

Mayor
Cathy Carlat

Palo Verde
District
Michael Finn,
Vice Mayor

Acacia
District
Vicki Hunt,
Mayor Pro Tem

Ironwood
District
Bill Patena

Mesquite
District
Bridget
Binsbacher

Pine
District
Carlo Leone

Willow
District
Jon Edwards

City Council Meeting Notice & Agenda

Tuesday, June 5, 2018
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345



A Roundtable discussion and reception for the 2018 Peoria Leadership Institute Graduates will be held beginning at 6:00 P.M. in the Pine Room of City Hall. The Peoria City Council will be in attendance at the reception; no City business will be conducted.

Special Meeting

4:30 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) Advice, discussion, and instruction with legal counsel and staff regarding a potential acquisition of parcels totaling approximately 2.66 acres (Parcel No. 200-63-588) in the vicinity of 83rd Avenue and Country Gables Drive, pursuant to A.R.S. §§38-431.03.A.3 and 38-431.03.A.4 and 38-431.04.7.
- (b) Advice, discussion, and instruction with legal counsel and staff regarding a potential acquisition of parcels totaling approximately 4.85 acres (Parcel No. 200-63-596) in the vicinity of 83rd Avenue and Country Gables Drive, pursuant to A.R.S. §§38-431.03.A.3 and 38-431.03.A.4 and 38-431.04.7.

- (c) Legal issues pertaining to the lease with, and claims by the Peoria Historical Society, Inc., pursuant to A.R.S. §§ 38-431.03.A.3 and 38-431.03.A.4
- (d) Legal issues pertaining to the development agreement with Modern Round, 8320 West Mariners Way, pursuant to A.R.S. §§ 38-431.03.A.3 and 38-431.03.A.4

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) Advice, discussion, and instruction with legal counsel and staff regarding a potential acquisition of parcels totaling approximately 2.66 acres (Parcel No. 200-63-588) in the vicinity of 83rd Avenue and Country Gables Drive, pursuant to A.R.S. §§38-431.03.A.3 and 38-431.03.A.4 and 38-431.04.7.
 - (b) Advice, discussion, and instruction with legal counsel and staff regarding a potential acquisition of parcels totaling approximately 4.85 acres (Parcel No. 200-63-596) in the vicinity of 83rd Avenue and Country Gables Drive, pursuant to A.R.S. §§38-431.03.A.3 and 38-431.03.A.4 and 38-431.04.7.
 - (c) Legal issues pertaining to the lease with, and claims by the Peoria Historical Society, Inc., pursuant to A.R.S. §§ 38-431.03.A.3 and 38-431.03.A.4
 - (d) Legal issues pertaining to the development agreement with Modern Round, 8320 West Mariners Way, pursuant to A.R.S. §§ 38-431.03.A.3 and 38-431.03.A.4

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. Certificates of Completion for 2018 Peoria Leadership Institute Graduates

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. Minutes

Discussion and possible action to approve the May 1, 2018 City Council Meeting minutes.

5 C. Board and Commission Appointments

Discussion and possible action to approve the recommendations from the Council Boards and Commissions Subcommittee and adopt **RES. 2018-60** appointing members to various Boards and Commissions.

6 C. Council Youth Liaison Appointments

Discussion and possible action to approve the recommendations from the

Council Boards and Commissions Subcommittee and adopt **RES. 2018-61** appointing Frank Johnson and Leah Gilbertson as the 2018-19 Council Youth Liaisons for terms to expire May 30, 2019.

7 C. **Code Amendment, Chapter 21, Pawn Definitions**

Discussion and possible action to adopt **ORD. 2018-12**, amending Chapter 21 of the Peoria City Code, by amending Section 21-202, pawn-related definitions to align with Arizona Revised Statutes.

8 C. **2019 Art Grant Program Recommendations**

Discussion and possible action to approve the 2019 Art Grant requests, as recommended by the Arts Commission.

9 C. **Contract, American Medical Response, Emergency Ambulance Service**

Discussion and possible action to approve an initial two year contract with extensions of up to a maximum of 48 additional months, with American Medical Response to provide 911-ambulance service within the City of Peoria.

10 C. **Grant, Governor's Office of Highway Safety, Click It or Ticket Enforcement Campaign**

Discussion and possible action to: (a) authorize the City Manager to accept \$7,500 from the Governor's Office of Highway Safety to be used by the Peoria Police Department for safety belt and child passenger law enforcement; and (b) approve a budget adjustment of \$7,500 from the Proposed Grants Contingency account to the Governor's Office of Highway Safety Grant Overtime account.

11 C. **Grant, Governor's Office of Highway Safety, 2018 Accident Investigation**

Discussion and possible action to: (a) authorize the City Manager to accept \$30,708.31 from the Governor's Office of Highway Safety to be used by the Peoria Police Department for the purchase of new accident investigation hardware, software, training, and maintenance support; and (b) approve a budget adjustment of \$30,708.31 from the Proposed Grants Contingency account to the Governor's Office of Highway Safety Grant Fund.

12 C. **Intergovernmental Agreement, City of Glendale, Law Enforcement and Security Services, University of Phoenix Stadium**

Discussion and possible action to authorize the City Manager to execute an Intergovernmental Agreement with the City of Glendale to continue providing law enforcement and security services at the University of Phoenix Stadium.

13 C. **Intergovernmental Agreement, State of Arizona, Maintenance Responsibilities, Loop 101 Frontage Road and Beardsley Road**

Discussion and possible action to approve an Intergovernmental Agreement with the State of Arizona to remove certain maintenance obligations of the City on the Loop 101 Frontage Road and on Beardsley Road.

14 C. **Canvass of Election, Public Safety Personnel Retirement System Local Board Elections**

Discussion and possible action to adopt **RES. 2018-62** ratifying the results of the Public Safety Personnel Retirement System local board elections.

15 C. **Budget Appropriation - Employee Benefits**

Discussion and possible action to approve a transfer of budget appropriation from the Insurance Reserve fund contingency account to the Self-Insured Employee Benefits Trust fund and the Self-Insured Workers' Compensation fund providing authority to record additional claim expenditures that were not anticipated when the original Fiscal Year 2018 budget was developed.

16 C. **Budget Transfer, Beardsley Water Reclamation Facility Expansion Study**

Discussion and possible action to approve a budget transfer in the amount of \$60,000 from the Trunk Sewer Rehabilitation project to the Beardsley Water Reclamation Facility (WRF) Equipment Upgrades project to perform a scoping and cost estimating study for future expansion of the Beardsley Water Reclamation Facility.

17 C. **Residential Solid Waste Rate Adjustments**

Discussion and possible action to adopt **RES. 2018-63** adjusting the Residential Solid Waste rates effective July 1, 2018.

18 C. **Commercial Solid Waste Rate Adjustments**

Discussion and possible action to adopt **RES. 2018-64** adjusting the Commercial Solid Waste rates effective July 1, 2018.

19 C. **Fiscal Year 2019 Property Tax Levy**

Discussion and possible action to approve **RES. 2018-65** and **ORD. 2018-13** adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for the Fiscal Year 2019 and declaring an emergency.

20 C. **Fiscal Year 2019 SLID/MID Levies**

Discussion and possible action to adopt **ORD. 2018-14** and **ORD. 2018-15** approving the Street Light and Maintenance Improvement District Levies for Fiscal Year 2019 and declaring an emergency.

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

Discussion and possible action to adopt **RES. 2018-66** accepting Deeds and Easements for various Real Property interests acquired by the City.

22 C. **Final Plat, Sonoran Place – Phase 2, Dixileta Parkway and Dysart Road**

Discussion and possible action to approve a Final Plat of Sonoran Place – Phase 2, located on Dixileta Parkway and Dysart Road, subject to stipulations.

23 C. **PUBLIC HEARING - Liquor Licenses, Various Locations**

Discussion and possible action to recommend approval to the State Liquor Board for: (a) a Person Transfer for an Off-Sale All with Sampling (Series 09s) Liquor License for Safeway #991, located at 8240 West Deer Valley Road, Nicholas C. Guttilla, Applicant, LL#20019779; (b) a Person Transfer for an Off-Sale All with Sampling (Series 09s) Liquor License for Safeway #1971, located at 8950 West Bell Road, Nicholas C. Guttilla, Applicant, LL#20019783.

24 C. **PUBLIC HEARING - Bingo License, Sun Air Estates HOA, 9600 North 97th Avenue**

Discussion and possible action to recommend approval to the Arizona Department of Revenue for a Class A (Small Game) Bingo License for Sun Air Estates HOA, located at 9600 North 97th Avenue, Patricia Zaragoza, Applicant, LL#20019751.

Regular Agenda

New Business

25 R. **PUBLIC HEARING - Initial Zoning, Harvest Church, 8340 West Northern Avenue**

PUBLIC HEARING: RE: A request to establish initial zoning for approximately 10.49 acres of property, located at 8340 W. Northern Avenue from Maricopa County Rural Residential (RU-43) to City of Peoria Suburban Ranch 43 (SR-43).

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION:

Discussion and possible action to adopt **ORD. 2018-16** approving initial zoning for approximately 10.49 acres of recently annexed property located at 8340 West Northern Avenue from Maricopa County Rural-43 (RU-43) to Peoria Suburban Ranch (SR-43).

26 R. **PUBLIC HEARING - Code Amendment, Chapter 21, Section 21-320 Site Plan Review**

PUBLIC HEARING: RE: Amendment of Chapter 21 of the Peoria City Code (2017 Edition), Section 21-320, Site Plan Review.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION:

Discussion and possible action to adopt **ORD. 2018-17**, amending Chapter 21 of the Peoria City Code, amending Section 21-320 pertaining to Site Plan Review.

27 R. **PUBLIC HEARING - Code Amendment, Chapter 21, Section 21-322 Temporary Use Permits**

PUBLIC HEARING: RE: Amendment of Chapter 21 of the Peoria City Code (2017 Edition), Section 21-322 Temporary Use Permits.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION:

Discussion and possible action to adopt **ORD. 2018-18** amending Chapter 21 of the Peoria City Code, amending Section 21-322 pertaining to Temporary Use Permits.

28 R. **Naming of Community Park III**

Discussion and possible action to select the official name for Peoria's third community park, to be located east of Dixileta Road and Lake Pleasant Parkway.

29 R. **Contract, Hunter Contracting Co., Northern Community Park Construction GMP, Lake Pleasant Parkway and Dixileta Drive**

Discussion and possible action to approve a contract for an amount not to exceed \$34,390,000 for the Guaranteed Maximum Price (GMP) contract for construction of the Northern Community Park located in the vicinity of Lake Pleasant Parkway and Dixileta Drive.

30 R. **Contract Amendment, Hunter Contracting Co., Northern Community Park Construction Administration, Lake Pleasant Parkway and Dixileta Drive**

Discussion and possible action to approve a contract amendment in the amount of \$306,607 for construction administration professional services for the Northern Community Park located in the vicinity of Lake Pleasant Parkway and Dixileta Drive.

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

31. **Council Calendar**

32. **Reports**

A. Insurance Services Office Rating Change for Peoria

B. 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: 5/22/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager

THROUGH: Katie Gregory, Deputy City Manager

FROM: Jennifer Stein, Communications Director

SUBJECT: Certificates of Completion for 2018 Peoria Leadership Institute Graduates

Summary:

Each year the City of Peoria offers its residents a chance to get a look at how the city operates. The Peoria Leadership Institute offers an in-depth look at all operations of city government. Class members learn more about the city's governmental structure, its budget and finances, public works, utility, police and fire operations through interactive discussions with management staff.

Staff Recommendation:

To recognize the 25 graduates of the 2018 Peoria Leadership Institute. These dedicated individuals spent the last eight weeks learning more about the City of Peoria and what goes on "behind the scenes." Participants were able to hear from city leaders about how their departments contribute to Peoria's outstanding quality of life.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 4C.

Date Prepared: 5/15/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Katie Gregory, Deputy City Manager
FROM: Rhonda Geriminsky, MMC, City Clerk
SUBJECT: Minutes

Purpose:

Discussion and possible action to approve the May 1, 2018 City Council Meeting minutes.

ATTACHMENTS:

May 1, 2018 Minutes

Contact Name and Number:

Rhonda Geriminsky (623) 773-7340

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
May 1, 2018

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, Councilmember Edwards led the Pledge of Allegiance.

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

Council Youth Liaisons: Maylee Acosta and Cassidy Gatrost.

Members Absent: None.

Other Municipal Officials Present: Jeff Tyne, City Manager; Andy Granger, Deputy City Manager; Katie Gregory, Deputy City Manager; Erik Strunk, Deputy City Manager; Steve Burg, City Attorney; Rhonda Geriminsky, City Clerk; Rob Brewster, Deputy Fire Chief; Tim Eiden, Marketing and Communications Manager; Barry Houg, Interim 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; Sonia Andrews, Interim Finance Director; Roy Minter, Police Chief; John Sefton, Community Services Director; David Valenzuela, Interim Economic Development Services Director; Dawn Prince, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately 100 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:

1. **Mayor and Council's Young Artists Program**

Mayor Carlat provided information on the Young Artists Program that was instituted to engage Peoria students interested in the arts and showcase their artwork at Peoria City Hall.

Council Youth Liaison Acosta and Council Youth Liaison Gatrost presented certificates to the youth whose art was selected and displayed at City Hall from April 2 through May 1, 2018.

2. **Certificates of Appointment to Newly Appointed Board and Commission Members Appointed by Resolution at the April 17, 2018 City Council Meeting**

Mayor Carlat and Vice Mayor Finn presented Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the April 17, 2018 City Council meeting:

- Liam Beltram, Youth Advisory Board
- Glenn Bonita, Design Review Board
- Lori Horn Bustamante, Judicial Selection Advisory Board
- Tyrin Clay, Youth Advisory Board
- Juliette Garcia, Youth Advisory Board
- Charles Hoskins, Design Review Board
- Ashley Lopezlira, Youth Advisory Board
- Debra Roubik, Economic Development Advisory Board
- Debra Roubik, Industrial Development Authority
- Jim Schultz, Design Review Board

Clerk's Note: Lori Horn Bustamante and Jim Schultz were not present to receive their certificates.

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 liquor license application for Manna BBQ, located at 16840 North 83rd Avenue. 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 Mayor Pro Tem Hunt, seconded by Councilmember Edwards, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

3C. **Minutes**

Approved the following minutes:

- (a) April 3, 2018 City Council Meeting minutes;
- (b) April 9, 2018 Budget Study Session minutes;
- (c) April 10, 2018 Budget Study Session minutes; and
- (d) April 17, 2018 City Council Meeting minutes

4C. **Appointment, Presiding Municipal Judge**

Adopted **RES. 2018-54** appointing George T. Anagnost as the Presiding Municipal Judge for a term commencing on July 1, 2018 and ending on June 30, 2022.

5C. **Intergovernmental Agreement, City of Tolleson, Radio Subscriber Support Services**

Authorized the City Manager to execute an Intergovernmental Agreement with the City of Tolleson for Peoria to provide radio subscriber support services.

6C. **Telecommunications License Agreement, MCImetro Access Transmission Services Corporation, d/b/a Verizon Access Transmission Services**

Approved a Telecommunications License Agreement with MCImetro Access Transmission Services Corporation, d/b/a Verizon Access Transmission Services to provide telecommunications services in a portion of Peoria to construct, operate and maintain its facilities in the right-of-way.

7C. **Budget Transfer, Hillcrest 8-inch Waterline**

Approved a budget transfer in the amount of \$559,822 from the Thunderbird 16-inch Watermain Replacement project to the Hillcrest 8-inch Waterline project to fully fund a contract with Hunter Contracting to construct the Hillcrest 8-inch Waterline project and provide some additional spending authority for unforeseen changes during construction.

8C. **Fiscal Year 2018 Third Quarter Budget Amendments**

Approved the Fiscal Year 2018 Third Quarter Budget Amendments.

9C. **City Attorney Budget Amendment**

Approved a budget amendment in the amount of \$110,000 from the General Fund Reserves account; \$100,000 to the City Attorney legal services and \$10,000 to the litigation costs account for outside counsel legal services.

10C. **Investment Report, Quarter Ending March 31, 2018**

Reviewed and accepted the Investment Report as presented.

11C. **Final Plat, Sunshine, 80th Drive south of Cactus Road**

Approved a Final Plat of Sunshine, located on 80th Drive south of Cactus Road, subject to stipulations.

12C. **Final Plat, Union Hills Professional Plaza, Union Hills Drive and 87th Avenue**

Approved a Final Plat of Union Hills Professional Plaza, located on Union Hills Drive and 87th Avenue, subject to stipulations.

13C. **Final Plat, Sonoran Place – Phase 1, Dixileta Parkway and Dysart Road**

Approved a Final Plat of Sonoran Place – Phase 1, located on Dixileta Parkway and Dysart Road, subject to stipulations.

14C. **PUBLIC HEARING - Liquor License, Manna BBQ, 16840 North 83rd Avenue**

Recommended approval to the State Liquor Board for a New Restaurant Liquor License (Series 12) for Manna BBQ, located at 16840 North 83rd Avenue, Song Kun Mun, Applicant, LL#20019470.

REGULAR AGENDA

New Business:

15R. **Appointment of City Attorney**

Mayor Carlat presented Vanessa Hickman as the selection for appointment as City Attorney. Mayor Carlat provided background on Ms. Hickman's professional experience and qualifications.

Motion was made by Councilmember Binsbacher, seconded by Vice Mayor Finn to:

- (a) Adopt **RES. 2018-55** appointing Vanessa Hickman, as the City Attorney of the City of Peoria, Arizona, effective May 2, 2018 and;
- (b) Approve the Terms and Conditions of Employment Agreement with Vanessa Hickman.

Upon vote, the motion carried unanimously 7 to 0.

Municipal Judge George Anagnost officiated the ceremonial swearing in of Vanessa Hickman as the City Attorney for the City of Peoria.

Mayor Carlat declared a short recess at 7:22 p.m. The meeting was reconvened at 7:32 p.m.

16R. **Intergovernmental Agreement Amendment, City of Phoenix, 83rd Avenue Fixed Route Bus Service**

Stuart Kent, Public Works/Utilities Director, presented regarding a proposed amendment to an Intergovernmental Agreement with the City of Phoenix for operating the 83rd Avenue bus route from Camelback Road to the north side of Bell Road.

Information included:

- Background on the 83rd Avenue transit route
- Reduced Fiscal Year 2019 operating costs
- Ridership statistics

Discussion ensued regarding the increase in ridership.

Motion was made by Councilmember Edwards, seconded by Vice Mayor Finn, to authorize the City Manager to execute an Intergovernmental Agreement Amendment with the City of Phoenix for the continued operation and administration of the 83rd Avenue Fixed Transit Route.

Upon vote, the motion carried unanimously 7 to 0.

17R. **Adoption of Tentative Budget for Fiscal Year 2019**

Barry Houg, Interim Management and Budget Director, presented regarding the adoption of the City's Tentative Budget for Fiscal Year 2019.

Information included:

- Council priorities
- Budget policy guidelines
- Total tentative budget by category
- Proposed full-time equivalent position changes
- Rate adjustments for water, wastewater and residential solid waste services
- Formal budget adoption process

Motion was made by Mayor Pro Tem Hunt, seconded by Vice Mayor Finn, to approve **RES. 2018-56** adopting the Tentative Annual Budget in the amount of \$660,000,000 for Fiscal Year 2019.

Upon vote, the motion carried unanimously 7 to 0.

18R. Capital Improvement Program for Fiscal Years 2019-2028

Barry Houg, Interim Management and Budget Director, presented regarding the Capital Improvement Plan for Fiscal Years 2019-2028.

Information included:

- Schedule for the Capital Improvement Program
- Key considerations in the Capital Improvement Program development
- Capital Improvement Program 10-year planned uses
- Capital Improvement Program 10-year funding sources
- Significant capital projects
- Formal budget adoption process

Motion was made by Councilmember Binsbacher, seconded by Mayor Pro Tem Hunt, to approve **RES. 2018-57** adopting the Fiscal Year 2019-2028 Capital Improvement Program.

Upon vote, the motion carried unanimously 7 to 0.

Clerk's Note: Agenda Items 19C and 20C were voted on separately by the Vistancia Community Facilities District Board. Agenda Items 21C, 22C and 23C were voted on separately by the Vistancia West Community Facilities District. The legal actions for these items will be reflected separately in the May 1, 2018 Vistancia Community Facilities District and Vistancia West Community Facilities District Board minutes respectively.

Call To The Public (Non-Agenda Items)

Nan Shelton, a new Peoria resident, addressed the Council regarding the positive interactions she has experienced with City staff. Ms. Shelton expressed her gratitude for being welcomed into an amazing community.

Reports from City Manager:

24. Council Calendar

25. Reports

A. Citizens Police Academy Alumni Association

Roy Minter, Police Chief, provided an overview of the Citizens Police Academy. The 12-week course promotes community-oriented policing by allowing citizens to observe and learn how police officers and the department operate.

Chief Minter introduced David Ragovin, public spokesperson for the Alumni Association, and Lisa Mattox, Crime Prevention Education Coordinator and liaison to the Peoria Police Citizens' Academy Alumni.

Mr. Ragovin presented regarding:

- History of the Citizens' Police Academy Alumni Association
- Mission and focus
- Funding and accomplishments
- Future goals

Chief Minter thanked the Council for supporting the events sponsored by the Alumni Association. Chief Minter acknowledged the additional members of the Alumni Association in attendance at the Council Meeting.

Jeff Tyne, City Manager, recognized Dawn Prince, Assistant to the City Manager, for completing the National Forum for Black Public Administrators Executive Leadership Institute.

Reports from City Council:

Council Youth Liaison Acosta commended teachers for their dedication to the profession.

Councilmember Patena reported on his attendance at the Peoria Fire-Medical Awards Ceremony held at the Rio Vista Recreation Center on April 20, 2018. Councilmember Patena extended his congratulations to the award recipients. Councilmember Patena reported on the Parkfest! event held at Camino a Lago Park on April 28, 2018. Councilmember Patena thanked the Community Services Department for coordinating the successful event. Councilmember Patena reported on his attendance at the Public Service Award Dinner held at the Peoria Masonic Lodge on April 24, 2018 to recognize public safety officials for their extraordinary efforts in the community.

Councilmember Binsbacher congratulated the newly appointed Board and Commission members and thanked all of the volunteers for their service to the City. Councilmember Binsbacher recognized City staff for the success of the Planetpalooza Earth Day Festival held at Westwing Park on April 21, 2018. Councilmember Binsbacher invited residents to attend the Break at the Lake event to be held at Pleasant Harbor at Lake Pleasant on Saturday, May 5, 2018 beginning at 3:00 p.m. Councilmember Binsbacher announced she will be hosting a shred event, in partnership with Alex's Lemonade Stand, on Saturday, May 12, 2018 beginning at 8:30 a.m. at Copper Hills Church, located at 27035 North Black Rock Boulevard.

Vice Mayor Finn reported on his attendance at the Public Service Award Dinner on April 24, 2018. Vice Mayor Finn congratulated Vanessa Hickman on her appointment as the new City Attorney and Dawn Prince for completing the Executive Leadership Institute. Vice Mayor Finn thanked Ms. Shelton for taking the time to attend the Council Meeting to voice her glowing remarks regarding the City and its staff.

Councilmember Edwards reported on his participation in the river and trail clean up along New River on April 21 2018. Councilmember Edwards reported on his attendance at the Students with Aspiring Goals (SWAG) event held at the Peoria Sports Complex on April 24, 2018.

Mayor Pro Tem Hunt reported on a community meeting held April 25, 2018 at Axiom Church and Driftwood Coffee to solicit citizen feedback on proposed branding and logo design options for Old Town Peoria. Mayor Pro Tem Hunt commended staff on the success of the Earth Day Festival events. Mayor Pro Tem Hunt read books related to water and recycling to two first grade classes at Peoria Elementary School. Mayor Pro Tem Hunt congratulated Vanessa Hickman on her appointment as the new City Attorney and Dawn Prince for completing the Executive Leadership Institute. Mayor Pro Tem Hunt congratulated the Peoria Woman's Club for receiving a first-place award for the Domestic Violence Summit the Club sponsored in January 2017. Mayor Pro Tem Hunt announced that members of the American Federation of State, County and Municipal Employees (AFSCME) Local 3282 will be hosting and serving at a flapjack fundraiser at Applebee's on May 6, 2018 in support of a local toddler in need of a new heart. Mayor Pro Tem Hunt thanked AFSCME for donating \$2,000 to the HART Pantry for new computers.

Councilmember Leone reported on his attendance at various City of Peoria activities, including the Peoria Fire-Medical Awards Ceremony and the SWAG event. Councilmember Leone announced that fresh produce is available for a small donation through the Market on the Move program held on the third Saturday of the month at the Celebration Lutheran Church located at 8726 West Olive Avenue.

Council Youth Liaison Gatrost reported on her attendance at the FOODstock food truck event held at the Peoria Sports Complex on April 28, 2018. Ms. Gatrost congratulated Vanessa Hickman on her appointment as the new City Attorney and Dawn Prince for completing the Executive Leadership Institute. Ms. Gatrost offered her best wishes to outgoing City Attorney Steve Burg.

Reports from the Mayor:

None.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:25 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 1st day of May, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of June, 2018.

(Seal)

Rhonda Geriminsky, City Clerk

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 5C.

Date Prepared: 5/9/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Katie Gregory, Deputy City Manager
FROM: Rhonda Geriminsky, MMC, City Clerk
SUBJECT: Board and Commission Appointments

Purpose:

Discussion and possible action to approve the recommendations from the Council Boards and Commissions Subcommittee and adopt **RES. 2018-60** appointing members to various Boards and Commissions.

Summary:

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

Previous Actions/Background:

On May 8, 2018 the Council Boards and Commissions Subcommittee made appointment recommendations to various Boards and Commissions.

On May 14, 2018, a memorandum was submitted to Mayor and Council, outlining the appointment recommendations from the May 8, 2018 Subcommittee meeting, asking for concerns to be submitted in writing to the Mayor. No comments were received.

Options:

A: Appoint recommended board and commission members.

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

Staff Recommendation:

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

Board of Adjustment

Appoint Les Marquart as an alternate member for a partial term to expire December 2019.

Design Review Board

Appoint David Gordon as an alternate member for a term to expire December 2019.

Economic Development Advisory Board

Appoint Dennis Koch as a regular member and Ralph Jedda as an alternate member for terms to expire June 2022 and June 2020 (partial), respectively.

Employee Benefits Trust Board

Appoint Fredrick Burk as a regular member for a term to expire June 2022.

Historic Preservation Commission

Appoint Mary Lou McNeill as a regular member for a partial term expire December 2020.

Public Defender Contract Review Committee

Appoint Yvette Reid as a regular member for a partial term to expire June 2019.

Volunteer Firefighter Pension Board

Appoint David Gordon as a regular member for a partial term expire June 2021.

Youth Advisory Board

Appoint Nikhila Basana, Shaan Patel and Katie Fazio as regular members for terms to expire June 2020, June 2019 (partial) and June 2020, respectively.

Fiscal Analysis:

There is no fiscal impact regarding this item.

ATTACHMENTS:

Resolution 2018-60

Contact Name and Number:

Rhonda Geriminsky, (623) 773-7340

RESOLUTION 2018-60

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING/REAPPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, there are/will exist 11 Board/Commission vacancies as shown below; and

Board or Commission Name	Member Name	Current Term Expiration
Board of Adjustment	Jim Wehmuller	12/30/2019
Design Review Board	Vacant	New Term
Economic Development Advisory Board	Mark Hammons	6/30/2018
Economic Development Advisory Board	Anoop Kumar	6/30/2020
Employee Benefits Trust Board	Judy Fahey	6/30/2018
Historic Preservation Commission	Earl Guy	12/30/2020
Public Defender Contract Review Committee	William Schindler	6/30/2019
Volunteer Firefighter Pension Board	Gregory Jones	6/30/2021
Youth Advisory Board	Tristan Marsitto	6/30/2020
Youth Advisory Board	Allison Jasper	6/30/2019
Youth Advisory Board	Victoria Kisseberth	6/30/2020

WHEREAS, the following applicants desire to be appointed to the Boards/Commissions for terms as shown; and

Board or Commission Name	Applicant Name	New Term Start Date	New Term Expiration Date	Member Status
Board of Adjustment	Les Marquart	6/6/2018	12/30/2019	Alternate
Design Review Board	David Gordon	6/6/2018	12/30/2019	Alternate
Economic Development Advisory	Dennis Koch	7/1/2018	6/30/2022	Regular
Economic Development Advisory	Ralph Jedda	6/6/2018	6/30/2020	Alternate
Employee Benefits Trust Board	Fredrick Burk	7/1/2018	6/30/2022	Regular
Historic Preservation Commission	Mary Lou McNeill	6/6/2018	12/30/2020	Regular
Public Defender Contract Review	Yvette Reid	6/6/2018	6/30/2019	Regular
Volunteer Firefighter Pension Board	David Gordon	6/6/2018	6/30/2021	Regular
Youth Advisory Board	Nikhila Basana	7/1/2018	6/30/2020	Regular
Youth Advisory Board	Shaan Patel	7/1/2018	6/30/2019	Regular
Youth Advisory Board	Katie Fazio	6/6/2018	6/30/2020	Regular

WHEREAS, pursuant to Chapter 3 of the Peoria City Code (Boards and Commissions) and City Council Policy 1-5 (Appointments to Boards and Commissions) the Council Boards and Commissions Subcommittee discussed the qualifications of the members/applicants and recommend that they be appointed; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm the Subcommittee's recommendations for Board and Commission appointments.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that the recommended applicants are appointed for terms as shown in the table above.

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 5th day of June, 2018.

CITY OF PEORIA, an Arizona municipal corporation

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

Approved as to Form:

Vanessa P. Hickman, City Attorney

Effective Date: _____

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 6C.

Date Prepared: 5/10/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Katie Gregory, Deputy City Manager
FROM: Rhonda Geriminsky, MMC, City Clerk
SUBJECT: Council Youth Liaison Appointments

Purpose:

Discussion and possible action to approve the recommendations from the Council Boards and Commissions Subcommittee and adopt **RES. 2018-61** appointing Frank Johnson and Leah Gilbertson as the 2018-19 Council Youth Liaisons for terms to expire May 30, 2019.

