of Premises

Check ALL boxes that apply to your business:

☐ Walk-up or drive-through windows

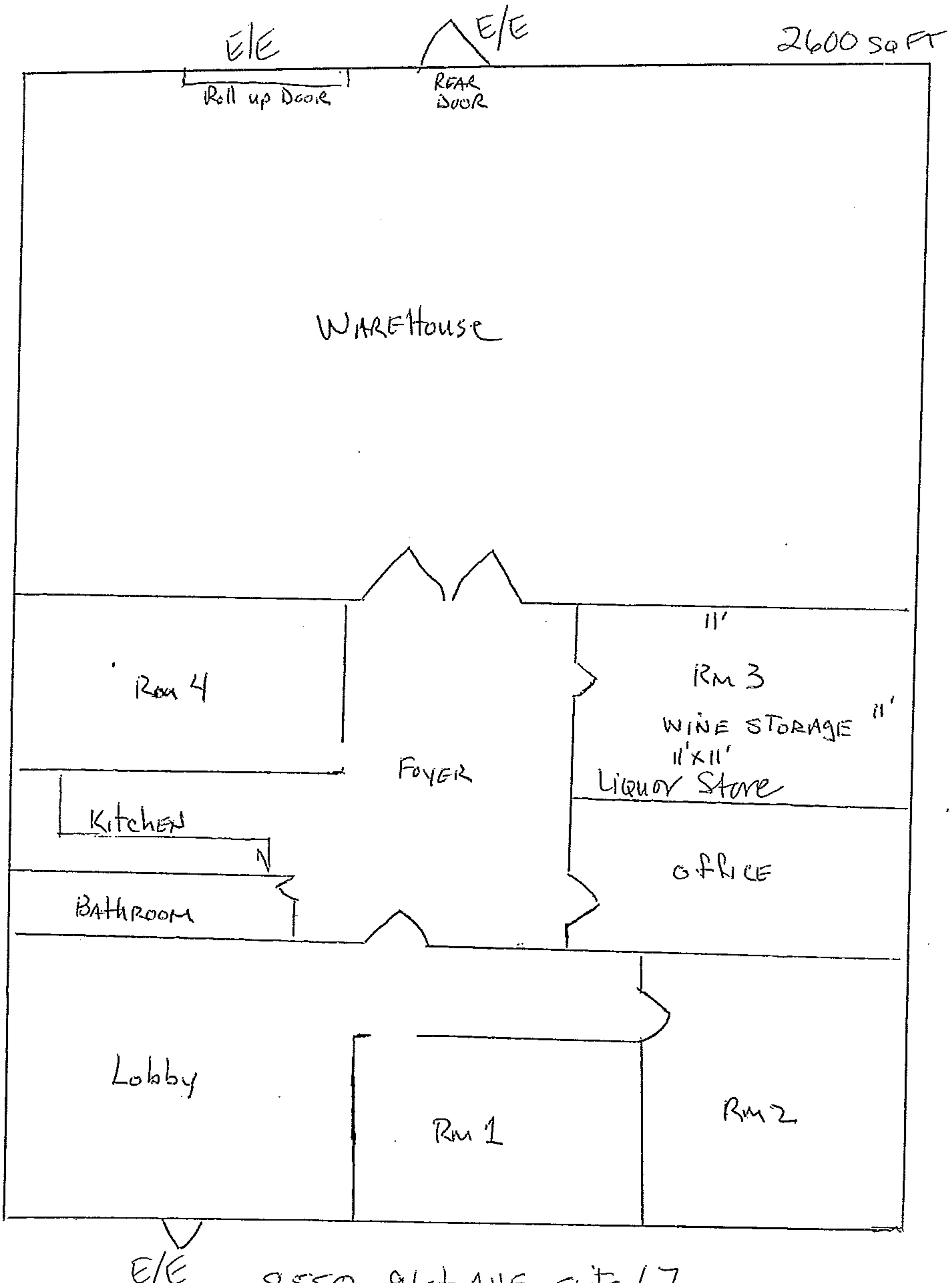
Patio: ☐ Contiguous ☐ Non-Contiguous within 30 feet

1. Is your licensed premises now closed due to construction, renovation or redesign or rebuild?

☐ Yes ☑ No If yes, what is your estimated completion date? ______/______/______

Please attach a diagram of the premises which clearly show only the areas where spirituous liquor will be sold, served, consumed, dispensed, possessed or stored. Include all entrances, exits, interior walls, bar areas, dining areas, dance floor, stage, game room and the kitchen. **DO NOT INCLUDE** parking lots, living quarters or areas where business is not conducted under this liquor license. When completing your premises diagram, please identify which orientation is North.

'17 AUG 11 Liq. Lic. PM 2:38



8550 91st AVE suite 67

-Section 12 continued on next page-

2.Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed areas such as parking lots, living quarters, etc.

3. 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 the service areas or the square footage of the licensed premises, either by increase or decrease.

AQ
Applicants Initials

RESTAURANTS AND HOTELS/MOTELS ONLY
(IMPORTANT NOTE: A site inspection must be conducted prior to activation of the license. The fee of $50.00 will be due and payable upon submitting this application.)

4a. Provide a detailed drawing of the kitchen and dining areas, including the locations of all kitchen equipment and dining furniture, these are required as part of the diagram. A.R.S.§4-205.02(C)

4b. Provide a restaurant operation plan.

SECTION 13 SIGNATURE BLOCK

I, (Signature) [redacted], hereby declare that I am the Owner/Agent filing this application, I have read this document and verify the content and all statements are true, correct and complete, to the best of my knowledge.

NOTARY

State of Arizona)
County of MARICOPA)

On this 1st Day of July, 20 17 before me personally appeared ALEX QUINTANA
(Print Name of Document Signer)

Whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and acknowledged that he or she signed the above/attached document.

ELIZABETH G. HATHOOT
Notary Public - Arizona
Maricopa County
My Comm. Expires Dec 27, 2019

[redacted]
Signature of NOTARY PUBLIC
Elizabeth G Hathoot

(Affix Seal Above)

A.R.S.§41-1030. Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees; enforcement; notice

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

D. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST THE STATE. THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST THE STATE FOR A VIOLATION OF THIS SECTION.

E. A STATE EMPLOYEE MAY NOT INTENTIONALLY OR KNOWINGLY VIOLATE THIS SECTION. A VIOLATION OF THIS SECTION IS CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO THE AGENCY'S ADOPTED PERSONNEL POLICY.

F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.02.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 15R.

Date Prepared: 10/11/2017 Council Meeting Date: 11/7/2017

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Chris M. Jacques, AICP, Planning Director

SUBJECT: PUBLIC HEARING - Code Amendment, Zoning Ordinance, Section 21-813 Wireless Communication Facilities

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Purpose:

This is a request for City Council to hold a Public Hearing to consider a city-initiated request to adopt an Ordinance amending requirements pertaining to Wireless Communication Facilities (WCF) to be in compliance with changes to Federal Communication Commission (FCC) regulations and improve overall clarity and usability.

The attached Ordinance proposes changes to Chapter 21 of the City Code (Zoning Ordinance) through Section 21-202 ("Definitions") and Section 21-813 ("Wireless Communication Facilities"). *The City has not received any correspondence in support or opposition to the changes.*

Background/Summary:

The Zoning Ordinance was initially adopted by the City in 1977. Over the years, a number of amendments have been adopted to address new development trends, respond to legislative mandates and/or Council directives and maintain a current and relevant regulatory document. Amendments to the Zoning Ordinance are typically initiated by staff but may also be initiated by private parties. This amendment to the Zoning Ordinance pertains to Wireless Communication Facilities (WCF).

The City of Peoria's current standards for Wireless Communication Facilities (WCF) were established in 1998. The purpose of this amendment is twofold:

- Comply with changes to Federal Communication Commission (FCC) regulations; and
- Revise the code format and content delivery for the purpose of enhanced usability.

The main purpose for the amendment is to ensure conformance with new regulations adopted by the Federal Communications Commission (FCC). The FCC regulates interstate and international communications by radio, television, wire, satellite and cable in all 50 states, the District of Columbia and U.S. territories. The 1996 Telecommunications Act governs federal, state and local government oversight of siting of wireless service facilities.

In 2014, the FCC adopted new regulations for WCF's. These new rules affect how local municipalities can regulate WCF's, including modifications to existing WCFs. Historically, the City was responsible for determining whether a change to an existing WCF was "substantial" and if so, further review and approval was required.

The FCC has now defined what constitutes a "substantial change", which has precluded local governments from denying any request for a modification to an existing WCF that does not meet this threshold. For example, an increase in the WCF height by *more than* twenty feet (20 feet) would be considered a substantial change and staff would require further review and approval. A height increase of nineteen feet is not considered a substantial change and therefore must be permitted outright.

The second purpose of the amendment is improve the clarity and use of the existing Ordinance. The ordinance contains numerous redundancies due to identical requirements for both principally and conditionally permitted WCFs and depends heavily on text to describe these requirements. The proposed amendment will simplify and organize the regulations by consolidating redundant requirements, using tables to organize development standards, and providing graphics as a visual display of criteria.

As a result of technological changes and capacity needs in addition to the growing population, the demand for wireless communication services throughout Peoria has increased substantially. The proposed changes within this ordinance would allow for future expansion and improvement of wireless networks in compliance with federal requirements with reasonable regulations; all while maintaining appropriate controls to provide context for surrounding areas where placement occurs.

Previous Actions:

The Planning and Zoning Commission held a Study Session on the proposed amendment on September 7, 2017.

A regular Public Hearing was held on September 21, 2017 to consider the proposed code amendment. The Commission voted 4-0 in favor of recommending approval of the request, as presented by City staff. No members of the public spoke in support or opposition to the request.

Options:

A: Approve as recommended by Staff and the Planning & Zoning Commission; or
B: Approve with modifications; or
C: Deny; or
D: Continue action to a date certain or indefinitely; or
E: Remand back to the Planning & Zoning Commission for further consideration.

Staff Recommendation:

Discussion and possible action to adopt **ORD. 2017-44** amending Chapter 21 of the Peoria City

Code (1977 Edition), Sections 21-202 ("Definitions") and 21-813 ("Wireless Communication Facilities").

Fiscal Analysis:

This request is not expected to generate any fiscal impacts to the City.

Narrative:

Should the Mayor and City Council affirmatively take action as recommended, the Ordinance would become effective within 30 days.

ATTACHMENTS:

Exhibit A - September 21, 2016 Planning and Zoning Commission Staff Report
Exhibit B - Draft Ordinance Amending 21-202 and 21-813 of the City Code, 1977 Edition

Contact Name and Number:

Cody Gleason, Senior Planner, (623) 773-7645
Jennifer Fostino, Planner, (623) 773-7565

BACKGROUND

Context

The City of Peoria's current standards for Wireless Communication Facilities (WCF) were established in 1998, with a few minor revisions adopted subsequently. A comprehensive amendment to the Section 21-813 of the Zoning Ordinance ("Wireless Communication Facilities") is proposed to address several factors:

- Changes to Federal Communications Commission (FCC) regulations; and
- An opportunity to revise the document format and content delivery for the purpose of enhanced usability; and
- An opportunity to respond to an ongoing increase in demand for WCF services.

PROPOSAL

Goal/Purpose of Request

The purpose of this city-initiated text amendment is to address the aforementioned factors by creating a streamlined, concise ordinance, which addresses changes in federal limitations on local jurisdictions for wireless communications facilities.

DISCUSSION AND ANALYSIS

In 2014, the FCC adopted new regulations for WCFs. These new rules affect how local municipalities can regulate WCFs, including changes made to existing WCFs. Prior to the new FCC regulations, staff determined whether a change was substantial which required further review and approval. The FCC has now defined what constitutes a substantial change, which has precluded local governments from denying any request for a modification to an existing WCF that does not meet this threshold.

The proposed text amendment will also simplify and organize the wireless communication facility requirements as provided in the Zoning Ordinance. The current ordinance contains certain redundancies due to identical requirements for both principally and conditionally permitted WCFs. To improve use and understanding of the ordinance, staff has consolidated a majority of these redundant requirements into a single subsection.

Additionally, graphics and tables will be used for development standards to help organize and display the regulations, which is consistent with information portrayed in the remainder of Chapter 21 of the City Code (the Zoning Ordinance). Please see excerpt below:

Development Standards	Zoning District	Distance to Residential Property Line	Maximum Height [c]	Distance to Property Line	Equipment Enclosure	Antenna Distance from Pole	Alternate Design WCF[d]
Permitted Principal Use	Residential [b]	>110% [a]	50′	>50% [a]	450 SF	6% [a]	Required
	Non-Residential	>200% [a]	65′				

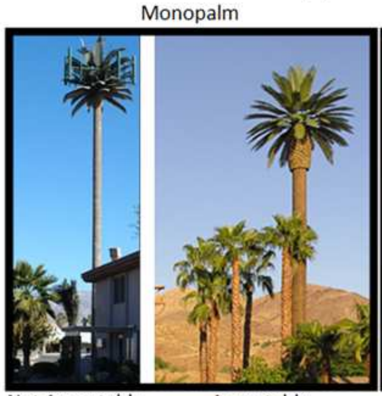
[a] Percentage (%) figures listed as a percentage shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower.

[b] In instances where residential and non-residential occupy the same footprint, residential standards shall apply.

[c] If facility is located on or within a height exempt structure, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from finished grade to the top of the structure including any associated concealment materials.

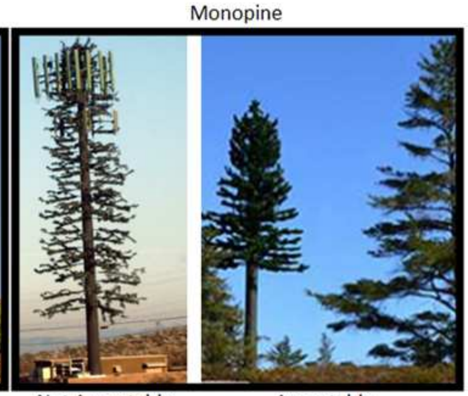
[d] Fronds, branches, or other methods of concealment shall completely conceal any antennae or other associated Aerial Mounted Equipment.

Monopalm



Not Acceptable Acceptable

Monopine



Not Acceptable Acceptable

These development standards ensure that appropriate context is considered in each proposed wireless facility. This is accomplished by providing regulations that are based on ratios which are linked to the height of the wireless communication facility and maximum allowable heights to maintain the character of an area. For instance, wireless facilities are permitted within residential districts as a principally permitted use so long as they are a stealth facility and in excess of 110% of the height of the pole away from a residential property line up to a maximum of 50 feet in height. (Example: A 50-foot tall wireless facility would be able to locate on a church or school property if the wireless facility was at least 55 feet away from the property line, and of an alternate design of acceptable form – designed to blend with the surroundings such as a monopalm, monopine, etc.).

To further address the usability of the ordinance, staff created an Administrative Procedures subsection as well as an Exemptions subsection. Doing so has improved the clarity and overall access to specific criteria related to processes and instances where certain WCFs are not to be regulated by the City of Peoria, such as public safety communications facilities.