Summary:

Pursuant to Council Policy 1-14 (Council Advisory Board Council Liaison Program), the Boards and Commissions Subcommittee makes recommendations for Council Youth Liaison appointments based on term expirations and vacancies.

Previous Actions/Background:

On June 18, 2013, the Council adopted Ordinance 2013-12 which provides for appointment of Youth Ex-Officio members to Council. These positions are generally referred to as Council Youth Liaisons. Council also adopted Council Policy 1-14 (Youth Advisory Board Council Liaison Program) which outlines the purpose, eligibility, selection, and guiding principles of the program. This policy charges the Council Boards and Commissions Subcommittee with making appointment recommendations to Council for these positions.

On May 8, 2018, the Council Boards and Commissions Subcommittee interviewed and made appointment recommendations for the Council Youth Liaison positions. On May 14, 2018, a memorandum was submitted to the Mayor and Council, outlining the appointment recommendations from the May 8, 2018 Subcommittee meeting, asking for concerns to be submitted in writing to the Mayor. No comments were received.

Options:

A: Appoint recommended Council Youth Liaison members.

B: Continue recruitment efforts to fill the Council Youth Liaison vacancies.

Staff Recommendation:

This is a request for City Council to appoint Frank Johnson and Leah Gilbertson as the 2018-19 Council Youth Liaisons.

Fiscal Analysis:

Charges for printing additional Council meeting packets will be charged to the City Clerk's Office Copy Services Account 1000-0150-520036.

ATTACHMENTS:

Resolution 2018-61

Council Policy 1-14

Contact Name and Number:

Rhonda Geriminsky, (623) 773-7340

RESOLUTION 2018-61

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING FRANK JOHNSON AND LEAH GILBERTSON AS COUNCIL YOUTH LIAISONS AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, the terms for Maylee Acosta and Cassidy Gatrost, Council Youth Liaisons, expired on May 30, 2018, and there exists two vacancies; and

WHEREAS, Frank Johnson and Leah Gilbertson desire to be Council Youth Liaison members of the City of Peoria, City Council; and

WHEREAS, pursuant to City Council Policy 1-14 (Youth Advisory Board Council Liaison Program) the Council Boards and Commissions Subcommittee discussed the qualifications of the applicants and recommend that they be appointed; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm said appointments of Frank Johnson and Leah Gilbertson as Council Youth Liaison members of the City of Peoria, City Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Frank Johnson and Leah Gilbertson are appointed as Council Youth Liaison members of the City of Peoria, City Council.

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

Frank Johnson	May 30, 2019
Leah Gilbertson	May 30, 2019

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 5th day of June, 2018.

CITY OF PEORIA, an Arizona municipal corporation

Cathy Carlat, Mayor

Date Signed


ATTEST:

Rhonda Geriminsky, City Clerk

Approved as to Form:

Vanessa P. Hickman, City Attorney

Effective Date: _____

 <p>CITY COUNCIL POLICY</p>	<p>CP 1-14</p> <p>Category: General</p>
	<p>Department: Community Services</p>
<p>TITLE: Youth Advisory Board Council Liaison Program</p>	<p>Approved: February 16, 2016</p>

A. Purpose

The purpose of this policy is to provide general guidelines for the Youth Advisory Board (YAB) Council Liaison Program which will provide a quality experience for two Council Youth Liaisons and develop opportunities for improved youth civic engagement.

B. Basic Program Eligibility

Applicants for the YAB Council Liaison Program must fulfill the following eligibility requirements:

1. Current member of the YAB with a tenure on the board of at least six (6) months.
2. Currently enrolled in grades 9, 10, 11 or 12.
3. GPA of at least 3.0 or higher.
4. Attendance at regularly scheduled YAB meetings, a minimum of 80% of the time.
5. Committed to attending regular council meetings beginning in late August through May of the upcoming school year.
6. Possess a general knowledge of the Council/Manager form of Municipal Government and a basic understanding of the functions of the Peoria City Council.

C. Selection Process

1. The program application period will be identified annually. Applicants must submit a Youth Advisory Board Council Liaison application to be considered.
2. The Youth Advisory Board will review all applications and recommend up to three (3) candidates to be interviewed by the City Council Boards and Commissions Subcommittee
3. The City Council Boards and Commissions Subcommittee will recommend to the Mayor and City Council two Youth Advisory Board Council Liaisons.
4. Mayor and City Council will have a standard ten (10) day period in order to comment on the City Council Boards and Commissions Subcommittee recommendations.
5. Upon approval, appointments for the Youth Advisory Board Council Liaisons will be made by resolution.

D. Time Frame

1. Applications for the YAB Council Liaison will be submitted to the Youth Advisory Board Staff Liaison in the Community Services Department.
2. Submitted applications will be reviewed by the YAB. Youth Advisory Board will select not more than three applicants to be reviewed and interviewed by the City Council Boards and Commissions Subcommittee.
3. Interviews with the City Council Subcommittee on Boards and Commissions will be scheduled for a subcommittee meeting.
4. The Mayor and City Council will approve the two YAB Council Liaisons at a regular council meeting.
5. The YAB Council Liaisons will begin attending City Council meetings in August.

E. Guiding Principles

1. The YAB Council Liaisons will attend regular City Council meetings beginning in late August through May of the following year.
2. The YAB Council Liaisons will not have voting rights.
3. City Council members will be provided opportunities to mentor the YAB Council Liaisons as coordinated by the City Manager's Office.
4. After three (3) unexcused absences, the YAB Council Liaison could be replaced.
5. The YAB Council Liaison is responsible for requesting school credit for this appointment.

APPROVED:

/S/
Cathy Carlat, Mayor

APPROVED AS TO FORM:

/S/
Stephen M. Kemp, City Attorney

Adopted: 06/18/13, CC #24R
Amended: 08/27/14, CC #18C; Amended: 02/16/16 CC #6C

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 7C.

Date Prepared: 5/16/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Andy Granger, Deputy City Manager
FROM: Chris M. Jacques, AICP, Planning Director
SUBJECT: Code Amendment, Chapter 21, Pawn Definitions

Purpose:

Discussion and possible action to adopt **ORD. 2018-12**, amending Chapter 21 of the Peoria City Code, by amending Section 21-202, pawn-related definitions to align with Arizona Revised Statutes.

Summary:

Staff recently received an inquiry seeking a determination as to whether or not a proposed use would be considered a pawnshop. In responding to the inquiry, aside from the outcome of the inquiry itself, it was determined that the City's current definition for pawnshop lacked the same clarity that is found in the Arizona Revised Statutes definition. In comparing the two definitions, it was apparent that the City's intent aligns with that of the State Statute; therefore, staff elected to propose this text amendment, which incorporates the State's definition of *pawnshop* into the Zoning Ordinance. Additionally, staff included two new, but related, definitions from the State Statute pertaining to *pawnbrokers* and *pawn transactions*. These definitions are integral to the *pawnshop* definition and have been included verbatim in this proposed amendment.

The current definition for *Pawnshops* first appeared in the City's Zoning Ordinance in 2000 following the City Council's adoption of ORD No. 00-28. At the time, City staff initiated a broad effort to include several definitions believed to be missing from the Zoning Ordinance, which were needed to address certain uses that were beginning to arise throughout the City. These uses included: Body Piercing Studios, Massage Establishments, Non-chartered Financial Institutions, Retail Liquor Stores, Plasma Centers, Tattoo Studios, and Pawnshops.

Ordinance No. 00-28 also included development standards to regulate pawn and other specified uses, including minimum separation distance (1,000 feet) from other establishments within this classification of uses. These standards can be found in the Zoning Ordinance under Section 21-505 ("Limitations on Uses") associated with Personal Services.

There is no change to the development standards associated with pawn services. They would continue to be subject to the issuance of a Conditional Use Permit (CUP) in certain commercial

zoning districts and minimum separation requirements.

Previous Actions/Background:

- On May 3, 2018, the Planning and Zoning Commission held a Public Hearing to consider the proposed zoning code amendment. The Commission voted 7-0 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 the Planning & Zoning Commission; or

B: Approve with modifications; or

C: Deny; or

D: Continue action to a date certain or indefinitely; or

E: Remand to the Planning & Zoning Commission for further consideration.

Staff Recommendation:

This is a request for City Council to approve an ordinance amending Chapter 21 of the Peoria City Code (2017 Edition), by amending Section 21-202 (entitled "Definitions") to align pawn related definitions with the Arizona Revised Statutes.

Fiscal Analysis:

The request will not have any fiscal impact on the City.

ATTACHMENTS:

Exhibit A - P&Z Commission Staff Report

Exhibit B - Draft Ordinance

Contact Name and Number:

Chris M. Jacques, AICP, Planning Director (623) 773-7609

Sean Allen, Senior Planner (623) 773-7337



PLANNING AND ZONING COMMISSION REPORT

Meeting Date: May 3, 2018

Agenda Item: 6R

Case Name: TA18-03: Definitions Text Amendment (Pawn Uses)

Case Number(s): TA18-03

General Application Information

Proposal:

City-initiated request to amend Section 21-202 (entitled "Definitions") of the Peoria Zoning Ordinance to align pawn related definitions with the Arizona Revised Statutes

Location:

N/A

Project Acreage:

N/A

Applicant:

City of Peoria

Project Description

This is a city-initiated request to update Section 21-202 (entitled "Definitions") of the Zoning Ordinance with revised language for the definition of Pawnshop and adding new definitions for Pawnbroker and Pawn Transaction to align with the definitions found in A.R.S §44-1621.

Key Items For Consideration:

- The proposed amendment provides an update and clarity to pawn-related terms in the Zoning Ordinance.
- The proposed language for the definitions aligns with A.R.S. §44-1621 pertaining to pawn related terms.
- The proposed zoning text changes are intended to provide clarity and are limited to definitions only; said changes will not affect location or regulatory criteria for pawnshop businesses.

Recommendations:

Recommend APPROVAL of Case TA18-03 to the Peoria City Council.

ATTACHMENTS:

Description

Staff Report

Exhibit A - Draft Code

BACKGROUND

Context

This is a city-initiated text amendment, to Section 21-202 “Definitions” of the Zoning Ordinance, related to pawn uses. The intent of the amendment is to update the City’s definition for *Pawnshop* to be consistent with the definition found within Arizona Revised Statutes (A.R.S.). Additionally, definitions for *Pawnbroker* and *Pawn Transaction* are proposed to provide additional clarity related to pawn services.

PROPOSAL

Goal/Purpose of Request

This text amendment is a continuation of the City’s Planning and Community Development Department ongoing effort to regularly update the Peoria Zoning Ordinance to maintain relevancy and consistency with current state and federal definitions and regulations.

DISCUSSION AND ANALYSIS

Staff recently received an inquiry seeking a determination as to whether or not a proposed use would be considered a pawnshop. In responding to the inquiry, aside from the outcome of the inquiry itself, it was determined that the City’s current definition for pawnshop lacked the same clarity that is found in the Arizona Revised Statutes’ definition. In comparing the two definitions, it was apparent that the City’s intent aligns with that of the State Statute; therefore, staff elected to propose this text amendment, which incorporates the State’s definition of *pawnshop* into the Zoning Ordinance. Additionally, staff included two new, but related, definitions from the State Statute pertaining to *pawnbrokers* and *pawn transactions*. These definitions are integral to the *pawnshop* definition and have been included verbatim in this proposed amendment.

The current definition for *Pawnshops* appeared in the City’s Zoning Ordinance in 2000 following the City Council’s adoption of ORD #00-28. At the time, City staff initiated a broad effort to include several definitions believed to be missing from the Zoning Ordinance, which were needed to address certain uses that were beginning to arise throughout the City. These uses included: Body Piercing Studios, Massage Establishments, Non-chartered Financial Institutions, Retail Liquor Stores, Plasma Centers, Tattoo Studios, and Pawnshops.

Ordinance #00-28 also included development standards to regulate these uses. These standards can be found in the Zoning Ordinance under Section 21-505 “Limitations on Uses” associated with Personal Services.

No changes are proposed to the development standards that regulate these uses, and staff is not recommending modifications to the zoning districts within which these types of uses are allowed. Instead, the focus of this update is limited to updating and adding definitions related to pawn services to clarify the terms and align with existing definitions within the Arizona Revised Statutes.

Conclusions

- The proposed amendment provides an update and clarity of pawn related terms.
- The language proposed for the definitions, matches what has been adopted in Section §44-1621 “Definitions” of the Arizona Revised Statutes.
- The proposed text changes are limited to definitions only, and do not affect locations or the regulating criteria for pawnshop businesses.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission make the following recommendations to City Council:

- 1) Approval of case TA18-03 to the City Council, amending the Zoning Ordinance, Chapter 21 of the City Code, as identified in Exhibit A.

ATTACHMENTS

Exhibit A: Proposed Section 21-202 Definitions

REPORT PREPARED BY

Sean Allen
Senior Planner
623-773-7337
sean.allen@peoriaaz.gov

Definitions

21-201 Intent

1

21-202 Definitions

21-201 Intent ^{*23}

This Section is intended to clarify the meaning of any term used within the regulations and development standards for which the common definition may not serve the purpose of the regulations, or which is not a commonly used term outside of the context of this Zoning Ordinance.

21-202 Definitions ^{*32}

- A. The word **occupied** and the word **used** shall be considered as meaning the same as the words **intended, arranged, or designed to be used or occupied**.
- B. The word **dwelling** includes the word residence; the word **lot** includes the words **plot** or **parcel**.
- C. Terms not herein defined shall have the meanings customarily assigned thereto.
- D. For the purpose of this Zoning Ordinance, certain words are hereby defined as follows: ^{*23}

List of Defined Terms

0 - 10

207 Claim means a claim for just compensation, as permitted by A.R.S. §12-1136, as amended, for diminution in the fair market value of real property resulting from the enactment of a Land Use Law by the City that is not an Exempt Land Use Law, and that reduces Existing Rights to use, divide, sell, or possess private real property as of the date of the enactment. ^{*30}

A - O

P

Parking Area, Public means an open area, other than a street or alley designated for use, or used, as temporary parking of four (4) or more vehicles when available for public use, whether free or for compensation or as an accommodation for clients or customers. ^{*7}

Parking Lot means an area other than for single-family dwellings used for the off-street parking of more than two motor vehicles, including parking spaces, access and maneuvering aisles.

Parking Space, Off-street means a space designated for the temporary parking of a motor vehicle not on the right-of-way or alley but accessible from a street or alley. ^{*7}

Parties In Interest means a term identifying the owners of property within one hundred fifty (150) feet, exclusive of street, or specified property.

Paved Parking Space or Surface means an area covered by an impervious dust free surface of asphalt or concrete designed to City specifications. ^{*7}

Pawnbroker means a person who is engaged in the business of advancing money on the security of pledged goods or is engaged in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time.

~~**Pawnshop** means any establishment in that is carried on the business of pawn brokerage, or the business of loaning money, receiving as security for payment thereof pawns or pledges of property, or the business of purchasing personal property and reselling or agreeing to resell, trade or exchange such Sections to vendors, their personal representatives, or their assignees at a price agreed upon at or before the time of such purchase whether such business be the principal or sole business so carried on or be merely incidental to, or in connection with, or a branch or a department of some other business.~~ ^{*18}means the location or premises at which a Pawnbroker is licensed to regularly conduct the pawnbroker's business.

Pawn Transaction means either the act between the Pawnbroker and a person pledging tangible personal property or extending credit on the security of pledged goods or the act of purchasing tangible personal property with an express or implied agreement or understanding that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time, except that a good faith outright purchase of tangible personal property is not a pawn transaction.

Permissible Consumer Fireworks means fireworks devices as defined by A.R.S. §36-1601.5(a) and (b). ^{*34}

Planned Shopping Center means a business development of two acres or more not divided by a street and characterized by an organized and concentrated grouping of retail and service outlets served by a common circulation and parking system.

Planning Manager means the director of the Department, or the director's designee. ^{*30}

Plans Review Committee means that committee charged with the express intent to review and make recommendations on major site plans to the Commission, review and approve minor site plans and to review and approve other development plans as authorized by the City Council. The Plans Review Committee shall be composed of personnel assigned to the Department, or any other personnel as appointed by the Planning Manager or City Manager. ^{*4, *30}

Plasma Center means a business, which provides compensation to patrons for plasma drawn from the human body. ^{*18}

Plot Plan means a fully dimensioned line drawing of a specific site identifying the location of all proposed structures, including outdoor display, in relation to abutting streets and existing structures. ^{*19}

References

Adopted by Ord. No.: 2016-29

Previous Ordinances:

- *1 79-72
- *2 87-39
- *3 88-09
- *4 92-14
- *5 93-06
- *6 93-25
- *7 94-74
- *8 95-15
- *9 96-21
- *10 97-41
- *11 97-100
- *12 98-15
- *13 98-18
- *14 98-34A
- *15 99-89
- *16 99-101
- *17 99-112
- *18 00-28
- *19 00-68
- *20 01-26
- *21 01-167
- *22 02-21
- *23 02-68
- *24 03-158
- *25 04-187
- *26 04-188
- *27 05-25
- *28 05-58A
- *29 06-16
- *30 07-14
- *31 07-22
- *32 2010-23
- *33 2010-24
- *34 2011-03
- *35 2011-05A
- *36 2013-16
- *37 2015-08
- *38 2016-01
- *39 2016-28
- *40 2016-29

ORDINANCE NO. 2018-12

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 21 OF THE PEORIA CITY CODE (2017 EDITION), BY AMENDING SECTION 21-202 DEFINITIONS FOR PAWNBROKERS, PAWNSHOPS, PAWN TRANSACTIONS, 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 May 3, 2018 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 April 13, 2018; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of May 3, 2018 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"), of Chapter 21 of the Peoria City Code (2017 edition) pertaining to pawnshops and other related term.

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 (2017 edition) shall be amended to read as indicated on Exhibit A.

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 3. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Maricopa County, Arizona this 5th day of June, 2018.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Vanessa P. Hickman, City Attorney

Published in: Peoria Times
Publication Date: June 15, 2018
Effective Date: _____

Exhibit A (Case TA 18-03)

SECTION 21-202 DEFINITIONS

21-202 Definitions

Pawnbroker means a person who is engaged in the business of advancing money on the security of pledged goods or is engaged in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time.

Pawnshop means ~~any establishment in that is carried on the business of pawn brokerage, or the business of loaning money, receiving as security for payment thereof pawns or pledges of property, or the business of purchasing personal property and reselling or agreeing to resell, trade or exchange such Sections to vendors, their personal representatives, or their assignees at a price agreed upon at or before the time of such purchase whether such business be the principal or sole business so carried on or be merely incidental to, or in connection with, or a branch or a department of some other business.~~^{*18} means the location or premises at which a Pawnbroker is licensed to regularly conduct the pawnbroker's business.

Pawn Transaction means either the act between the Pawnbroker and a person pledging tangible personal property or extending credit on the security of pledged goods or the act of purchasing tangible personal property with an express or implied agreement or understanding that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time, except that a good faith outright purchase of tangible personal property is not a pawn transaction.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 8C.

Date Prepared: 5/7/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Erik Strunk, Deputy City Manager
FROM: John R. Sefton, Jr., Director
SUBJECT: 2019 Art Grant Program Recommendations

Purpose:

Discussion and possible action to approve the 2019 Art Grant requests, as recommended by the Arts Commission.

Summary:

Since 1991, the Arts Division has proposed and managed the Art Grant Program. Similar to last year, the base budget of \$25,200 has been augmented by a one-time supplemental in FY19, of \$24,800 for a total of \$50,000 available for art grant awards. By design of the program, several non-profit organizations are afforded support in delivering exceptional programs and services to Peoria residents in the areas of visual and performing arts. The goal of the program is to assist non-profit organizations and schools with financial support enhancing art-centric events and activities benefitting Peoria residents.

This year's requests, like previous years, are beneficial in several areas such as:

- providing organizations with financial capacity to participate in city-sponsored events
- enhancing arts programs at Peoria Unified School District schools
- bringing the arts and arts activities to underserved populations
- assisting arts organizations with building a significant presence in Peoria

Single grant awards for Fiscal Year (FY) 2019 range from \$1,200 to \$4,700. Individual awards were available up to \$5,000.

In FY19, nineteen applications are recommended for funding out of 26 total applications received. Grant applications with low scores did not receive funding. It is important to note that in FY19, 26 applications were submitted, which is a 62.5% increase since FY17. Also important to note is the increase in the total amount requested from \$38,960 in FY17 to \$103,680 in FY19, an increase of \$64,900, a 166% increase.

The grants were assessed in five categories: 1) Applicant History, 2) the Grant Request, 3)

Project/Organizational Quality, 4) Project/Organizational Capability, 5) Project Budget. Each application is scored individually by panel members and ranked based on total score. Staff compiles the funding requests in various amounts and presents to the full Arts Commission for advisory action.

On May 15, 2018, the Peoria Arts Commission held a public meeting to conduct an evaluation of the applications, discussed the proposals and unanimously approved the following recommendations for approval by the City Council:

FY19 Art Grants

Organization	Program Description	Requested Amount	Recommended Amount
TheaterWorks	AdaptiveWorks Ed Programming	\$5,000	\$4,700
Childsplay	Peoria School Touring Shows	\$2,500	\$2,400
PUSD	Arts & Cultural Festival	\$4,250	\$3,000
Ballet Arizona	Dance AZ program	\$5,000	\$4,600
Center Dance Ensemble	Performances in Peoria Schools	\$4,000	\$3,800
PUSD	Swift Shakespeare	\$4,144	\$3,500
PUSD	Performance/Artist in Residency	\$2,650	\$2,400
Northwest Valley Connect	Intergenerational Mural	\$2,684	\$2,400
WHAM Art Association	Peoria - Public Mosaic Mural	\$2,877	\$2,400
WHAM Art Association	At Risk Teens Art Program	\$5,000	\$2,500
Southwest Shakespeare Company	Shakespeare in the Park - Peoria	\$2,000	\$1,800
TheaterWorks	PuppetWorks Blacklight dev	\$5,000	\$3,000
Friends of the Library	Library Arts Events	\$2,400	\$1,800
Act One	Field Trip Program	\$5,000	\$2,500
Phoenix Symphony	Classroom Concert Series	\$4,000	\$2,000
Arizona Broadway Theatre	Theater for Young Audiences at Sunrise Mountain Library	\$4,800	\$2,000
Arizona Broadway Theatre	Theater for Young Audiences at Main Library	\$4,800	\$2,000
Ironwood Band Community Foundation	Music Performances in Peoria	\$5,000	\$2,000
West Valley Art Museum	Children's Art Studio	\$2,500	\$1,200
Peoria Fine Arts Assoc.	Tent, Panels, Branding	\$5,000	\$0
Free Arts	Free Arts for Abused Children	\$5,000	\$0

Arizona Broadway Theatre	Musical Teen Perf. ABT	\$5,000	\$0
Westbrook Village Voices	Performances in Peoria	\$5,000	\$0
Glendale Pipes and Drums	Scottish Bagpipe & Drum Perf	\$3,375	\$0
TheaterWorks	Stardust Teen Touring Troupe	\$4,000	\$0
West Valley Art Museum	Art Appraisal Appreciation	\$2,700	\$0
		\$103,680	\$50,000

ARTS GRANTS PROGRAM SUMMARY

	Grant \$ Budgeted	Grant \$ Requested	Grant Applications	Grants Awarded	Audience/ Participants
FY19 Planned	\$ 50,000.00	\$ 103,680.00	26	19	50,500
FY18 Actual	\$ 48,530.00	\$ 67,305.00	19	15	43,155
FY17 Actual	\$ 25,200.00	\$ 38,960.00	16	14	37,910

Previous Actions/Background:

Funding for this innovative program was previously reviewed and approved as a part of the FY19 city budget process. This program and its contribution to the quality of life in Peoria were also discussed as a part of the FY19 Annual Arts Plan at the May 15 City Council Study Session.

Options:

A: Approve the FY19 arts grants as recommended by the Arts Commission.

B: Do not approve the FY19 arts grants as recommended and remand them to the Arts Commission for further consideration.

Staff Recommendation:

Staff recommends approval of the FY19 arts grants, as recommended by the Arts Commission.

Fiscal Analysis:

Funding for these recommendations are in the FY19 Arts Grant Budget account number 522099.

Contact Name and Number:

Marylou Stephens, (623) 773-7968

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 9C.

Date Prepared: 5/21/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Bobby Ruiz, Fire Chief

SUBJECT: Contract, American Medical Response, Emergency Ambulance Service

Purpose:

Discussion and possible action to approve an initial two year contract with extensions of up to a maximum of 48 additional months, with American Medical Response to provide 911-ambulance service within the City of Peoria.

Summary:

The Peoria Fire-Medical Department seeks to enter into a contract with American Medical Response (AMR) to provide 911-ambulance service to augment the City's existing ambulance service. In December 2015, the City offered a request for proposal for ambulance service within the City of Peoria. AMR was the only respondent. Since that time, the City and AMR have continued to operate under contract extensions under the existing contract. The City and AMR have negotiated the contract while the City has implemented its own ambulance service. Under the proposed contract, AMR will continue to provide ambulance service to those calls where the AMR ambulance is closest to the call. As the City expands its ambulance service, AMR will scale back its designated ambulances within the City, but will continue to provide ambulance services during times of high call volume. Under the proposed contract, AMR will provide ambulances that are designated to the City as opposed to dedicated to the City, which allows AMR to utilize those resources as needed in surrounding communities. The proposed contract is performance based, which requires response time criteria be met ninety (90) percent of the time. Any response criteria under ninety (90) percent in any given month is subject to financial penalties.

Previous Actions/Background:

On April 20, 2010, City Council approved the current contract with PMT Ambulance to begin on August 18, 2010. The current contract expired on August 17, 2015 and the City and AMR have been operating under contract extensions while the proposed contract was being negotiated. If the City Council approves the proposed contract, the Contract will then need approval from the Arizona Department of Health Services (AZDHS).

Options:

A: Approve the request as proposed.

B: Reject the request and provide further guidance to staff.

Staff Recommendation:

Discussion and possible action to approve an initial two (2) year contract with extensions of up to a maximum of 48 additional months with American Medical Response to provide 911-ambulance service within the City of Peoria.

Fiscal Analysis:

The contract as proposed provides for reimbursement to the City for the following:

The difference between the Basic Life Support (BLS) ambulance rate and the Advanced Life Support (ALS) rate is based upon rates determined by AZDHS for any ALS patient Peoria Fire-Medical Department Paramedics accompany to the hospital on an AMR ambulance. The current rate is \$98.15. Over the past 12 months, this has yielded \$311,429. This is expected to decrease as the City expands its ambulance service.

The amount per call for supplies in which a patient is transported by an AMR ambulance is \$14.00.

ATTACHMENTS:

AMR Contract Signed Offer

Contact Name and Number:

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



City of Peoria, Arizona
Notice of Request for Proposal
for Professional Services



Request for Proposal No: P15-0079

Proposal Due Date: December 8, 2015

Services: Emergency Transportation Services

Proposal Due Time: 5:00 P.M. AZ Time

Contact: Jennifer Miller

Mailing Address: City of Peoria, Materials Management
9875 N. 85th Avenue, 2nd Floor
Peoria, AZ 85345

Phone: (623) 773-7115

Pre-Proposal Meeting: October 26, 2015 @ 8:00 a.m. AZ
Time

Project No:

In accordance with City of Peoria Procurement Code, competitive sealed proposals for the services specified will be received by the City of Peoria Materials Management at the specified location until the date and time elted above. Proposals shall be in the actual possession of the City of Peoria Materials Management on or prior to the exact date and time indicated above. Late proposals will not be considered, except as provided in the City of Peoria Procurement Code. *Proposals shall be submitted in a sealed package with the Request for Proposal number and the offeror's name and address clearly indicated on the front of the envelope.* All proposals shall be completed in ink or typewritten. Offerors are strongly encouraged to carefully read the entire Request for Proposal Package.

OFFER

To the City of Peoria: The undersigned, on behalf of the entity, firm, company, partnership, or other legal entity listed below, offers on its behalf to the City a proposal that contains all terms, conditions, specifications and amendments in the Notice of Request for Proposal issued by the City. Any exception to the terms contained in the Notice of Request for Proposal must be specifically indicated in writing and are subject to the approval of the City prior to acceptance. The signature below certifies your understanding and compliance with Paragraph 1 of the City of Peoria Standard Terms and Conditions (form COP 202) contained in the Request for Proposal package issued by the City.

For clarification of this offer contact:

Telephone: 480-606-3630 Fax: 866-208-4523

Name: GLENN KASPRZYK

Email: GLENN.KASPRZYK@AMR.NGT

AMERICAN MEDICAL RESPONSE
Company Name

Authorized Signature for Offer

8465 N. PIMA ROAD
Address

GLENN KASPRZYK
Printed Name

SCOTTSDALE AZ 85258
City State Zip Code

REGIONAL - COO - AZ
Title

ACCEPTANCE OF OFFER AND CONTRACT AWARD (For City of Peoria Use Only)

Your offer is accepted by the City, subject to approval of each written exception that your proposal contained. The contract consists of the following documents: 1.) Request for Proposal issued by the City; 2.) Your offer in Response to the City's Request for Proposal; and 3.) This written acceptance and contract award.

As the awarded professional service provider, you are now legally bound to provide the services listed by the attached award notice, based on the solicitation of proposals, including all terms, conditions, specifications, amendments and your offer as now accepted by the City. The professional service provider shall not commence any billable work or provide any services under this contract until the professional service provider receives an executed Purchase Order or a Notice to Proceed.

Attested by:

City of Peoria, Arizona. Effective Date: _____

Rhonda Geriminsky, City Clerk

Approved as to form:

CC: _____

Vanessa P. Hickman, City Attorney

Contract Number: _____

Contract Awarded Date _____

City Seal
Copyright 2003 City of Peoria, Arizona

Official File: _____

Jeff Tyne, City Manager

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 10C.