The Administrative Procedures subsection provides clarity on the steps necessary for a proposed facility dependent on the scope of the proposed wireless facility. This subsection also provides information regarding what is deemed a substantial change. This portion regarding “substantial change” is the largest substance change to the WCF regulations within the City Code. The purpose of the "substantial change" regulations is to ensure compliance with federal regulatory requirements. The idea being that if an alteration is not deemed a substantial change, that change may proceed to building permits without obtaining any additional Planning approvals. Contained below is an excerpt from the "substantial change" regulations to illustrate what would constitute a substantial change.

> 3. The following criteria shall identify what constitutes a substantial change to a facility. All modifications deemed substantial shall refer to 21-813.C Administrative Procedures:
>
>   a. An increase in the originally approved WCF height by more than twenty (20) feet or ten percent (10%), whichever amount is greater;
>
>   b. An increase in the Width more than twenty (20) feet from the Edge of the Tower to the Face of the Antennae.
>
>   c. An increase in the height of Ground Mounted Equipment by more than ten percent (10%) or ten (10) feet, whichever amount is greater;
>
>   d. An increase in the Width of a non-tower structure by six (6) feet or more;
>
>   e. The installation of more than the standard number of Equipment Cabinets needed, not to exceed four (4);
>
>   f. Excavation outside the current boundaries of the WCF;
>
>   g. Proposed changes that would defeat the existing concealment elements of the WCF; and,
>
>   h. Proposed changes that do not comply with prior approval of the WCF unless the non-compliance is within the thresholds outlined in this section.

The Exemptions subsection of the ordinance further clarifies that any changes, which are not deemed "substantial", may proceed to building permits. Additionally exemptions are identified for routine maintenance, and facilities that are operated by a governmental entity for the purposes of public safety or governmental operations.

As a result of technological changes and capacity needs in addition to the growing population, the demand for wireless communication services throughout Peoria has increased substantially. The proposed changes within this ordinance would allow for future expansion and improvement of wireless networks in compliance with federal requirements with reasonable regulations; all while maintaining appropriate controls to provide context for surrounding areas where placement occurs.

Conclusions

- The proposed amendment provides a more user-friendly document for all those who reference it.
- The text amendment will bring the Zoning Ordinance into compliance with current FCC regulations.

- The proposed changes will modify requirements to better serve the needs of the community.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission make the following recommendations to the City Council:

1) Approval of case TA17-01 regarding Wireless Communications Facilities to the City Council, a request for a comprehensive amendment, concerning wireless communication facilities, to Chapter 21 of the City of Peoria City Code.

REPORT PREPARED BY

Jennifer Fostino
Planner
623-773-7565
jennifer.fostino@peoriaaz.gov

Cody Gleason
Senior Planner
623-773-7645
cody.gleason@peoriaaz.gov

ATTACHMENTS:

Exhibit A:	Proposed Definitions and Article 21-813 (Wireless Communication Facilities)
Exhibit B:	Existing Definitions and Article 21-813 (Wireless Communication Facilities)

U

Usable Floor Area means a term used in computing parking requirements, meaning the aggregate area of a building measured to the interior face of exterior walls on the first story, and including the floor area, similarly measured, of each additional story which is connected to the floor area or all accessory buildings, measured similarly, but excluding that part of any floor area which is occupied by heating, ventilating or other permanently installed equipment required for the operation of the building and by unenclosed porches, light shafts, public corridors and public toilets. For uses not enclosed within a building, the area for sales, display or service shall be measured to determine equivalent usable floor area.

Use means the purpose, for which a building is arranged, designed or intended, or for which land or a building is or may be occupied.

1. Principal use means the main use to which the premises are devoted and the main purpose for which the premises exist.
2. Accessory use means a subordinate use to the principal use on a lot and used for purposes clearly incidental to those of the principal use.

Utility Trailer means a vehicle with or without motive power, other than a pole trailer and semitrailer, designed for carrying property and for being drawn by a motor vehicle. [*13]

V

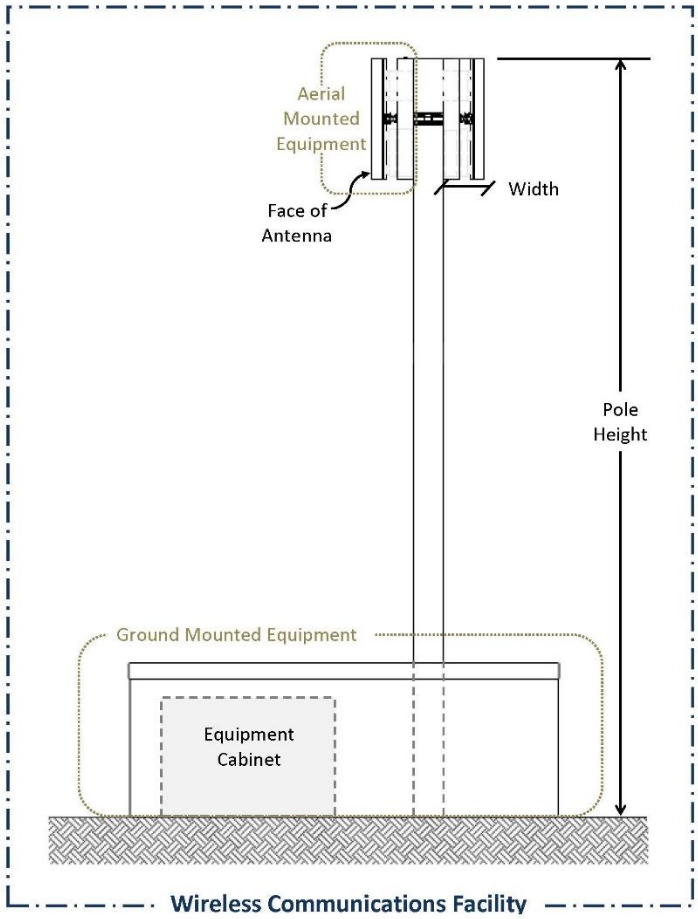
Variance means a modification of the literal provisions of this Ordinance granted by the Board upon a finding that strict enforcement of the Section would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

Vested Rights means rights to use, divide, sell, possess, or acquire real property established pursuant to Arizona statutory and common law that the City or any other governmental entity may not violate without good cause or in the absence of any public necessity, including those rights recognized as vested pursuant to a Protected Development Rights Plan approved by the City.

W

Waiver of Proposition 207 means a voluntary contractual agreement executed and submitted to the City in conjunction with an application for approval of a Land Use Law made by an Initiating Owner or its authorized representative and the City, whereby the Initiating Owner agrees to certain enumerated conditions of approval and to waive its right to bring a 207 Claim under the Act regarding the Land Use Law that is the subject of the application and any other Land Use Law or administrative interpretation and application of a Land Use Law resulting in good faith from the approval of the application. The agreement shall be in a form drafted and approved by the City Attorney that is recorded, runs with the land, and will bind the Initiating Owner and any successors. [*30]

Wireless Communication Facility (WCF) means any structure or piece of equipment that is designed and constructed primarily for the purpose of sending or receiving wireless transmissions or supporting one or more antennas for telephone, radio, wireless data and similar communication purposes, including self-supporting lattice towers, ~~guyed towers,~~ and monopole or similar towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, Alternate Design WCF, and similar facilities. The term also includes the structure and any support thereto. *12 *41



WCF Aerial Mounted Equipment means all above grade equipment that is associated with the wireless communication facility aside from ground mounted equipment and the pole or support structure anchoring the facility to the ground. This includes all appurtenances to the vertical structure of the wireless facility such as antennae, antenna arrays, microwave dishes, or similar equipment as well as materials mounted to vertical structures for co-location purposes. *41

WCF Alternate Design Wireless Communication Facility means the concealment or camouflage of a WCF that is in character with the surrounding area. Examples include, but are not limited to, a flagpole near a building, a spire at a place of worship, a palm tree in an area with mature palm trees, a pine tree in an area with mature pine trees or a saguaro cactus in an area with other mature saguaro cacti. *41

WCF Ground Mounted Equipment means all equipment associated with the wireless facility located at or near the base of the vertical structure. This shall include equipment cabinets, generators, and any associated screening walls for said equipment. *41

Y - Z

Yard means an open space located between any portion of a building and the nearest lot line, or the nearest adjacent building or group of buildings, as the context indicates, unoccupied and unobstructed from the ground upward, except as otherwise provided for in this Section.

a. All vehicular access to the facility shall be from arterial or collector streets.

b. The property line of the lot on which the Home is located shall be a minimum of one-thousand, three-hundred-twenty (1,320) feet, measured in a straight line in any direction from the property line of a lot where any other similar residential facility is located.

c. In the event that the appropriate State licensing agency revokes or terminates an applicant's license, the conditional use permit issued by the City shall be deemed to be revoked as of the date of the license revocation or termination.

2. Group Care Facilities and Community Residential Setting Facilities located in Single Family Residential Districts (R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, and R1-6), Multi-Family Residential District (RM-1), General Agricultural District (AG), Suburban Ranch District (SR-43), or Suburban Ranch District (SR-35) shall comply with all provisions set forth above in Section 21-812C.1. and the following provisions:

a. Provide no identification that is visible from a public street by signage, graphics, display, or other visual means.

b. Provide a six (6) foot high solid (opaque) fence or wall between all outdoor recreation areas and adjacent properties.

21-813 Wireless Communication Facilities *5 *44

A. General Requirements. All Wireless Communication Facilities, hereinafter referred to as WCF shall meet each of the following general requirements.

1. WCFs must meet or exceed all current state and federal standards and regulations.

2. WCFs shall be constructed, maintained, and modified in compliance with all adopted Peoria building codes.

3. To ensure compliance with the National Environmental Policy Act (NEPA), a Finding of No Significant Impact (FONSI) issued by the FCC may be required for new WCFs and co-locations.

4. A WCF shall be removed by the provider or the property owner within six (6) months of cessation of use, along with returning the area to its condition prior to the construction of the WCF.

5. A WCF shall not be located within one thousand three hundred and twenty (1,320) feet of a City, State, or Nationally designated historical site.

6. Commercial advertising or signage on the WCF or associated aerial or ground mounted equipment is prohibited.

7. Artificial lighting of a WCF is prohibited, unless required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).

8. WCFs located within a residential zoning district shall be allowed a single microwave dish not in excess of twenty-four (24) inches in diameter. WCF located within non-residential zoning districts shall be allowed a maximum of two (2) microwave dishes

which shall not exceed forty-eight (48) inches in diameter per microwave dish unless otherwise approved through a Conditional Use Permit. Such dishes shall be appropriately integrated into concealment efforts to minimize the visual presence of the microwave equipment.

9. Screening of ground mounted equipment shall adhere to the rules and regulations set forth in accordance with the screening provisions found in Section 21-804.

10. Colors and materials of the WCF shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;

11. One (1) parking space is required per WCF and shall be designed to meet City standards; this includes maneuvering and access.

12. A WCF shall not Alter the Mountain Top Ridge Line as defined in Section 21-711.

13. A WCF located in the right-of-way shall be exempt from the standards contained within this ordinance; however they must comply with all standards and practices established by the Engineering Director including but not limited to all applicable agreements and permits.

14. Co-locations on a utility pole not located in the right-of-way or co-locations located on a public/quasi-public property shall not be required to meet the setback requirements set forth in this section; provided that the ground equipment does not expand the perimeter of the utility facilities. Quasi-public property includes, but is not limited to:

    a. Schools, to include private, public, charter;

    b. College or University Campus;

    c. Power substations; or,

    d. Water pumping plants and storage tanks.

B. Development Standards

1. Permitted Principal Use

    a. A Facility shall be deemed a Permitted Principal Use if the following development standards are met:

Development Standards	Zoning District	Distance to Residential Property Line	Maximum Height [c]	Distance to Non-Residential Property Line	Equipment Enclosure	Antenna Distance from Pole	Alternate Design WCF[d]
Permitted Principal Use	Residential [b]	>110% [a]	50’	>50% [a]	450 SF	6% [a]	Required
	Non-Residential	>130% [a]	65’				

[a] Percentage (%) figures listed shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower.

[b] In instances where residential and non-residential uses occupy the same footprint, residential standards shall apply.

[c] If facility WCF is located on or within a height exempt structure per Section 21-8802, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from

finished grade to the top of the structure including any associated concealment materials.

d Fronds, branches, or other methods of concealment shall completely conceal any antennae or other associated Aerial Mounted Equipment.

Monopalm Monopine

Not Acceptable Acceptable Not Acceptable Acceptable

b. Rooftop and wall-mounted equipment:

1) Shall follow the height restrictions as listed in the above permitted principal use development standards table; unless otherwise permitted in the height exception provision of Section 21-802.

2) Shall be integrated into the design of the building.

3) Shall be fully screened from public view.

c. The co-location of aerial mounted equipment:

1) Shall not constitute a substantial change unless otherwise identified within Section 21-813.C of the City Code.

2) Shall not be more than an overall height of eighty (80) feet.

3) Shall not otherwise inhibit stealth aesthetics.

2. Permitted Conditional Use

a. Any facility which does not meet the Permitted Principal development standards shall require a Conditional Use Permit, and shall be in accordance with the following development standards:

Development Standards [d]	Zoning District	Distance to Residential Property Line	Maximum Height [c]	Distance to Non-Residential Property Line	Distance Between Non-Alternate Design WCF (Monopole)
Permitted Conditional Use	Residential [b]	>110% [a]	65’	>5’	1,320’
	Non-Residential	>130% [a]	80’		

[a] Percentage (%) figures listed shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower.

[b] In instances where residential and non-residential occupy the same footprint, residential standards shall apply.

[c] If facility is located on or within a height exempt structure per Section 21-802, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from finished grade to the top of the structure including any associated concealment materials.

[d] All conditions not specifically identified within this section shall be approved through the Conditional Use Permit process.

b. Rooftop and wall-mounted equipment

1) Shall follow the height restrictions as listed in the above conditional use development standards table; unless otherwise permitted in the height exception provision of Section 21-802.

2) Shall be integrated into the design of the building.

3) Shall be fully screened from public view.

c. All monopoles shall be constructed to allow for co-location by other wireless providers. The applicant shall demonstrate that the engineering of the tower and the placement of ground mounted facilities will not preclude other providers. The owner of the proposed tower must certify in writing that the tower will be available for use by other wireless communication providers on an economically reasonable and non-discriminatory basis.

d. The co-location of aerial mounted equipment:

1) Shall not constitute a substantial change unless otherwise identified within Section 21-813.C of the City Code.

2) Shall not be more than an overall height of ninety-five (95) feet.

3) Shall not otherwise inhibit stealth aesthetics.

C. Administrative Procedures

1. Permitted Principal Use

a. All facilities categorized as a permitted principal use are subject to site plan review process as set forth in Section 21-321.