Date Prepared: 5/15/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Andy Granger, Deputy City Manager
FROM: Roy W. Minter, Jr., Chief of Police
SUBJECT: Grant, Governor's Office of Highway Safety, Click It or Ticket Enforcement Campaign

Purpose:

Discussion and possible action to: (a) authorize the City Manager to accept \$7,500 from the Governor's Office of Highway Safety to be used by the Peoria Police Department for safety belt and child passenger law enforcement; and (b) approve a budget adjustment of \$7,500 from the Proposed Grants Contingency account to the Governor's Office of Highway Safety Grant Overtime account.

Summary:

The Peoria Police Department desires to accept funding provided by the Governor's Office of Highway Safety (GOHS) in the amount of \$7,500. GOHS has provided funding for participation in the national two-week Click It or Ticket enforcement campaign to increase seat belt usage and reduce child safety seat violations throughout the City of Peoria.

Funds will be used to support personnel services (overtime) during campaign activities that occurred May 21 through June 3, 2018. Media releases emphasizing the importance of this program and specifying that funding was provided by the Governor's Office of Highway Safety were issued during the campaign.

This grant is reimbursable following the two-week campaign.

Previous Actions/Background:

City Council has previously accepted grants from the Governor's Office of Highway Safety for this Click It or Ticket campaign.

Options:

A: Accept a grant award in the amount of \$7,500 from the Governor's Office of Highway Safety to be used for safety belt and child safety seat enforcement, and approve a budget adjustment in the amount of \$7,500 from the Proposed Grants Contingency Account to the Governor's Office

of Highway Safety Grant Overtime Account, thus providing expenditure authority.

B: Choose not to accept the grant from the Governor's Office of Highway Safety and forgo participation in the national Click It or Ticket campaign.

Staff Recommendation:

Staff recommends accepting a grant award in the amount of \$7,500 from the Governor's Office of Highway Safety to be used for safety belt and child safety seat enforcement, and approving a budget adjustment in the amount of \$7,500 from the Proposed Grants Contingency Account to the Governor's Office of Highway Safety Grant Overtime Account.

Fiscal Analysis:

A budget adjustment of \$7,500 from the Proposed Grants Contingency account (7990-7990-570000) to the GOHS Grant Overtime Account (7515-7765-510200) to be completed, thus providing expenditure authority.

ATTACHMENTS:

Grant Contract 2018-CIOT-018

Contact Name and Number:

Roy W. Minter, Chief of Police, (623) 773-7059

HIGHWAY SAFETY CONTRACT

This page, the Project Directors Manual and attached hereto and incorporated herein by reference, constitute the entire contract between the parties hereto unless the Governor's Highway Safety Representative authorizes deviation in writing.

CFDA: 20.616

1.	APPLICANT AGENCY Peoria Police Department	GOHS CONTRACT NUMBER 2018-CIOT-018
	ADDRESS 8351 W. Cinnabar Avenue, Peoria, Arizona 85345	PROGRAM AREA 405b
2.	GOVERNMENTAL UNIT City of Peoria	AGENCY CONTACT James Willis
	ADDRESS 8401 W. Monroe Street, Peoria, Arizona 85345	3. PROJECT TITLE Buckle Up Arizona Enforcement Campaign (CIOT)
4.	GUIDELINES 405b – Occupant Protection (OP)	
5.	BRIEFLY STATE PURPOSE OF PROJECT: Federal 405b funds will support Personnel Services (Overtime) and Employee Related Expenses to participate in the two-week Buckle Up Arizona Enforcement Campaign from May 21, 2018 through June 3, 2018 to enhance seat belt and child safety seat usage throughout the City of Peoria.	
6.	BUDGET COST CATEGORY	Project Period FY 2018
I.	Personnel Services	\$7,500.00
II.	Employee Related Expenses	\$0.00
III.	Professional and Outside Services	\$0.00
IV.	Travel In-State	\$0.00
V.	Travel Out-of-State	\$0.00
VI.	Materials and Supplies	\$0.00
VII.	Capital Outlay	\$0.00
	TOTAL ESTIMATED COSTS	\$7,500.00

PROJECT PERIOD	FROM: Effective Date (<i>Date of GOHS Director Signature</i>)	TO: 06-03-18
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CURRENT GRANT PERIOD	FROM: 05-21-18	TO: 06-03-18
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TOTAL FEDERAL FUNDS OBLIGATED THIS FY: \$7,500.00

A political subdivision or state agency that is mandated to provide a certified resolution or ordinance authorizing entry into this contract must do so prior to incurring any expenditures. Failure to do so may result in termination of the awarded contract.

PROBLEM IDENTIFICATION AND RESOLUTION:

Motor vehicle collisions continue to be the leading cause of death, injury and property damage in Arizona and the United States. A number of factors contribute to the risk of collision including; vehicle design, speed of operation, road design, road environment, driver skill and/or impairment and driver behavior. The human factor that has been consistently identified in reducing collisions and minimizing their effects is consistent usage of seat belts and child safety seats.

According to the Arizona Motor Vehicle Crash Facts, there were 952 vehicle occupants (driver/passenger) fatalities in 2016, of which 333 (**35%**) were unrestrained. Children under the age of five accounted for 11 passenger fatalities in 2016, of which 3 (**27%**) were unrestrained.

In 2017, seat belt usage in Arizona reached **86.1%**, a decrease of **1.9%** since 2016. The noted decrease is attributed partly to the Arizona Governor's Office of Highway Safety (GOHS) funded statewide enforcement campaigns, enhanced earned media, and extensive outreach support of educational and public awareness activities.

The summary of the 2013 through 2017 Arizona Seat Belt Use Survey results are presented in the following table:

GROUPS OBSERVED	2013	2014	2015	2016	2017
Total Front Seat Occupants Seat Belt Use	84.7%	87.2%	86.6%	88.0%	86.1%
All Drivers Seat Belt Use	84.7%	87.1%	87.1%	88.2%	86.1%
Front Seat Passenger Seat Belt Use	84.0%	87.7%	84.8%	87.3%	86.0%
Children Safety Restraint Use	N/A	N/A	N/A	N/A	N/A

Seat belts and child safety seats have proven to significantly reduce the chance of death and injuries of passengers in vehicles. According to the Center for Disease Control and Prevention, seat belt use reduces serious crash-related injuries and deaths by about **50%**. The proper and consistent use of Child Safety Seats has been found to reduce the risk of fatal injury by **71%** for infants (younger than 1 year old) and by **54%** for toddlers (1 to 4 years old) in passenger cars. Properly installed booster seats reduce the risk for serious injury by **45%** among children ages 4 to 8-year-old.

Numerous factors affect the occupant protection enforcement program in Arizona:

- Arizona presently conducts enforcement under a secondary seat belt law and a primary child safety seat law
- Arizona currently exceeded the national average seat belt usage rate of 87% in 2014
- Arizona continues to develop and expand a highly visible Occupant Protection Enforcement Program

Selective Traffic Enforcement Programs (STEP) is a proven approach that can be used to quickly change motorists' behavior in a short period of time. This particular STEP is a widely-publicized enforcement campaign focused on changing a particular behavior among motorists.

As part of the National Click It or Ticket Campaign, Arizona has developed and promoted the **“Buckle Up Arizona... It's the Law!”** program, which has been an effective enforcement message in a secondary law state.

This program unites state-wide law enforcement agencies to engage in aggressive traffic enforcement with a **“zero tolerance”** approach to seat belt and child safety seat violations. The goal is to sustain and increase seatbelt usage rates in the designated geographical areas of the participating agencies.

The mobilizations begin with earned media generated at the State and local level followed by a high visibility enforcement campaign lasting two weeks. Paid media phases in approximately one week later followed by high-visibility enforcement lasting for two weeks. Additional earned media conducted through the GOHS has been paramount in enhancing occupant protection message.

OVERVIEW OF PROGRAM:

Federal 405b funding will support Personnel Services (Overtime) and Employee Related Expenses to participate in the national two-week **“Buckle Up Arizona”** enforcement campaign from **May 21, 2018 through June 3, 2018**.

The purpose of the campaign is for the Peoria Police Department to engage in aggressive traffic enforcement with a **“zero tolerance”** approach to seat belt and child safety seat violations. The goal is to sustain seatbelt usage rates in the designated geographical areas of the participating agencies.

The campaign will be supported by earned media to reinforce the occupant protection message. The Peoria Police Department will participate in other educational and public awareness activities to support the enforcement component.

Occupant protection usage surveys will be conducted subsequent to the enforcement campaign by an independent research organization to analyze the effectiveness of the program. Results will be provided to the respective law enforcement agency upon receipt of the completed study.

GOALS/OBJECTIVES:

The Peoria Police Department is required to complete the following goals and objectives under the guidelines of the contract:

- Provide intensive traffic enforcement during designated period with zero tolerance for safety belt/child restraint laws
- Heighten enforcement visibility through news media contacts, safety belt/child seat inspections, and other public awareness and educational activities
- The Peoria Police Department shall provide a written press release announcing the enforcement program to the local media affecting their respective areas (a copy of this press release shall be sent to the GOHS Director prior to the initiation of the enforcement campaign)

- The Peoria Police Department is additionally encouraged to invite media representatives for live interviews and ride-a-longs during the enforcement activities
- The Peoria Police Department shall develop and participate in some form of enforcement activity, such as saturation patrols, multi-agency enforcement task forces etc. related to respective areas with low restraint usage.
- The Peoria Police Department shall submit a Final Enforcement Summary Report to GOHS no later than **June 8, 2018.**
- The Peoria Police Department shall a Final Statement of Accomplishments Report including press releases, news stories, educational/public awareness activities, enforcement statistics and quality photographs by **June 15, 2018.**
- **The Peoria Police Department shall provide the names of top enforcement performers for possible future recognition by GOHS and their respective agency**

MEDIA RELEASE

To prepare complete press release information for media (television, radio, print and on-line) during each campaign period including a main press release, schedule of events, departmental plans and relevant data. **The material will emphasize the campaign's purpose, aggressive enforcement and the high cost of Occupant Protection in terms of money, criminal and human consequences.**

The Peoria Police Department will maintain responsibility for **reporting sustained enforcement** activity in a timely manner. Additionally, it is the responsibility of the Peoria Police Department to report all holiday task force enforcement statistics to GOHS on-line at the GOHS website **no later than 10:00a.m. the morning following each day of the event.**

PURSUIT POLICY:

All law enforcement agencies receiving federal funds are encouraged to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police (IACP) that are currently in effect.

METHOD OF PROCEDURE:

The Peoria Police Department will make expenditures as follows to meet the outlined Program Goals/Objectives:

Personnel Services – To support Overtime for two-week Buckle Up Arizona Enforcement Campaign from May 21, 2018 through June 3, 2018

Employee Related Expenses – To support Employee Related Expenses for Agency Overtime

PRESS RELEASE:

Agencies are required to develop and distribute a press release announcing this grant award (a copy of this press release shall be sent to the GOHS Director at the same time it is sent to the media). This press release shall include the objective and specify that the funding is from the Governor's Office of Highway Safety. A sample press release for the Buckle Up Arizona Campaign will be provided to the agency.

PROFESSIONAL AND TECHNICAL PERSONNEL:

Roy Minter, Chief, Peoria Police Department, shall serve as Project Director.

James Willis, Sergeant, Peoria Police Department, shall serve as Project Administrator.

Gabriela Gallegos, Occupant Protection Coordinator, Governor's Office of Highway Safety, shall serve as Project Coordinator.

REPORT OF COSTS INCURRED (RCI):

The Project Director shall submit a Report of Costs Incurred (RCI) with supporting documentation attached, to the Governor's Office of Highway Safety within thirty (30) days of the enforcement period in correlation with the required report.

RCIs shall be typed and delivered via mail or hand delivered with appropriate supporting documentation, to the Governor's Office of Highway Safety. **Electronically submitted RCIs will not be accepted. Expenditures submitted after the expiration date will not be reimbursed and the agency will accept fiscal responsibility.**

The RCI template and instructions are available on the Governor's Office of Highway Safety website at <http://www.azgohs.gov/grant-opportunities/>. Failure to meet the reporting requirements may be cause to terminate the project.

FINAL ENFORCEMENT SUMMARY REPORT:

All participating agencies shall complete and submit total enforcement statistical data implementing the attached form no later than **June 8, 2017**, to the Governor's Office of Highway Safety.

FINAL STATEMENT OF ACCOMPLISHMENTS:

The Project Director shall complete and submit the attached Final Statement of Accomplishments Report no later than **June 15, 2018**, to the Governor's Office of Highway Safety. All agencies receiving funding are required to submit a Final Statement of Accomplishments Report. The report is a summary overview of the contracted project and is reviewed by the Governor's Office of Highway Safety project coordinator to determine the effectiveness of the project.

PROJECT MONITORING:

Highway safety grant project monitoring is used by GOHS project coordinators to track the progress of project objectives, performance measures and compliance with applicable procedures, laws, and regulations.

The process is used throughout the duration of the contracted project and serves as a continuous management tool. Project monitoring also presents an opportunity to develop partnerships, share information and provide assistance to contracted agencies. Additionally, project monitoring outlines a set of procedures for project review and documentation.

Project monitoring also serves as a management tool for:

- Detecting and preventing problems
- Helping to identify needed changes
- Identifying training or assistance needed
- Obtaining data necessary for planning, and evaluation
- Identifying exemplary projects

Types of Monitoring

Monitoring is formal and informal, financial and operational. The most common types of monitoring are:

- Ongoing contact with the contracted grantee through phone calls, e-mails, correspondence, and meetings
- On-Site and/or In-House monitoring reviews of project operations, management, and financial records and systems
- Review of project Quarterly Reports
- Review and approval of Report of Costs Incurred (RCIs)
- Desk review of other documents in the project-grant files for timely submission and completeness

Monitoring Schedule	
Total Awarded Amount:	Type of Monitoring:
Under \$50,000	Desk Review/Phone Conference
\$50,000 and over	May have an In-House GOHS Review
\$100,000+	May have an On-Site Review
Capital Outlay Greater than \$25,000 (combined)	May have an On-Site Review
Desk Review and Phone Conference	Internal review of all written documentation related to contractual project including, but not limited to the Contract, Quarterly Reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. A phone conference call conducted during the course of the project which includes the date and time of the call, the person(s) contacted, and the results. It serves as an informational review to determine progress of programmatic/financial activities. Both the designated project administrator and fiscal contact should be present, if possible, during the phone conference. If identified financial or operational problems are present, GOHS reserves the right to bring the grantee in for an in-house meeting at GOHS. Monitoring form written by Project Coordinator, any findings, areas of improvement, concern, or recognition will be provided to the grantee.

In-House Review	Documents performance review results including project activities, reimbursement claims review, equipment purchases, approvals, and other information. Reviews applicable information related to the project(s) including, but not limited to the Contract, Quarterly Reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. Completed at GOHS in a meeting with appropriate operational and financial personnel. Monitoring form written by Project Coordinator, any findings, areas of improvement, concern, or recognition will be provided to the grantee.
On-Site Monitoring	Documents performance review results including project activities, reimbursement claims review, equipment purchases, and other information. Reviews applicable information related to the project(s) including, but not limited to the Contract, Quarterly Reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. Conducted on-site at the grantee's Agency with monitoring form completed on-site by Project Coordinator. Any findings, areas of improvement, concern, or recognition, will be provided to the grantee.

On-site and/or In-house monitoring for grantees of designated projects with large capital outlay purchases, personnel services, and complex projects must be completed within the second or third quarter of the fiscal year. Contracted projects displaying any problems might need on-site monitoring more than once during the fiscal year.

On-site and/or In-house monitoring includes a review and discussion of all issues related to assure the effective administration of the contracted project. The following are the most important items to review:

- Progress toward meeting goals/objectives and performance measures
- Adherence to the contract specifications, timely submission of complete and correct reports, including required documentation
- Quarterly reports
- Status of expenditures related to the outlined budget
- Accounting records
- Supporting documentation (training documentation, inventory sheets, photographs, press releases, etc.)

In addition, the designated project administrator will assure that any equipment purchased will be available for inspection and is being used for the purpose for which it was bought under the outlined contractual agreement.

Documentation

The Governor's Office of Highway Safety will retain all findings documented on the GOHS Monitoring Form in the grantee's respective federal file. Findings will be discussed with the grantee designated contract representative (project administrator, fiscal specialist) by phone and/or e-mail. All noted deficiencies will be provided to the grantee with guidance for improvement and solutions to problems. Grantees that exhibit significantly poor performance will be placed on a performance plan as outlined by the project coordinator. Grantee monitoring information will additionally provide documentation for potential funding in subsequent fiscal year grant proposal review.

PROJECT PERIOD:

The Project Period shall commence on the date the GOHS Director signs the Highway Safety Contract and terminate on June 3, 2018 of that or subsequent year as indicated on the Highway Safety Contract. Any unexpended funds remaining at the termination of the contract shall be released back to the Governor's Office of Highway Safety.

DURATION:

Contracts shall be effective on the date the Governor's Office of Highway Safety Director signs the contract and expire at the end of the project period.

If the Agency is unable to expend the funds in the time specified, the Project Director will submit notification on the Agency's letterhead and hand-deliver or submit via regular mail to the Director of the Governor's Office of Highway Safety a minimum of 90 days prior to the end of the project period.

The Agency shall address all requests to modify the contract to the Director of the Governor's Office of Highway Safety on Agency letterhead and either hand deliver or submit the request via regular mail. All requests for modification must bear the signature of the Project Director.

Failure to comply may result in cancellation of the contract. Any unexpended funds remaining at the termination of the contract shall be released back to the Governor's Office of Highway Safety.

ESTIMATED COSTS:

I.	Personnel Services (overtime)	\$7,500.00
II.	Employee Related Expenses	\$0.00
III.	Professional and Outside Services	\$0.00
IV.	Travel In-State	\$0.00
V.	Travel Out-of-State	\$0.00
VI.	Materials and Supplies	\$0.00
VII.	Capital Outlay	\$0.00

TOTAL ESTIMATED COSTS**\$7,500.00**

*Includes all applicable training, tax, freight, and advertising costs. The GOHS reserves the right to limit reimbursement of Employee Related Expenses from zero (0) to a maximum rate of 40 percent. This is the maximum ERE amount to be reimbursed. It is agreed and understood that the Peoria Police Department shall absorb any and all expenditures in excess of **\$7,500.00**.

CERTIFICATIONS AND AGREEMENTS

This CONTRACT, is made and entered into by and between the STATE OF ARIZONA, by and through the Governor's Office of Highway Safety (GOHS) hereinafter referred to as "STATE", and the agency named in this Contract, hereinafter referred to as "AGENCY".

WHEREAS, the National Highway Safety Act of 1966, as amended (23 USC §§401-404), provides Federal funds to STATE for approved highway safety projects; and

WHEREAS, STATE may make said funds available to various state, county, tribal, or municipal agencies, governments, or political subdivisions upon application and approval by STATE and the United States Department of Transportation (USDOT); and

WHEREAS, AGENCY must comply with the requirements listed herein to be eligible for Federal funds for approved highway safety projects; and

WHEREAS, AGENCY has submitted an application for Federal funds for highway safety projects;

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL PROMISES AND OTHER GOODS AND VALUABLE CONSIDERATION, it is mutually agreed that AGENCY will strictly comply with the following terms and conditions and the following Federal and State Statutes, Rules, and Regulations:

I. Project Monitoring, Reports, and Inspections

- A. AGENCY agrees to fully cooperate with representatives of STATE monitoring the project, either on-site or by telephone, during the life of the Contract.
- B. AGENCY will submit Quarterly Reports (one for each three-month period of the project year) to STATE in the form and manner prescribed by STATE. Notice of the specific requirements for each report will be given in this Contract or at any time thereafter by giving thirty (30) days written notice to AGENCY by ordinary mail at the address listed on the Contract. Failure to comply with Quarterly Report requirements may result in withholding of Federal funds or termination of this Contract.
- C. AGENCY will submit a Final Report/Statement of Accomplishment at completion of the Contract to include all financial, performance, and other reports required as a condition of the grant to STATE within thirty (30) days of the completion of the Contract.
- D. Representatives authorized by STATE and the National Highway Traffic Safety Administration (NHTSA) will have the right to visit the site and inspect the work under this Contract whenever such representatives may determine such inspection is necessary.

II. Reimbursement of Eligible Expenses

- A. AGENCY's Project Director, or Finance Personnel, will submit a Report of Costs Incurred Form (RCI) to STATE each time there have been funds expended for which reimbursement is

being requested. Failure to meet this requirement may be cause to terminate the project under Section XX herein, "Termination and Abandonment".

- B. AGENCY will reimburse STATE for any ineligible or unauthorized expenses for which Federal funds have been claimed and reimbursement received, as may have been determined by a State or Federal audit.
- C. STATE will have the right to withhold any installments equal to the reimbursement received by AGENCY for prior installments which have been subsequently determined to be ineligible or unauthorized.

III. Property Agreement

- A. AGENCY will immediately notify STATE if any equipment purchased under this Contract ceases to be used in the manner as set forth by this Contract. In such event, AGENCY further agrees to either give credit to the project cost or to another active highway safety project for the residual value of such equipment in an amount to be determined by STATE or to transfer or otherwise dispose of such equipment as directed by STATE.
- B. No equipment will be conveyed, sold, salvaged, transferred, etc., without the express written approval of STATE, or unless otherwise provided elsewhere in this Contract.
- C. AGENCY will maintain or cause to be maintained for its useful life, any equipment purchased under this Contract.
- D. AGENCY will incorporate any equipment purchased under this Contract into its inventory records.
- E. AGENCY will insure any equipment purchased under this Contract for the duration of its useful life. Self-insurance meets the requirements of this section.

IV. Travel

In-State and Out-of-State Travel

In state and out-of-state travel claims will be reimbursed at rates provided by AGENCY's regulations, provided that such regulations are as restrictive as those of STATE. Where they are less restrictive, ARS §38-624 will apply.

The State must approve all out-of-state travel in writing and in advance.

V. Standard of Performance

AGENCY hereby agrees to perform all work and services herein required or set forth, and to furnish all labor, materials, and equipment, except that labor, material, and equipment as STATE agrees to furnish pursuant to this Contract.

VI. Hold Harmless Agreement

Neither party to this agreement agrees to indemnify the other party or hold harmless the other party from liability hereunder. However, if the common law or a statute provides for either a right to indemnify and/or a right to contribution to any party to this agreement then the right to pursue one or both of these remedies is preserved.

VII. Non-Assignment and Sub-Contracts

This Contract is not assignable nor may any portion of the work to be performed be subcontracted unless specifically agreed to in writing by STATE. No equipment purchased hereunder may be assigned or operated by other than AGENCY unless agreed to in writing by STATE.

VIII. Work Products and Title to Commodities and Equipment

A. The work product and results of the project are the property of STATE, unless otherwise specified elsewhere in this Contract. All property, instruments, non-consumable materials, supplies, and the like, which are furnished or paid for by STATE under the terms of this Contract, unless otherwise provided for elsewhere in this Contract, are and remain the property of STATE and will be returned at the completion of this project upon request of STATE. The work product and results of the project will be furnished to STATE upon request, if no provision is otherwise made by this Contract.

B. The provisions of subparagraph A apply whether or not the project contracted for herein is completed.

IX. Copyrights and Patents

Any copyrightable materials, patentable discovery, or invention produced in the course of this project may be claimed by STATE and a copyright or patent obtained by it at its expense. In the event STATE does not wish to obtain such copyright or patent, AGENCY may do so, but in any event, provision will be made by AGENCY for royalty-free, nonexclusive, nontransferable, and irrevocable licenses to be given the United States Government and STATE and its political subdivisions to use such copyrightable material, patented discoveries, or inventions in any manner they see fit. The STATE reserves the right to impose such other terms and conditions upon the use of such copyrights or patents as may be deemed in the best interest of STATE in the event AGENCY is allowed to obtain a copyright or patent.

X. "Common Rule" and OMB Circular No. A-102 (Revised)

"Common Rule" (49 CFR Part 18): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

OMB Circular No. A-102 (Revised): Grants and Cooperative Agreements with State and Local Governments

The application of USDOT "Common Rule" and Circular A-102 requires that:

AGENCY and sub-grantees will use their own procurement procedures, which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law. The most stringent purchasing requirement at each level must be met.

The Arizona Procurement Code (ARS §41-2501, et. seq.) and promulgated rules (A.A.C. Title 2, Chapter 7) are a part of this Contract as if fully set forth herein and AGENCY agrees to fully comply with these requirements for any procurement using grant monies from this Contract.

XI. Non-Discrimination

During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- A. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- B. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in Appendix B of 49 CFR part 21 and herein;
- C. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- D. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including, but not limited to, withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- E. To insert this clause, including paragraphs A through E, in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.
- F. If AGENCY fails or refuses to comply with its undertaking as set forth in these provisions, STATE or the USDOT may take any or all of the following actions:
 - 1. Cancel, terminate, or suspend, in whole or in part, the agreement, contract, or other arrangement with respect to which the failure or refusal occurred; and
 - 2. Refrain from extending any further Federal financial assistance to AGENCY under the Highway Safety Program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from AGENCY.

- G. Pursuant to the requirement of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794), AGENCY must operate this Highway Safety Project so that it is accessible and otherwise non-discriminatory to handicapped persons.

XII. Executive Order 2009-09

It is mutually agreed that AGENCY will comply with the terms and conditions of Executive Order 2009-09, *Non-Discrimination in Employment by Government Contractors and Subcontractors*. Executive Order 2009-09 is located in Part II of the Project Director's Manual.

XIII. Application of Hatch Act

The AGENCY will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

XIV. Minority Business Enterprises (MBE) Policy and Obligation

- A. Policy: It is the policy of the USDOT that minority business enterprises as defined in 49 CFR Part 23, will have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Contract. Consequently, the minority business enterprises requirements of 49 CFR Part 23 apply to this Contract.
- B. Obligation: The recipient or its contractor agrees to ensure that minority business enterprises, as defined in 49 CFR Part 23, have the subcontracts financed in whole or in part with Federal funds provided under this Contract. In this regard, all recipients or contractors will take all necessary and reasonable steps in accordance with 49 CFR, Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors will not discriminate on the basis of race, color, creed, sex, or national origin in the award and performance of USDOT-assigned contracts.

XV. Arbitration Clause, ARS §12-1518

Pursuant to ARS §12-1518, the parties agree to use arbitration, after exhausting applicable administrative reviews, to resolve disputes arising out of this Contract where the provisions of mandatory arbitration apply.

XVI. Inspection and Audit, ARS §35-214

Pursuant to ARS §35-214, all books, accounts, reports, files, and other records relating to this Contract will be subject at all reasonable times to inspection and audit by STATE for five (5) years after completion of this Contract. The records will be produced at the Governor's Office of Highway Safety.

XVII. Appropriation of Funds by U.S. Congress

It is agreed that in no event will this Contract be binding on any party hereto unless and until such time as funds are appropriated and authorized by the U.S. Congress and specifically allocated to

the project submitted herein and then only for the fiscal year for which such allocation is made. In the event no funds are appropriated by the U.S. Congress or no funds are allocated for the project proposed herein for subsequent fiscal years, this Contract will be null and void, except as to that portion for which funds have then been appropriated or allocated to this project, and no right of action or damages will accrue to the benefit of the parties hereto as to that portion of the Contract or project that may so become null and void.

XVIII. Continuation of Highway Safety Program

It is the intention of AGENCY to continue the Highway Safety Program identified in this Contract once Federal funding is completed. This intended continuation will be based upon cost effectiveness and an evaluation by AGENCY of the program's impact on highway safety.

XIX. E-Verify

Both parties acknowledge that immigration laws require them to register and participate with the E-Verify Program (employment verification program administered by the United States Department of Homeland Security and the Social Security Administration or any successor program) as they both employ one or more employees in this State. Both parties warrant that they have registered with and participate with E-Verify. If either party later determines that the other non-compliant party has not complied with E-Verify, it will notify the non-compliant party by certified mail of the determination and of the right to appeal the determination.

XX. Termination and Abandonment

- A. The STATE and AGENCY hereby agree to the full performance of the covenants contained herein, except that STATE reserves the right, at its discretion, to terminate or abandon any portion of the project for which services have not been already performed by AGENCY.
- B. In the event STATE abandons the services or any part of the services as herein provided, STATE will notify AGENCY in writing and within twenty-four (24) hours after receiving such notice, AGENCY will discontinue advancing the work under this Contract and proceed to close said operations under the Contract.
- C. The appraisal value of work performed by AGENCY to the date of such termination or abandonment shall be made by STATE on a basis equitable to STATE and AGENCY and a final reimbursement made to AGENCY on the basis of costs incurred. Upon termination or abandonment, AGENCY will deliver to STATE all documents, completely or partially completed, together with all unused materials supplied by STATE.
- D. AGENCY may terminate or abandon this Contract upon thirty (30) days written notice to STATE, provided there is subsequent concurrence by STATE. Termination or abandonment by AGENCY will provide that costs can be incurred against the project up to and including sixty (60) days after notice is given to STATE.

- E. Any equipment or commodities which have been purchased as a part of this Contract and which have not been consumed or reached the end of its useful life will be returned to STATE upon its written request.

XXI. Cancellation Statute

All parties are hereby put on notice that this Contract is subject to cancellation pursuant to ARS §38-511, the provisions of which are stated below.

In accordance with ARS §38-511, this Contract may be cancelled without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Contract on behalf of the STATE, its political subdivisions or any department or agency of either, is at any time while the Contract or any extension of the Contract is in effect, an employee of any other party to the Contract in any capacity or a consultant to any other party of the Contract with respect to the subject matter or the Contract.

The cancellation shall be effective when written notice from the Governor or Chief Executive Officer or governing body of the political subdivision is received by all other parties to the Contract unless the notice specifies a later time.

AGREEMENT OF UNDERSTANDING AND CERTIFICATION OF COMPLIANCE**Acceptance of Condition**

It is understood and agreed by the undersigned that a grant received as a result of this Contract is subject to the Highway Safety Act of 1966, as amended (23 U.S.C.A. §§401-404), ARS §28-602, and all administrative regulations governing grants established by the USDOT and STATE. It is expressly agreed that this Highway Safety Project constitutes an official part of the STATE's Highway Safety Program and that AGENCY will meet the requirements as set forth in the accompanying Project Director's Manual, which are incorporated herein and made a part of this Contract. All State and Federal Statutes, Rules, Regulations, and Circulars referenced in this Contract are a part of this document as if fully set forth herein. It is also agreed that no work will be performed nor any obligation incurred until AGENCY is notified in writing that this project has been approved by the Governor's Highway Safety Representative.