2. Permitted Conditional Use

   a. All facilities categorized as a permitted conditional use are subject to the following processes as set forth in Section 21-321 and Section 21-322:

      1) Site Plan Review; and,

      2) Conditional Use Permit.

   b. The Applicant shall be provided the opportunity to execute a Waiver of Proposition 207 as to only the property leased by the Applicant. In addition to any other grounds the City may have, the City expressly reserves the right to recommend denial of such applications in the event the Applicant elects not to execute a Waiver of Proposition 207.

3. The following criteria shall identify what constitutes a substantial change to a facility. All modifications deemed substantial shall refer to 21-813.B Development Standards:

   a. An increase in the originally approved WCF height by more than twenty (20) feet or ten percent (10%), whichever amount is greater;

   b. An increase in the Width more than twenty (20) feet from the Edge of the Tower to the Face of the Antennae.

   c. An increase in the height of Ground Mounted Equipment by more than ten percent (10%) or ten (10) feet, whichever amount is greater;

   d. An increase in the Width of a non-tower structure by six (6) feet or more;

   e. The installation of more than the standard number of Equipment Cabinets needed, not to exceed four (4);

   f. Excavation outside the current boundaries of the WCF;

   g. Proposed changes that would defeat the existing concealment elements of the WCF; and,

   h. Proposed changes that do not comply with prior approval of the WCF unless the non-compliance is within the thresholds outlined in this section.

4. Any proposed facility that does not meet the standards identified within this section shall be prohibited.

5. No facility shall be installed, erected, modified, repaired, or altered without receiving all necessary permit approvals.

D. Exemptions from Section 21-320 and Section 21-321:

1. Routine maintenance of a WCF; and,

2. Modifications to a WCF that are not considered a substantial change as specified in Section 21-813.A.

3. WCFs that are owned and operated by a governmental entity for the purposes of public safety or governmental operations.

for which the premises exist.

2. Accessory use means a subordinate use to the principal use on a lot and used for purposes clearly incidental to those of the principal use.

Utility Trailer means a vehicle with or without motive power, other than a pole trailer and semitrailer, designed for carrying property and for being drawn by a motor vehicle. *13

V

Variance means a modification of the literal provisions of this Ordinance granted by the Board upon a finding that strict enforcement of the Section would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

Vested Rights means rights to use, divide, sell, possess, or acquire real property established pursuant to Arizona statutory and common law that the City or any other governmental entity may not violate without good cause or in the absence of any public necessity, including those rights recognized as vested pursuant to a Protected Development Rights Plan approved by the City.

W

Waiver of Proposition 207 means a voluntary contractual agreement executed and submitted to the City in conjunction with an application for approval of a Land Use Law made by an Initiating Owner or its authorized representative and the City, whereby the Initiating Owner agrees to certain enumerated conditions of approval and to waive its right to bring a 207 Claim under the Act regarding the Land Use Law that is the subject of the application and any other Land Use Law or administrative interpretation and application of a Land Use Law resulting in good faith from the approval of the application. The agreement shall be in a form drafted and approved by the City Attorney that is recorded, runs with the land, and will bind the Initiating Owner and any successors. *30

Wireless Communication Facility means any structure or piece of equipment that is designed and constructed primarily for the purpose of sending or receiving wireless transmissions or supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, and monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto. *12

Y - Z

Yard means an open space located between any portion of a building and the nearest lot line, or the nearest adjacent building or group of buildings, as the context indicates, unoccupied and unobstructed from the ground upward, except as otherwise provided for in this Section.

1. **Front yard** means a yard extending across the full width of the lot and having a depth equal to the horizontal distance between the nearest point of the principal building and the front lot line, measured at right angles to the front lot line.

2. **Rear yard** means a yard extending across the full width of a lot, and having a depth equal to the horizontal distance between the nearest point of the principal building and the rear lot line,

spacing exists to meet the intent of the spacing requirements.

5. The Planning and Zoning Commission may waive the requirements of Subsection B.4 above if sufficient mitigating measures are provided to eliminate potential adverse impacts on adjacent properties and to preserve the existing character of the residential neighborhood.

C. Group Care Facilities and Community Residential Setting Facilities (SFR, RM-1, AG, SR-43, SR-35)

Group Care Facilities and Community Residential Setting Facilities shall comply with the following:

1. Group Care Facilities and Community Residential Setting Facilities located in an Office District (O-1) shall adhere to the following provisions:

   a. All vehicular access to the facility shall be from arterial or collector streets.

   b. The property line of the lot on which the Home is located shall be a minimum of one-thousand, three-hundred-twenty (1,320) feet, measured in a straight line in any direction from the property line of a lot where any other similar residential facility is located.

   c. In the event that the appropriate State licensing agency revokes or terminates an applicant's license, the conditional use permit issued by the City shall be deemed to be revoked as of the date of the license revocation or termination.

2. Group Care Facilities and Community Residential Setting Facilities located in Single Family Residential Districts (R1-43, R1-35, R1-18, R1-12, R1-10, R1-8, and R1-6), Multi-Family Residential District (RM-1), General Agricultural District (AG), Suburban Ranch District (SR-43), or Suburban Ranch District (SR-35) shall comply with all provisions set forth above in Section 21-812C.1. and the following provisions:

   a. Provide no identification that is visible from a public street by signage, graphics, display, or other visual means.

   b. Provide a six (6) foot high solid (opaque) fence or wall between all outdoor recreation areas and adjacent properties.

21-813 Wireless Communication Facilities *5

It is the intent of this Section to promote the use of appropriate wireless communication facilities while encouraging co-location and design techniques that minimize the impacts of such facilities on the community. The City of Peoria encourages providers to explore all co-location options, locations on existing municipal facilities or locations on existing vertical elements prior to the application for a new facility. The City further encourages applicants to explore all camouflaging and screening options available to reduce the visual and environmental impacts of such facilities to the community.

A wireless communication facility, as defined in Section 21-202, shall be a permitted principal or permitted conditional use in all zoning districts subject to the limitations herein contained in this Section and as otherwise set forth in the Peoria City Code.

A. General Requirements.

All wireless communication facilities (hereinafter referred to as facility) shall meet the following general requirements regardless of whether they are a permitted principal use or a permitted conditional use.

1. Inventory of Existing Sites

   Each applicant for a facility shall provide to the City an inventory of its existing facilities or sites approved for facilities that are located either within the City of Peoria, City of Peoria planning area boundary or a county island within the City of Peoria. In addition to showing all existing and approved sites, inventories shall show all other wireless communications sites located within one mile of the proposed site, regardless of jurisdictional location. Each inventory shall include general information about the location, height, and design of each tower. The City may share such information with other applicants applying for administrative approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the City; provided however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

2. State or Federal Requirements

   All facilities must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring facilities and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

3. Building Code Safety Standards

   To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

4. Measurement

   For the purpose of determining separation distances, distances from properly lines or districts, and setback distances, distance shall be measured from the closest portion of the pole to the property line, district or pole in question. Tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Peoria, irrespective of municipal and county jurisdictional boundaries. Minimum setbacks for equipment panels shall conform with the International Building Code.

5. Franchises or Licenses
   Owners and/or operators of wireless facilities shall certify that all franchises or licenses required by law for the construction and/or operation of a wireless communication system in the City of Peoria have been obtained and shall file a copy of all required franchises or licenses with the City.

6. Pre-Existing Towers
   Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (routine maintenance does not include replacement with a new tower of like construction and height) and construction related to the use of the pole for the purposes of adding additional carriers shall be permitted on such pre-existing towers. New construction, including replacement of an existing tower, other than routine maintenance on a pre-existing tower, shall comply with the requirements of this ordinance.

7. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas
   Notwithstanding this ordinance, bona fide nonconforming towers or antennas that are damaged or destroyed shall not be rebuilt without first obtaining administrative approval or a conditional use permit and meeting the separation requirements specified in this ordinance. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained, or if said permit expires, the tower or antenna shall be deemed abandoned as specified in this ordinance.

8. Abandonment of Towers or Facilities
   A facility shall be deemed abandoned when such facility is not in use for a period of twelve (12) consecutive months. The owner of the facility shall remove the same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

B. Permitted Principal Use
   A wireless communication facility shall be a permitted principal use when the facility complies with the following minimum development standards:

1. The antennas or towers are located on: property owned or otherwise controlled by the City of Peoria, provided a license, lease or revocable permit authorizing such antenna or tower has

been approved by the City Manager or his designee; property owned by a school district and approved by the appropriate school board or their designee (for purposes of this Section, school district shall not include private schools or charter schools); an existing wireless communications facility; existing utility poles; or are located on existing poles within the existing walls of an electrical substation owned, leased or otherwise controlled by a public utility;

2. The facility is developed as an Alternative Tower Structure and meets all other provisions of this Ordinance;
3. The maximum height of a facility, except for rooftop or wall mounted facilities, facilities co-locating on an existing wireless communications facility, facilities locating on existing utility poles, or facilities locating on existing vertical structures on school or municipal property, is sixty-five (65) feet, provided however, if the facility is located within any residential district or within one hundred (100) feet of the property line of a residential use or district, the maximum height is fifty (50) feet; [*7]
4. An installation co-locating on an existing wireless communications facility may not increase the overall pole height by more than fifteen (15) feet, and the antennas shall not exceed a maximum height of eighty (80) feet or sixty-five (65) feet in any residential district. Installations co-locating on existing utility poles may increase the height of the pole by not more than fifteen (15) feet. Installations locating on existing vertical structures on school or municipal property shall follow the non-residential height requirements; [*7]
5. The facility replacing an existing pole on school or park grounds does not increase the original pole circumference by more than a 2:1 ratio;
6. Facilities located within a residential zoning district shall not have antennas other than panel antennas and/or whip antennas. Such facilities shall be allowed a single microwave dish not in excess of twenty four (24) inches in diameter;
7. The pole shall be setback from all adjacent residential zoning districts or residential land use property lines a minimum of two hundred percent (200%) of the height of the tower or pole. The pole shall be setback from all non-residential zoning districts or non-residential property lines and all street property lines a minimum of one hundred and ten percent (110%) of the height of the tower or pole;
8. Facilities co-locating on utility poles, facilities within the right-of-way, or facilities located on school or City property, including supporting equipment and cabinets, shall not be required to meet the setbacks requirements set forth above;
9. The freestanding building or equipment structure contains four hundred and fifty (450) square feet or less of gross floor area and is twelve (12) feet or less in height, except when a facility utilizes co-location, the building or equipment structure may contain nine hundred (900) square feet or less of gross floor area. Where ground-mounted cabinets are utilized, they shall not exceed eight (8) feet in height or an area greater than two hundred and fifty (250) square

feet;

10. The facility is screened in conformance with Section 21-804.B.6, of this Section.
11. The rooftop or wall mounted facility is hidden from off-site views and shall be screened to the extent possible by screen walls and/or the building parapet;
12. The colors and texture of the facility shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;
13. No commercial advertising or signage is allowed on site;
14. The facility has at least one (1) parking space designed to City standards. This requirement includes maneuvering areas and access drives. This requirement may be waived when sufficient hard surfaced parking exists;
15. The rooftop mounted facility is fifteen (15) feet or less in height as measured from the surrounding rooftop height to the top of all appurtenances;
16. The wall mounted antennae are eight (8) feet or less in height. Wall mounted facilities shall be mounted so as not to extend above the roof-line of the building and shall not project more than twelve (12) inches from the building face;
17. The facility shall not be artificially lighted, unless required by the FAA or other applicable authority;
18. The facility is not located within the Hillside Development Overlay District or within thirteen hundred and twenty (1,320) feet of a City or state designated historical site; and,
19. The minimum separation between facilities, except for approved alternative tower structures, rooftop or wall mounted facilities, facilities located within the industrial zoning districts, and facilities located on existing vertical structures on school or municipal property, is one thousand three hundred and twenty (1,320) feet. [*6]

C. Permitted Conditional Use

A wireless communication facility which does not meet the conditions specified above for Section 21-813.B , shall be a permitted conditional use and processed in accordance with Section 21-321 of this Ordinance. All permitted conditional uses shall meet the following minimum development standards:

1. The maximum height of the facility, except for rooftop or wall mounted facilities, facilities co-locating on an existing wireless communications facility, facilities locating on existing utility poles, or facilities located on existing vertical structures on school or municipal property, shall be eighty (80) feet, provided however, if the facility is located in any residential district or within seventy-five (75) feet of the property line of a residential use or district, the maximum height shall be sixty-five (65) feet; [*7]
2. An installation co-locating on an existing facility shall not increase the overall pole height by more than fifteen (15) feet, and the antennas shall not exceed a maximum height of ninety-

five (95) feet or sixty-five (65) feet in any residential district. Installations co-locating on existing utility poles may increase the height of the pole by not more than fifteen (15) feet. Installations locating on existing vertical structures on school or municipal property shall follow the non-residential height requirements; [*7]

3. The facility replacing an existing pole on school or park grounds does not increase the original pole circumference by more than is necessary to accommodate the additional structural requirements;
4. Such facilities located within a residential zoning district shall not have antennas other than panel antennas and/or whip antennas. Such facilities shall be allowed a single microwave dish not in excess of twenty four (24) inches in diameter;
5. The pole shall be setback from all adjacent residential zoning district or residential land use property lines a minimum of one hundred and ten percent (110%) of the height of the tower or pole. The pole shall be setback from all non- residential zoning district or non-residential property lines a minimum of five (5) feet and shall be setback from all street property lines equal to or greater than the building setback for the district in which the pole is located;
6. Facilities co-locating on utility poles, facilities within the right-of-way, or facilities located on school or City property shall not be required to meet the setbacks requirements set forth above;
7. The facility shall by screened in conformance with Section 21-804 of this Ordinance.
8. A rooftop or wall mounted facility shall be hidden from off-site views and shall be screened to the extent possible by screen walls and/or the building parapet;
9. The colors and texture of the facility shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;
10. No commercial advertising or signage shall be allowed on-site;
11. A facility shall have at least one (1) parking space designed to City standards.
12. This requirement shall also include maneuvering areas and access drives. This requirement shall be waived when sufficient hard surfaced parking exists;
13. A rooftop mounted facility shall be twenty-five (25) feet or less in height as measured from the surrounding rooftop height to the top of all appurtenances;
14. A wall mounted facility shall be twelve (12) feet or less in height. Wall mounted facilities shall be mounted so as not to extend above the roof-line of the building and shall not project more than twelve (12) inches from the building face;
15. The facility shall not be artificially lighted, unless required by the FAA or other applicable authority;
16. A facility may not be allowed within the Hillside Development Overlay District or within

thirteen hundred and twenty (1,320) feet of a City or state designated historical site; and,

17. The minimum separation between facilities, except for approved alternative tower structures, rooftop or wall mounted facilities, facilities located within the industrial zoning districts, and facilities locating on existing vertical structures on school or municipal property, shall be one thousand (1000) feet, unless otherwise approved by the City Council. *7
18. The Applicant shall be provided the opportunity to execute a Waiver of Proposition 207 as to only the property leased or licensed by the Applicant. In addition to any other grounds the City may have, the City expressly reserves the right to recommend denial of such applications in the event the Applicant elects not to execute a Waiver of Proposition 207.