Certificate of Compliance

This is to certify that AGENCY will comply with all of the State and Federal Statutes, Rules and Regulations identified in this Contract.

Certification of Non-Duplication of Grant Funds Expenditure

This is to certify that AGENCY has no ongoing nor completed projects under contract with other Federal fund sources which duplicate or overlap any work contemplated or described in this Contract. It is further certified that any pending or proposed request for other Federal grant funds which would duplicate or overlap work described in the Contract will be revised to exclude any such duplication of grant fund expenditures. It is understood that any such duplication of Federal funds expenditures subsequently determined by audit will be subject to recovery by STATE.

Single Audit Act

If your political subdivision has had an independent audit meeting the requirements of the Single Audit Act of 1984, (31 U.S.C.A. §7501 et. seq.), please forward a copy to GOHS, Attention: Fiscal Services Officer, within thirty (30) days of the effective date of this Contract. If such audit has not been performed, please advise when it is being scheduled.

Buy America Act

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase only steel, iron, and manufactured products produced in the United States with Federal funds, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than twenty-five (25) percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation.

Prohibition on Using Grant Funds to Check for Helmet Usage

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

Certification Regarding Debarment and Suspension

- A. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1300.
- B. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
- C. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
- D. The prospective primary participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- E. The terms *covered transaction*, *debarment*, *suspension*, *ineligible*, *lower tier*, *participant*, *person*, *primary tier*, *principal*, and *voluntarily excluded*, as used in this clause, have the meaning set out in the Definitions and Coverage sections of 2 CFR part 180. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
- F. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.
- G. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled Instructions for Lower Tier Certification including the Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction, provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations

for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1300.

- H. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the list of Parties Excluded from Federal Procurement and Non-procurement Programs.
- I. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- J. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

Certification Regarding Debarment, Suspension, and Other Responsibility Matter

- A. The prospective primary participant certifies to the best of its knowledge and belief, that its principal:
 - 1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - 2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
 - 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - 4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

- B. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Certification

- A. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1300.
- B. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
- C. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- D. The terms covered transaction, debarment, suspension, ineligible, lower tier, participant, person, primary tier, principal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definition and Coverage sections of 2 CFR part 180. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- E. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.
- F. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1300.
- G. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

- H. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- I. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency with which this transaction originated may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion

- A. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- B. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

REIMBURSEMENT INSTRUCTIONS**1. Agency Official preparing the Report of Costs Incurred:**Name: Teresa CorlessTitle: Administrative Services ManagerTelephone Number: (623) 773-7035 Fax Number: (623) 773-7015E-mail Address: teresa.corless@peoriaaz.gov**2. Agency's Fiscal Contact:**Name: Donna MartinTitle: Management AssistantTelephone Number: (623) 773-7018 Fax Number: (623) 773-7015E-mail Address: donna.martin@peoriaaz.govFederal Identification Number: 86-6003634**3. *REIMBURSEMENT INFORMATION:***

Warrant/Check to be made payable to:

Peoria Police Department

Warrant/Check to be mailed to:

Peoria Police Department

(Agency)

8351 W. Cinnabar Avenue

(Address)

Peoria, AZ 85345

(City, State, Zip Code)

4. *DUNS Number:*809812170

(DUNS #)

City of Peoria, 8401 W. Monroe Street, Peoria, AZ 85345

(Registered Address & Zip Code)

Lobbying Restrictions**Certification for Contracts, Grants, Loans, and Cooperative Agreements**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The undersigned will require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients will certify and disclose accordingly.
- D. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 USC §1352. Any person who fails to file the required certification will be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature of Project Director:

Roy Minter, Chief
Peoria Police Department

***Signature of Authorized Official of
Governmental Unit:***

Jeff Tyne, City Manager
City of Peoria

(623) 773-7059

Date Telephone

(623) 773-7114

Date Telephone

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 11C.

Date Prepared: 5/23/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Andy Granger, Deputy City Manager
FROM: Roy W. Minter, Jr., Chief of Police
SUBJECT: Grant, Governor's Office of Highway Safety, 2018 Accident Investigation

Purpose:

Discussion and possible action to: (a) authorize the City Manager to accept \$30,708.31 from the Governor's Office of Highway Safety to be used by the Peoria Police Department for the purchase of new accident investigation hardware, software, training, and maintenance support; and (b) approve a budget adjustment of \$30,708.31 from the Proposed Grants Contingency account to the Governor's Office of Highway Safety Grant Fund.

Summary:

The Peoria Police Department desires to accept funding provided by the Governor's Office of Highway Safety (GOHS) in the amount of \$30,708.31. The funds provided will be used to purchase accident investigation hardware, software, training, and maintenance support to replace outdated accident investigation equipment. A media release emphasizing the importance of this program and specifying that funding is provided by the Governor's Office of Highway Safety will be issued.

Previous Actions/Background:

City Council previously accepted accident investigation grants from the Governor's Office of Highway Safety in 2012, 2015, and 2016.

Options:

A: Accept a grant award in the amount of \$30,708.31 from the Governor's Office of Highway Safety to be used for the purchase of accident investigation hardware, software, training, and maintenance support, and approve a budget adjustment in the amount of \$30,708.31 from the Proposed Grants Contingency Account to the Governor's Office of Highway Safety Grant Fund (7515-7765-various accounts), thus providing expenditure authority.

B: Choose not to accept the accident investigation grant from the Governor's Office of Highway Safety.

Staff Recommendation:

Staff recommends authorizing the City Manager to accept \$30,708.31 from the Governor's Office of Highway Safety (GOHS) to be used by the Peoria Police Department for the purchase of new accident investigation hardware, software, training and maintenance support; and approve a budget adjustment of \$30,708.31 from the Proposed Grants Contingency account to the Governor's Office of Highway Safety Grant Fund.

Fiscal Analysis:

Process a budget adjustment of \$30,708.31 from the Proposed Grants Contingency account (7990-7990-570000) to the following GOHS Grant Fund Accounts, thus providing expenditure authority.

Account #	Description	Amount
7515-7765-530003	Computer Hardware	\$4,619.82
7515-7765-530021	Computer Software	\$16,529.57
7515-7765-525008	Computer Software Support & Maintenance	\$7,938.87
7515-7765-520505	In-House Employee Training	\$1,620.05
Total		\$30,708.31

ATTACHMENTS:

Grant Contract, 2018-AI-015

Contact Name and Number:

Roy W. Minter, Jr., Chief of Police, (623) 773-7059

GOVERNOR'S OFFICE OF
HIGHWAY SAFETY

STATE OF ARIZONA

HIGHWAY SAFETY CONTRACT

This page, the Project Director's Manual and attached hereto and incorporated herein by reference, constitute the entire Contract between the parties hereto unless the Governor's Highway Safety Representative authorizes deviation in writing.

FAIN: 69A37518300004020AZ0

CFDA: 20.600

1. APPLICANT AGENCY Peoria Police Department	GOHS CONTRACT NUMBER: 2018-AI-015
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ADDRESS
8351 West Cinnabar Avenue, Peoria AZ 85345

PROGRAM AREA:
402-AI

2. GOVERNMENTAL UNIT
City of Peoria

AGENCY CONTACT:
James Willis

ADDRESS
8401 West Monroe Street, Peoria, AZ 85345

4. GUIDELINES:
402-Accident Investigation (AI)

3. PROJECT TITLE:
Accident Investigation Related Professional and Outside Services, Related Materials and Supplies, and Related Equipment

5. BRIEFLY STATE PURPOSE OF PROJECT:
Federal 402 funds will support Professional and Outside Services, Materials and Supplies: (2) Leica IMS Map 360 Core software; (2) CCP 3 yr. Support/Updates; (2) Cloud Extension 3 yr. Support/Updates; (2) Dell Alienware 17 R4 Computers, and Capital Outlay: (2) Leica IMS Map 360 Point Cloud Extension to enhance Accident Investigation throughout the City of Peoria.

6. BUDGET COST CATEGORY	Project Period FFY 2018
I. Personnel Services	\$0.00
II. Employee Related Expenses	\$0.00
III. Professional and Outside Services	\$1,620.05
IV. Travel In-State	\$0.00
V. Travel Out-of-State	\$0.00
VI. Materials and Supplies	\$15,467.66
VII. Capital Outlay	\$13,620.60
TOTAL ESTIMATED COSTS	\$30,708.31

PROJECT PERIOD	FROM: Effective Date (Date of GOHS Director Signature)	TO: 09-30-2018
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CURRENT GRANT PERIOD	FROM: 10-01-2017	TO: 09-30-2018
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TOTAL FEDERAL FUNDS OBLIGATED THIS FFY: \$30,708.31

A political subdivision or State agency that is mandated to provide a certified resolution or ordinance authorizing entry into this Contract must do so prior to incurring any expenditures. Failure to do so may result in termination of the awarded Contract.

PROBLEM IDENTIFICATION AND RESOLUTION:**Agency Background:**

Number of sworn officers: 199

Total Population in your city/town or county: 166,976

Total Road Mileage: Highway Local 1,551 Total 1,551

	2016	2015	2014
Total Crashes	2742	2270	2183
Total Serious Injury Crashes	18	19	12
Total Fatal Crashes	14	11	8
Total Traffic Accident Investigations	2742	2270	2183
Total Traffic Serious Injury Investigations	18	19	12
Total Traffic Fatality Investigations	14	11	8

The data above represents: County ☐ City/Town ☒

Agency Problem/Attempts to Solve Problem:

The Peoria Police Department Traffic Services Unit (Peoria PD TSU) is solely responsible for conducting all serious injury collision investigations. Many times, these investigations have the potential of turning in to a fatality investigation. The TSU also handles investigation of all fatality collisions that occur within the city limits. Peoria PD is seeking funding to improve the ability of the Department's TSU of fatality and serious injury collisions. With an increase in fatality investigations by almost 27% from 11 in 2015 to 14 in 2016, officers need an efficient and accurate method for measuring and diagramming these accidents.

Agency Funding:

Federal 402 funds will support Professional and Outside Services, Materials and Supplies: (2) Leica IMS Map 360 Core software; (2) CCP 3 yr. Support/Updates; (2) Cloud Extension 3 yr. Support/Updates; (2) Dell Alienware 17 R4 Computers, and Capital Outlay: (2) Leica IMS Map 360 Point Cloud Extension to enhance Accident Investigation throughout the City of Peoria.

How Agency Will Solve Problem With Funding:

The current software being used for diagramming collisions is outdated and no longer receives updated information. The new software being requested would allow investigators to provide high-quality diagrams and information utilizing the latest technology to enhance serious felony collision investigations. This high-quality work product would provide prosecutors the needed supporting documentation to help others understand the case with ease. The purchase software and hardware will be utilized to accurately diagram accidents for reconstructions of collisions. Procurement of Map 360 and the laptops will reduce staff diagramming time and allow the Department to provide prosecuting attorneys with a 3-D rendering to better assist with the prosecution of felony cases.

CONTRACT OBJECTIVES:

1. Reduce the amount of time spent on diagramming collision scenes 10% from 6 hours down to 5 hours by using advanced tools and reconstruction software associated with 3-D scanner and Cloud- based technology.
2. More accurately identify causation factors contributing to Peoria's serious injury/fatal collisions so that the Peoria PD can target those specific driving behaviors through educational efforts, reducing serious injury/fatal collisions by 10% from 32 in 2016 to 28.
3. Present conclusions in court using 3-D Cloud-based software in an easy-to-understand format that accurately depicts what occurred.

GOALS/OBJECTIVES:

Federal 402 funds will support Professional and Outside Services, Materials and Supplies: (2) Leica IMS Map 360 Core software; (2) CCP 3 yr. Support/Updates; (2) Cloud Extension 3 yr. Support/Updates; (2) Dell Alienware 17 R4 Computers, and Capital Outlay: (2) Leica IMS Map 360 Point Cloud Extension to enhance Accident Investigation throughout the City of Peoria.

Expenditures of funding pertaining to the AI/Accident Investigation Program including Personnel Services and ERE, Materials and Supplies, Capital Equipment, and/or Travel In and Out-of-State shall comply with the Accident Investigation Program goals provided by the Arizona Governor's Office of Highway Safety. The Accident Investigation Program goal is to provide training and resources for Vehicular Crimes Units to aide in the investigation and prosecution of fatal traffic crashes throughout the State of Arizona.

MEDIA RELEASE:

To prepare complete press release information for media (television, radio, print, and on-line) during each campaign period including a main press release, schedule of events, departmental plans, and relevant data. The material will emphasize the campaign's purpose, aggressive enforcement, and the high cost of Accident Investigations in terms of money, criminal, and human consequences.

The Peoria Police Department will maintain responsibility for **reporting sustained enforcement** activity in a timely manner. Additionally, it is the responsibility of the Peoria Police Department to report all holiday task force enforcement statistics to GOHS on-line at the GOHS website **no later than 10:00 a.m. the morning following each day of the event.**

The holidays and special events include but not limited to: Super Bowl Sunday, Valentine's Day, President's Day, St. Patrick's Day, Spring Break, Easter, Cinco de Mayo, Prom Night, Memorial Day, Graduation Day, Independence Day, Labor Day, Columbus Day, Halloween, and the Thanksgiving through New Year's details.

PLEASE NOTE: Failure to submit Statistics, Quarterly Reports, and/or Report of Costs Incurred (RCIs) timely and correctly may delay reimbursement for expenditures to your Agency.

METHOD OF PROCEDURE:

The Peoria Police Department will make expenditures, as follows, to meet the outlined Program Goals/Objectives:

Professional and Outside Services - To support/purchase/procure Professional and Outside Services for Accident Investigations Activities by purchasing/procuring the following: 1-Day Product Training (8 hours/onsite)

Materials and Supplies - To purchase/procure the following Materials and Supplies for Accident Investigations Activities: (2) Leica IMS Map 360 Core software; (2) CCP 3 yr. Support/Updates; (2) Cloud Extension 3 yr. Support/Updates; (2) Dell Alienware 17 R4 Computers

Capital Outlay - To purchase/procure the following Capital Outlay for Accident Investigations Activities: (2) Leica IMS Map 360 Point Cloud Extension

PRESS RELEASE:

Agencies are **required** to develop and distribute a press release announcing this grant award **upon receipt** of the executed Contract. A copy of this press release shall be sent to the GOHS Director for approval prior to being sent to the media. This press release shall include the objective and specify that the funding is from the Governor's Office of Highway Safety.

EQUIPMENT:**(2) Leica IMS Map 360 Point Cloud Extension**

Agencies receiving funding for Capital Outlay (major equipment) such as DUI processing vans, marked and unmarked enforcement sedans, and marked enforcement motorcycles shall schedule a press conference acknowledging the grant award from the Governor's Office of Highway Safety. The purpose of this press conference is for the Agency to present the equipment to their community.

The Peoria Police Department shall immediately notify GOHS if any equipment purchased under this Contract ceases to be used in the manner described in this Contract. In such event, the Peoria Police Department further agrees to dispose of this equipment using the Peoria Police Department's, city, town, or county ordinance, code, or rule regarding disposal of equipment.

In the absence of an ordinance, code, or rule regarding the disposal of the property, the Peoria Police Department may refer to that of the State. The Peoria Police Department shall maintain or cause to be maintained for its useful life, any equipment purchased under this Contract. The Peoria Police Department shall incorporate any equipment purchased under this Contract into its inventory records. The Peoria Police Department shall insure any equipment purchased under this Contract for the duration of its useful life. Self-insurance meets this requirement.

Administrative and Maintenance Costs:

The Peoria Police Department shall be responsible for all administrative, maintenance, operational costs, and the costs of any damage relating to the (2) Leica IMS Map 360 Point Cloud Extension.

Decals:

The Governor's Office of Highway Safety shall provide the Peoria Police Department with decals depicting the Governor's Office of Highway Safety logo. These decals shall be affixed to the equipment before being placed in service.

Equipment Purchase:

The equipment purchased under this Contract shall be ordered, received, training completed, and placed in service prior to the end of the project period.

If the Agency cannot meet this requirement, the Agency must submit a letter of explanation signed by the Project Director on the Agency's letterhead via mail or hand delivered to the Director of the Governor's Office of Highway Safety within sixty (60) days before the end of the project period.

The application of USDOT "Common Rule" and Circular A-102 requires that:

Grantees and sub-grantees will use their own procurement procedures, which reflect applicable State and local laws and regulations, provided that the procurement procedures conform to applicable Federal and State laws and standards. The most stringent purchasing requirement at each level must be met. If the Agency does not have a procurement process, the Agency shall use the State procurement process.

Original Purpose of Equipment:

Pursuant to 23 CFR §1200.21, all equipment purchased under this Contract is to be used for the original purpose intended under this Contract. All equipment shall be used for the originally authorized grant purposes for as long as needed for those purposes. Neither the State nor the Agency (sub-grantees) or contractors shall encumber the title or interest while such need exists.

The Governor's Office of Highway Safety shall reserve the right to transfer title of equipment acquired under the Section 402 program to the Federal government or to a third party when such third party is otherwise eligible under existing statutes.

Furthermore, 49 CFR §18.32.c.1 states that equipment (acquired under this grant) shall be used by the grantee in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original program or project, the equipment may be used in other activities currently or previously supported by a Federal agency.

Insurance:

It is agreed that the Peoria Police Department shall adequately insure all capital equipment purchased under this Contract for repair or replacement.

METHOD OF PROCUREMENT:

The application of USDOT "Common Rule" and Circular A-102 requires that:

Grantees and sub-grantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided the procurement procedures conform to applicable Federal laws and standards. The most stringent purchasing requirement at each level must be met. If the Agency does not have a procurement process, the Agency may use the State procurement process.

A clear audit trail must be established to determine costs charged against this Contract. Substantiation of costs shall, where possible, be made utilizing the Peoria Police Department documentation consisting of, but not limited to, copies of time sheets, purchase orders, copies of invoices, and proof of payment.

The Agency shall retain copies of all documentation in the project file.

State Contract:

Procurement may be made using an open State contract award. Documents submitted to substantiate purchases using an open State contract must bear the contract number.

PROJECT EVALUATION:

This project shall be administratively evaluated to ensure the objectives have been met.

Quarterly Report

The purpose of the Quarterly Report is to provide information on contracted grant activities conducted at the conclusion of each active quarter. The information provided is used to review progress of the funded project and the successfulness in meeting outlined goals and objectives. The information, photos, highlights, obstacles, and mandatory statistical data provided in this report are analyzed by the assigned Project Coordinator. It is critical the report contains the following information:

- **Original signatures on all Quarterly Reports and RCIs**
 - **All Quarterly Reports and RCIs shall include the signature of the Project Director unless prior authorization for another is on file with GOHS.**

Report Schedule

Reporting Period	Due Date
1st Quarterly Report and RCI (October 1 to December 31, 2017)	January 30, 2018
2nd Quarterly Report and RCI (January 1 to March 31, 2018)	April 20, 2018
3rd Quarterly Report and RCI (April 1 to June 30, 2018)	July 20, 2018
4th Quarterly Report and RCI (July 1 to September 30, 2018)	October 15, 2018
Final Statement of Accomplishments	October 15, 2018

The Quarterly Report **shall be completed on the form available on-line and can be submitted by email** to the Governor's Office of Highway Safety.

NOTE: IT IS REQUIRED THAT ALL LAW ENFORCEMENT AGENCIES MUST ENTER STATISTICAL AND ENFORCEMENT ACTIVITY INTO THE ON-LINE GOHS DUI REPORTING SYSTEM, IN ADDITION TO SUBMITTING THE QUARTERLY ENFORCEMENT REPORT.

Final Statement of Accomplishments

The Project Director shall submit a Final Statement of Accomplishments Report to the GOHS **no later than fifteen (15) days after the conclusion of each Federal Fiscal Year (September 30th)**. All agencies receiving funding are required to submit a Final Statement of Accomplishments Report.

Note: Failure to comply with the outlined GOHS reporting requirements may result in withholding of Federal funds or termination of the Contract.

PROFESSIONAL AND TECHNICAL PERSONNEL:

Roy Minter, Chief, Peoria Police Department, shall serve as Project Director.

James Willis, Sergeant, Peoria Police Department, shall serve as Project Administrator.

Rhonda Melancon, Governor's Office of Highway Safety, shall serve as Project Coordinator.

REPORT OF COSTS INCURRED (RCI):

The Agency shall submit a Report of Costs Incurred (RCI), with supporting documentation attached, to the Governor's Office of Highway Safety on a quarterly basis, for each active quarter, in conjunction with the

required report. Agencies may submit additional RCI forms for expenditures when funds have been expended for which reimbursement is being requested.

Accepted supporting documentation to submit with a Report of Cost Incurred (RCI) includes, but is not limited to; scanned copies of timesheets, payroll records, paid invoices/purchase orders, and other account records.

RCIs shall be typed and delivered via mail or hand delivered with appropriate supporting documentation to the Governor's Office of Highway Safety. **Electronically submitted RCIs will not be accepted.** Final RCIs will not be accepted fifteen (15) days after the conclusion of each Federal Fiscal Year (September 30th). **Expenditures submitted after the expiration date may not be reimbursed and the Agency will accept fiscal responsibility.**

PROJECT MONITORING:

Highway safety grant project monitoring is used by GOHS project coordinators to track the progress of project objectives, performance measures, and compliance with applicable procedures, laws, and regulations.

The process is used throughout the duration of the contracted project and serves as a continuous management tool. Project monitoring also presents an opportunity to develop partnerships, share information, and provide assistance to contracted agencies. Additionally, project monitoring outlines a set of procedures for project review and documentation.

Project monitoring serves as a management tool for:

- Detecting and preventing problems
- Helping to identify needed changes
- Identifying training or assistance needed
- Obtaining data necessary for planning and evaluation
- Identifying exemplary projects

Types of Monitoring

Monitoring is formal and informal, financial and operational. The most common types of monitoring are:

- Ongoing contact with the contracted grantee through phone calls, e-mails, correspondence, and meetings
- On-Site and/or In-House monitoring reviews of project operations, management, and financial records and systems
- Review of project Quarterly Reports
- Review and approval of Report of Costs Incurred (RCIs)
- Desk review of other documents in the project grant files for timely submission and completeness

Monitoring Schedule	
Total Awarded Amount:	Type of Monitoring:
Under \$50,000	Desk Review/Phone Conference
\$50,000 and over	May have an In-House GOHS Review
\$100,000+	May have an On-Site Review
Capital Outlay Greater than \$25,000 (combined)	May have an On-Site Review

Desk Review and Phone Conference	Internal review of all written documentation related to contractual project including, but not limited to the Contract, Quarterly Reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. A phone conference call conducted during the course of the project which includes the date and time of the call, the person(s) contacted, and the results. It serves as an informational review to determine progress of programmatic/financial activities. Both the designated project administrator and fiscal contact should be present, if possible, during the phone conference. If identified financial or operational problems are present, GOHS reserves the right to bring the grantee in for an in-house meeting at GOHS. Monitoring form written by Project Coordinator, any findings, areas of improvement, concern, or recognition will be provided to the grantee.
In-House Review	Documents performance review results including project activities, reimbursement claims review, equipment purchases, approvals, and other information. Reviews applicable information related to the project(s) including, but not limited to the Contract, Quarterly Reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. Completed at GOHS in a meeting with appropriate operational and financial personnel. Monitoring form written by Project Coordinator, any findings, areas of improvement, concern, or recognition will be provided to the grantee.
On-Site Monitoring	Documents performance review results including project activities, reimbursement claims review, equipment purchases, and other information. Reviews applicable information related to the project(s) including, but not limited to the Contract, Quarterly Reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. Conducted on-site at the grantee's Agency with monitoring form completed on-site by Project Coordinator. Any findings, areas of improvement, concern, or recognition, will be provided to the grantee.

On-site and/or in-house monitoring for grantees of designated projects with large Capital Outlay purchases, personnel services, and complex projects must be completed within the second or third quarter of the fiscal year. Contracted projects displaying any problems may need on-site monitoring more than once during the fiscal year.

On-site and/or In-house monitoring includes a review and discussion of all issues related to ensure the effective administration of the contracted project. The following are the most important items to review:

- Progress toward meeting goals/objectives and performance measures
- Adherence to the contract specifications, timely submission of complete and correct reports, including required documentation
- Quarterly Reports
- Status of expenditures related to the outlined budget
- Accounting records and RCI's
- Supporting documentation (training documentation, inventory sheets, photographs, press releases, etc.)

In addition, the designated Agency will ensure that any equipment purchased will be available for inspection and is being used for the purpose for which it was bought under the outlined contractual agreement.

Documentation

The Governor's Office of Highway Safety will retain all findings documented on the GOHS Monitoring Form in the Agency's respective Federal file. Findings will be discussed with the designated contract representative (Project Administrator, fiscal specialist) by phone and/or e-mail. All noted deficiencies will be provided to the grantee with guidance for improvement and solutions to problems. Grantees that exhibit significantly poor performance may be placed on a performance plan as outlined by the GOHS Director. Grantee monitoring information will additionally provide documentation for potential funding in subsequent fiscal year grant proposal review.

PROJECT PERIOD:

The project period shall commence on the date the GOHS Director signs the Highway Safety Contract and terminate on September 30th of that or subsequent year as indicated on the Highway Safety Contract.

DURATION:

Contracts shall be effective on the date the Governor's Office of Highway Safety Director signs the Contract and expire at the end of the project period.

If the Agency is unable to expend the funds in the time specified, the Agency will submit notification on the Agency's letterhead and hand deliver or submit via regular mail to the Director of the Governor's Office of Highway Safety a minimum of sixty days (60) prior to the end of the project period.

The Agency shall address all requests to modify the Contract to the Director of the Governor's Office of Highway Safety on Agency's official letterhead and either hand deliver or submit the request via regular mail. All requests for modification must bear the signature of the Project Director.

Failure to comply may result in cancellation of the Contract. Any unexpended funds remaining at the termination of the Contract shall be released back to the Governor's Office of Highway Safety.

ESTIMATED COSTS:

I.	Personnel Services (overtime)	\$0.00
II.	Employee Related Expenses (ERE)	\$0.00
III.	Professional and Outside Services 1-day Product Training (8 hours/onsite-6 students maximum)	\$1,620.05
IV.	Travel In-State	\$0.00
V.	Travel Out-of-State	\$0.00
VI.	Materials and Supplies (2) Leica IMS Map 360 Core software; (2) CCP 3 yr. Support/Updates; (2) Cloud Extension 3 yr. Support/Updates; (2) Dell Alienware 17 R4 Computers	\$15,467.66
VII.	Capital Outlay (2) Leica IMS Map 360 Point Cloud Extension	\$13,620.60
TOTAL ESTIMATED COSTS		*\$30,708.31

*Includes all applicable training, tax, freight, and advertising costs. The GOHS reserves the right to limit reimbursement of Employee Related Expenses from zero (0) to a maximum rate of forty (40) percent. This is the maximum ERE amount to be reimbursed. It is agreed and understood that the Peoria Police Department shall absorb any and all expenditures in excess of \$30,708.31.

**Arizona Governor's Office of Highway Safety
Capital Outlay Equipment Record
Equipment \$5,000.00 or more**

Equipment Description	Make/Model	Serial Number	Date Ordered	Date Received	Cost Per Unit

Note: Photographs of all Capital Outlay Equipment must be submitted with form

CERTIFICATIONS AND AGREEMENTS

This CONTRACT, is made and entered into by and between the STATE OF ARIZONA, by and through the Governor's Office of Highway Safety (GOHS) hereinafter referred to as "STATE", and the agency named in this Contract, hereinafter referred to as "AGENCY".

WHEREAS, the National Highway Safety Act of 1966, as amended (23 USC §§401-404), provides Federal funds to STATE for approved highway safety projects; and

WHEREAS, STATE may make said funds available to various state, county, tribal, or municipal agencies, governments, or political subdivisions upon application and approval by STATE and the United States Department of Transportation (USDOT); and

WHEREAS, AGENCY must comply with the requirements listed herein to be eligible for Federal funds for approved highway safety projects; and

WHEREAS, AGENCY has submitted an application for Federal funds for highway safety projects;

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL PROMISES AND OTHER GOODS AND VALUABLE CONSIDERATION, it is mutually agreed that AGENCY will strictly comply with the following terms and conditions and the following Federal and State Statutes, Rules, and Regulations:

I. Project Monitoring, Reports, and Inspections

- A. AGENCY agrees to fully cooperate with representatives of STATE monitoring the project, either on-site or by telephone, during the life of the Contract.
- B. AGENCY will submit Quarterly Reports (one for each three-month period of the project year) to STATE in the form and manner prescribed by STATE. Notice of the specific requirements for each report will be given in this Contract or at any time thereafter by giving thirty (30) days written notice to AGENCY by ordinary mail at the address listed on the Contract. Failure to comply with Quarterly Report requirements may result in withholding of Federal funds or termination of this Contract.
- C. AGENCY will submit a Final Report/Statement of Accomplishment at completion of the Contract to include all financial, performance, and other reports required as a condition of the grant to STATE within thirty (30) days of the completion of the Contract.
- D. Representatives authorized by STATE and the National Highway Traffic Safety Administration (NHTSA) will have the right to visit the site and inspect the work under this Contract whenever such representatives may determine such inspection is necessary.

II. Reimbursement of Eligible Expenses

- A. AGENCY's Project Director, or Finance Personnel, will submit a Report of Costs Incurred Form (RCI) to STATE each time there have been funds expended for which reimbursement is being requested. Failure to meet this requirement may be cause to terminate the project under Section XX herein, "Termination and Abandonment".

- B. AGENCY will reimburse STATE for any ineligible or unauthorized expenses for which Federal funds have been claimed and reimbursement received, as may have been determined by a State or Federal audit.
- C. STATE will have the right to withhold any installments equal to the reimbursement received by AGENCY for prior installments which have been subsequently determined to be ineligible or unauthorized.

III. Property Agreement

- A. AGENCY will immediately notify STATE if any equipment purchased under this Contract ceases to be used in the manner as set forth by this Contract. In such event, AGENCY further agrees to either give credit to the project cost or to another active highway safety project for the residual value of such equipment in an amount to be determined by STATE or to transfer or otherwise dispose of such equipment as directed by STATE.
- B. No equipment will be conveyed, sold, salvaged, transferred, etc., without the express written approval of STATE, or unless otherwise provided elsewhere in this Contract.
- C. AGENCY will maintain or cause to be maintained for its useful life, any equipment purchased under this Contract.
- D. AGENCY will incorporate any equipment purchased under this Contract into its inventory records.
- E. AGENCY will insure any equipment purchased under this Contract for the duration of its useful life. Self-insurance meets the requirements of this section.

IV. Travel

In-State and Out-of-State Travel

In state and out-of-state travel claims will be reimbursed at rates provided by AGENCY's regulations, provided that such regulations are as restrictive as those of STATE. Where they are less restrictive, ARS §38-624 will apply.

The State must approve all out-of-state travel in writing and in advance.

V. Standard of Performance

AGENCY hereby agrees to perform all work and services herein required or set forth, and to furnish all labor, materials, and equipment, except that labor, material, and equipment as STATE agrees to furnish pursuant to this Contract.

VI. Hold Harmless Agreement

Neither party to this agreement agrees to indemnify the other party or hold harmless the other party from liability hereunder. However, if the common law or a statute provides for either a right to indemnify and/or a right to contribution to any party to this agreement then the right to pursue one or both of these remedies is preserved.

VII. Non-Assignment and Sub-Contracts

This Contract is not assignable nor may any portion of the work to be performed be subcontracted unless specifically agreed to in writing by STATE. No equipment purchased hereunder may be assigned or operated by other than AGENCY unless agreed to in writing by STATE.

VIII. Work Products and Title to Commodities and Equipment

- A. The work product and results of the project are the property of STATE, unless otherwise specified elsewhere in this Contract. All property, instruments, non-consumable materials, supplies, and the like, which are furnished or paid for by STATE under the terms of this Contract, unless otherwise provided for elsewhere in this Contract, are and remain the property of STATE and will be returned at the completion of this project upon request of STATE. The work product and results of the project will be furnished to STATE upon request, if no provision is otherwise made by this Contract.
- B. The provisions of subparagraph A apply whether or not the project contracted for herein is completed.

IX. Copyrights and Patents

Any copyrightable materials, patentable discovery, or invention produced in the course of this project may be claimed by STATE and a copyright or patent obtained by it at its expense. In the event STATE does not wish to obtain such copyright or patent, AGENCY may do so, but in any event, provision will be made by AGENCY for royalty-free, nonexclusive, nontransferable, and irrevocable licenses to be given the United States Government and STATE and its political subdivisions to use such copyrightable material, patented discoveries, or inventions in any manner they see fit. The STATE reserves the right to impose such other terms and conditions upon the use of such copyrights or patents as may be deemed in the best interest of STATE in the event AGENCY is allowed to obtain a copyright or patent.

X. "Common Rule" and OMB Circular No. A-102 (Revised)

"Common Rule" (49 CFR Part 18): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

OMB Circular No. A-102 (Revised): Grants and Cooperative Agreements with State and Local Governments

The application of USDOT "Common Rule" and Circular A-102 requires that:

AGENCY and sub-grantees will use their own procurement procedures, which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law. The most stringent purchasing requirement at each level must be met.

The Arizona Procurement Code (ARS §41-2501, et. seq.) and promulgated rules (A.A.C. Title 2, Chapter 7) are a part of this Contract as if fully set forth herein and AGENCY agrees to fully comply with these requirements for any procurement using grant monies from this Contract.

XI. Non-Discrimination

During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- A. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- B. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in Appendix B of 49 CFR part 21 and herein;
- C. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- D. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including, but not limited to, withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- E. To insert this clause, including paragraphs A through E, in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

XII. Executive Order 2009-09

It is mutually agreed that AGENCY will comply with the terms and conditions of Executive Order 2009-09, *Non-Discrimination in Employment by Government Contractors and Subcontractors*. Executive Order 2009-09 is located in Part II of the Project Director's Manual.

XIII. Application of Hatch Act

The AGENCY will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

XIV. Minority Business Enterprises (MBE) Policy and Obligation

- A. Policy: It is the policy of the USDOT that minority business enterprises as defined in 49 CFR Part 23, will have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Contract. Consequently, the minority business enterprises requirements of 49 CFR Part 23 apply to this Contract.
- B. Obligation: The recipient or its contractor agrees to ensure that minority business enterprises, as defined in 49 CFR Part 23, have the subcontracts financed in whole or in part with Federal funds provided under this Contract. In this regard, all recipients or contractors will take all necessary and reasonable steps in accordance with 49 CFR, Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors will not discriminate on the basis of race, color, creed, sex, or national origin in the award and performance of USDOT-assigned contracts.

XV. Arbitration Clause, ARS §12-1518

Pursuant to ARS §12-1518, the parties agree to use arbitration, after exhausting applicable administrative reviews, to resolve disputes arising out of this Contract where the provisions of mandatory arbitration apply.

XVI. Inspection and Audit, ARS §35-214

Pursuant to ARS §35-214, all books, accounts, reports, files, and other records relating to this Contract will be subject at all reasonable times to inspection and audit by STATE for five (5) years after completion of this Contract. The records will be produced at the Governor's Office of Highway Safety.

XVII. Appropriation of Funds by U.S. Congress

It is agreed that in no event will this Contract be binding on any party hereto unless and until such time as funds are appropriated and authorized by the U.S. Congress and specifically allocated to the project submitted herein and then only for the fiscal year for which such allocation is made. In the event no funds are appropriated by the U.S. Congress or no funds are allocated for the project proposed herein for subsequent fiscal years, this Contract will be null and void, except as to that portion for which funds have then been appropriated or allocated to this project, and no right of action or damages will accrue to the benefit of the parties hereto as to that portion of the Contract or project that may so become null and void.

XVIII. Continuation of Highway Safety Program

It is the intention of AGENCY to continue the Highway Safety Program identified in this Contract once Federal funding is completed. This intended continuation will be based upon cost effectiveness and an evaluation by AGENCY of the program's impact on highway safety.

XIX. E-Verify

Both parties acknowledge that immigration laws require them to register and participate with the E-Verify Program (employment verification program administered by the United States Department of Homeland Security and the Social Security Administration or any successor program) as they both employ one or more employees in this State. Both parties warrant that they have registered with and participate with E-Verify. If either party later determines that the other non-compliant party has not complied with E-Verify, it will notify the non-compliant party by certified mail of the determination and of the right to appeal the determination.

XX. Termination and Abandonment

- A. The STATE and AGENCY hereby agree to the full performance of the covenants contained herein, except that STATE reserves the right, at its discretion, to terminate or abandon any portion of the project for which services have not been already performed by AGENCY.
- B. In the event STATE abandons the services or any part of the services as herein provided, STATE will notify AGENCY in writing and within twenty-four (24) hours after receiving such notice, AGENCY will discontinue advancing the work under this Contract and proceed to close said operations under the Contract.

- C. The appraisal value of work performed by AGENCY to the date of such termination or abandonment shall be made by STATE on a basis equitable to STATE and AGENCY and a final reimbursement made to AGENCY on the basis of costs incurred. Upon termination or abandonment, AGENCY will deliver to STATE all documents, completely or partially completed, together with all unused materials supplied by STATE.
- D. AGENCY may terminate or abandon this Contract upon thirty (30) days written notice to STATE, provided there is subsequent concurrence by STATE. Termination or abandonment by AGENCY will provide that costs can be incurred against the project up to and including sixty (60) days after notice is given to STATE.
- E. Any equipment or commodities which have been purchased as a part of this Contract and which have not been consumed or reached the end of its useful life will be returned to STATE upon its written request.

XXI. Cancellation Statute

All parties are hereby put on notice that this Contract is subject to cancellation pursuant to ARS §38-511, the provisions of which are stated below.

In accordance with ARS §38-511, this Contract may be cancelled without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Contract on behalf of the STATE, its political subdivisions or any department or agency of either, is at any time while the Contract or any extension of the Contract is in effect, an employee of any other party to the Contract in any capacity or a consultant to any other party of the Contract with respect to the subject matter or the Contract.

The cancellation shall be effective when written notice from the Governor or Chief Executive Officer or governing body of the political subdivision is received by all other parties to the Contract unless the notice specifies a later time.

AGREEMENT OF UNDERSTANDING AND CERTIFICATION OF COMPLIANCE

Acceptance of Condition

It is understood and agreed by the undersigned that a grant received as a result of this Contract is subject to the Highway Safety Act of 1966, as amended (23 U.S.C.A. §§401-404), ARS §28-602, and all administrative regulations governing grants established by the USDOT and STATE. It is expressly agreed that this Highway Safety Project constitutes an official part of the STATE's Highway Safety Program and that AGENCY will meet the requirements as set forth in the accompanying Project Director's Manual, which are incorporated herein and made a part of this Contract. All State and Federal Statutes, Rules, Regulations, and Circulars referenced in this Contract are a part of this document as if fully set forth herein. It is also agreed that no work will be performed nor any obligation incurred until AGENCY is notified in writing that this project has been approved by the Governor's Highway Safety Representative.

Certificate of Compliance

This is to certify that AGENCY will comply with all of the State and Federal Statutes, Rules and Regulations identified in this Contract.

Certification of Non-Duplication of Grant Funds Expenditure

This is to certify that AGENCY has no ongoing nor completed projects under contract with other Federal fund sources which duplicate or overlap any work contemplated or described in this Contract. It is further certified that any pending or proposed request for other Federal grant funds which would duplicate or overlap work described in the Contract will be revised to exclude any such duplication of grant fund expenditures. It is understood that any such duplication of Federal funds expenditures subsequently determined by audit will be subject to recovery by STATE.

Single Audit Act

If your political subdivision has had an independent audit meeting the requirements of the Single Audit Act of 1984, (31 U.S.C.A. §7501 et. seq.), please forward a copy to GOHS, Attention: Fiscal Services Officer, within thirty (30) days of the effective date of this Contract. If such audit has not been performed, please advise when it is being scheduled.

Buy America Act

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron, and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than twenty-five (25) percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation.

Prohibition on Using Grant Funds to Check for Helmet Usage

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

Certification Regarding Debarment and Suspension

- A. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
- B. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
- C. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in

addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.

- D. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- E. The terms *covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used* in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
- F. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
- G. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled Instructions for Lower Tier Certification including the Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction, provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
- H. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
- I. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- J. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matter

- A. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principal:
1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
 2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of record, making false statements, or receiving stolen property;
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 4. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- B. Where the prospective primary tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Instructions for Lower Tier Certification

- A. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
- B. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
- C. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- D. The terms covered transaction, debarment, suspension, ineligible, lower tier, participant, person, primary tier, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
- E. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4,

debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

- F. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
- G. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions Website (<https://www.sam.gov>).
- H. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- I. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion

- A. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
- B. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

REIMBURSEMENT INSTRUCTIONS**1. Agency Official preparing the Report of Costs Incurred:**Name: Teresa CorlessTitle: Administrative Services ManagerTelephone Number: (623) 773-7035 Fax Number: (623) 773-7015E-mail Address: teresa.corless@peoriaaz.gov**2. Agency's Fiscal Contact:**Name: Donna MartinTitle: Management AssistantTelephone Number: (623) 773-7018 Fax Number: (623) 773-7015E-mail Address: donna.martin@peoriaaz.govFederal Identification Number: 86-6003634**3. REIMBURSEMENT INFORMATION:**

Warrant/Check to be made payable to:

Peoria Police Department

Warrant/Check to be mailed to:

Peoria Police Department

(Agency)

8351 W. Cinnabar Avenue

(Address)

Peoria, AZ 85345

(City, State, Zip Code)

4. DUNS Number:809812170

(DUNS #)

City of Peoria, 8401 W. Monroe Street, Peoria, AZ 85345

(Registered Address & Zip Code)

Restriction on State Lobbying

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

Certification for Contracts, Grant, Loans, and Cooperative Agreements (Federal Lobbying)

The undersigned certifies, to the best of his or her knowledge and belief, that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients will certify and disclose accordingly.
- D. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature of Project Director:

Roy Minter, Chief
Peoria Police Department

(623) 773-7059
Date Telephone

***Signature of Authorized Official of
Governmental Unit:***

Jeff Tyne, City Manager
City of Peoria

(623) 773-7114
Date Telephone

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 12C.

Date Prepared: 5/15/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Andy Granger, Deputy City Manager
FROM: Roy W. Minter, Jr., Chief of Police
SUBJECT: Intergovernmental Agreement, City of Glendale, Law Enforcement and Security Services, University of Phoenix Stadium

Purpose:

Discussion and possible action to authorize the City Manager to execute an Intergovernmental Agreement with the City of Glendale to continue providing law enforcement and security services at the University of Phoenix Stadium.

Summary:

The renewal of this IGA extends the agreement between the City of Glendale and the City of Peoria. This agreement is for the purpose of continuing to cooperatively provide law enforcement and security services at the University of Phoenix Stadium.

The University of Phoenix Stadium is located within Glendale's corporate limits and Glendale has jurisdictional authority over any public safety interests in the operation of the stadium. The purpose of this agreement is to continue providing the means through which the parties intend to provide high-quality law enforcement and security services by integrating agency assets and by addressing issues including command, control, personnel, planning and training. This agreement will be effective through June 30, 2021 unless terminated sooner in accordance with the terms of this agreement or by mutual written consent.

Previous Actions/Background:

City Council has previously approved the attached IGA. Previous agreements were approved in 2006, 2009, 2012 and 2015.

Options:

A : Approve the renewal of the IGA with the City of Glendale to continue providing law enforcement and security services at the University of Phoenix Stadium in Glendale, AZ.

B: Choose not to renew this agreement with the City of Glendale.

Staff Recommendation:

Staff recommends approval of the Intergovernmental Agreement between the City of Peoria and the City of Glendale to continue to provide law enforcement and security services at the University of Phoenix Stadium.

Fiscal Analysis:

This IGA creates no fiscal impact on the City of Peoria.

ATTACHMENTS:

IGA

Contact Name and Number:

Roy W. Minter, Jr., Chief of Police, (623) 773-7059

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
CITY OF GLENDALE AND CITY OF PEORIA**

THIS INTERGOVERNMENTAL AGREEMENT (this “Agreement”) is entered into pursuant to Arizona Revised Statutes (“A.R.S.”) § 11-952 by the City of Glendale (“Glendale”) and the City of Peoria (“Peoria”), collectively known herein as the “parties.”

RECITALS

- A. The University of Phoenix Stadium in Glendale (the “Stadium”) is located within Glendale’s corporate limits and Glendale has jurisdictional authority over and public safety interests in the operation of the Stadium; and
- B. The City of Glendale has the need for qualified personnel to provide law enforcement, security and traffic management services at the Stadium; and
- D. The parties desire to participate in providing law enforcement security, and traffic management services to the City of Glendale, relating to the Stadium, by making available Peoria Police Department (“PPD”) and Glendale Police Department (“GPD”) officers in accordance with the terms set forth herein.
- E. The parties desire to enter into this Agreement to cooperatively provide the necessary law enforcement, security services and traffic management services, while acknowledging Glendale’s primary responsibility for law enforcement at the Stadium.

AGREEMENT

Therefore, in consideration of the foregoing recitals, the covenants, promises, terms and conditions set forth herein, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereby agree as follows:

- 1. **Purpose and Intent.** The purpose of this Agreement is to provide the means through which the parties intend to provide professional law enforcement, security, and traffic management services at the Stadium by maximizing cooperation, by integrating the PPD and GPD assets, and by addressing issues including, command, control, personnel, planning, and training.
- 2. **Supervision and Staffing.**
 - 2.1 Peoria acknowledges that command and control for all events worked for pursuant to this Agreement (individually “Event” and collectively “Events”) shall be the duty and responsibility of GPD.
 - 2.2 In carrying out this responsibility, GPD will in good faith assign officers to work Events in accordance with the procedures adopted in consultation with the Chiefs of Police for all the member agencies providing officers to Events.
 - 2.3 Peoria agrees and understands that entities other than Glendale and the GPD may have input into the decisions regarding whether, and to what extent, law enforcement will provide service

for Events; however, Glendale will provide information regarding staffing decisions to Peoria as soon as it becomes available.

3. Assigned Personnel

- 3.1 Peoria shall have the discretion to determine which and how many of its officers will be allowed to apply for assignments at Events and how many officers will be assigned to the Events (hereinafter referred to as “Assigned Officers”).
 - a. All Assigned Officers will be required to enter into temporary employment contracts with Glendale.
 - b. The contract will outline the mutual responsibilities of the Assigned Officer and Glendale and will specify that the Assigned Officers are “at will” temporary employees of Glendale and that either party can terminate the contract, with or without cause at any time and without notice.
 - c. If possible, Glendale will consult with Peoria prior to terminating any Assigned Officer.
- 3.2 While working an Event, the Assigned Officers must wear uniforms approved by PPD, and the Assigned Officers may carry other equipment authorized by PPD.
- 3.3 When working an Event, GPD will make available to Assigned Officers forms and other supplies that are necessary to work the Event.
- 3.4 Upon termination of this Agreement and conclusion of any assignments, all personal property, assets, equipment, and supplies used by the parties and Assigned Officers in performance of their responsibilities shall remain with or be returned to the owner of such property.
- 3.5 Any inconsistency between GPD and PPD rules or regulations and all operational disputes will immediately be brought to the attention of the Glendale Police Chief and will be fully and finally addressed and resolved by the Glendale Police Chief in accordance with his or her determination of the best practices under the circumstances. The Glendale Police Chief may delegate this responsibility to a specific command officer.

4. Compensation, Insurance and Reporting

- 4.1 The parties agree that during Events the Assigned Officers shall be temporary employees of Glendale for compensation purposes and not independent contractors; provided however, that each such Assigned Officer will at all times also be deemed an employee of PPD and nothing in this Agreement is intended to contradict or otherwise modify the provisions of A.R.S. § 23-1022 (D).
- 4.2 Each Assigned Officer who works an Event will be paid the negotiated hourly rate.
 - a. Assigned Officers’ compensation shall be subject to all applicable federal and state taxes, which shall be deducted prior to payment, and which shall be evidenced by a W-2 statement issued by Glendale to each Assigned Officer.

- b. Each officer's home agency (primary employer) shall provide the workers' compensation coverage in such amounts and under the same terms and conditions as other sworn, full-time employees for all Assigned Officers.
 - c. Except for liability coverage, Assigned Officers are not entitled to any other employee benefits or compensation from Glendale.
- 4.3 Glendale shall make available, upon request, to the PPD information about the hours worked by Assigned Officers not later than seven days following each Event to enable PPD to properly monitor and regulate the hours worked by all of their Assigned Officers.
- 4.4 Each party affirms that it has complied with the provisions of A.R.S. § 23-1022 (E) with respect to activities addressed by the Agreement.

5. Indemnification

- 5.1 To the extent permitted by law, Glendale shall indemnify, defend, save and hold harmless Peoria, its departments, agencies, boards, commissions, officers, officials, agents, and employees (hereinafter referred to as "Indemnatee") for, from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent acts or willful misconduct of the Assigned Officers.
- 5.2 Glendale's indemnity includes any Claim or amount due arising out of the failure of such Indemnatee to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree.
- 5.3 It is agreed that Glendale will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable and in consideration of the covenants and promises set forth in this Agreement, Glendale agrees to waive all rights of subrogation against Peoria, its officers, officials, agents and employees for losses arising from the work performed by Peoria's Assigned Officers under this Agreement.

6. Media Releases and Relations

- 6.1 Any release of information to the media, other than a public records release, regarding an Event or any activities under this Agreement will be coordinated by Glendale in cooperation with Peoria but, except as provided below, no unilateral media releases will be distributed by Peoria without the prior approval of Glendale.
- 6.2 A copy of all public record and media releases regarding an Event or any activities under this Agreement shall be forwarded to Glendale prior to release; provided however, if an incident is primarily focused upon or concerned with the actions of PPD's Assigned Officer, PPD will be responsible for the release of information to the media relative to the incident.
- 6.3 The parties will not reveal any investigative information or operational procedures except as required by law.

7. Arizona POST certification

- 7.1 Relative to its Assigned Officers, Peoria agrees that it will be responsible to the Arizona Peace Officer's Standards and Training Board ("POST") for complying with all requirements mandated by Arizona Administrative Code Regulation R13-4-101 *et seq.*; including but not limited to, Peoria's responsibilities to POST for the hiring, fitness for duty, record-keeping, training, and testing requirements imposed upon law enforcement agencies employing police officers in Arizona.
- 7.2 Glendale and Peoria agree to cooperate to ensure any issues that arise relative to POST certification are resolved in a reasonable and efficient manner.

8. Execution, Duration and Renewal

- 8.1 This Agreement will be effective immediately upon the approval of both parties' governing bodies and shall remain in full force and effect until June 30, 2021.
- 8.2 This Agreement may be executed in counterparts.
- 8.3 This Agreement may be renewed for successive additional three (3) year periods upon mutual consent of the parties.

9. General Provisions

- 9.1 Entire Agreement. This Agreement embodies the entire understanding of the parties and supersedes any other agreement or understanding between the parties relating to the subject matter of this Agreement.
- 9.2 Severability. The provisions of this Agreement are severable to the extent that any provision or application held to be invalid by a court of competent jurisdiction shall not affect any other provision or application of the Agreement which may remain in effect without the invalid provision or application.
- 9.3 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona.
- 9.4 Conflict of Interest. This Agreement may be canceled by any of the parties pursuant to the provisions of A.R.S. § 38-511.
- 9.5 Termination. Peoria may, at any time, terminate this Agreement by giving Glendale not less than sixty (60) days prior written notice. Glendale may at any time terminate this Agreement by giving Peoria not less than sixty (60) days prior written notice.
- 9.6 Dispute Resolution. In the event of any dispute regarding the terms or the interpretation of this Agreement the parties command staff will consult with each other in an effort to settle the dispute, in good faith. If the parties are unable to settle the dispute, either party may terminate this agreement.
- 9.7 Waiver. The waiver of any breach of this Agreement shall not be deemed to amend this Agreement and shall not constitute a waiver of any other subsequent breach.
- 9.8 Headings. Headings of this Agreement are for convenience only and shall not affect the interpretation of this Agreement.

- 9.9 Further Acts. Each party shall execute and deliver all such documents and perform all such acts as reasonably necessary, from time to time, to carry out the matters contemplated by this Agreement.

10. E-Verify

- 10.1 The parties acknowledge that immigration laws require them to register and participate with the E-Verify program (employment verification program administered by the United States Department of Homeland Security and the Social Security Administration or any successor program) as they both employ one or more employees in this state.
- 10.2 The parties warrant that they have registered with and participate with E-Verify.
- 10.3 If either party later determines that the other non-compliant party has not complied with E-Verify, it will notify the non-compliant party by certified mail of the determination and of the right to appeal the determination. The parties retain the legal right to inspect the papers of any employee who works pursuant to this agreement or any related subcontract to ensure compliance with the warranty given above. Either party may conduct a random verification of the employment records of the other party to ensure compliance with this warranty.
- 10.4 Failure to comply shall be deemed a material breach of the Agreement that is subject to penalties up to and including termination of the Agreement.

11. Non- Discrimination

The parties must not discriminate against any employee or applicant for employment on the basis race, color, religion, sex, national origin, age, marital status, sexual orientation, gender identity or expression, genetic characteristics, familial status, U.S. military veteran status or any disability.

12. No Boycott of Israel

The Parties agree that they are not currently engaged in, and agree that for the duration of the Agreement they will not engage in, a boycott of Israel, as that term is defined in A.R.S. § 35-393.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

CITY OF GLENDALE

Kevin Phelps
City Manager

ATTEST:

Julie K. Bower, City Clerk (SEAL)

CERTIFICATION BY LEGAL COUNSEL

The foregoing Intergovernmental Agreement between City of Glendale and the City of Peoria is in proper form and is within the powers and authority of the City of Glendale granted under the laws of the State of Arizona.

APPROVED AS TO FORM AND AUTHORITY:

Michael Bailey, City Attorney

CITY OF PEORIA

BY:_____

NAME:_____

TITLE:_____

DATE:_____

ATTEST:

PEORIA CITY CLERK

CERTIFICATION BY LEGAL COUNSEL

The foregoing Intergovernmental Agreement between City of Glendale and the City of Peoria is in proper form and is within the powers and authority of the City of Peoria granted under the laws of the State of Arizona.

APPROVED AS TO FORM AND AUTHORITY:

PEORIA CITY ATTORNEY

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 13C.

Date Prepared: 5/17/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

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

SUBJECT: Intergovernmental Agreement, State of Arizona, Maintenance Responsibilities, Loop 101 Frontage Road and Beardsley Road

Purpose:

Discussion and possible action to approve an Intergovernmental Agreement with the State of Arizona to remove certain maintenance obligations of the City on the Loop 101 Frontage Road and on Beardsley Road.

Summary:

The State and the City entered into agreement IGA/JPA 07-103 on October 17, 2008, with the Maricopa Association of Governments and the City of Glendale to define design, construction, and maintenance responsibilities of projects along the Loop 101 from 75th Avenue to Union Hills Drive. Per the terms of this previous agreement, the City's obligations included routine maintenance of the westbound/southbound SR 101L Frontage Road between the back of gore point of the westbound 101L Beardsley off-ramp intersection with the westbound/southbound Loop 101 Frontage Road and SR 101L Beardsley on-ramp back of gore intersection. The City also was responsible for the routine maintenance of Beardsley Road from the westbound/southbound Loop 101 Frontage Road intersection to the roundabout at 81st Avenue.

This proposed agreement modifies maintenance responsibilities between the State and City by removing maintenance obligations from the City for the westbound/southbound Loop 101 Frontage Road and for Beardsley Road from the Frontage Road intersection to the east/south abutment of the bridge over New River. The City will continue to be responsible for all utility costs and maintenance of the existing decorative lighting on Beardsley Road, as well as for routine maintenance of Beardsley Road from the east/south abutment of the bridge over New River to the roundabout at 81st Avenue. Exhibit A depicts the maintenance responsibilities of the respective parties.

Previous Actions/Background:

October 17, 2008 – City Council approved IGA/JPA 07-103 with the State, Maricopa Association of Governments, and the City of Glendale to define design, construction, and

maintenance responsibilities of projects along the Loop 101 from 75th Avenue to Union Hills Drive.

Options:

A: Approve the intergovernmental agreement with the State of Arizona as proposed, removing certain maintenance obligations of the City on the Loop 101 Frontage Road and on Beardsley Road.

B: Reject the request and provide further guidance to staff.

Staff Recommendation:

Staff recommends approval of IGA 18-0006790-I with the State of Arizona, which will have the effect of removing certain maintenance obligations of the City on the Loop 101 Frontage Road and on Beardsley Road.

Fiscal Analysis:

By relieving the City of some existing maintenance responsibilities, the proposed intergovernmental agreement, if approved, will result in unspecified cost savings related to roadway maintenance.

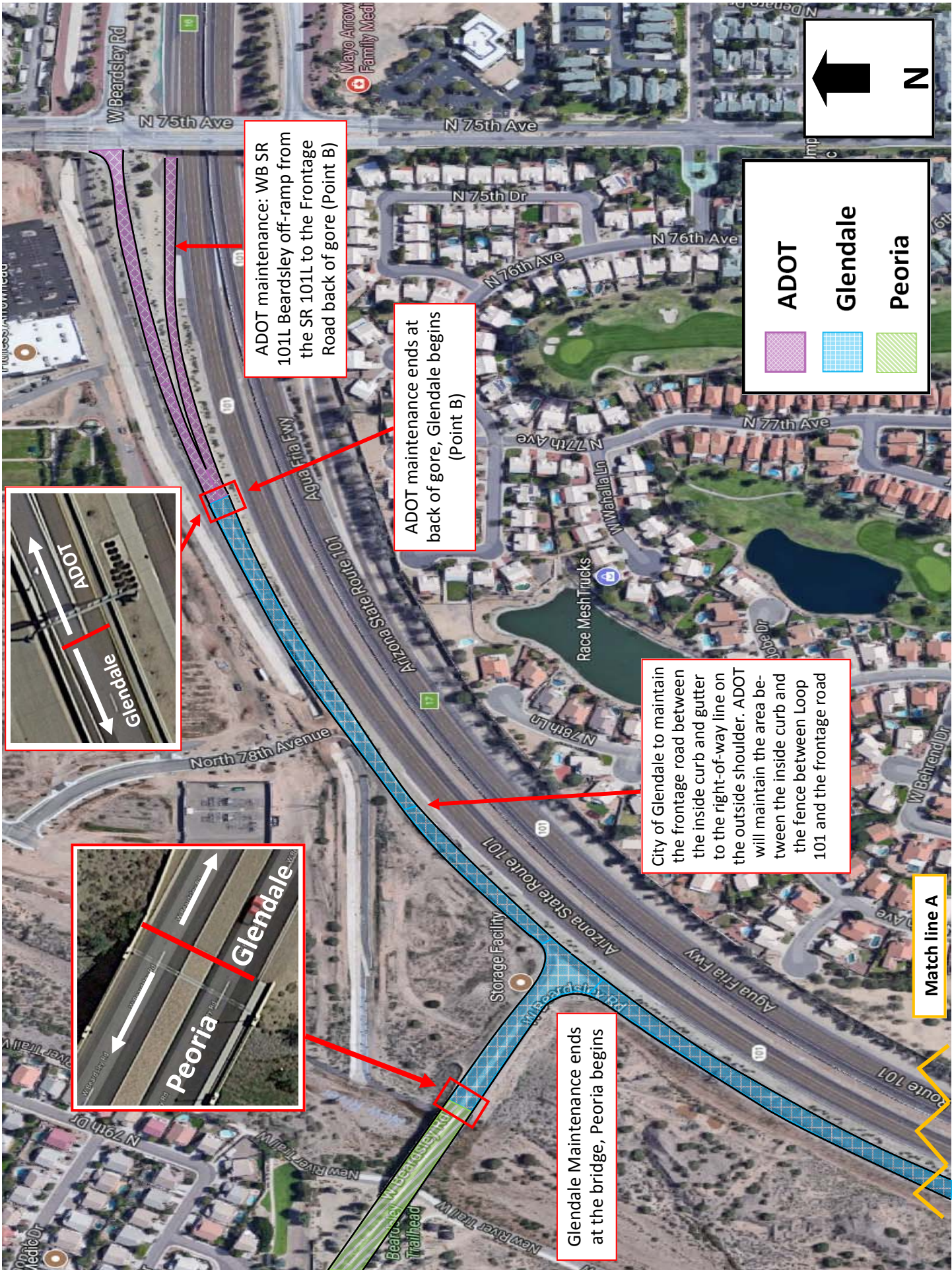
ATTACHMENTS:

Maintenance Location Maps
Intergovernmental Agreement

Contact Name and Number:

Adina C. Lund, P.E., Development and Engineering Director, (623) 773-7249





ADOT CAR No.: IGA 18-0006790-I
AG Contract No.: P0012018000577
Project Location/Name: Beardsley
Rd/Union Hills Dr
Type of Work: Construct
Federal-aid No.: ARRA-101-A(204)A
ADOT Project No.: H7170 01D/01C,
H7076 01D/01C
TIP/STIP No.: N/A
CFDA No.: 20.205 – Highway Planning
and Construction
Budget Source Item No.: N/A

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PEORIA

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

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached and made a part of, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.
3. The State and the City entered into agreement IGA/JPA 07-103 on October 17, 2008 with the Maricopa Association of Governments and the City of Glendale to define design, construction and maintenance responsibilities of projects at State Route 101 Loop (SR 101L) from 75th Avenue to Union Hills Drive. This agreement defines maintenance responsibilities between the State and City. See exhibit A for maintenance responsibilities. It supersedes IGA/JPA 07-103 only with respect to maintenance responsibilities between the State and City. IGA/JPA 07-103 remains otherwise in full force and effect. Maintenance responsibilities between the State and City of Glendale are addressed in IGA 18-0006789-I.