(Section 21-813 *31, enacted April 17, 2007 and effective May 17, 2007.)

21-814 Donation/Recycling Drop-Off Boxes *40

A. Donation/Recycling Drop-Off Boxes are subject to the issuance of a Business License and approval of a Temporary Use Permit (TUP) pursuant to Section 21-312 and upon receipt of notarized written authorization by the property owner or authorized agent. An authorized agent must provide written evidence he/she has the authority to approve and locate a drop-off box on the parcel.

B. Donation/Recycling Drop-Off Boxes may be permitted as an accessory use to all permitted non-residential uses within a residential zoning district pursuant to this Section.

C. Donation/Recycling Drop-Off Boxes shall be located on a paved surface.

D. Donation/Recycling Drop-Off Boxes shall not be located within the front or corner side setbacks, required landscaped areas or within required parking spaces.

E. Donation/Recycling Drop-Off Boxes shall not obstruct pedestrian or vehicular circulation, or be located within the public right-of-way, drive aisles, fire lanes, loading zones, or any other location that may cause hazardous conditions, or constitute a threat to the public health, safety, and welfare.

F. There shall be no more than one (1) Donation/Recycling Drop-Off box on lots or complexes/centers less than one (1) acre in size, no more than two (2) Donation/Recycling Drop-Off Boxes on lots or complexes/centers of one (1) to three (3) acres in size, and no more than four (4) Donation/Recycling Drop-off Boxes on lots or complexes/centers greater than three (3) acres in size. No more than two donation boxes shall be clustered together in any one location. A property may contain one 12 yard container in lieu of two (2) six cubic yard containers.

Donation Box Allotment			
Lots or Complexes/Centers Size	1 Acre	1-3 Acres	3 + Acres
Number of Boxes Allowed	1 Box	2 Boxes [a]	4 Boxes [a]
[a] No more than two (2) Donation Bins shall be clustered together in any one location.			

ORDINANCE NO. 2017-44

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 21 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING SECTION 21-202 DEFINITIONS, SECTION 21-813 WIRELESS COMMUNICATION FACILITIES, OF THE PEORIA CITY CODE; 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 September 21, 2017 to consider proposed amendments 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 September 1, 2017; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of September 21, 2017 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 21 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 Section 21-202 Definitions, and Section 21-813 Wireless Communication Facilities, of Chapter 21 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 21 of the Peoria City Code (1977 edition) shall be amended to read as indicated on Exhibits A-C.

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 7th day of November, 2017.

____
Cathy Carlat, Mayor

____
Date Signed

ATTEST:

____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

____
Steve Burg, City Attorney

Published in: Peoria Times
Publication Dates: November 17, 2017
Effective Date: __________

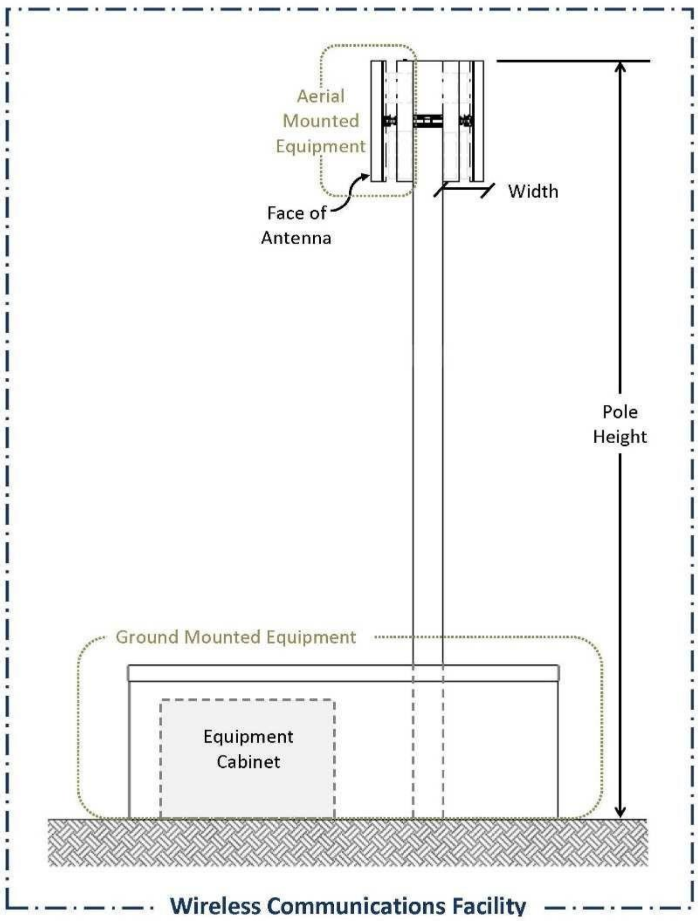
Exhibit A
(Case TA 17-01)

SECTION 21-202
DEFINITIONS

21-202 Definitions

~~**Alternative tower structure** means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. *12~~

Wireless Communication Facility **(WCF)** means any structure or piece of equipment that is designed and constructed primarily for the purpose of sending or receiving wireless transmissions or supporting one or more antennas for telephone, radio, wireless data and similar communication purposes, including self-supporting lattice towers, ~~guyed towers,~~ and monopole or similar towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, Alternate Design WCF, and similar facilities. The term also includes the structure and any support thereto. *12 *41



WCF Aerial Mounted Equipment means all above grade equipment that is associated with the wireless communication facility aside from ground mounted equipment and the pole or support structure anchoring the facility to the ground. This includes all appurtenances to the vertical structure of the wireless facility such as antennae, antenna arrays, microwave dishes, or similar equipment as well as materials mounted to vertical structures for co-location purposes. *41

WCF Alternate Design Wireless Communication Facility means the concealment or camouflage of a WCF that is in character with the surrounding area. Examples include, but are not limited to, a flagpole near a building, a spire at a place of worship, a palm tree in an area with mature palm trees, a pine tree in an area with mature pine trees or a saguaro cactus in an area with other mature saguaro cacti. *41

WCF Ground Mounted Equipment means all equipment associated with the wireless facility located at or near the base of the vertical structure. This shall include equipment cabinets, generators, and any associated screening walls for said equipment. *41

Exhibit B
(Case TA 17-01)

SECTION 21-813
Wireless Communication Facilities

21-813 Wireless Communication Facilities *5

~~It is the intent of this Section to promote the use of appropriate wireless communication facilities while encouraging co-location and design techniques that minimize the impacts of such facilities on the community. The City of Peoria encourages providers to explore all co-location options, locations on existing municipal facilities or locations on existing vertical elements prior to the application for a new facility. The City further encourages applicants to explore all camouflaging and screening options available to reduce the visual and environmental impacts of such facilities to the community.~~

~~A wireless communication facility, as defined in Section 21-202, shall be a permitted principal or permitted conditional use in all zoning districts subject to the limitations herein contained in this Section and as otherwise set forth in the Peoria City Code.~~

~~A.General Requirements.~~

~~All wireless communication facilities (hereinafter referred to as facility) shall meet the following general requirements regardless of whether they are a permitted principal use or a permitted conditional use.~~

~~1.Inventory of Existing Sites~~

~~Each applicant for a facility shall provide to the City an inventory of its existing facilities or sites approved for facilities that are located either within the City of Peoria, City of Peoria planning area boundary or a county island within the City of Peoria. In addition to showing all existing and approved sites, inventories shall show all other wireless communications sites located within one mile of the proposed site, regardless of jurisdictional location. Each inventory shall include general information about the location, height, and design of each tower. The City may share such information with other applicants applying for administrative approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the City; provided however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.~~

~~2.State or Federal Requirements~~

~~All facilities must meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such~~

~~revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring facilities and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.~~

~~3.Building Code Safety Standards~~

~~To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.~~

~~4.Measurement~~

~~For the purpose of determining separation distances, distances from properly lines or districts, and setback distances, distance shall be measured from the closest portion of the pole to the property line, district or pole in question. Tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Peoria, irrespective of municipal and county jurisdictional boundaries. Minimum setbacks for equipment panels shall conform with the International Building Code.~~

~~5.Franchises or Licenses~~

~~Owners and/or operators of wireless facilities shall certify that all franchises or licenses required by law for the construction and/or operation of a wireless communication system in the City of Peoria have been obtained and shall file a copy of all required franchises or licenses with the City.~~

~~6.Pre-Existing Towers~~

~~Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (routine maintenance does not include replacement with a new tower of like construction and height) and construction related to the use of the pole for the purposes of adding additional carriers shall be permitted on such pre-existing towers. New construction, including replacement of an existing tower, other than routine maintenance on a pre-existing tower, shall comply with the requirements of this ordinance.~~

~~7.Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas~~

~~Notwithstanding this ordinance, bona fide nonconforming towers or antennas that are damaged or destroyed shall not be rebuilt without first obtaining administrative approval or a conditional use permit and meeting the separation requirements specified in this ordinance. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the~~

~~facility is damaged or destroyed. If no permit is obtained, or if said permit expires, the tower or antenna shall be deemed abandoned as specified in this ordinance.~~

~~8.Abandonment of Towers or Facilities~~

~~A facility shall be deemed abandoned when such facility is not in use for a period of twelve (12) consecutive months. The owner of the facility shall remove the same within ninety (90) days of receipt of notice from the City notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.~~

~~B.Permitted Principal Use~~

~~A wireless communication facility shall be a permitted principal use when the facility complies with the following minimum development standards:~~

~~1.The antennas or towers are located on: property owned or otherwise controlled by the City of Peoria, provided a license, lease or revocable permit authorizing such antenna or tower has been approved by the City Manager or his designee; property owned by a school district and approved by the appropriate school board or their designee (for purposes of this Section, school district shall not include private schools or charter schools); an existing wireless communications facility; existing utility poles; or are located on existing poles within the existing walls of an electrical substation owned, leased or otherwise controlled by a public utility;~~

~~2.The facility is developed as an Alternative Tower Structure and meets all other provisions of this Ordinance;~~

~~3. The maximum height of a facility, except for rooftop or wall mounted facilities, facilities co-locating on an existing wireless communications facility, facilities locating on existing utility poles, or facilities locating on existing vertical structures on school or municipal property, is sixty-five (65) feet, provided however, if the facility is located within any residential district or within one hundred (100) feet of the property line of a residential use or district, the maximum height is fifty (50) feet;*7~~

~~4. An installation co-locating on an existing wireless communications facility may not increase the overall pole height by more than fifteen (15) feet, and the antennas shall not exceed a maximum height of eighty (80) feet or sixty-five (65) feet in any residential district. Installations co-locating on existing utility poles may increase the height of the pole by not more than fifteen (15) feet. Installations locating on existing vertical structures on school or municipal property shall follow the non-residential height requirements;*7~~

~~5.The facility replacing an existing pole on school or park grounds does not increase the original pole circumference by more than a 2:1 ratio;~~

6. ~~Facilities located within a residential zoning district shall not have antennas other than panel antennas and/or whip antennas. Such facilities shall be allowed a single microwave dish not in excess of twenty four (24) inches in diameter;~~

7. ~~The pole shall be setback from all adjacent residential zoning districts or residential land use property lines a minimum of two hundred percent (200%) of the height of the tower or pole. The pole shall be setback from all non-residential zoning districts or non-residential property lines and all street property lines a minimum of one hundred and ten percent (110%) of the height of the tower or pole;~~

8. ~~Facilities co-locating on utility poles, facilities within the right-of-way, or facilities located on school or City property, including supporting equipment and cabinets, shall not be required to meet the setbacks requirements set forth above;~~

9. ~~The freestanding building or equipment structure contains four hundred and fifty (450) square feet or less of gross floor area and is twelve (12) feet or less in height, except when a facility utilizes co-location, the building or equipment structure may contain nine hundred (900) square feet or less of gross floor area. Where ground-mounted cabinets are utilized, they shall not exceed eight (8) feet in height or an area greater than two hundred and fifty (250) square feet;~~

10. ~~The facility is screened in conformance with Section 21-804.B.6, of this Section.~~

11. ~~The rooftop or wall mounted facility is hidden from off-site views and shall be screened to the extent possible by screen walls and/or the building parapet;~~

12. ~~The colors and texture of the facility shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;~~

13. ~~No commercial advertising or signage is allowed on site;~~

14. ~~The facility has at least one (1) parking space designed to City standards. This requirement includes maneuvering areas and access drives. This requirement may be waived when sufficient hard surfaced parking exists;~~

15. ~~The rooftop mounted facility is fifteen (15) feet or less in height as measured from the surrounding rooftop height to the top of all appurtenances;~~

16. ~~The wall mounted antennae are eight (8) feet or less in height. Wall mounted facilities shall be mounted so as not to extend above the roof-line of the building and shall not project more than twelve (12) inches from the building face;~~

17. ~~The facility shall not be artificially lighted, unless required by the FAA or other applicable authority;~~

18. ~~The facility is not located within the Hillside Development Overlay District or within thirteen hundred and twenty (1,320) feet of a City or state designated historical site; and,~~

19. ~~The minimum separation between facilities, except for approved alternative tower structures, rooftop or wall mounted facilities, facilities located within the industrial zoning districts, and facilities located on existing vertical structures on school or municipal property, is one thousand three hundred and twenty (1,320) feet.~~ ~~*6~~

~~C.Permitted Conditional Use~~

~~A wireless communication facility which does not meet the conditions specified above for Section 21-813.B , shall be a permitted conditional use and processed in accordance with Section 21-322 of this Ordinance. All permitted conditional uses shall meet the following minimum development standards:~~

1. ~~The maximum height of the facility, except for rooftop or wall mounted facilities, facilities co-locating on an existing wireless communications facility, facilities locating on existing utility poles, or facilities located on existing vertical structures on school or municipal property, shall be eighty (80) feet, provided however, if the facility is located in any residential district or within seventy-five (75) feet of the property line of a residential use or district, the maximum height shall be sixty-five (65) feet;~~ ~~*7~~

2. ~~An installation co-locating on an existing facility shall not increase the overall pole height by more than fifteen (15) feet, and the antennas shall not exceed a maximum height of ninety-five (95) feet or sixty-five (65) feet in any residential district. Installations co-locating on existing utility poles may increase the height of the pole by not more than fifteen (15) feet. Installations locating on existing vertical structures on school or municipal property shall follow the non-residential height requirements;~~ ~~*7~~

~~3.The facility replacing an existing pole on school or park grounds does not increase the original pole circumference by more than is necessary to accommodate the additional structural requirements;~~

~~4.Such facilities located within a residential zoning district shall not have antennas other than panel antennas and/or whip antennas. Such facilities shall be allowed a single microwave dish not in excess of twenty four (24) inches in diameter;~~

~~5.The pole shall be setback from all adjacent residential zoning district or residential land use property lines a minimum of one hundred and ten percent (110%) of the height of the tower or pole. The pole shall be setback from all non-residential zoning district or non-residential property lines a minimum of five (5) feet and shall be setback from all street property lines equal to or greater than the building setback for the district in which the pole is located;~~

~~6.Facilities co-locating on utility poles, facilities within the right-of-way, or facilities located on school or City property shall not be required to meet the setbacks requirements set forth above;~~

~~7.The facility shall by screened in conformance with Section 21-804 of this Ordinance.~~

~~8.A rooftop or wall mounted facility shall be hidden from off-site views and shall be screened to the extent possible by screen walls and/or the building parapet;~~

~~9. The colors and texture of the facility shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;~~

~~10. No commercial advertising or signage shall be allowed on-site;~~

~~11. A facility shall have at least one (1) parking space designed to City standards.~~

~~12. This requirement shall also include maneuvering areas and access drives. This requirement shall be waived when sufficient hard surfaced parking exists;~~

~~13. A rooftop mounted facility shall be twenty-five (25) feet or less in height as measured from the surrounding rooftop height to the top of all appurtenances;~~

~~14. A wall mounted facility shall be twelve (12) feet or less in height. Wall mounted facilities shall be mounted so as not to extend above the roof-line of the building and shall not project more than twelve (12) inches from the building face;~~

~~15. The facility shall not be artificially lighted, unless required by the FAA or other applicable authority;~~

~~16. A facility may not be allowed within the Hillside Development Overlay District or within thirteen hundred and twenty (1,320) feet of a City or state designated historical site; and,~~

~~17. The minimum separation between facilities, except for approved alternative tower structures, rooftop or wall mounted facilities, facilities located within the industrial zoning districts, and facilities locating on existing vertical structures on school or municipal property, shall be one thousand (1000) feet, unless otherwise approved by the City Council.~~[*7]

~~18. The Applicant shall be provided the opportunity to execute a Waiver of Proposition 207 as to only the property leased or licensed by the Applicant. In addition to any other grounds the City may have, the City expressly reserves the right to recommend denial of such applications in the event the Applicant elects not to execute a Waiver of Proposition 207.~~[*31]

Exhibit C
(Case TA 17-01)

SECTION 21-813
Wireless Communication Facilities

21-813 Wireless Communication Facilities [*5 *44]

A. General Requirements. All Wireless Communication Facilities, hereinafter referred to as WCF shall meet each of the following general requirements.