THEREFORE, in consideration of the mutual terms expressed in this Agreement, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Be responsible for:

- i. The electric power for street lighting along the SR 101L Frontage Road from the 75th Avenue traffic interchange to the Union Hills Drive traffic interchange;
- ii. The operation and maintenance, including blue staking if necessary, of the Frontage Road lighting from the 75th Avenue traffic interchange to the Union Hills Drive traffic interchange;
- iii. The structural integrity of the U-Turn structure portion of the Combined Project including entrance and exit ramps;
- iv. The major rehabilitation of the Frontage Road from the 75th Avenue Union Hills Drive traffic interchange;
- v. Maintenance of the area between the access control fence and the inside curb and gutter section of the Frontage Road, the State maintains the area from the back of gore of the westbound SR 101L Beardsley off-ramp to the back of gore of the southbound SR 101L on-ramp (as shown in Exhibit A);
- vi. Maintenance of southbound SR 101L Beardsley on-ramp from the Frontage Road back of gore to SR101L;
- vii. Maintenance of the westbound ST 101L Beardsley off-ramp from the SR 101L to the Frontage Road back of gore;
- viii. Maintenance of the overhead sign structures as well as all the signs that are mounted on the sign structures;
- ix. Maintenance of the concrete barrier as well as the end treatment in advance of the sign concrete barrier sections;
- x. Maintenance of SR 101L drainage structures adjacent to the Frontage Road and Beardsley Road including crossing structures.

b. Not be responsible for routine maintenance of the southbound Frontage Road west of SR 101L Beardsley Road off ramp gore to Beardsley Road on ramp gore.

c. Retain all rights associated with the approval of developments on the Frontage road

d. Be responsible for all permitting of all driveway, landscaping and utility within the Frontage road from 75th avenue to Union Hills.

2. The City will:

- a. After execution of this agreement, hereby not be obligated for routine maintenance of the westbound/southbound SR 101L Frontage Road between the back of gore point of the westbound 101L Beardsley off-ramp intersection with the westbound/southbound

Loop 101 Frontage Road and SR 101L Beardsley on-ramp back of gore intersection as shown on Exhibit A.

- b. Not be responsible for the maintenance of Beardsley Road from westbound/southbound Loop 101 Frontage Road intersection to the east/south abutment of the Beardsley Road bridge over New River.
- c. Continue to maintain and pay for all utility costs associated with the decorative lighting along Beardsley road from the Loop 101 Frontage Road intersection to the Roundabout at the 81st Avenue Intersection.

III. MISCELLANEOUS PROVISIONS

1. This Agreement shall become effective upon signing and dating of the Determination Letter by the State's Attorney General.
2. The terms, conditions and provisions of this Agreement shall remain in full force and effect unless cancelled by either party after 30 days written notice. Any provisions for maintenance shall be perpetual, unless assumed by another competent entity.
3. The City shall indemnify, defend, and hold harmless the State, any of its departments, agencies, officers or employees (collectively referred to in this paragraph as the "State") from any and all claims, demands, suits, actions, proceedings, loss, cost and damages of every kind and description, including reasonable attorneys' fees and/or litigation expenses (collectively referred to in this paragraph as the "Claims"), which may be brought or made against or incurred by the State on account of loss of or damage to any property or for injuries to or death of any person, to the extent caused by, arising out of, or contributed to, by reasons of any alleged act, omission, professional error, fault, mistake, or negligence of the City, its employees, officers, directors, agents, representatives, or contractors, their employees, agents, or representatives in connection with or incident to the performance of this Agreement. The City's obligations under this paragraph shall not extend to any Claims to the extent caused by the negligence of the State, except the obligation does apply to any negligence of the City which may be legally imputed to the State by virtue of the State's ownership or possession of land. The City's obligations under this paragraph shall survive the termination of this Agreement.
4. The State shall include Section 107.13 of the 2008 version of the Arizona Department of Transportation Standard Specifications for Road and Bridge Construction, incorporated to this Agreement by reference, in the State's contract with any and all contractors, of which the City shall be specifically named as a third-party beneficiary. This provision may not be amended without the approval of the City.
5. The City acknowledges and will comply with Title VI of the Civil Rights Act Of 1964.
6. This Agreement shall be governed by and construed in accordance with Arizona laws.
7. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

8. To the extent applicable under law, the provisions set forth in Arizona Revised Statutes §§ 35-214 and 35-215 shall apply to this Agreement.
9. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The Parties to this Agreement shall comply with Executive Order Number 2009-09 issued by the Governor of the State of Arizona and incorporated in this Agreement by reference regarding "Non-Discrimination".
10. Non-Availability of Funds: Every obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the fulfillment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments as a result of termination under this paragraph.
11. In the event of any controversy, which may arise out of this Agreement, the Parties agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.
12. The Parties shall comply with the applicable requirements of Arizona Revised Statutes § 41-4401.
13. The Parties shall comply with the applicable requirements of Arizona Revised Statutes §35-393.01.
14. The Parties shall comply with all applicable laws, rules, regulations and ordinances, as may be amended.
15. All notices or demands upon any Party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

For Agreement Administration:

Arizona Department of Transportation
Joint Project Agreement Section
205 S. 17th Avenue, Mail Drop 637E
Phoenix, AZ 85007
JPABranch@azdot.gov

City of Peoria
Attn: City Engineer
9875 N. 85th Avenue
Peoria, AZ 85345
623.773.7367
623.773.7211 (fax)

For Project Administration:

Arizona Department of Transportation
Central District
2140 West Hilton Ave
Phoenix, AZ 85009
602.712.6622

City of Peoria
Attn: City Engineer
9875 N. 85th Avenue
Peoria, AZ 85345
623.773.7367
623.773.7211 (fax)

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

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

CITY OF PEORIA

STATE OF ARIZONA

Department of Transportation

By _____
CATHY CARLAT
Mayor

By _____
STEVE BOSCHEN, P.E.
Division Director

ATTEST:

By _____
City Clerk

ATTORNEY APPROVAL FORM FOR THE CITY OF PEORIA

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

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

DATED this _____ day of _____, 2018.

City Attorney

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 14C.

Date Prepared: 5/7/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Katie Gregory, Deputy City Manager
FROM: Rhonda Geriminsky, City Clerk
SUBJECT: Canvass of Election, Public Safety Personnel Retirement System Local Board Elections

Purpose:

Discussion and possible action to adopt **RES. 2018-62** ratifying the results of the Public Safety Personnel Retirement System local board elections.

Summary:

Public Safety Personnel Retirement System local board elections are required pursuant to Arizona Revised Statutes §38-847 and are conducted in accordance with City Code Sections 3-60 and 3-61. Each local board is comprised of five members, of which two are elected from the eligible members of the Public Safety Personnel Retirement Systems. Elected member terms are staggered and elections are held in even-numbered years.

Newly elected representatives of the Public Safety Personnel Retirement System local boards will be invited to the June 19, 2018 City Council meeting to accept a Certificate of Election.

Previous Actions/Background:

On March 30, 2018, the Notices of Election for the Public Safety Personnel Retirement System local board elections were published in the Peoria Times. From March 30, 2018 through April 30, 2018, Nomination Petitions were accepted through the City Clerk's Office. On May 7, 2018, ballots were prepared and distributed to eligible members of the Public Safety Personnel Retirement System local boards. Completed ballots were due back to the City Clerk's Office on May 17, 2018. On May 21, 2018 ballot counts for each election were conducted and election results were tallied.

Options:

A: Ratify the Public Safety Personnel Retirement System local board election results as presented.

Staff Recommendation:

This is a request for City Council to ratify the results of the Public Safety Personnel Retirement System Fire and Police Local Board elections as follows:

- Michael Pool elected to the Public Safety Personnel Retirement System Fire Local Board, and
- Michael Faith elected to the Public Safety Personnel Retirement System Police Local Board.

Fiscal Analysis:

There is no fiscal impact to the ratification of the Public Safety Personnel Retirement System local board elections.

ATTACHMENTS:

Resolution 2018-62

Contact Name and Number:

Rhonda Geriminsky, (623) 773-7340

RESOLUTION NO. 2018-62

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
CITY OF PEORIA, MARICOPA, ARIZONA, RATIFYING
THE RESULTS OF THE PUBLIC SAFETY PERSONNEL
RETIREMENT SYSTEM LOCAL BOARD ELECTIONS.

WHEREAS, the City of Peoria, Maricopa County, Arizona, by its duly appointed and acting City Clerk did issue a Call and Notice for the Public Safety Personnel Retirement System local board elections on March 30, 2018; and did cause to be submitted to qualified electors of the Public Safety Personnel Retirement System local boards for the election of representatives on the local boards; and

WHEREAS, the City Clerk did cause notice of the Public Safety Personnel Retirement System local board elections, publishing notice thereof in the Peoria Times newspaper as provided by law, such newspaper published in and having general circulation within said City, that said notice as so published did specify the manner in which such election was to be held, and the issue to be voted upon, copy of said notice with affidavit of publication attached hereto – Exhibit “A” – Affidavit of Publication, being now on file and a part of the official records of the City of Peoria, and

WHEREAS, the election returns are presented to and hereby canvassed by the City Council.

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

SECTION 1. That the total number of ballots cast at said Public Safety Personnel Retirement System Local Board Elections, as shown by the final results as issued by the City Clerk’s Office, is set forth on Exhibit “B” – Summary Report, attached and incorporated to this resolution.

SECTION 2. That the total number of rejected ballots by Local Board is set forth on Exhibit “B” – Summary Report, attached and incorporated to this resolution.

SECTION 3. That the total number of votes cast for the candidate and representative for the Public Safety Personnel Retirement System – Fire Local Board was as follows:

<u>Representative</u>	<u>Vote Total</u>
Michael Pool	91

SECTION 4. That the total number of votes cast for the candidate and representative for the Public Safety Personnel Retirement System – Police Local Board were as follows:

<u>Representative</u>	<u>Vote Total</u>
Michael Faith	49

SECTION 5. That it is hereby found, determined and declared of record, that the following candidates did receive more than one-half of the total number of valid votes cast and are hereby entitled to Certificates of Election:

Public Safety Personnel Retirement System – Fire
Public Safety Personnel Retirement System – Police

Michael Pool
Michael Faith

SECTION 6. That all orders or resolutions in conflict be and the same are, to the extent of such conflict, hereby repealed, and that this resolution be in full force and effect on July 1, 2018.

PASSED AND ADOPTED, by the Mayor and Council of the City of Peoria, Arizona this 5th day of June, 2018.

CITY OF PEORIA, an Arizona
municipal corporation

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Vanssa P. Hickman, City Attorney

Effective Date: July 1, 2018

'Exhibit "A" – Affidavit of Publication

**AFFIDAVIT OF
PUBLICATION**

STATE OF ARIZONA) ss.
)
COUNTY OF MARICOPA)

I, Theresa Halliday of
The Peoria Times is
a newspaper of general circulation
published and printed in the City of
Glendale, County of Maricopa, State
of Arizona, do solemnly swear that a
copy of the notice, in the matter of:

NOTICE AND CALL OF ELECTION
FOR A VACANCY ON THE PUBLIC
SAFETY PERSONNAL
RETIREMENT SYSTEM- LOCAL
BOARD FOR CITY OF PEORIA
FIRE DEPARTMENT
CITY OF PEORIA
STATE OF ARIZONA

As per clipping attached, was published
weekly in the regular and entire edition
of the said newspaper, and not in any
supplement hereof, for a period of : 1
consecutive week(s), as follows, to wit:

03/30/18

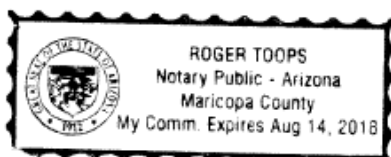
[Redacted Signature]

Theresa Halliday

Subscribed and sworn to before me,
This 30th day of March, 2018

[Redacted Signature]

My Commission Expires:



**AFFIDAVIT OF
PUBLICATION**

STATE OF ARIZONA) ss.
)
COUNTY OF MARICOPA)

I, Theresa Halliday of
The Peoria Times is
a newspaper of general circulation
published and printed in the City of
Glendale, County of Maricopa, State
of Arizona, do solemnly swear that a
copy of the notice, in the matter of:

NOTICE AND CALL OF ELECTION
FOR A VACANCY ON THE PUBLIC
SAFETY PERSONNAL
RETIREMENT SYSTEM- LOCAL
BOARD FOR CITY OF PEORIA
POLICE DEPARTMENT
CITY OF PEORIA
STATE OF ARIZONA

As per clipping attached, was published
weekly in the regular and entire edition
of the said newspaper, and not in any
supplement hereof, for a period of : 1
consecutive week(s), as follows, to wit:

03/30/18

[Redacted Signature]

Theresa Halliday

Subscribed and sworn to before me,
This 30th day of March, 2018

(s) [Redacted Signature]

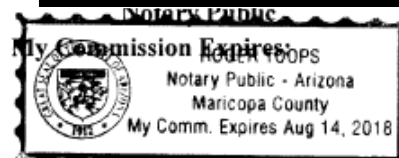


Exhibit “B” – Summary Report

City of Peoria, Arizona
 2018 Public Safety Personnel Retirement System (PSPRS)
 Local Board Elections
 Summary Report

FINAL OFFICIAL RESULTS

<u>Representative – PSPRS – Fire</u>	<u>Votes</u>	<u>Percent of Votes</u>
- Michael Pool	91	98.90%
Write-In Candidate	1	1.10%
Total...	92	100%

<u>Representative – PSPRS – Police</u>	<u>Votes</u>	<u>Percent of Votes</u>
- Michael Faith	49	98.00%
Write-In Candidate	1	2.00%
Total...	92	100%

REJECTED BALLOTS

<u>PSPRS Local Board</u>	<u>Reason(s)</u>	<u>Number Rejected</u>
Fire	Returned Late	2
	No Name/Signature	4
	TOTAL REJECTED BALLOTS	6
Police	Returned Late	3
	No Signature/Name	2
	TOTAL REJECTED BALLOTS	5

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 15C.

Date Prepared: 5/29/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
FROM: Laura Ingegneri, Human Resources Director
SUBJECT: Budget Appropriation - Employee Benefits

Purpose:

Discussion and possible action to approve a transfer of budget appropriation from the Insurance Reserve fund contingency account to the Self-Insured Employee Benefits Trust fund and the Self-Insured Workers' Compensation fund providing authority to record additional claim expenditures that were not anticipated when the original Fiscal Year 2018 budget was developed.

Summary:

The City of Peoria provides a medical benefit plan to provide health coverage for employees and their eligible spouse/dependents. The City self-insures its health benefits program including establishing appropriate reserves to address claim costs. The Employee Benefits Trust fund covers the cost of medical claims.

In addition to the health benefits provided, the City of Peoria also provides a workers' compensation program to provide for employee work related injury and illness claims. The City self-insures its workers' compensation program including establishing appropriate reserves to address claim costs. The workers' compensation program covers the cost of medical claims for the injured worker as well as lost wages.

Based on several months of high claims activity, it is anticipated that the claims expenditures in the self-insured Employee Benefits Trust fund and the self-insured Workers' Compensation Trust fund will exceed the FY 2018 budget by approximately \$1,683,000.

Previous Actions/Background:

In FY 2014 City Council approved a budget amendment in the amount of \$133,220 to cover required year end accounting entries to properly record claim expenditures and liabilities, based on the annual actuarial report.

Options:

A: That the City Council approve a FY 2018 budget amendment of \$1,683,000 to cover the anticipated claims for FY 18 Employee Benefits Trust fund and the anticipated claim expenditures and liabilities in the self-insured Workers' Compensation Trust fund.

B: That the City Council not approve a FY 2018 budget amendment of \$1,683,000 to cover the anticipated claims for FY 18 Employee Benefits Trust fund and the anticipated claim expenditures and liabilities in the self-insured Workers' Compensation Trust fund.

Staff Recommendation:

That the City Council approve a FY 2018 budget amendment of \$1,683,000 to cover the anticipated claims for FY 18 Employee Benefits Trust fund and the anticipated claim expenditures and liabilities in the self-insured Workers' Compensation Trust fund.

The budget transfer will be made from the Insurance Reserve contingency account 3200-3610-570000 to Self-Insured Workers' Compensation Trust Fund claims account 3210-3620-523018 \$333,000 and Employee Benefits Trust Fund claims account 3220-3630-523019 \$1,350,000.

Fiscal Analysis:

The approximate self-insured Employee Benefits Trust fund year-end liability anticipated is \$16,854,600. This amount is \$1,350,000 higher than the anticipated in the FY 18 budget.

The approximate self-insured Workers' Compensation Trust fund year-end liability anticipated is \$1,782,600. This amount is \$333,000 higher than the anticipated in the FY 18 budget.

In order have the appropriate funds available to pay the anticipated claims, an additional \$1,683,000 budget appropriation is required. The funds are available in the reserves of the Self-Insured Employee Benefits Trust fund.

Contact Name and Number:

Laura Ingegneri, (623) 773-7103

Barry Houg, (623) 773-7174

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 16C.

Date Prepared: 5/23/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Andy Granger, Deputy City Manager
FROM: Adina Lund, P.E., Development and Engineering Director
SUBJECT: Budget Transfer, Beardsley Water Reclamation Facility Expansion Study

Purpose:

Discussion and possible action to approve a budget transfer in the amount of \$60,000 from the Trunk Sewer Rehabilitation project to the Beardsley Water Reclamation Facility (WRF) Equipment Upgrades project to perform a scoping and cost estimating study for future expansion of the Beardsley Water Reclamation Facility.

Summary:

The City's FY2018-FY2027 Capital Improvement Program included the UT00296 - Trunk Sewer Rehabilitation program which addresses defective sewer segments in the City's wastewater collection system. Several segments were rehabilitated in FY18 and more are planned for FY19. However, the costs for the FY18 rehabilitation work came in under what was originally estimated. Staff would like to utilize a portion of this budget for a study to plan an expansion of the Beardsley Water Reclamation Facility.

The Beardsley Water Reclamation Facility was originally designed by Carollo Engineers. Carollo also worked on subsequent expansions. Per County requirements, the plant is close to reaching a requirement for design services to take place on a future expansion. To better prepare for this, staff is proposing a direct select contract with Carollo Engineers to evaluate the scope and cost of what the next expansion would look like. This information will then be used in upcoming CIP planning efforts.

The proposed study does not include any design effort. The cost for this effort will be included in the future CIP estimates.

Options:

A: Approve a budget transfer in the amount of \$60,000 from the Trunk Sewer Rehabilitation project to the Beardsley WRF Equipment Upgrades project.

B: Deny approval of the budget transfer. This will result in cancellation of the project.

Staff Recommendation:

Staff recommends approval of a budget transfer in the amount of \$60,000 from the Trunk Sewer Rehabilitation project, Wastewater Fund, Wastewater System Account 2400-2550-CIPWW-543003-UT00296 to the Beardsley WRF Equipment Upgrade project, Wastewater Fund, Wastewater System Account 2400-2550-CIPWW-543003-UT00314.

Fiscal Analysis:

The funds being transferred have been approved in the FY2018 capital program and will not impact utility rates.

Contact Name and Number:

Adina Lund, P.E., Development and Engineering Director, (623) 773-7249

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 17C.

Date Prepared: 5/22/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Katie Gregory, Deputy City Manager
FROM: Barry Houg, Deputy Director, Finance and Budget Department
SUBJECT: Residential Solid Waste Rate Adjustments

Purpose:

Discussion and possible action to adopt **RES. 2018-63** adjusting the Residential Solid Waste rates effective July 1, 2018.

Summary:

The current Residential Solid Waste rate was adopted in FY2018 after an extended period with no adjustments. The current monthly Residential Solid Waste fee of \$13.60 includes once-a-week collection of customer refuse and recycling materials, two curbside bulk trash collections per year and three household hazardous waste collection opportunities per year.

Until recently, the Residential Solid Waste operating fund had benefitted from a number of factors such as favorable landfill rates, steady recycling rates and reduced diesel fuel prices that have enabled the operation to maintain relative price stability. The current environment is changing as the program's operating costs are increasing at higher rates. The primary factors behind this cost growth are inflationary pressures, increasing landfill rates and lower annual recycling revenues due to depressed market conditions and increased processing costs. Serving a growing city is requiring the addition of staff and vehicles – eleven (11) staff and seven (7) vehicles from FY2016 – FY2019. The additional ongoing costs associated with these resource additions as well as the anticipated annual increases to the fund's primary cost inputs exceed what the fund can support without additional rate revenues.

City staff is recommending that the monthly Residential Solid Waste rate for FY2019 adjust by \$0.82 per account, or 6.0%, effective July 1, 2018. The adjustment will result in a resident's monthly cost for service being \$14.42 per month, which is still lower than the comparable rate was in FY2012. Staff is recommending a single year rate adoption for FY2019, but anticipates submitting two years of forecasted adjustments beginning in FY2020 that will coordinate with water and wastewater adjustments.

Previous Actions/Background:

At the April 9, 2018 Council Budget Study Session, staff presented an overview of the recommendations for Residential Solid Waste rate adjustments for FY2019.

Options:

A: That the Mayor and Council adopt a Resolution adjusting the Residential Solid Waste rates, making the new rates effective July 1, 2018.

B: That the Mayor and Council elect to not adopt the recommended Residential Solid Waste rates planned to be effective on July 1, 2018. Not adopting the recommended rates, would continue the rates currently in effect.

Staff Recommendation:

Staff recommends that the Council adopt the recommended Residential Solid Waste rate adjustment, making the new rate effective July 1, 2018.

Fiscal Analysis:

The proposed Residential Solid Waste rate adjustment provides an appropriate level of revenue necessary in FY2019 for the service to address additional operational requirements. The proposed Residential Solid Waste rate adjustment are estimated to increase FY2019 Residential Solid Waste revenues by approximately \$570,000 over the anticipated revenue increases from new customer growth in the fund.

The Residential Solid Waste rate adjustment will add an additional \$0.82 to a resident's bill, resulting in a monthly cost of \$14.42 beginning July 1, 2018.

ATTACHMENTS:

Resolution

Residential Solid Waste Rate Table

Contact Name and Number:

Barry Houg, (623) 773-7174

RESOLUTION NO. 2018-63

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING CERTAIN ADJUSTMENTS AND INCREASES TO THE RATES IMPOSED FOR USE OF MUNICIPAL SOLID WASTE SERVICES AND ADOPTING A SCHEDULE OF CHARGES FOR THE USE OF MUNICIPAL SOLID WASTE SERVICES; SOLID WASTE RATE COMPONENTS; SERVICE CHARGES AND FEES FOR THE USE OF MUNICIPAL SOLID WASTE SERVICES AND ALL SUCH ADJUSTMENTS TO BECOME EFFECTIVE AS PROVIDED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Effective July 1, 2018 monthly residential solid waste user charges, rate components, service charges and fees shall be in accordance with the attached schedule (Exhibit 2) which is incorporated by reference. Charges shall be based upon each user's monthly solid waste service records maintained by the City of Peoria.

Section 2. That the Chief Financial Officer is hereby authorized to implement the residential recycling rates provided for in Exhibit 2 on the effective date.

Section 3. That all other rates presently being charged are hereby affirmed and will remain in effect until changed by the City Council.

Section 4. This Resolution shall become effective in the manner provided by law.

PASSED AND ADOPTED BY the Mayor and Council of the City of Peoria, Arizona this 5th day of June, 2018.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Vanessa P. Hickman, City Attorney

Effective Date: _____

RESIDENTIAL SOLID WASTE RATE SUMMARY SCHEDULE

	Effective 7/1/2017	Effective 7/1/2018
Residential Customers		
Single Trash Barrel	\$ 9.69	\$ 9.69
Single Recycling Barrel	\$ 3.91	<u>\$ 4.73</u>
Two trash barrels	\$ 24.60	<u>\$ 26.24</u>
Three trash barrels	\$ 35.60	<u>\$ 38.06</u>
Four trash barrels	\$ 46.60	<u>\$ 49.88</u>
Five or more barrels - rate per barrel	\$ 13.60	<u>\$ 14.42</u>
Replacement Barrel	Cost +20%	<u>\$ 67.20</u>
Special Haul Service		Effective 7/1/2018
Cost per 15 min. of on-site staff time	\$ 25.00	
Costs for first 30 min of on-site staff time		<u>\$50.00</u>
Extra Equipment Charge - pick-ups requiring the use of a Kubota Tractor		<u>\$50.00</u>

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 18C.

Date Prepared: 5/22/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Katie Gregory, Deputy City Manager
FROM: Barry Houg, Deputy Director, Finance and Budget Department
SUBJECT: Commercial Solid Waste Rate Adjustments

Purpose:

Discussion and possible action to adopt **RES. 2018-64** adjusting the Commercial Solid Waste rates effective July 1, 2018.

Summary:

Rate adjustments are being proposed in both the Front-Load service and the Roll-Off service programs within the Commercial Solid Waste Fund. Commercial Front-Load rates were last adjusted in FY2013, while the Roll-Off services rates were last adjusted in FY2016. The City provides both services to customers within the City on a competitive basis with other private providers. Revenues and expenses for each operation are managed independently so that one operation is not subsidizing the other.

Beginning in FY2017, state statute changed to provide multi-family customers (apartments, trailer parks, etc.) with the option of selecting private providers for waste-hauling services. As a result, a number of large properties elected to discontinue services with the City, resulting in an approximate 13% reduction in the program's revenues. The program has since added a modest number of new commercial accounts, but the lower revenue from the account losses created an ongoing deficit that could not reasonably be covered by account growth. Staff explored opportunities for cost reductions and operating efficiencies and will continue to do so. However normal operating cost increases such as staffing, landfill and vehicle operating cost growth necessitate an increase in rates.

The City's Roll-Off program services a wide variety of residential, commercial, and governmental accounts that require large bulk hauling that is usually short-term in nature. The program derives a large share of its revenues from servicing the Butler Water Reclamation Facility's large-scale and regular hauling requirements. The program faces the same operating cost issues as the Front-Load program and is challenged in reaching a revenue level that will consistently offset its operating costs.

Staff is recommending that the Front-Load monthly container rates adjust by 5%, effective July

1, 2018. Since a customer's monthly cost is based on several factors (the number of containers; their respective size; and the frequency of collection), the impact will vary by account. Staff is recommending three adjustments in the Roll-Off program: 1) the monthly rental rate be re-established at \$50 per month for all size boxes; 2) the empty-return rate or pull charge be increased from \$200 per pull to \$210; and 3) the tonnage fee be increased from \$28 to \$31 for each ton of material hauled.

The Roll-Off program's customer base varies between accounts who own containers and pay the City for pulls and those who both rent containers and pay for each pull. In the case of the former, an account would experience the \$10 increase (or 5%) with each pull along with \$3 additional for each ton. Those not owning a container would see an increase of \$60 per pull plus \$3 additional for each ton under the new rates.

Staff anticipates a second year of Front-Load adjustments similar to FY2019's recommendation will be required to reduce its operating deficit, followed by more modest adjustments thereafter to keep pace with operating cost inflation. Staff projects that the Roll-Off program will require modest rate adjustments in future years to maintain pace with operating cost growth. The Commercial Solid Waste Fund has adequate fund balance and exceeds the City's financial guidelines for enterprise operations outlined in its Principles of Sound Financial Management.

Previous Actions/Background:

At the April 9, 2018 Council Budget Study Session, staff presented an overview of the recommendations for Commercial Solid Waste rate adjustments for FY2019.

On April 4, 2018, the City provided 60-day public notice on its website and through publication available in the City Clerk's Office, that the Council would consider these adjustments at its June 5th meeting as required by A.R.S. §9-499.15

Options:

A: That the Mayor and Council adopt a Resolution adjusting the Commercial Solid Waste rates, making the new rates effective July 1, 2018.

B: That the Mayor and Council elect to not adopt the recommended Commercial Solid Waste rates planned to be effective on July 1, 2018. Not adopting the recommended rates, would continue the rates currently in effect.

Staff Recommendation:

Staff recommends that the Council adopt the recommended Commercial Solid Waste rate adjustments, making the new rates effective July 1, 2018.

Fiscal Analysis:

The proposed Commercial Solid Waste rate adjustments provide increased revenue necessary in FY2019 for the service to address operational requirements. The proposed Front-Load rate adjustments are estimated to increase FY2019 program revenues by approximately \$75,000.

The proposed Roll-Off adjustments are estimated to increase FY2019 revenues to the program by approximately \$40,000.