1. WCFs must meet or exceed all current state and federal standards and regulations.

2. WCFs shall be constructed, maintained, and modified in compliance with all adopted Peoria building codes.

3. To ensure compliance with the National Environmental Policy Act (NEPA), a Finding of No Significant Impact (FONSI) issued by the FCC may be required for new WCFs and co-locations.

4. A WCF shall be removed by the provider or the property owner within six (6) months of cessation of use, along with returning the area to its condition prior to the construction of the WCF.

5. A WCF shall not be located within one thousand three hundred and twenty (1,320) feet of a City, State, or Nationally designated historical site.

6. Commercial advertising or signage on the WCF or associated aerial or ground mounted equipment is prohibited.

7. Artificial lighting of a WCF is prohibited, unless required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC).

8. WCFs located within a residential zoning district shall be allowed a single microwave dish not in excess of twenty-four (24) inches in diameter. WCF located within non-residential zoning districts shall be allowed a maximum of two (2) microwave dishes which shall not exceed forty-eight (48) inches in diameter per microwave dish unless otherwise approved through a Conditional Use Permit. Such dishes shall be appropriately integrated into concealment efforts to minimize the visual presence of the microwave equipment.

9. Screening of ground mounted equipment shall adhere to the rules and regulations set forth in accordance with the screening provisions found in Section 21-804.

10. Colors and materials of the WCF shall be compatible with the surrounding environment as determined by the City, except as otherwise required by the FAA;

11. One (1) parking space is required per WCF and shall be designed to meet City standards; this includes maneuvering and access.

12. A WCF shall not Alter the Mountain Top Ridge Line as defined in Section 21-711.

13. A WCF located in the right-of-way shall be exempt from the standards contained within this ordinance; however they must comply with all standards and practices established by the Engineering Director including but not limited to all applicable agreements and permits.

14. Co-locations on a utility pole not located in the right-of-way or co-locations located on a public/quasi-public property shall not be required to meet the setback requirements set forth in this section; provided that the ground equipment does not expand the perimeter of the utility facilities. Quasi-public property includes, but is not limited to:
    a. Schools, to include private, public, charter;
    b. College or University Campus;
    c. Power substations; or,
    d. Water pumping plants and storage tanks.

A. Development Standards

1. Permitted Principal Use
    a. A Facility shall be deemed a Permitted Principal Use if the following development standards are met:

Development Standards	Zoning District	Distance to Residential Property Line	Maximum Height [c]	Distance to Non-Residential Property Line	Equipment Enclosure	Antenna Distance from Pole	Alternate Design WCF[d]
Permitted Principal Use	Residential [b]	>110% [a]	50’	>50% [a]	450 SF	6% [a]	Required
	Non-Residential	>130% [a]	65’				

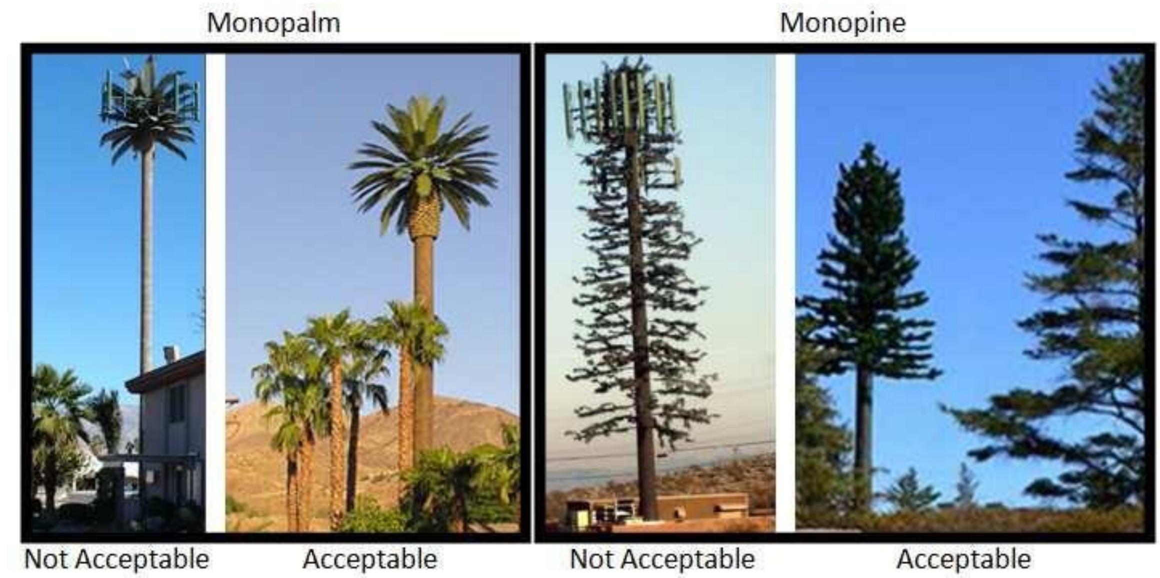
[a] Percentage (%) figures listed shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower.

[b] In instances where residential and non-residential uses occupy the same footprint, residential standards shall apply.

[c] If facility WCF is located on or within a height exempt structure per Section 21-8802, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from finished grade to the top of the structure including any associated

concealment materials.

d Fronds, branches, or other methods of concealment shall completely conceal any antennae or other associated Aerial Mounted Equipment.



b. Rooftop and wall-mounted equipment:

1) Shall follow the height restrictions as listed in the above permitted principal use development standards table; unless otherwise permitted in the height exception provision of Section 21-802.

2) Shall be integrated into the design of the building.

3) Shall be fully screened from public view.

c. The co-location of aerial mounted equipment on an existing WCF:

1) Shall not constitute a substantial change unless otherwise identified within Section 21-813.C of the City Code.
2) Shall not be more than an overall height of eighty (80) feet.
3) Shall not otherwise inhibit stealth aesthetics.

2. Permitted Conditional Use

a. Any facility which does not meet the Permitted Principal development standards shall require a Conditional Use Permit, and shall be in accordance with the following development standards:

Development Standards [d]	Zoning District	Distance to Residential Property Line	Maximum Height [c]	Distance to Non-Residential Property Line	Distance Between Non-Alternate Design WCF (Monopole)
Permitted Conditional Use	Residential [b]	>110% [a]	65’	>5’	1,320’
	Non-Residential	>130% [a]	80’		

[a] Percentage (%) figures listed shall be based on the height of the pole from adjacent finished grade. Distance is measured from the edge of the tower.

[b] In instances where residential and non-residential occupy the same footprint, residential standards shall apply.

[c] If facility is located on or within a height exempt structure per Section 21-802, the height will be measured to the top of the antennae. For ground mounted WCFs height shall be measured from finished grade to the top of the structure including any associated concealment materials.

[d] All conditions not specifically identified within this section shall be approved through the Conditional Use Permit process.

b. Rooftop and wall-mounted equipment

1) Shall follow the height restrictions as listed in the above conditional use development standards table; unless otherwise permitted in the height exception provision of Section 21-802.

2) Shall be integrated into the design of the building.

3) Shall be fully screened from public view.

c. All monopoles shall be constructed to allow for co-location by other wireless providers. The applicant shall demonstrate that the engineering of the tower and the placement of ground mounted facilities will not preclude other providers. The owner of the proposed tower must certify in writing that the tower will be available for use by other wireless communication providers on an economically reasonable and non-discriminatory basis.

d. The co-location of aerial mounted equipment on an existing WCF:

1) Shall not constitute a substantial change unless otherwise identified within Section 21-813.C of the City Code.
2) Shall not be more than an overall height of ninety-five (95) feet.
3) Shall not otherwise inhibit stealth aesthetics.

B. Administrative Procedures

1. Permitted Principal Use

a. All facilities categorized as a permitted principal use are subject to site plan review process as set forth in Section 21-321.

2. Permitted Conditional Use

   a. All facilities categorized as a permitted conditional use are subject to the following processes as set forth in Section 21-321 and Section 21-322:

      1) Site Plan Review; and,

      2) Conditional Use Permit.

   b. The Applicant shall be provided the opportunity to execute a Waiver of Proposition 207 as to only the property leased by the Applicant. In addition to any other grounds the City may have, the City expressly reserves the right to recommend denial of such applications in the event the Applicant elects not to execute a Waiver of Proposition 207.

3. The following criteria shall identify what constitutes a substantial change to a facility. All modifications deemed substantial shall refer to 21-813.B Development Standards:

   a. An increase in the originally approved WCF height by more than twenty (20) feet or ten percent (10%), whichever amount is greater;

   b. An increase in the Width more than twenty (20) feet from the Edge of the Tower to the Face of the Antennae.

   c. An increase in the height of Ground Mounted Equipment by more than ten percent (10%) or ten (10) feet, whichever amount is greater;

   d. An increase in the Width of a non-tower structure by six (6) feet or more;

   e. The installation of more than the standard number of Equipment Cabinets needed, not to exceed four (4);

   f. Excavation outside the current boundaries of the WCF;

   g. Proposed changes that would defeat the existing concealment elements of the WCF; and,

   h. Proposed changes that do not comply with prior approval of the WCF unless the non-compliance is within the thresholds outlined in this section.

4. Any proposed facility that does not meet the standards identified within this section shall be prohibited.

5. No facility shall be installed, erected, modified, repaired, or altered without receiving all necessary permit approvals.

C. Exemptions from Section 21-320 and Section 21-321:

   1. Routine maintenance of a WCF; and,

   2. Modifications to a WCF that are not considered a substantial change as specified in Section 21-813.A.

3. <u>WCFs that are owned and operated by a governmental entity for the purposes of public safety or governmental operations.</u>

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 16R.

Date Prepared: 10/17/2017 | Council Meeting Date: 11/7/2017

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Chris M. Jacques, AICP, Planning Director

SUBJECT: PUBLIC HEARING - Harvest Church Annexation, 8340 West Northern Avenue

Purpose:

This is a request for City Council to hold a Public Hearing to hear any testimony deemed appropriate on the proposed annexation (Case ANX17-04). No City Council action may be taken at this time.

Background/Summary:

The City of Peoria is initiating a request on behalf of the property owner, Harvest Church, for annexation of 10.49 acres of privately owned property, located west of the northwest corner of 83rd Avenue and Northern Avenue. The property owner identifies the purpose of the request in Exhibit 3, which includes public safety services, utility services connections, expansion possibilities, and future access to 83rd Avenue.

The subject property is more specifically depicted in the legal description (Exhibit 1) and map (Exhibit 2) attached to this report. The property is contiguous to the City's jurisdictional boundaries, lies within the City's Planning Area (General Plan) and is in conformance with the adopted annexation policy.

The annexation process pursuant to A.R.S. §9-471 is briefly described below:

1. Filing of blank petition with County Recorder by the City opens up a thirty (30) day waiting period to discuss the proposal – **COMPLETE**

2. The City must then hold a public hearing (no action) to discuss the proposal within the waiting period – **CITY COUNCIL (11/7/17)**

3. At the conclusion of the 30-day waiting period, the municipality has up to one year to collect signatures satisfying the annexation "test". – **NOT YET COMPLETE**

4. The City holds a final public hearing to consider and take action on the annexation request – **TBD**

5. The annexation is effective 30 days upon adoption of the ordinance.

Under state statute, a successful annexation requires the completion of a petition with (a) signatures of owners of one-half or more in value of the real and personal property; and (b) more than one-half of the persons owning real and personal property that would be subject to taxation by the City in the event of annexation.

Previous Actions:

No previous actions have been taken on this item.

Options:

A: Hold a public hearing (no action) on the proposed annexation as required under A.R.S. §9-471.

B: Do not open the public hearing for the annexation request; proceedings to annex the subject property into the City would be abandoned at this time.

Fiscal Analysis:

This request will not generate any direct budgetary impacts. However, should the Council elect to annex the property, the City would assume operational costs associated with the provision and maintenance of services for public safety, water, wastewater, transportation, recreation, and general governance.

Narrative:

Harvest Church is an existing religious worship facility campus. The applicant is requesting annexation into the City for expansion opportunities, future access to 83rd Avenue, public safety services, and utility service connections. The property is currently zoned Rural 43 (RU-43) in the County which retains a suburban/rural, one-acre lot minimum character. The Peoria General Plan Land Use designation is Low Density Residential. If annexed, within six (6) months of the effective date of annexation, the City will confer initial zoning that is consistent with or no more intense than the current County zoning.

ATTACHMENTS:

Exhibit 1 - Legal Description
Exhibit 2 - Vicinity Map
Exhibit 3 - Project Narrative

Contact Name and Number:

Randy Proch, Planner, (623) 773-5164

Harvest Church
8340 W. Northern Avenue, Glendale, AZ 85305

All that real property located in City of Glendale, County of Maricopa, State of Arizona, legally described as follows:

That portion of the Southeast quarter of the Southeast quarter of Section 34, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the Southwest comer of the said Southeast quarter of the Southeast quarter of Section 34;

Thence South 89 degrees 05 minutes 00 seconds East along the South line of said Section 34, a distance of 813.38 feet;

Thence North 01 degrees 39 minutes 59 seconds East, a distance of 539.24 feet;

Thence North 17 degrees 03 minutes 54 seconds East, a distance of 148.52 feet;

Thence North 33 degrees 53 minutes 00 seconds West, a distance of 283.99 feet to a point in the Northwesterly line of that certain parcel of land described in Docket 159, page 288, records of Maricopa County, Arizona;

Thence South 46 degrees 39 minutes 00 seconds West along said Northwesterly line to a point in the West line of the Southeast quarter of the Southeast quarter of said Section 34;

Thence South 00 degrees 14 minutes 00 seconds East along said West line, a distance of 254.50 feet to the POINT OF BEGINNING.