ATTACHMENTS:

Resolution

Commercial Solid Waste Rate Table

Commercial Roll-Off Solid Waste Rate Table

Contact Name and Number:

Barry Houg, (623) 773-7174

RESOLUTION NO. 2018-64

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING CERTAIN ADJUSTMENTS AND INCREASES TO THE RATES IMPOSED FOR USE OF MUNICIPAL SOLID WASTE SERVICES AND ADOPTING A SCHEDULE OF CHARGES FOR THE USE OF MUNICIPAL SOLID WASTE SERVICES; SOLID WASTE RATE COMPONENTS; SERVICE CHARGES AND FEES FOR THE USE OF MUNICIPAL SOLID WASTE SERVICES AND ALL SUCH ADJUSTMENTS TO BECOME EFFECTIVE AS PROVIDED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Effective July 1, 2018 monthly commercial solid waste user charges, rate components, service charges and fees shall be in accordance with the attached schedule (Exhibit 2) which is incorporated by reference. Charges shall be based upon each user's monthly solid waste service records maintained by the City of Peoria.

Section 2. Effective July 1, 2018 monthly roll-off solid waste user charges, rate components, service charges and fees shall be in accordance with the attached schedule (Exhibit 3) which is incorporated by reference. Charges shall be based upon each user's monthly solid waste service records maintained by the City of Peoria.

Section 3. That the Chief Financial Officer is hereby authorized to implement the rates and fees provided for in Exhibits 3 & 4 on the effective date.

Section 4. That all other rates presently being charged are hereby affirmed and will remain in effect until changed by the City Council.

Section 5. This Resolution shall become effective in the manner provided by law.

PASSED AND ADOPTED BY the Mayor and Council of the City of Peoria, Arizona this 5th
day of June, 2018.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Vanessa P. Hickman, City Attorney

Effective Date: _____

COMMERCIAL SOLID WASTE RATE SUMMARY SCHEDULE

		Effective 7/1/2012	Effective 7/1/2018
Container Size	No. of pick-ups per week		
2 Cu. Yd Container	1 time per week	\$62.44	<u>\$65.56</u>
	2 times per week	\$97.31	<u>\$102.18</u>
	3 times per week	\$143.21	<u>\$150.37</u>
	4 times per week	\$189.11	<u>\$198.57</u>
	5 times per week	\$235.00	<u>\$246.75</u>
	6 times per week	\$280.90	<u>\$294.95</u>
	7 times per week	\$338.28	<u>\$355.19</u>
3 Cu. Yd Container	1 time per week	\$66.40	<u>\$69.72</u>
	2 times per week	\$106.74	<u>\$112.08</u>
	3 times per week	\$157.31	<u>\$165.18</u>
	4 times per week	\$207.85	<u>\$218.24</u>
	5 times per week	\$258.43	<u>\$271.35</u>
	6 times per week	\$309.00	<u>\$324.45</u>
	7 times per week	\$372.22	<u>\$390.83</u>
4 Cu. Yd Container	1 time per week	\$70.43	<u>\$73.95</u>
	2 times per week	\$116.23	<u>\$122.04</u>
	3 times per week	\$171.46	<u>\$180.03</u>
	4 times per week	\$226.70	<u>\$238.04</u>
	5 times per week	\$281.92	<u>\$296.02</u>
	6 times per week	\$337.16	<u>\$354.02</u>
	7 times per week	\$406.20	<u>\$426.51</u>
6 Cu. Yd Container	1 time per week	\$78.42	<u>\$82.34</u>
	2 times per week	\$135.15	<u>\$141.91</u>
	3 times per week	\$199.72	<u>\$209.71</u>
	4 times per week	\$264.29	<u>\$277.50</u>
	5 times per week	\$328.85	<u>\$345.29</u>
	6 times per week	\$393.43	<u>\$413.10</u>
	7 times per week	\$474.15	<u>\$497.86</u>

COMMERCIAL SOLID WASTE RATE SUMMARY SCHEDULE

Continued

		Effective 7/1/2012	Effective 7/1/2018
Container Size	No. of pick-ups per week		
8 Cu. Yd Container	1 time per week	\$86.39	<u>\$90.71</u>
	2 times per week	\$153.97	<u>\$161.67</u>
	3 times per week	\$227.90	<u>\$239.30</u>
	4 times per week	\$301.80	<u>\$316.89</u>
	5 times per week	\$375.69	<u>\$394.47</u>
	6 times per week	\$449.61	<u>\$472.09</u>
	7 times per week	\$542.01	<u>\$569.11</u>
4 Cu. Yd Compactor	1 time per week	\$152.83	<u>\$160.47</u>
	2 times per week	\$293.92	<u>\$308.62</u>
	3 times per week	\$435.00	<u>\$456.75</u>
	4 times per week	\$576.09	<u>\$604.89</u>
	5 times per week	\$717.18	<u>\$753.04</u>
	6 times per week	\$858.27	<u>\$901.18</u>
	7 times per week	\$1,034.64	<u>\$1,086.37</u>
6 Cu. Yd Compactor	1 time per week	\$173.25	<u>\$181.91</u>
	2 times per week	\$332.95	<u>\$349.60</u>
	3 times per week	\$492.45	<u>\$517.07</u>
	4 times per week	\$651.95	<u>\$684.55</u>
	5 times per week	\$811.44	<u>\$852.01</u>
	6 times per week	\$970.95	<u>\$1,019.50</u>
	7 times per week	\$1,170.34	<u>\$1,228.86</u>
8 Cu. Yd Compactor	1 time per week	\$193.33	<u>\$203.00</u>
	2 times per week	\$371.24	<u>\$389.80</u>
	3 times per week	\$549.15	<u>\$576.61</u>
	4 times per week	\$727.07	<u>\$763.42</u>
	5 times per week	\$904.98	<u>\$950.23</u>
90 gallon barrel	1 time per week	\$15.06	
	2 times per week	\$30.12	
	3 times per week	\$45.18	
	4 times per week	\$60.24	
	5 times per week	\$75.30	

MISCELLANEOUS COMMERCIAL SANITATION CHARGES		
	1/4/2005	Effective 7/1/2018
Special Haul Collection - ea. visit per \$15min.	\$25.00	
Special Haul Collection - ea. visit per \$30min.		<u>\$100.00</u>
Extra Equipment Charge - pick-ups requiring the use of a Kubota Tractor	\$50.00	<u>\$50.00</u>

ROLL-OFF SOLID WASTE RATE SUMMARY SCHEDULE

	Effective 7/1/2015	Effective 7/1/2018
Containers		
Monthly Rental Fees:		
20-Yd Container	\$ —	<u>\$ 50.00</u>
30-Yd Container	\$ —	<u>\$ 50.00</u>
40-Yd Container	\$ —	<u>\$ 50.00</u>
Fee per Container Pull (all sizes)	\$ 200.00	<u>\$ 210.00</u>
Delivery Service Charge	\$ 32.00	\$ 32.00
Disposal Fee per Ton (or portion thereof)	\$ 28.00	<u>\$ 31.00</u>

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 19C.

Date Prepared: 5/22/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Katie Gregory, Deputy City Manager
FROM: Barry Houg, Deputy Director Finance & Budget
SUBJECT: Fiscal Year 2019 Property Tax Levy

Purpose:

Discussion and possible action to approve **RES. 2018-65** and **ORD. 2018-13** adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for the Fiscal Year 2019 and declaring an emergency.

Summary:

During the FY 2019 budget deliberations it was recommended the City's overall property tax rate remain at \$1.44 per \$100 of assessed valuation. The primary property tax rate is recommended to be set to \$.2900 per \$100 of assessed valuation, with the secondary tax rate at \$1.15 per \$100 of assessed valuation. Within the overall property tax rate, the FY2019 budget includes moving \$0.1000 from the secondary property tax rate to the primary property tax rate. Previously the primary property tax rate had been \$0.19 per \$100 of assessed valuation and the secondary tax rate was \$1.25 per \$100 of assessed valuation.

Given the proposed rate, the primary property tax levy is expected to generate \$4,175,767 in the next fiscal year. New development within the City limits will generate an additional \$70,342 and increased valuations on existing properties will generate an additional \$1,517,507.

The City's secondary property tax rate is used to retire outstanding debt on City-issued general obligation bonds. This will generate a secondary tax levy of \$16,559,075.

The overall FY 2019 property tax levy is \$20,734,842, which represents an increase of 7.4 percent from the FY 2018 levy.

In compliance with Section 42-17104 and 42-17107, Arizona Revised Statutes, the City of Peoria notified property taxpayers through advertisements placed in the Peoria Times on May 4, 2018 and May 11, 2018 of our intention to set the City's primary property tax levy. A public hearing was held on May 15, 2018 for purposes of Truth in Taxation requirements of the Arizona Revised Statutes; thereafter, a public hearing was held on May 15, 2018 for citizen input into the fiscal year 2019 budget, which was adopted based upon these proposed levies. Additionally, a

public hearing was held on May 15, 2018 for citizen input into the proposed tax levies.

Previous Actions/Background:

At the Council Budget Workshop held April 9 and April 10, Council reviewed and discussed a budget that did not include any changes in the overall property tax rate for FY 2019.

A public hearing was held on May 15, 2018, for citizen input into the proposed tax levies.

Options:

A : That the Mayor and Council approve the resolution and ordinance adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for FY 2019.

B: That the Mayor and Council not approve the property tax levies and provide staff direction to change the property tax levies.

Staff Recommendation:

Staff recommends that the Mayor and Council approve the resolution and ordinance adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for FY 2019.

Fiscal Analysis:

The City's overall property tax rate will remain the same as the previous year at \$1.44 per \$100 of assessed valuation. Given the proposed rate, the primary property tax levy is expected to generate \$4,175,767 and the secondary property tax levy is expected to generate \$16,559,075 in the next fiscal year.

ATTACHMENTS:

Resolution for FY2019 Property Tax Levy
Ordinance for FY2019 Property Tax Levy

Contact Name and Number:

Barry Houg, (623) 773-7174

RESOLUTION NO. 2018-65

A RESOLUTION OF THE MAYOR AND COUNCIL
OF THE CITY OF PEORIA, ARIZONA, APPROVING
ORDINANCE 2018-13.

WHEREAS, in accordance with the provisions of Title 42, Section 17253, A.R.S. the City Council shall by resolution levy the tax for the city, and

WHEREAS, in accordance with said sections of said Code, compute the tax rate per one hundred dollars of valuation to be levied for each separate fund for which taxes are to be levied and collected; and

WHEREAS, in accordance with said sections of said Code, deliver a certified duplicate of its tax levy to the county board of supervisors on or before the day on which the board of supervisors levies the county tax; and

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

That said tax levies shown on the accompanying Ordinance 2018-13, are hereby adopted for Fiscal Year 2019.

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 5th day of June 2018.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Vanessa P. Hickman, City Attorney

ORDINANCE NO. 2018-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA, SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS AND PROVIDING FUNDS FOR GENERAL MUNICIPAL EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2019, AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby levied a primary property tax of \$4,175,457.67 for the fiscal year ending on the 30th day of June, 2019. The levy is based on a rate for each One Hundred Dollars (\$100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City of Peoria, located in Maricopa County, Arizona, except such property as may be by law exempt from taxation. If such sum exceeds the maximum levy allowed by law, the Board of Supervisors of the County of Maricopa is hereby authorized to reduce the levy to the maximum amount allowed by law after providing notice to the City.

SECTION 2. There is hereby levied a primary property tax of \$309.12 for the fiscal year ending on the 30th day of June, 2019. The levy is based on a rate for each One Hundred Dollars (\$100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City of Peoria, located in Yavapai County, Arizona, except such property as may be by law exempt from taxation. If such sum exceeds the maximum levy allowed by law, the Board of Supervisors of the County of Yavapai is hereby authorized to reduce the levy to the maximum amount allowed by law after providing notice to the City.

SECTION 3. In addition to the rate set in Section 1 hereof, there is hereby levied a secondary property tax of \$16,557,849.37, to support the general obligation bond debt service due during the year for the purpose of providing a bond interest and redemption fund for the City of Peoria for the fiscal year ending June 30, 2019. The levy is based on a rate for each One Hundred Dollars (\$100.00) of assessed valuation of all

property, both real and personal, within the corporate limits of the City of Peoria, located in Maricopa County, except such property as may be by law exempt from taxation.

SECTION 4. In addition to the rate set in Section 2 hereof, there is hereby levied a secondary property tax of \$1,225.82, to support the general obligation bond debt service due during the year for the purpose of providing a bond interest and redemption fund for the City of Peoria for the fiscal year ending June 30, 2019. The levy is based on a rate for each One Hundred Dollars (\$100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Peoria, located in Yavapai County, except such property as may be by law exempt from taxation.

SECTION 5. Failure by the County Officials of Maricopa County, Arizona to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax deed; failure or neglect of any officer or officers to perform or to timely perform any of the duties assigned to him or them shall not invalidate any proceeding or any deed deficiency or sale pursuant thereto; the validity of the assessment or levy of taxes, or of the judgment of sale by which the collection of the same may be enforced, shall not affect the lien of the City of Peoria upon such property for delinquent taxes paid thereon; overcharge as to part of the taxes or of costs shall not invalidate any proceedings for the collection of taxes, or the foreclosure of lien therefore, or a sale of property under such foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

SECTION 6. Failure by the County Officials of Yavapai County, Arizona to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax deed; failure or neglect of any officer or officers to perform or to timely perform any of the duties assigned to him or them shall not invalidate any proceeding or any deed deficiency or sale pursuant thereto; the validity of the assessment or levy of taxes, or of the judgment of sale by which the collection of the same may be enforced, shall not affect the lien of the City of Peoria upon such property for delinquent taxes paid thereon; overcharge as to part of the taxes or of costs shall not invalidate any proceedings for the collection of taxes, or the foreclosure of lien therefore, or a sale of property under such foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

SECTION 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. This ordinance shall be in full force and effect from and after its passage by the Mayor and City Council.

SECTION 9. In conformance with A.R.S. § 42-17107, the City Council held a public hearing on May 15, 2018 to allow discussion on the City's intent to increase the primary tax levy.

SECTION 10. In order to preserve the peace, health and safety of the City of Peoria, an EMERGENCY is declared to exist and this ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 5th day of June 2018.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Vanessa P. Hickman, City Attorney

Published in: Peoria Times
Publication Dates: June 15 and 29, 2018
Effective Date: _____

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 20C.

Date Prepared: 5/22/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Katie Gregory, Deputy City Manager
FROM: Barry Houg, Deputy Director Finance & Budget
SUBJECT: Fiscal Year 2019 SLID/MID Levies

Purpose:

Discussion and possible action to adopt **ORD. 2018-14** and **ORD. 2018-15** approving the Street Light and Maintenance Improvement District Levies for Fiscal Year 2019 and declaring an emergency.

Summary:

The Council will consider a motion to adopt an ordinance for 268 Street Light Improvement Districts located in the City. A second action is requested to consider adoption of an ordinance for the 11 Maintenance Improvement Districts located in the City. These ordinances approve levies for each active street light district and active maintenance improvement district in the City.

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

Previous Actions/Background:

A schedule of SLIDS and MIDS was published in the Peoria Times on May 4, 2018, and May 11, 2018.

Options:

A : That the Mayor and Council approve the ordinances adopting the Street Light and Maintenance Improvement District Levies for FY 2019.

B: That the Mayor and Council not approve the improvement district tax levies and provide staff direction to change the improvement district tax levies.

Staff Recommendation:

Staff recommends that the Mayor and Council approve the ordinances adopting the Street Light and Maintenance Improvement District Levies for FY 2019.

Fiscal Analysis:

The Street Light Improvement District levy is expected to generate \$793,155 and the Maintenance Improvement District levy is expected to generate \$105,299 in the next fiscal year.

ATTACHMENTS:

Street Light Improvement Districts Ordinance
Schedule of Street Light Improvement Districts
Maintenance Improvement Districts Ordinance
Schedule of Maintenance Improvement Districts

Contact Name and Number:

Barry Houg, (623) 773-7174

ORDINANCE NO. 2018-14

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA AND WITHIN THE FOLLOWING STREET LIGHT IMPROVEMENT DISTRICTS EACH DESIGNATED AS CITY OF PEORIA STREET LIGHT IMPROVEMENT DISTRICT NOS. 1 - 34 INCLUSIVE, NOS. 36 – 37, INCLUSIVE, NOS. 39 - 51 INCLUSIVE, NOS. 54 - 64 INCLUSIVE, NO. 66, NOS. 70 - 73 INCLUSIVE, NOS. 76 - 80 INCLUSIVE, NOS. 82 - 84 INCLUSIVE, NOS. 93 - 99 INCLUSIVE, NOS. 101 - 102 INCLUSIVE, NO. 104, NOS. 107 - 108 INCLUSIVE, NO. 110, NO. 114, NOS. 116 - 117 INCLUSIVE, NO. 119, NOS. 121 - 123 INCLUSIVE, NOS. 125 - 129 INCLUSIVE, NO. 131, NOS. 135 -157 INCLUSIVE, NOS. 159 – 164 INCLUSIVE, NOS. 166 - 167 INCLUSIVE, NOS. 171 - 172 INCLUSIVE, NO. 174, NOS. 176 - 177 INCLUSIVE, NO. 179, NOS. 183 - 185 INCLUSIVE, NOS. 187 - 191 INCLUSIVE, NO. 195, NOS. 197 - 199 INCLUSIVE, NOS. 201 - 202 INCLUSIVE, NOS. 204 - 216 INCLUSIVE, NO. 218, NO. 221-240 INCLUSIVE, NOS. 1000-1002 INCLUSIVE, NOS. 1004-1014 INCLUSIVE, NO. 1016-1025 INCLUSIVE, NOS. 1029-1035 INCLUSIVE, NOS. 1038 - 1039 INCLUSIVE, NOS. 1045 - 1046 INCLUSIVE, NOS. 1048-1050 INCLUSIVE, NOS. 1053 - 1056 INCLUSIVE, NOS. 1058-1063 INCLUSIVE, NOS. 1065 – 1089 INCLUSIVE, NO. 1091, NO. 1096-1097 INCLUSIVE, NOS. 1101-1103 INCLUSIVE, AND NO. 1109-1111 INCLUSIVE, 1114-1115 INCLUSIVE SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR THE PURPOSE OF GENERAL DISTRICT EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2019, AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby levied on each One Hundred Dollars (\$100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City of Peoria Street Light Improvement Districts, except such property as may be by law exempt from taxation, a primary property tax rate sufficient to raise a sum necessary to pay annual expenses of said District for the fiscal year ending on the 30th day of June, 2019. If such sum exceeds the maximum levy allowed by law, the Board of Supervisors of the County of Maricopa is hereby authorized to reduce the levy to the maximum amount allowed by law after providing notice to the City.

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

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

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

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Arizona, this 5th day of June 2018.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Vanessa P. Hickman, City Attorney

Published in: Peoria Times
Publication Dates: June 15 and 29, 2018
Effective Date: _____

CITY OF PEORIA
2018/2019 BUDGET

City #	Subdivision Name	Assessment
SLID 1	Westfield Gardens	1,346
SLID 2	Autumn Point	1,567
SLID 3	Vistas Avenida II	1,094
SLID 4	Cypress Point Estates II @ WBV	1,767
SLID 5	Shavano	1,741
SLID 6	Bell Park Central	2,609
SLID 7	Bell Park & Parcels 2B-8	7,379
SLID 8	Foxwood Unit Four	1,741
SLID 9	Vista Crossing	1,213
SLID 10	Vista Pinnacle	2,721
SLID 11	North Shores @ Ventana Lakes	841
SLID 12	Vistas @ Desert Harbor Phase I	1,514
SLID 13	Village Terrace	2,010
SLID 14	The Coves/Ventana Lakes	3,763
SLID 15	Windwood	957
SLID 16	Lakeside Unit 2 @ Ventana Lakes	2,422
SLID 17	Arrowhead Shores I	3,030
SLID 18	Arrowhead Shores II	2,777
SLID 19	Westfield Gardens 2	787
SLID 20	Cactus Point Crossing	1,891
SLID 21	Country Meadows Estates	1,935
SLID 22	The Gardens @ V.L. includes North Park	4,124
SLID 23	Brookside Village I & II	1,767
SLID 24	Country Meadows Unit 11	169
SLID 25	Vista Point, Village Terrace II & III @ WBV	2,919
SLID 26	Calbrisa	2,079
SLID 27	Torrey Pines I & II	3,114
SLID 28	The Landings @ V.L. includes South Bay	3,114
SLID 29	Sweetwater Place	2,438
SLID 30	Vistas @ Desert Harbor Unit II	1,683
SLID 31	Westfield Gardens III	1,471
SLID 32	83rd Ave & Thunderbird	4,266
SLID 33	Crystal Cove	2,272
SLID 34	Villas @ Desert Harbor	673
SLID 36	Arrowhead Cove	1,935
SLID 37	Vistas Fairways @ WBV	2,691
SLID 39	Bridlewood	6,144
SLID 40	The Shores @ V.L.	757
SLID 41	Fairway Views @ WBV	1,851
SLID 42	Sweetwater Place II	783
SLID 43	Steeple Hill	2,515
SLID 44	Paradise Shores	1,430

City #	Subdivision Name	Assessment
SLID 45	Calle Lejos Estates	1,178
SLID 46	Eagle Ridge @ WBV	2,525
SLID 47	Olive Park	1,132
SLID 48	Paseo Verde Estates	2,955
SLID 49	The Boardwalk	2,693
SLID 50	Parkridge I & II	12,288
SLID 51	Scotland Hills @ WBV	1,514
SLID 54	Wildflower Point I	2,020
SLID 55	Crystal Bay @ Desert Harbor	420
SLID 56	Diamond Cove @ Desert Harbor	2,229
SLID 57	Alta Vista Estates	8,831
SLID 58	Sweetwater Ridge	5,772
SLID 59	Hunter Ridge	2,356
SLID 60	Arrowhead Horizons	1,767
SLID 61	Cactus Place	673
SLID 62	Legacy Place	1,828
SLID 63	Granite Run	3,198
SLID 64	Willow Ridge @ WBV	3,703
SLID 66	New River Shores	3,282
SLID 70	Sweetwater Ridge Unit 3	469
SLID 71	Teresita	2,084
SLID 72	Country Club Estates @ WBV	1,010
SLID 73	Fletcher Heights Phase 1A	16,883
SLID 76	Silverton	6,144
SLID 77	Deer Village Unit 3	1,346
SLID 78	Deer Village Unit 1	2,020
SLID 79	Deer Village Unit 2	2,188
SLID 80	Deer Village Unit 4	1,599
SLID 82	Pivotal Peoria Center Tracts C & D	1,915
SLID 83	Fairmont Unit 1	4,881
SLID 84	Fairmont Unit 2	3,030
SLID 93	Terramar Parcel 1	5,017
SLID 94	Terramar Parcel 2A	570
SLID 95	Terramar Parcel 3	2,807
SLID 96	Terramar Parcel 4A	1,743
SLID 97	Terramar Parcel 5	1,599
SLID 98	Terramar Parcel 6	3,665
SLID 99	Terramar Parcel 7B	2,025
SLID 101	Terramar Parcel 9A	1,178
SLID 102	Terramar Parcel 10A	673
SLID 104	Dove Valley Ranch Parcel 2A3	2,737
SLID 107	Fletcher Heights Phase 1B	9,136
SLID 108	Fletcher Heights Phase 1C	4,220
SLID 110	South Bay @ Ventana Lakes	1,939

City #	Subdivision Name	Assessment
SLID 114	Fletcher Heights Phase 2A	11,217
SLID 116	Tierra Norte V	3,075
SLID 117	Summersett Village	9,680
SLID 119	Dove Valley Ranch Parcel 3A	2,053
SLID 121	Dove Valley Ranch Parcels 3D & 3E	5,361
SLID 122	Clearview Estates	4,106
SLID 123	Terramar Parcel 2B	3,516
SLID 125	Terramar Parcel 12	3,714
SLID 126	Terramar Parcel 13	2,476
SLID 127	Terramar Parcel 14	1,599
SLID 128	Peoria Mountain Vistas	3,992
SLID 129	Fletcher Heights Phase 2B	10,380
SLID 131	Bay Pointe @ V.L.	5,260
SLID 135	Sun Cliff IV	4,335
SLID 136	Ironwood Phase 1A	2,167
SLID 137	Ironwood Phase 1B	1,482
SLID 138	Ironwood Phase 2A	1,140
SLID 139	Ironwood Phase 2B	912
SLID 140	Ironwood Phase 3A	570
SLID 141	Ironwood Phase 3B	570
SLID 142	Ironwood Phase 4A	570
SLID 143	Ironwood Phase 4B	684
SLID 144	Crosswinds	2,167
SLID 145	Sun Cliff III	798
SLID 146	Ryland @ Silvercreek	3,650
SLID 147	Harbor Shores @ Desert Harbor	757
SLID 148	Sun Aire Estates, UNIT 6	1,306
SLID 149	Silverton 2	5,703
SLID 150	Dove Valley Ranch Parcel 6	6,274
SLID 151	Dove Valley Ranch Parcel 3B	3,878
SLID 152	Dove Valley Ranch Parcel 3C	3,536
SLID 153	Dove Valley Ranch Parcel 3F	1,597
SLID 154	Dove Valley Ranch Parcel 2B & 2C	1,368
SLID 155	Dove Valley Ranch Parcel 2D	3,962
SLID 156	Dove Valley Ranch Parcel 2E	2,395
SLID 157	Dove Valley Ranch Parcel 2F	1,939
SLID 159	Terramar Parcel 7A	1,683
SLID 160	Terramar Parcel 11	1,580
SLID 161	Skyview Place	2,442
SLID 162	Arrowhead Shadows	2,724
SLID 163	Greystone Heritage @ V.L.	1,346
SLID 164	Erin Groves	2,912
SLID 166	Bay Pointe Unit Two @ V.L.	3,006
SLID 167	Springer Ranch 2	1,393

City #	Subdivision Name	Assessment
SLID 171	Greystone II Heritage @ V.L.	2,462
SLID 172	Erin Groves 2	1,480
SLID 174	Hunter Field Estates	1,815
SLID 176	Twin Palms	1,597
SLID 177	Desert Star Subdivision	7,795
SLID 179	Westwing Mountain Parcel 1A	1,825
SLID 183	Westwing Mountain Parcel 4	342
SLID 184	Westwing Mountain Parcel 5	228
SLID 185	Westwing Mountain Parcel 6	456
SLID 187	Westwing Mountain Parcel 8	1,366
SLID 188	Westwing Mountain Parcel 9	1,597
SLID 189	Westwing Mountain Parcel 10	1,254
SLID 190	Westwing Mountain Parcel 11	1,597
SLID 191	Westwing Mountain Parcel 12	1,482
SLID 195	South Bay Unit 2 @ Ventana Lakes	2,281
SLID 197	Sun Cliff V	3,317
SLID 198	Fletcher Heights 3A	11,891
SLID 199	Fletcher Heights 3B	3,518
SLID 201	Central Park Subdivision	3,536
SLID 202	Starlight Canyon	912
SLID 204	North Ranch	3,288
SLID 205	Tuscany Shores - Desert Harbor Parcel 12	1,346
SLID 206	West Valley Ranch	1,306
SLID 207	Sunset Ranch	3,391
SLID 208	Sonoran Mountain Ranch Parcel 1	2,609
SLID 209	Sonoran Mountain Ranch Parcel 2	2,693
SLID 210	Vistancia Village A Par A37	925
SLID 211	Vistancia Village A Par A36	1,262
SLID 212	Vistancia Village A Par A33	1,178
SLID 213	Vistancia Village Par A 32	1,010
SLID 214	Vistancia Village A Par A14	841
SLID 215	Vistancia Village A Par A13	673
SLID 216	Vistancia Village Par A12	1,094
SLID 218	Vistancia Village A Par A10B	1,010
SLID 221	Cibola Vista 1B	1,298
SLID 222	Cibola Vista 2	2,440
SLID 223	Cibola Vista 3	5,726
SLID 224	Cibola Vista 4	1,935
SLID 225	Cibola Vista 5	3,366
SLID 226	Sonoran Mountain Ranch Parcel 4.1	2,356
SLID 227	Sonoran Mountain Ranch Parcel 4.2	1,767
SLID 228	Sonoran Mountain Ranch Parcel 5	1,683
SLID 229	Sonoran Mountain Ranch Parcel 6	2,693
SLID 230	Sonoran Mountain Ranch Parcel 7	2,861

City #	Subdivision Name	Assessment
SLID 231	Sonoran Mountain Ranch Parcel 9A Ph 1	1,767
SLID 232	Sonoran Mountain Ranch Parcel 9A Ph 2	1,178
SLID 233	Westwing Ph 2 Par 18	2,041
SLID 234	Westwing Ph 2 Par 19	912
SLID 235	Westwing Ph 2 Par 29	2,965
SLID 236	Westwing Ph 2 Par 15	2,167
SLID 237	Sonoran Mtn Ranch 9b	2,567
SLID 238	Casa Del Rey	9,174
SLID 239	Westwing Ph 2 Par 21	1,021
SLID 240	Westwing Ph 2 Par 22	1,361
SLID 1000	Sonoran Mountain Ranch Parcel 10	3,955
SLID 1001	Vistancia Village A Parcel A9	1,178
SLID 1002	Fletcher Farms	2,104
SLID 1004	Vistancia Village A Parcel G10	673
SLID 1005	Vistancia Phase 2 Parcel A-8	757
SLID 1006	Vistancia Phase 2 Parcel A-15	1,094
SLID 1007	Vistancia North Parcel G-11	504
SLID 1008	Riverstone Estates	1,767
SLID 1009	Vistancia Village A Parcel G3	1,430
SLID 1010	Vistancia Parcel A-7	504
SLID 1011	Varney Village	252
SLID 1012	Vistancia North Parcel G-4	673
SLID 1013	Vistancia A28	1,851
SLID 1014	Vistancia A29	993
SLID 1016	Sonoran Mountain Ranch Parcel 14	1,935
SLID 1017	Vistancia Parcel G2	1,262
SLID 1018	Park Rose	1,973
SLID 1019	Vistancia North G-1	3,327
SLID 1020	Plaza Del Rio Phase I	420
SLID 1021	Plaza Del Rio Phase 2	1,010
SLID 1022	Tierra del Rio Parcel 6	11,650
SLID 1023	Tierra Del Rio North - Parcel 28	1,430
SLID 1024	Plaza Del Rio Phase 3	3,949
SLID 1025	Rio Estates	696
SLID 1029	Grand Manor	2,992
SLID 1030	Tierra Del Rio Parcel 10a	2,262
SLID 1031	Tierra del Rio Parcel 9	4,263
SLID 1032	Tierra Del Rio Parcel 13a	2,376
SLID 1033	Camino a Lago South, Unit 8	2,104
SLID 1034	Camino a Lago South, Unit 7	1,514
SLID 1035	Tierra Del Rio Parcel 4a	4,315
SLID 1038	Camino a Lago South, Unit 5	1,430
SLID 1039	Camino a Lago South, Unit 6	1,680
SLID 1045	Tierra Del Rio Parcel 4B	4,748