EXCEPT the South 40 feet thereof;

and EXCEPT that portion conveyed to Maricopa County in deed recorded February 11, 2000 in Document No. 00-0104087 and more particularly described as follows:

A parcel of land lying in the Southeast quarter of the Southeast quarter of Section 34, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being a portion of that certain parcel described in Document No. 96-0173120, records of Maricopa County, Arizona, described as follows:

Commencing at the South quarter comer of said Section 34;

Thence North 89 degrees 37 minutes 12 seconds East along the South line of said Section 34, a distance of 1,295.91 feet to the Southwest comer of said Southeast quarter of the Southeast quarter;

Thence North 00 degrees 17 minutes 30 seconds East along the West line of said Southeast quarter of the Southeast quarter, a distance of 40.00 feet to a point on the North line of the South 40.00 feet of said Section 34 and the POINT OF BEGINNING;

Thence North 00 degrees 17 minutes 30 seconds East along said West line, a distance of 52.00 feet;

Thence North 89 degrees 37 minutes 12 seconds East, a distance of 24.00 feet;

Thence South 00 degrees 17 minutes 30 seconds West, a distance of 47.00 feet to a point on the North line of the South 45.00 feet of Section 34;

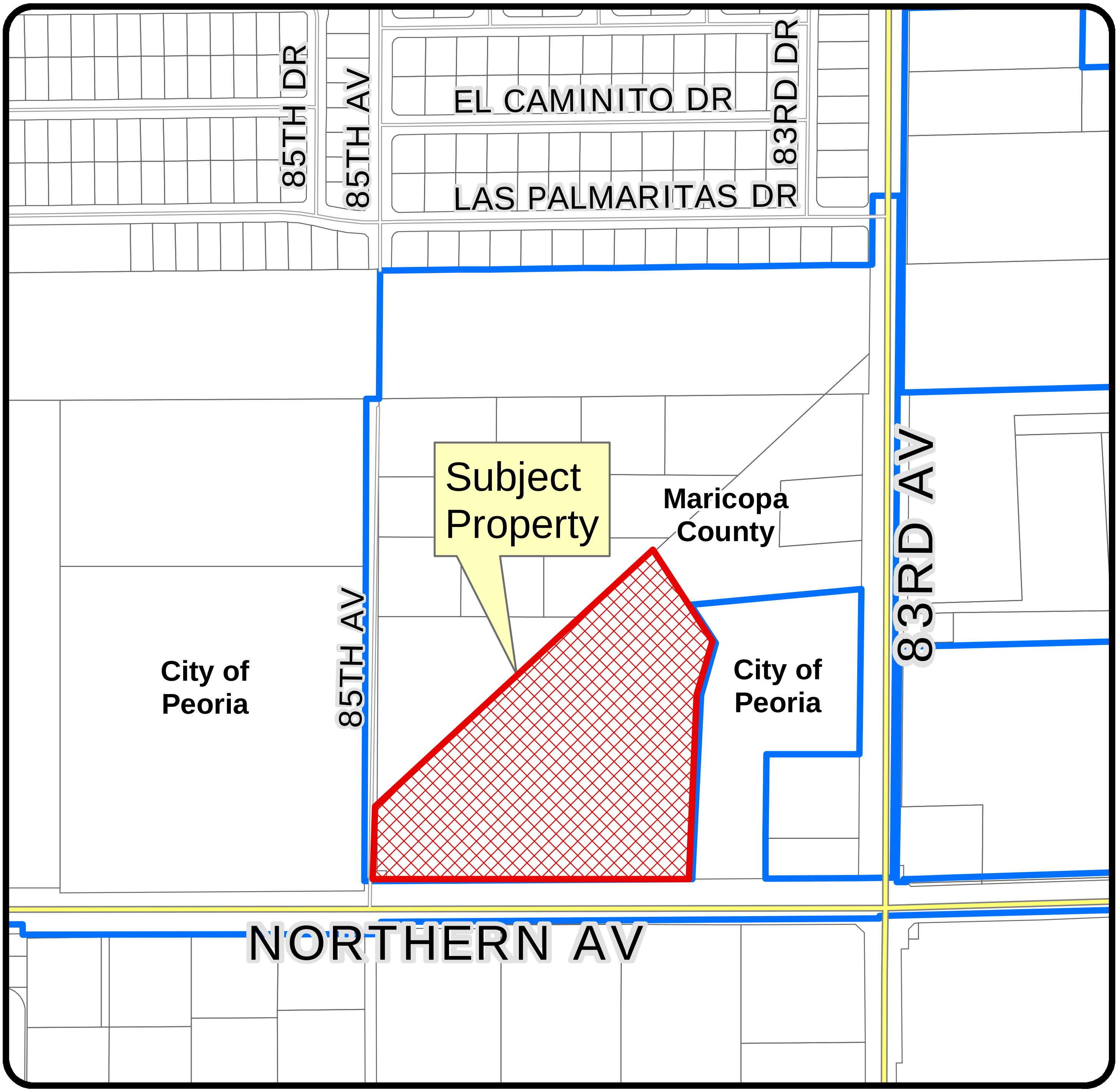
Thence North 89 degrees 37 minutes 12 seconds East, a distance of 789 .44 feet;

Thence South 00 degrees 22 minutes 11 seconds West, a distance of 5. 00 feet to a point on the North line of the South 40. 00 feet of said Section 34;

Thence South 89 degrees 37 minutes 12 seconds West along said North line, a distance of 813.43 feet to the POINT OF BEGINNING.

Exhibit 1

Vicinity Map



ANX17-04: Harvest Church Annexation

Applicant: Dr. Ron Rockwell

Request: Annex approximately 10.49 acres into the City of Peoria.

Location: 8340 W. Northern Avenue, Glendale, AZ 85305

Not to Scale

N

Exhibit 2

harvest church

8340 W. Northern Avenue
Glendale, AZ 85305

623.334.9428
www.hcaz.org

September 28th 2017

To Whom It May Concern:

My name is Pastor Ron Rockwell and I am writing on behalf of Harvest Church, which is located at 8340 W. Northern Ave.

We are requesting annexation into the City of Peoria. We currently are located in a County Island in Maricopa.

Recently we purchased 5 ½ Acres adjacent to our property in the City of Peoria and would like to join the Maricopa County and City of Peoria parcels.

We are a religious institution and will continue to be so for many years to come with the hopes of further building expansion into the newly purchased 5 ½ acres in the City of Peoria.

We are requesting annexation because it would give us access to public water/sewer and fire entities as well as future access to 83rd Avenue for entry/exit points.

With the future parkway coming down Northern we would face an extreme hardship without additional vehicle entry/exit points.

Thank you for your time and consideration in these matters. If you have further questions please don't hesitate to call my personal phone number at 623-330-1267.

Sincerely,

[redacted]

Dr. Ron G. Rockwell
Lead Pastor Harvest Church

Exhibit 3

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 17R.

Date Prepared: 10/24/2017

Council Meeting Date: 11/7/2017

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Adina Lund, P.E., Development and Engineering Director

SUBJECT: Contract Approval and Budget Transfer, Beardsley Road Channel Improvements

---

Purpose:

This is a request to approve a contract with Blucor Contracting for a price of $3,301,864.94 to construct the Beardsley Road Channel Improvements project. This is also a request to approve a budget transfer in the amount of $540,937 in order to fully fund this contract and provide additional spending authority for unforeseen changes during construction.

Background/Summary:

The City's FY2018-FY2027 Capital Improvement Program includes the Beardsley Road Channel Improvements project that provides funding for improvements to the existing channel on Beardsley Road.

The Beardsley Channel is located on the south side of Beardsley Road between 99th Avenue and 111th Avenue. The channel receives flows from storm drains, streets and developments to the north and east. This project will replace the existing earthen channel with underground storm drain pipes. A summary or the proposed improvements to the Beardsley Channel include:

- Storm Drain Pipes and Drainage Structures
- 8-foot Wide Concrete Sidewalk
- ADA Ramps
- New Landscaping on the South Side of Beardsley Road
- New Paint on Sun City Wall
- Removal of Existing Palm Trees on the South Side of Beardsley Road
- New Signing and Traffic Signal Components at 107th Avenue

Construction of this project will provide pedestrian access, minimize maintenance, improve aesthetics and enhance traffic safety along Beardsley Road.

The City recently solicited for bids on the construction of the project. Blucor Contracting was the low bidder with a price of $3,301,864.94

Construction is expected to begin in November of 2017 and be completed by July of 2018.

During the design phase, ADA accessibility issues and the need to update traffic signal components at the intersection of 107th Avenue were identified. These changes in scope as well as an increase in construction costs throughout the country resulted in insufficient funding to complete the project. The budget transfer, utilizing savings from the Union Hills Channel project, will cover the additional costs.

Previous Actions:

The City Attorney's Office, Materials Management Division, and the Engineering Department administratively approved all previous contractual items.

Options:

A: Approve the Beardsley Road Channel Improvements construction contract with Blucor and the related budget transfer.

B: Deny approval of the Beardsley Road Channel Improvements contract and the related budget transfer. This will result in cancellation of the project.

Staff Recommendation:

Discussion and possible action to: (a) approve the contract with Blucor Contracting; and (b) approve a budget transfer in the amount of $540,937 from the Union Hills Channel project to the Beardsley Road Channel Improvements project.

Fiscal Analysis:

As it stands, the adopted budget for the Bearsley Road Channel Improvements project is not sufficient to fund either the contract with Blucor or any unforeseen issues that may arise during construction of the project. The requested budget transfer will cover the cost of the contract and provide some additional spending authority to cover potential change orders. If such changes do not materialize, these funds will be returned to fund balance.

The $566,175 additional funding needed is being requested from a separate drainage project in the Capital Improvement Program, the Union Hills project. The Union Hills Channel is being led by the Flood Control District of Maricopa County and is being cost shared among the District, the City of Surprise, and the City of Peoria. The City of Peoria has paid its share of the project costs for FY 2018 per the terms of the adopted intergovernmental agreement, leaving $575,730 in the project budget for FY 2018 that is not needed. The balance of the City's obligation under the IGA is programmed in the outer years of the CIP.

Below is a summary of estimated total project sources and uses and how staff arrived at the additional dollar amount being requested as part of this action.

Available Project Funds - Beardsley Channel	$2,920,008
Available Project Funds - Traffic Signal Program	$ 250,000

Available Project Funds - Ventana Lakes Agreement	$ 25,238
Total Project Sources	$3,195,246
Construction Contract with Blucor Contracting	($3,301,865)
Misc Items (Post-Design Svcs, Materials Testing, Public Info)	($ (104,131)
Total Project Uses	($3,405,996)
Project Funding Shortfall (Sources Minus Uses)	$ 210,750
Requested 10% Construction Contingency	$ 330,187
Additional Project Sources Required	$ 540,937

ATTACHMENTS:

Vicinity Map

Location Map

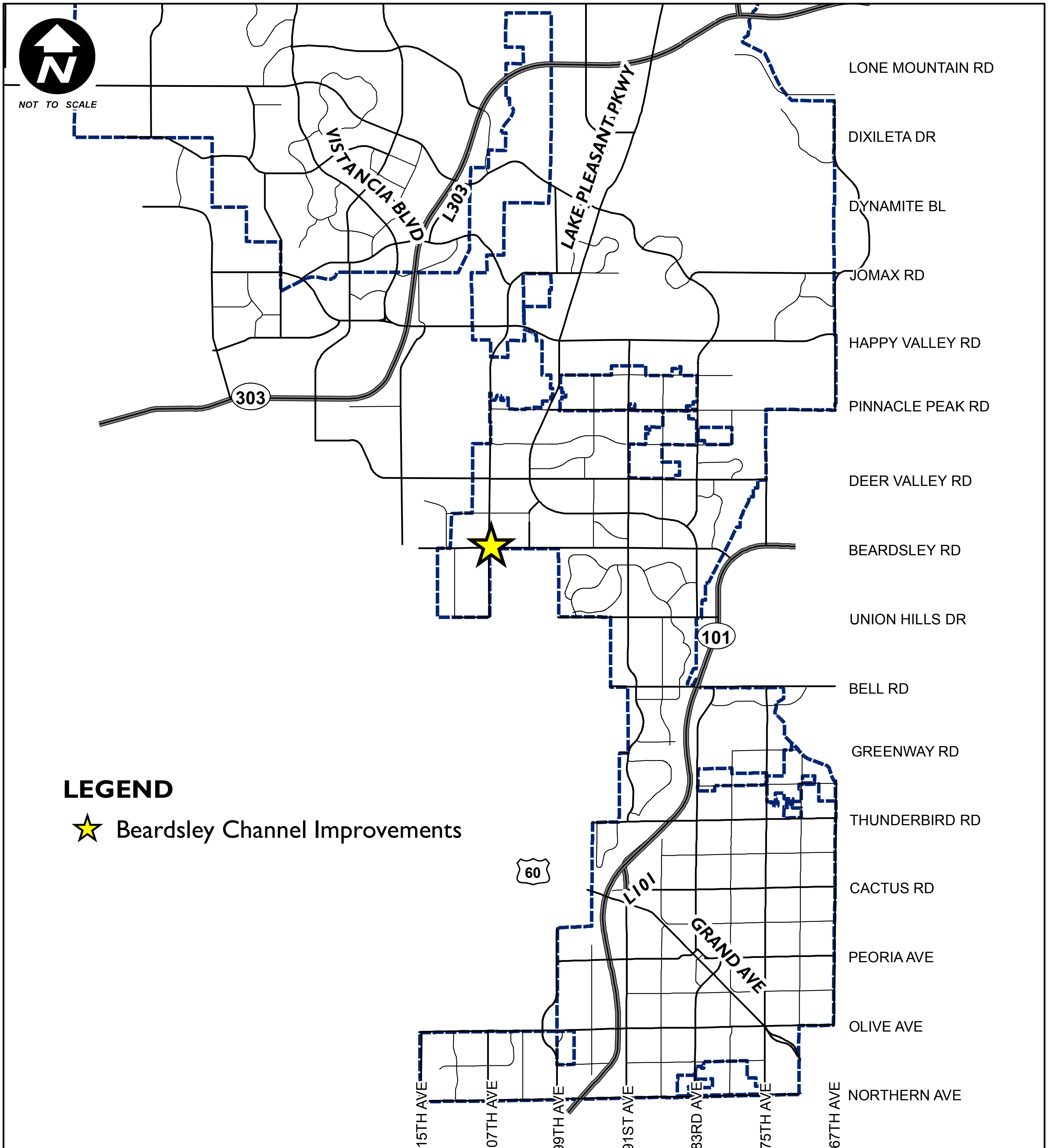
Contact Name and Number:

Chris Sterne, P.E., Civil Engineer, (623) 773-7237

City of Peoria
DEVELOPMENT AND ENGINEERING

Beardsley Channel Improvements

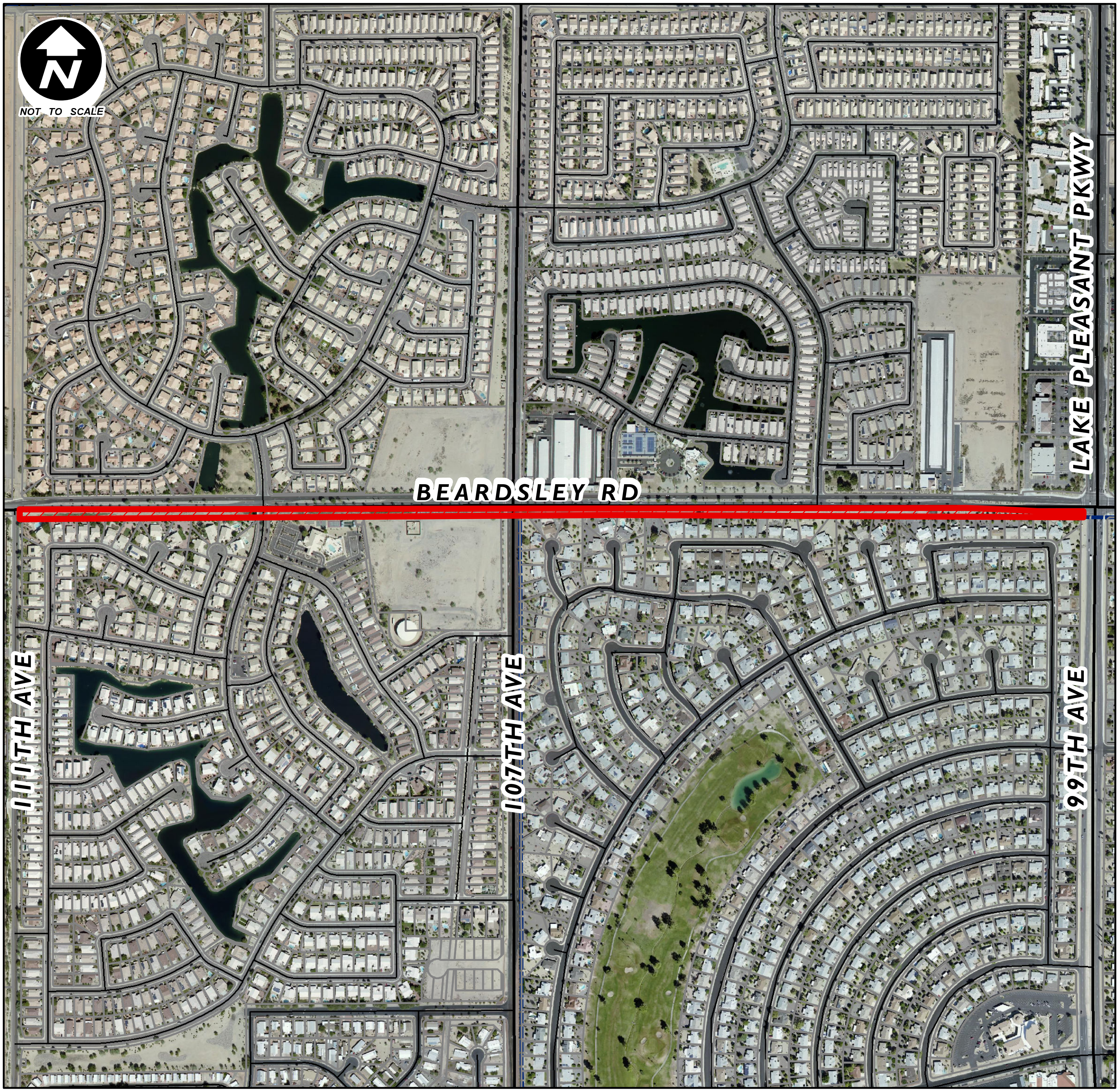
Vicinity Map



City of Peoria
DEVELOPMENT & ENGINEERING

Beardsley Channel Improvements

Location Map



LEGEND

Channel Improvements

GIS
GEOGRAPHIC INFORMATION SYSTEMS
City of Peoria Arizona

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

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 18C.

Date Prepared:

Council Meeting Date: 11/7/2017

TO: Jeff Tyne, District Manager

FROM: Rhonda Geriminsky, District Clerk

SUBJECT: Minutes

Staff Recommendation:

Discussion and possible action to approve the August 15, 2017 Vistancia West Community Facilities District Meeting minutes.

ATTACHMENTS:

Minutes

Contact Name and Number:

Rhonda Germinisky, (623) 773-7340

MINUTES OF THE VISTANCIA WEST COMMUNITY FACILITIES DISTRICT BOARD
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
August 15, 2017

The Vistancia West Community Facilities District Board met in open and public session at 8401 West Monroe Street immediately following the conclusion of the new business of the Peoria City Council.

Members Present: Board Chairperson Cathy Carlat; Vice Chairperson Jon Edwards; Board Members Bridget Binsbacher, Michael Finn, Vicki Hunt, Carlo Leone and Bill Patena.

Board Youth Liaisons: Maylee Acosta and Cassidy Gatrost.

Members Absent: None

Other Municipal Officials Present: Jeff Tyne, District Manager; Julie Arendall, Deputy District Manager; Andy Granger, Deputy District Manager; Steve Burg, District Counsel; Linda Blas, Acting District Clerk; Thomas Adkins, Intergovernmental Affairs Director; Katie Gregory, Management and Budget Director; John Imig, Information Technology Director; Chris Jacques, Planning and Community Development Director; Laura Ingegneri, Human Resources Director; Stuart Kent, Public Works/Utilities Director; Adina Lund, Development and Engineering Director; Roy Minter, Police Chief; Gary Bernard, Deputy Fire Chief; John Sefton, Community Services Director; Jennifer Stein, Office of Communications Director; and Natalie Gilstrap, Management Analyst.

Audience: Approximately 35 members of the public were present.

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

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

Chairperson Carlat asked if any Board Member wished to have an item removed from the Consent Agenda. Having no requests from the Board, motion was made by Board Member Hunt, seconded by Board Member Finn, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

CONSENT – New Business:

Clerk's Note: The agenda item numbers shown below reflect the items as they were numbered on the agenda.

39C. Minutes

Approved the May 16, 2017 Vistancia West Community Facilities District Meeting minutes.

40C. Investment Report, Quarter Ending June 30, 2017

Accepted the Investment Report as presented.

Call To The Public (Non-Agenda Items)

None.

ADJOURNMENT:

Being no further business to come before the District Board, the meeting was duly adjourned at 7:17 p.m.

Cathy Carlat, Board Chairperson

ATTEST:

Rhonda Geriminsky, District Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Vistancia West Community Facilities District Meeting held on the 5th day of September, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of November, 2017.

(Seal)

Rhonda Geriminsky, District Clerk

CITY OF PEORIA, ARIZONA
VISTANCIA WEST COMMUNITY
FACILITIES DISTRICT COMMUNICATION

Agenda Item: 19C.

Date Prepared: 10/26/2017

Council Meeting Date: 11/7/2017

TO: Jeff Tyne, District Manager

THROUGH: Julie Arendall, Deputy District Manager

FROM: Sonia Andrews, Deputy Finance Director

SUBJECT: Investment Report, Quarter Ending September 30, 2017

Purpose:

This is a request for the Board to review and accept the Investment Report for the quarter ended Septemer 30, 2017.

Background/Summary:

Effective cash management includes investment of available or idle funds. The City of Peoria invests all available funds of the Vistancia and Vistancia West CFDs, taking into consideration anticipated cash flow requirements and the safety and risk of investments. Investments are made in accordance with the City's Investment Policy, District bond documents and Arizona Revised Statues Title 35-321 through 35-329. The primary objective of the District's investments, in order of priority, is:

1. Safety – Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the portfolio.

2. Liquidity - The investment portfolio will remain sufficiently liquid to enable the District to meet all operating requirements which might be reasonably anticipated.

3. Yield – The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the District's very strict risk constraints. Public funds may only be invested in authorized and suitable investments such as US Treasury Obligations, US Agency Obligations, Certificates of Deposits, Commercial Paper rated A-1/P-1, Corporate Notes rated AA or better, Money Market Funds and the Arizona State Investment Pool. Investment in stocks, mutual funds, hedge funds, real estate, foreign investments or other risky or alternative investments are strictly prohibited.

The Investment Policy imposes a 3 year maximum weighted average maturity on the overall investment portfolio with specific maximum maturities for each type of investment.

The District utilizes FirstSouthwest, an investment advisory firm, to provide advice and assist with managing its investments. All securities are held by a third party custodian in the District's name.

Quarterly investment reports are provided to the Board to report the investment portfolio holdings, maturity distribution, investment performance and compliance with the Investment Policy.

Previous Actions:

There are no previous actions for this item.

Options:

A: Accept the Quarterly Investment Report as presented

B: Not accept the Quarterly Investment Report and request additional information from staff

Staff Recommendation:

Discussion and possible action to review and accept the Investment Report as presented.

Fiscal Analysis:

There are no fiscal impacts.

Narrative:

At 9/30/17, remaining Vistancia West CFD investments were held in money market funds in anticipation of draw downs. As such the investments are temporarily not in compliance with the investment policy allocation percentages. Book value of investments at 9/30/17 was $118,353 and investment income for the quarter (7/1/17 to 9/30/17) totaled $351.

The portfolio's weighted average yield to maturity was 0.908% for the quarter ended 9/30/17.

The attached Investment Report prepared by FirstSouthwest includes the following detail information on the District's investments:

<u>Contents of Investment Report</u>

1. Snapshot of investment portfolio
2. Benchmark comparisons
3. Investment policy compliance and investment income
4. National economic trends

ATTACHMENTS:

Investment Report

Contact Name and Number:

Sonia Andrews, (623) 773-5206

Investment Portfolio Summary

City of Peoria

Vistancia

For the Quarter Ended

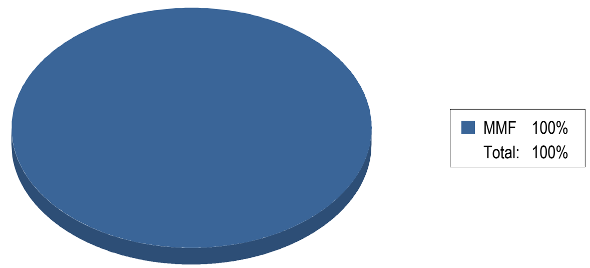
September 30, 2017

Prepared by
FirstSouthwest Asset Management

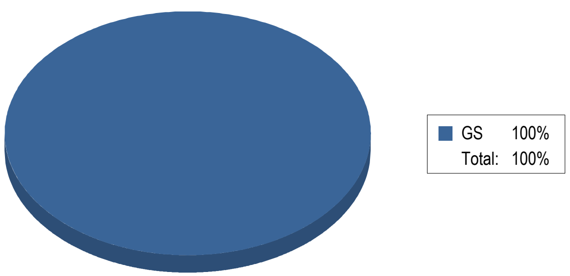
Account Summary

	Beginning Values as of 06/30/17	Ending Values as of 09/30/17
Par Value	118,002.46	118,353.27
Market Value	118,002.46	118,353.27
Book Value	118,002.46	118,353.27
Unrealized Gain /(Loss)	0.00	0.00
Market Value %	**100.00%**	**100.00%**
Weighted Avg. YTW	0.766%	0.908%
Weighted Avg. YTM	0.766%	0.908%

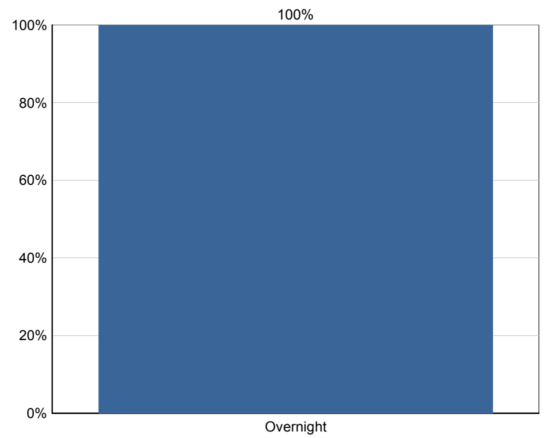
Allocation by Security Type



Allocation by Issuer

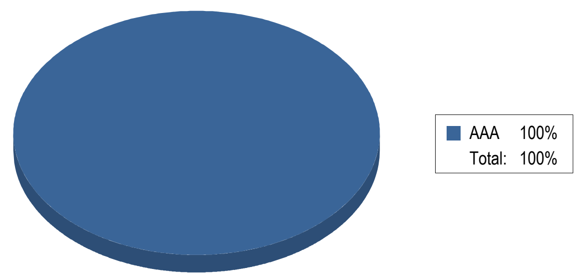


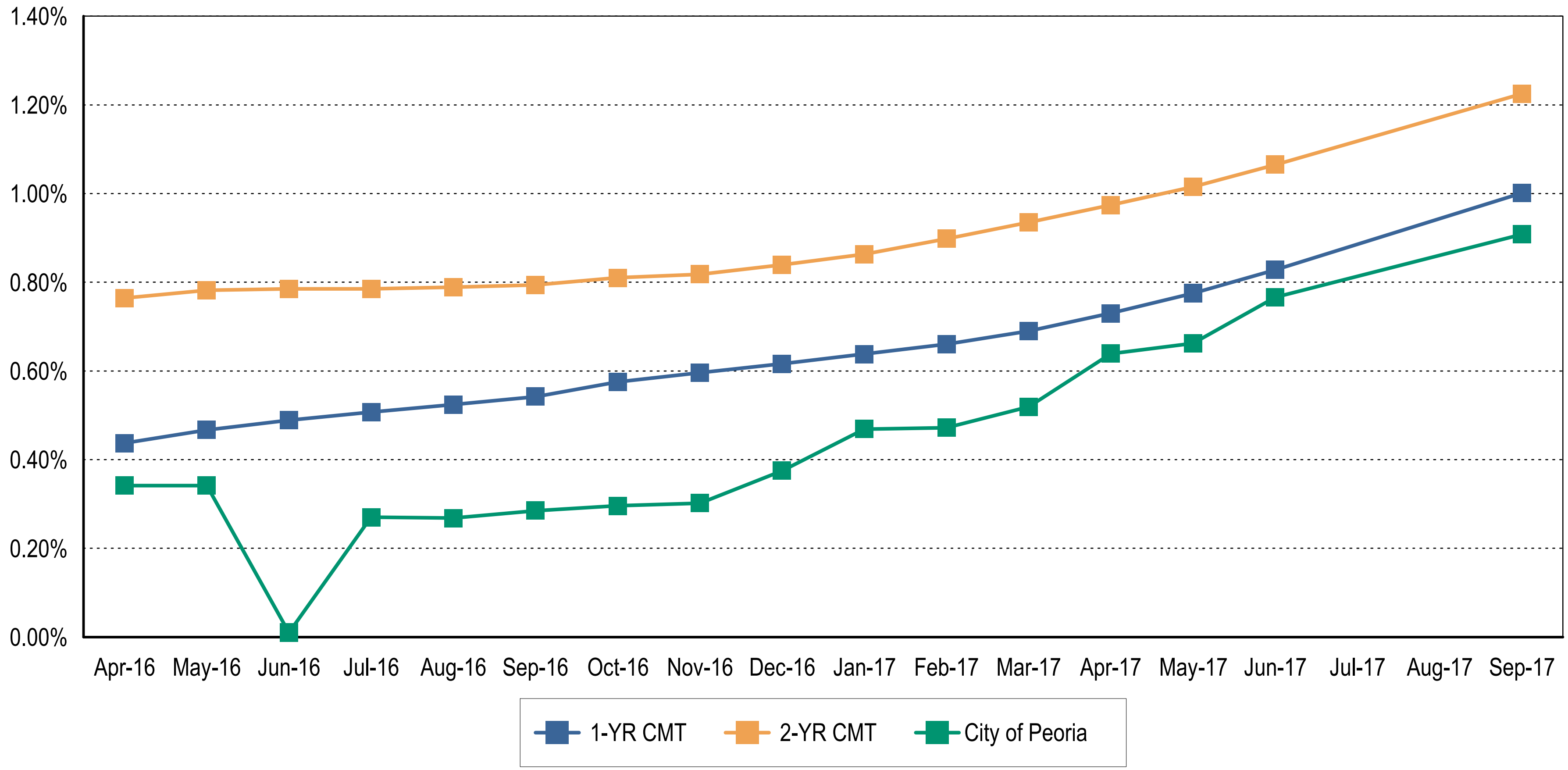
Maturity Distribution %



Weighted Average Days to Maturity: 1

Credit Quality





Note 1: CMT stands for Constant Maturity Treasury. This data is published in Federal Reserve Statistical Release H.15 and represents an average of all actively traded Treasury securities having that time remaining until maturity. This is a standard industry benchmark for Treasury securities. The CMT benchmarks are moving averages. The 3-month CMT is the daily average for the previous 3 months, the 6-month CMT is the daily average for the previous 6 months, and the 1-year and 2-year CMT's are the daily averages for the previous 12-months.

FirstSouthwest AssetManagement
A Hilltop Holdings Company.

City of Peoria - Vistancia
Investment Policy Compliance and Investment Income
As of September 30, 2017

Investment Type Allocation:	Book Value	Percent	Policy Maximum	Pass / Fail?
Money Market Funds	118,353.27	100.00%	35.00%	Fail*
Agencies	-	0.00%	80.00%	Pass
Commercial Paper	-	0.00%	35.00%	Pass
U.S. Treasury	-	0.00%	80.00%	Pass
	118,353.27	**100.00%**		

Maturity Breakdown:	Book Value	Percent	Policy Maximum	Pass / Fail?
Less Than 90 Days	118,353.27	100.00%		
90 to 180 Days	-	0.00%		
181 to 365 Days	-	0.00%		
1 to 2 Years	-	0.00%		
2 to 3 Years	-	0.00%		
More Than 3 Years	-	0.00%	20.00%	Pass
	118,353.27	**100.00%**		

Issuer Allocation:	Book Value	Percent	Policy Maximum	Pass / Fail?
Fannie Mae	-	0.00%	40.00%	Pass
Freddie Mac	-	0.00%	40.00%	Pass
FHLB	-	0.00%	40.00%	Pass
Federal Farm Credit	-	0.00%	40.00%	Pass
U.S. Treasury	-	0.00%	80.00%	Pass
GE Capital (FDIC)	-	0.00%	10.00%	Pass
Toyota Motor Credit	-	0.00%	10.00%	Pass
Wells Fargo MMF	-	0.00%	35.00%	Pass
GE Capital Corp	-	0.00%	10.00%	Pass
Goldman Sachs MMF	118,353.27	100.00%	35.00%	Fail
	118,353.27	**100.00%**		

Other Policy Tests:		Pass / Fail?
Policy requires at least 35% of portoflio to mature in less than one year.		
Current Portfolio Maturing in Less Than One Year =	**100.0%**	Pass
Policy sets a maximum weighted average maturity of 1095 days (3 years).		
Current Portfolio Weighted Average Maturity =	**1**	Pass

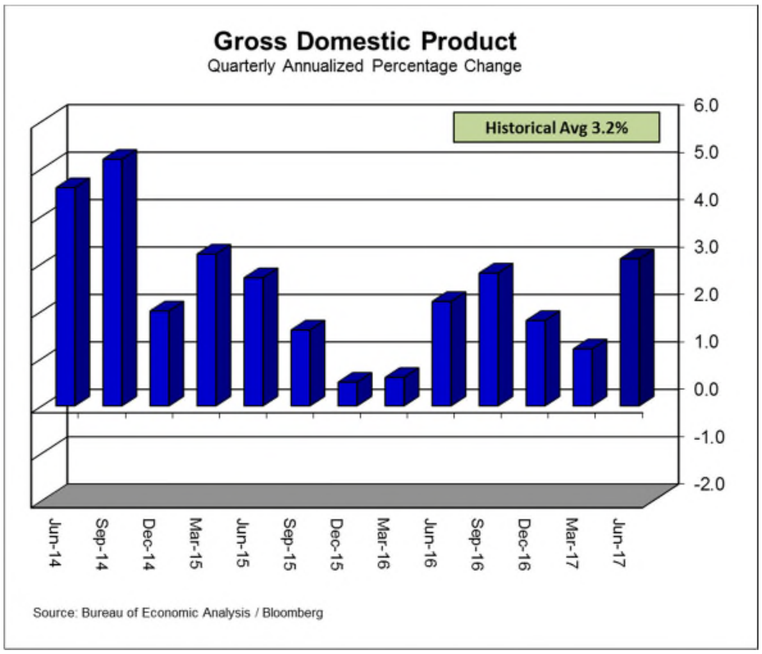
Investment Income for the Period From 7/1/2017 through 9/30/2017:	
Interest Income	350.81
Realized Gains/Losses	-
Net Investment Income	**350.81**

*** Note:** Policy violations due to overconcentration of investments in money market funds is due to imminent funding needs.

National Economic Trends

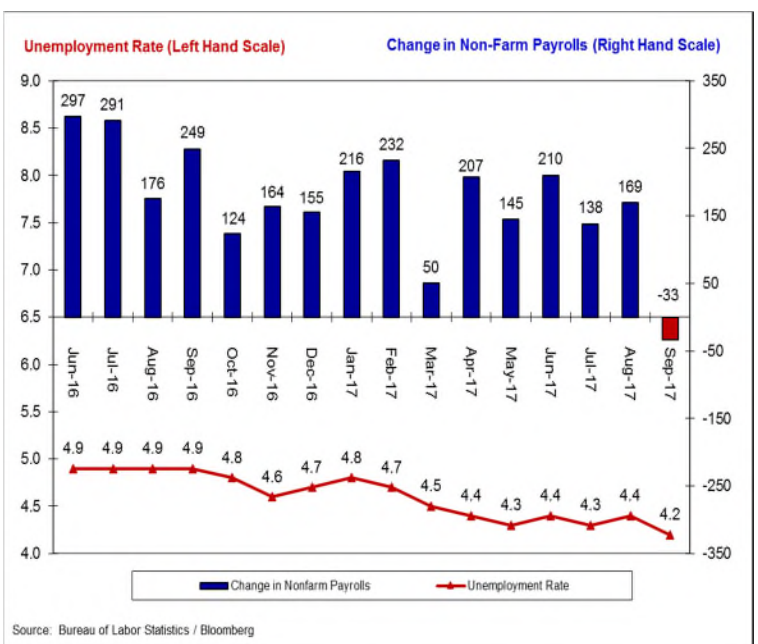
Period Ending September 30, 2017

Gross Domestic Product (GDP)



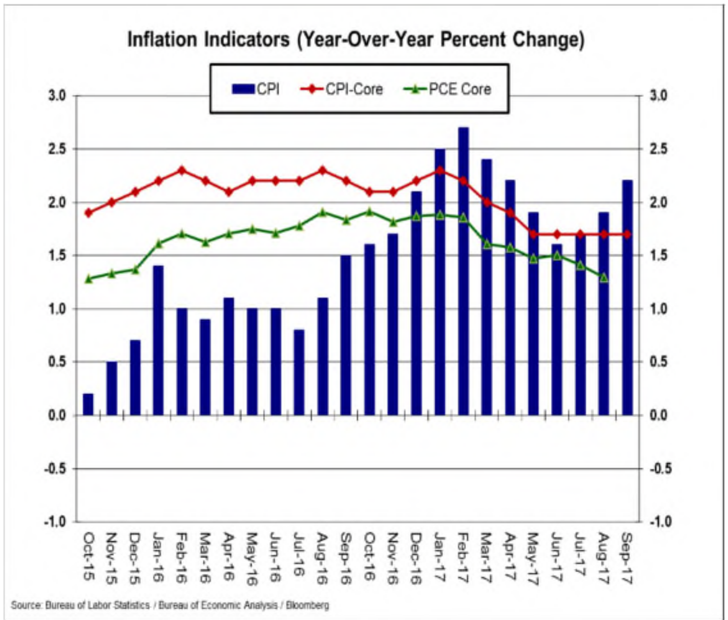
The second quarter (annualized) GDP growth rate was revised from +3.0% to +3.1%, *the fastest pace since the first quarter of 2015*. This boosted the average for the first half of 2017 to +2.25%, slightly above the +2.1% to +2.2% first half pace in each of the last three years. The third quarter began on an even more promising note, tracking around +4.0% in late July according to the Atlanta Fed's *GDPNow* measure. Unfortunately, two monster storms rewrote the economic story of the quarter, and in all likelihood clouded-up growth for the next several quarters. *GDPNow* was tracking early Q4 growth at +2.7% on October 25th, while the New York Fed's "NowCast" reading was +1.5% on October 20th. The latest Bloomberg economist survey indicates average annual GDP growth of between +2.0% and +2.4% for the next five quarters. *There is significant upside potential to all of these forecasts.*

Nonfarm Payrolls



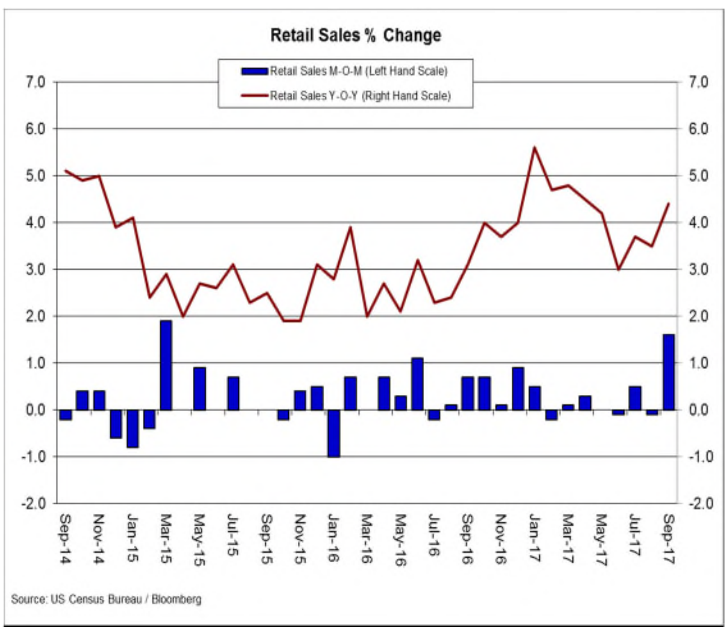
Business payrolls fell by -33k in September, the first outright decline in 84 months. As expected, the Bureau of Labor Statistics reported that "many employees in the areas affected by the hurricanes were likely off payrolls during the reference period." The September year-over-year earnings growth rate increased from +2.5% to +2.9%, equaling an eight-year high. Although this sharp rise suggests labor market tightness is creating wage pressure, the cause was primarily a result of low-earning restaurant and bar workers not being able to report for work during the survey period. On the household side, the total labor force grew by +575k while a stunning +906k found work. Unlike in the company survey, the BLS cited "no discernable effect" from the hurricanes in the household survey. This surprisingly strong employment growth pushed headline unemployment from 4.4% to a 16-year low of 4.2%.

Inflation



Inflation, *or the lack of inflation*, will continue to be a focus for the Fed as it debates interest rate policy going forward. The Fed would like to see inflation grow closer to +2.0% on an annual basis. The consumer price index (CPI) rose +0.5% in September, while core CPI gained +0.1%. Higher storm-related gasoline prices drove 75% of the large headline change. On a year-over-year basis, overall consumer inflation increased from +1.9% to +2.2%, while core CPI remained anchored at +1.7% for the fifth straight month. Prices on *services* are driving the modest increase in the core rate, while prices on *goods are actually falling*. The -1.0% year-over-year drop in goods prices was the steepest in 13+ years. The PCE core slipped further, falling from +1.4% in July to +1.3% in August, extending the downtrend after peaking at +1.9% in Jan & Feb.

Retail Sales



Retail sales rose +1.6% in September, the biggest advance since March 2015. *However*, the gain was storm-related with oversized increases in (replacement) vehicles, building materials and gasoline station sales. *There are few signs that underlying spending patterns have improved despite consumer confidence measures near a 16-year high*. After falling all summer, auto sales rocketed to a 12-year high in September. An estimated one million vehicles were reportedly destroyed by Hurricanes Harvey and Irma, so some of the sales surge can be attributed to replacement activity. Pricing discounts and incentives offered by manufacturers in an effort to reduce bloated auto inventories earlier in the month were also a driver of sales. Any significant future tax cut could boost short-term spending as confidence finally translates into discretionary purchases.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 20.

Date Prepared:

Council Meeting Date: 11/7/2017

TO: Jeff Tyne, City Manager

FROM: Rhonda Geriminsky, MMC, City Clerk

SUBJECT: Council Calendar

Purpose:

To provide the Mayor and City Council with the City Council Calendar for November and December.

ATTACHMENTS:

November
December

Contact Name and Number:

Rhonda Geriminsky, (623) 773-7340

<< Previous Month

NOVEMBER 2017

Next Month >>

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
29	30	31	1	2	3	4
5	6	7 5:00 PM Special City Council Meeting & Study Session 7:00 PM City Council Meeting	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28 5:00 PM Special City Council Meeting & Study Session 7:00 PM City Council Meeting	29	30	1	2

<< Previous Month

DECEMBER 2017

Next Month >>

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
26	27	28	29	30	1	2
3	4	5	6	7	8	9
10	11	12 5:00 PM Special City Council Meeting & Study Session 7:00 PM City Council Meeting	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6