City #	Subdivision Name	Assessment
SLID 1046	Terramar 9B	3,771
SLID 1048	Tierra Del Rio Parcel 12	589
SLID 1049	Tierra Del Rio Parcel 11	925
SLID 1050	Sunset Ranch IIA	4,334
SLID 1053	The Meadows Parcel 11	8,953
SLID 1054	The Meadows Parcel 12A	18,635
SLID 1055	Sunset Ranch IIB	5,846
SLID 1056	The Meadows Parcel 12b	5,560
SLID 1058	Vistancia Parcel F3 - Phase 1	4,664
SLID 1059	Vistancia Parcel F3 - Phase 2	1,181
SLID 1060	Vistancia Parcel F4 Phase 1	4,778
SLID 1061	Vistancia Parcel F4 Ph2	967
SLID 1062	Vistancia Parcel F4 Phase 3	4,036
SLID 1063	Vistancia Parcel F5	252
SLID 1065	Vistancia Parcel F1 Phase 1	673
SLID 1066	Vistancia North Phase 3 Parcel F1 Phase 2	650
SLID 1067	The Meadows Parcel 4A	6,001
SLID 1068	Sunset Ranch IIC	757
SLID 1069	Sunset Ranch IID	899
SLID 1070	Sunset Ranch IIE	469
SLID 1071	Umbria Estates	4,208
SLID 1072	Tierra Del Rio Parcel 1	1,952
SLID 1073	Tierra Del Rio Parcel 13b	2,502
SLID 1074	Sunset Ranch IIF	168
SLID 1075	Tierra Del Rio Parcel 10B	1,608
SLID 1076	Tierra Del Rio Parcel 27	7,730
SLID 1077	Terramar Parcel 10B	1,178
SLID 1078	The Meadows Parcel 4B	5,234
SLID 1079	Tierra Buena	336
SLID 1080	Tierra Del Rio Parcel 23	8,121
SLID 1081	Sunset Ranch IIG	5,554
SLID 1082	Sunset Ranch IIH	841
SLID 1083	Tierra Buena II	3,904
SLID 1084	Tierra Del Rio Parcel 22	12,081
SLID 1085	Peoria Village	7,241
SLID 1086	Vistancia Parcel A18	3,148
SLID 1087	Vistancia Parcel A21/A22	6,589
SLID 1088	Lizard Trails	4,258
SLID 1089	Tierra Del Rio Parcel 20A & 21A	6,043
SLID 1091	Sunrise Vista	2,100
SLID 1096	Sierra Ridge Estates	6,303
SLID 1097	Terramar Cove	2,100
SLID 1101	Tierra Del Rio Parcel 2	11,717
SLID 1102	Tierra Del Rio Parcel 3A	8,700

City #	Subdivision Name	Assessment
SLID 1103	Tierra Del Rio Parcel 20b	3,334
SLID 1109	Sunset Ranch Parcel IJJ	4,898
SLID 1110	Trailside At Happy Valley Phase 1	5,972
SLID 1111	Three Olive Park	16,769
SLID 1114	The Meadows Parcel 2b	3,055
SLID 1115	Trailside At Happy Valley Phase 3	4,028
TOTAL		793,155

ORDINANCE NO. 2018-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA AND WITHIN THE FOLLOWING MAINTENANCE IMPROVEMENT DISTRICTS EACH DESIGNATED AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NOS. 1 - 7 INCLUSIVE, NO. 10, NO. 69, NO. 1025, AND NO. 1044 SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR THE PURPOSE OF GENERAL DISTRICT EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2019, AND DECLARING AN EMERGENCY

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

SECTION 1. There is hereby levied on each One Hundred Dollars (\$100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City of Peoria Maintenance Improvement Districts, except such property as may be by law exempt from taxation, a primary property tax rate sufficient to raise a sum necessary to pay annual expenses of said District for the fiscal year ending on the 30th day of June, 2019. If such sum exceeds the maximum levy allowed by law, the Board of Supervisors of the County of Maricopa is hereby authorized to reduce the levy to the maximum amount allowed by law after providing notice to the City.

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

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

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

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 5th day of June 2018.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Vanessa P. Hickman, City Attorney

Published in: Peoria Times
Publication Dates: June 15 and 29, 2018
Effective Date: _____

Maintenance Improvement Districts		
City #	Subdivision Name	Assessment
MID 1	Cactus Point Crossing	8,494
MID 2	Westfield Gardens II	7,841
MID 3	Bell Park (Parcel 5)	5,329
MID 4	Country Meadows	6,331
MID 5	Crystal Cove	19,198
MID 6	Westfield Gardens III	8,718
MID 7	Sweetwater Place	12,706
MID 10	Tierra Norte III	20,464
MID 69	Stonebridge	8,864
MID 1025	Bedford Village 1	3,528
MID 1044	Bedford Village 2	3,826
TOTAL		105,299

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 21C.

Date Prepared: 5/23/2018

Council Meeting Date: 6/5/2018

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:

Discussion and possible action to adopt **RES. 2018-66** accepting Deeds and Easements for various Real Property interests acquired by the City.

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/Background:

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:

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

Fiscal Analysis:

No fiscal impact.

ATTACHMENTS:

Exhibit 1: Resolution

Contact Name and Number:

Adina Lund, Development and Engineering Director, (623) 773-7249

RESOLUTION NO. 2018-66

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.

Arrowhead Valley Retirement Community
Arrowhead Valley Retirement Community, LLC
EASEMENT FOR PUBLIC WATER LINE
Maricopa County Recording No. 20180376021
(Project No. R160043 / Deed No. 18-008)

SEC 81st Ave. & Beardsley Rd.

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.

Resolution No. 2018-66
Acceptance of Deeds and Easements
June 5, 2018
Page 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Arizona, this 5th day of June, 2018.

Cathy Carlat, Mayor

ATTEST:

Date Signed

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Vanessa P. Hickman, City Attorney

Effective Date: _____

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 22C.

Date Prepared: 5/15/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

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

SUBJECT: Final Plat, Sonoran Place – Phase 2, Dixileta Parkway and Dysart Road

Purpose:

Discussion and possible action to approve a Final Plat of Sonoran Place – Phase 2, located on Dixileta Parkway and Dysart Road, subject to stipulations.

Summary:

The purpose of the Final Plat is to plat a subdivision for residential use. This development is within the City's water/sewer service area. This final plat creates a total of 52 new lots. All internal roadways are public and will be maintained by the City.

Previous Actions/Background:

The preliminary plat was reviewed by the City and completed in September 2017; the project was then split into two phases. Sonoran Place – Phase 1 was approved by City Council May 1, 2018.

Options:

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

B: The other option would be to formally approve the Final Plat and allow this parcel to be developed.

Staff Recommendation:

Staff recommends the approval and subsequent recordation of the attached Final Plat subject to the following stipulations:

1. All civil plans must be approved by the City of Peoria (City) prior to recordation of the Final Plat.

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

Fiscal Analysis:

No fiscal impact.

ATTACHMENTS:

Exhibit 1: Final Plat

Exhibit 2: Vicinity Map

Contact Name and Number:

Adina Lund, Development and Engineering Director, (623) 773-7249

LOT AND TRACT TABLE

LOT AREA TABLE				LOT AREA TABLE				LOT AREA TABLE				TRACT AREA TABLE			
LOT NO.	LOT AREA SQUARE FEET	ACRES		LOT NO.	LOT AREA SQUARE FEET	ACRES		LOT NO.	LOT AREA SQUARE FEET	ACRES		TRACT NO.	TRACT AREA SQUARE FEET	TRACT AREA ACRES	USER PURPOSE
LOT 71	7,708	0.1770		LOT 75	7,739	0.1773		LOT 119	6,800	0.1515		TRACT 1	3,460	0.0794	OPEN SPACE, P.U.E. & U.V.E.
LOT 72	7,620	0.1749		LOT 96	7,880	0.1791		LOT 120	6,800	0.1515		TRACT 2	3,150	0.0661	OPEN SPACE, DRAINAGE & P.U.E.
LOT 73	7,800	0.1791		LOT 97	7,800	0.1791		LOT 121	6,800	0.1515		TRACT 3	7,800	0.1772	OPEN SPACE, DRAINAGE, P.U.E. & U.V.E.
LOT 74	7,886	0.1813		LOT 98	7,730	0.1771		LOT 122	6,800	0.1515		TRACT 4	257,402	5.8991	OPEN SPACE, DRAINAGE, P.U.E. & U.V.E.
LOT 75	6,185	0.1419		LOT 99	6,333	0.1449						TRACT 5	2,130	0.0489	OPEN SPACE, P.U.E. & U.V.E.
LOT 76	7,833	0.1821		LOT 100	6,333	0.1449						TRACT 6	1,150	0.0264	OPEN SPACE, P.U.E. & U.V.E.
LOT 77	11,172	0.2585		LOT 101	6,333	0.1449									
LOT 78	13,152	0.3019		LOT 102	6,333	0.1449									
LOT 79	7,728	0.1770		LOT 103	6,332	0.1447									
LOT 80	7,800	0.1771		LOT 104	6,332	0.1448									
LOT 81	7,800	0.1791		LOT 105	6,333	0.1448									
LOT 82	7,800	0.1791		LOT 106	7,013	0.1610									
LOT 83	7,800	0.1791		LOT 107	7,013	0.1610									
LOT 84	7,800	0.1791		LOT 108	6,463	0.1498									
LOT 85	7,800	0.1791		LOT 109	7,125	0.1635									
LOT 86	7,728	0.1769		LOT 110	7,125	0.1641									
LOT 87	7,864	0.1795		LOT 111	7,150	0.1641									
LOT 88	7,500	0.1722		LOT 112	7,100	0.1630									
LOT 89	7,500	0.1722		LOT 113	6,800	0.1515									
LOT 90	7,500	0.1722		LOT 114	6,800	0.1515									
LOT 91	7,500	0.1722		LOT 115	6,627	0.1521									
LOT 92	7,500	0.1722		LOT 116	6,600	0.1515									
LOT 93	7,500	0.1722		LOT 117	6,600	0.1515									
LOT 94	7,500	0.1722		LOT 118	6,600	0.1515									

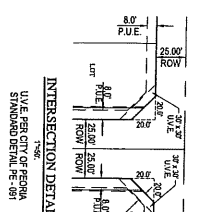
RIGHT-OF-WAY AREA TABLE			
ROADWAY NAME	CLASSIFICATION	ROW AREA SQUARE FEET	ROW AREA ACRES
W. REDSTONE DRIVE	LOCAL ROAD	21,067	0.4846
N. 31ST DRIVE	LOCAL ROAD	27,064	0.6218
N. 31ST LANE	LOCAL ROAD	12,590	0.2873
W. KOT ROGERS ROAD	LOCAL ROAD	18,994	0.4358
W. CRESTVALE DRIVE	LOCAL ROAD	30,435	0.6987
TOTAL AREA	ALL ROADS	110,520	2.5372

TRACT 1 HEREIN MAY NOT COVER THE ENTIRE TRACT. DESUED TO OWN SHEETS FOR EXACT LOCATION OF EACH USES/STATION WITHIN THE TRACT.

LINE AND CURVE TABLE

LINE	BEARING	DISTANCE	CURVE	DELTA	RADIUS	ARC
L1	N45°18'00"E	42.47'	C1	87°10'42"	125.00'	201.14'
L2	N44°43'00"W	23.25'	C2	97°04'44"	114.50'	180.43'
L3	N44°43'00"W	23.25'	C3	2°42'30"	875.00'	41.40'
L4	N40°18'00"E	25.00'	C4	37°03'00"	875.00'	58.87'
L5	S89°53'00"E	53.00'	C5	2°39'03"	875.00'	40.48'
L6	N40°18'00"E	25.00'	C6	18°18'04"	55.00'	15.85'
L7	N45°18'00"E	14.14'	C7	37°15'32"	55.00'	12.17'
L8	S45°18'00"W	14.14'	C8	48°15'16"	55.00'	46.32'
L9	S89°53'00"E	16.33'	C9	43°48'43"	55.00'	42.85'
L10	S45°18'00"W	16.33'	C10	19°20'31"	55.00'	16.57'
L11	N44°43'00"W	15.65'	C11	17°20'29"	55.00'	16.57'
L12	N45°18'00"E	23.25'	C12	15°56'29"	55.00'	15.37'
L13	N44°43'00"W	23.25'	C13	17°23'35"	55.00'	14.46'
L14	N45°18'00"E	23.25'				
L15	N44°43'00"W	23.25'				
L16	S45°18'00"W	23.25'				
L17	S89°53'00"E	30.17'				
L18	N45°18'00"E	15.65'				

LINE	BEARING	DISTANCE	CURVE	DELTA	RADIUS	ARC
L19	N45°18'00"E	15.65'	C14	52°30'00"	55.00'	50.87'
L20	N44°43'00"W	23.25'	C15	71°49'23"	55.00'	68.57'
L21	N40°18'00"E	25.00'	C16	17°20'29"	55.00'	16.57'
L22	S89°53'00"E	53.00'	C17	246°00'00"	50.00'	258.44'
L23	N40°18'00"E	25.00'	C18	60°00'00"	50.00'	52.35'
L24	N45°18'00"E	14.14'	C19	53°49'19"	50.00'	46.37'
L25	S45°18'00"W	14.14'	C20	77°15'32"	55.00'	106.85'
L26	S89°53'00"E	16.33'	C21	2°35'38"	825.00'	27.35'
L27	N44°43'00"W	23.25'	C22	12°43'50"	550.00'	188.88'



RIGHT-OF-WAY AREA TABLE

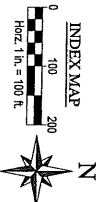
ROADWAY NAME	CLASSIFICATION	LOAN AREA SQUARE FEET	FLOW AREA ACRES
N. 131ST DRIVE	LOCAL ROAD	21,047	0.4838
N. 131ST DRIVE	LOCAL ROAD	27,044	0.6218
N. 131ST DRIVE	LOCAL ROAD	12,565	0.2873
W. ROY ROGERS ROAD	LOCAL ROAD	18,984	0.4358
W. CRESTVALE DRIVE	LOCAL ROAD	30,435	0.6987
TOTAL AREA	ALL ROADS	110,520	2.5372

ALL LOTS WITHIN THE TRACT ARE SUBJECT TO THE EASEMENTS AND RIGHTS OF WAY SHOWN ON THIS PLAN. THE LOCATION OF EACH EASEMENT IS SHOWN WITHIN THE TRACT.

SONORAN PLACE - PHASE 1 NOT A PART



LEGEND	DESCRIPTION
1. SUBDIVISION BOUNDARY LINE	1. SUBDIVISION BOUNDARY LINE
2. LOT LINE	2. LOT LINE
3. CENTER LINE	3. CENTER LINE
4. SECTION LINE	4. SECTION LINE
5. EASEMENT LINE	5. EASEMENT LINE
6. EASEMENT LINE AS NOTED	6. EASEMENT LINE AS NOTED
7. MATCH LINE	7. MATCH LINE
8. CITY OF PEORIA	8. CITY OF PEORIA
9. PUBLIC ACCESS AND UTILITY EASEMENT	9. PUBLIC ACCESS AND UTILITY EASEMENT
10. PAULE	10. PAULE
11. BOOK	11. BOOK
12. PAGE	12. PAGE
13. SAVING	13. SAVING
14. FOUND	14. FOUND
15. FINAL PLAT SONORAN PLACE - PHASE 1	15. FINAL PLAT SONORAN PLACE - PHASE 1



"SONORAN PLACE-PHASE 2"

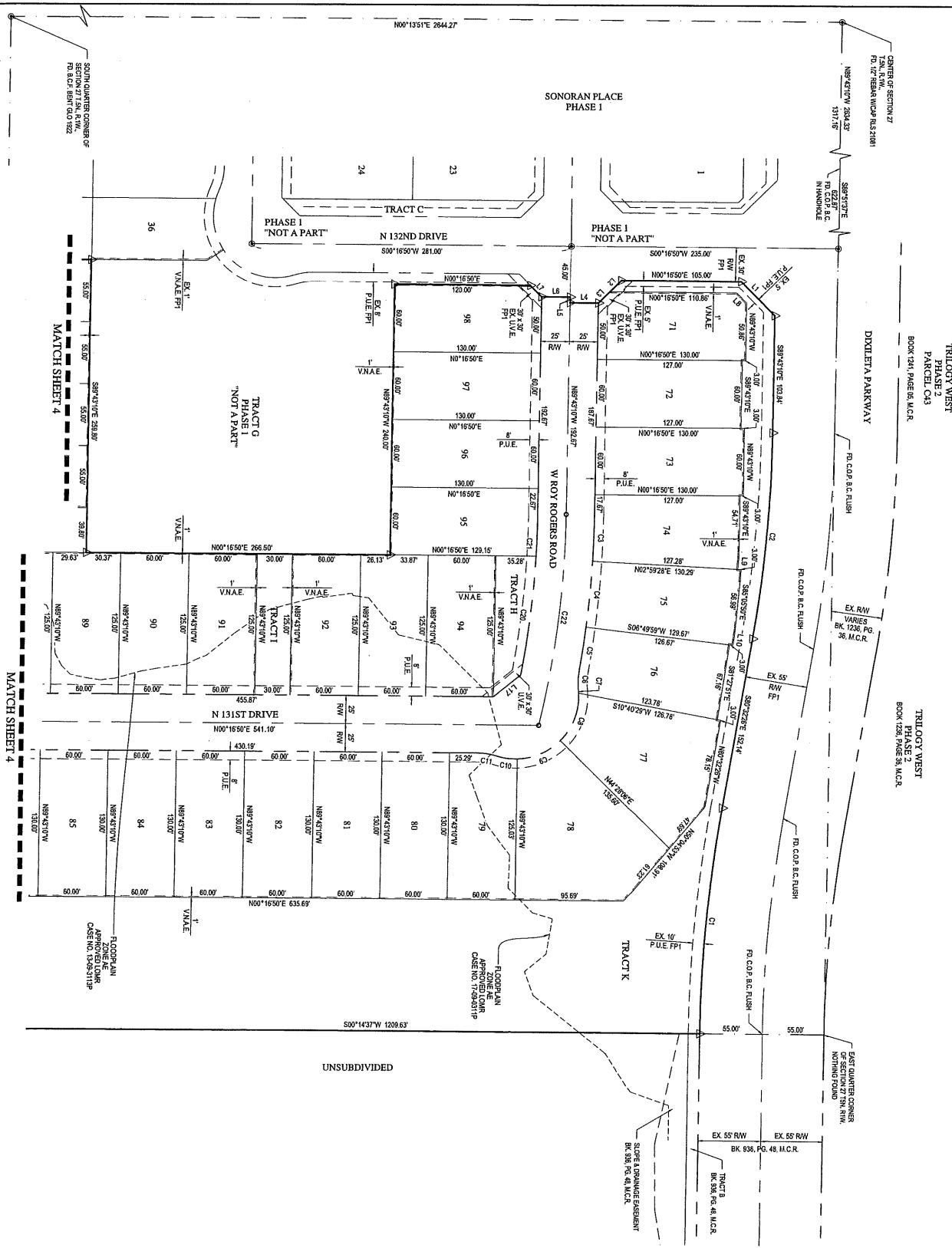
FINAL PLAT

A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GLA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

WOOD/PATEL
MISSION: CLIENT SERVICE®
(602) 335-8500
WWW.WOODPATEL.COM

R170080

CHECKED BY: J. ADAMS
DATE: 04/03/18
SCALE: N.T.S.
JOB NUMBER: 170080
SHEET: 2 OF 4



LINE AND CURVE TABLE
SEE SHEET 2
LEGEND
SEE SHEET 1

"SONORAN PLACE-PHASE 2"

FINAL PLAT
A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 1 WEST
OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

WOOD/PATEL
MISSION: CLIENT SERVICE®
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WWW.WOODPATEL.COM

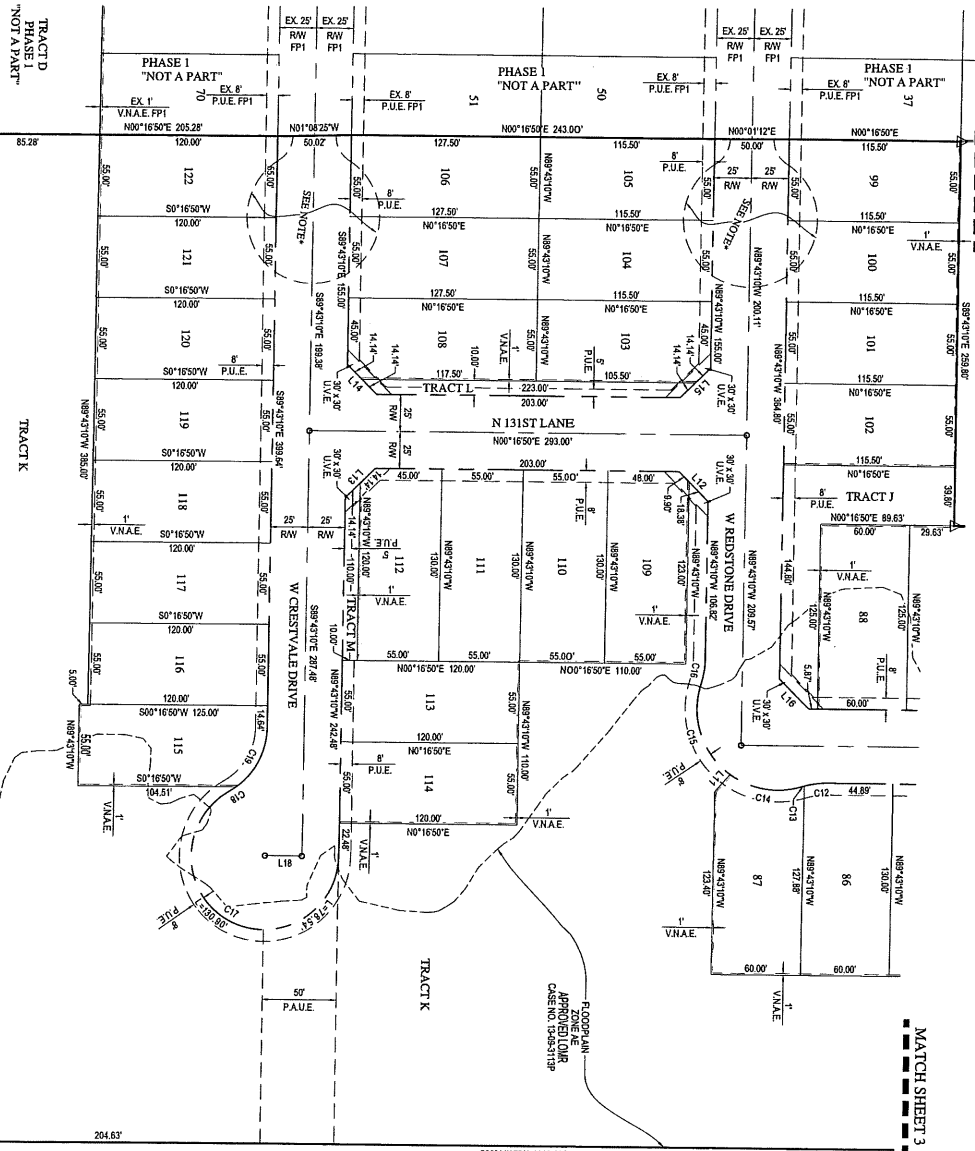
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARIZONA
No. 10456
WOOD/PATEL & ASSOCIATES, P.C.
1000 N. CENTRAL AVENUE, SUITE 100
PHOENIX, ARIZONA 85004

CHECKED BY: *[Signature]*
DATE: 04/09/18
SCALE: 1"=40'
JOB NUMBER: W-18-008
SHEET: 3 OF 4

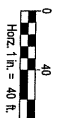
R170080

SONORAN PLACE
PHASE 1

MATCH SHEET 3



MATCH SHEET 3



LINE AND CURVE TABLE

SEE SHEET 2

WOOD/PATEL
MISSION: CLIENT SERVICE®
(602) 335-8500
WWW.WOODPATEL.COM

"SONORAN PLACE-PHASE 2"

FINAL PLAT

A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 5 NORTH, RANGE 1 WEST
OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

*NOTE: TEMPORARY ACCESS AND UTILITY EASEMENT ABANDONED HEREON.

UNSUBDIVIDED

UNSUBDIVIDED

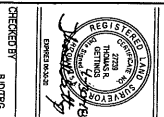
SOUTHEAST CORNER OF —
SECTION 27 T.5N., R.1W.,
FD. B.C.F. GLO 1922

N00°14'37"E 2639.26'

W/ CAP RLS 210

R170080

201515459 Survey/Pack 407-10.6m



CHECKED BY _____
BIDNTRG

CAD TECHNICIAN

ISS/DAC
SCALE

DATE 1-24-40

DATE 04/30/18

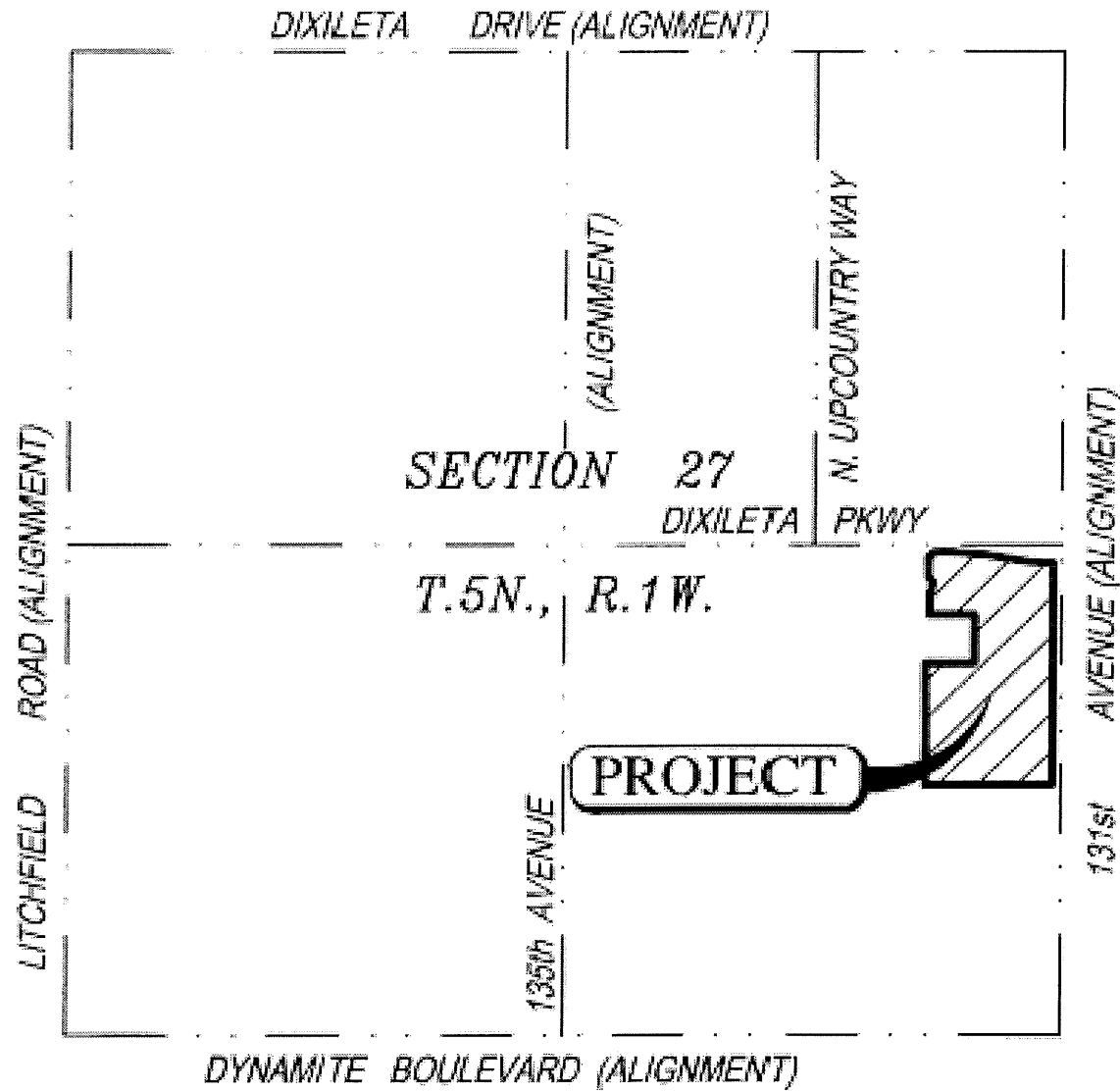
JOB NUMBER WDPH 454569

SHEET _____

4 OF 4

1111

Sonoran Place Phase 2



VICINITY MAP

N.T.S.



**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 23C.

Date Prepared: 5/23/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Katie Gregory, Deputy District Manager
FROM: Sonia Andrews, Finance Director
SUBJECT: PUBLIC HEARING - Liquor Licenses, Various Locations

Purpose:

Discussion and possible action to recommend approval to the State Liquor Board for: (a) a Person Transfer for an Off-Sale All with Sampling (Series 09s) Liquor License for Safeway #991, located at 8240 West Deer Valley Road, Nicholas C. Guttilla, Applicant, LL#20019779; (b) a Person Transfer for an Off-Sale All with Sampling (Series 09s) Liquor License for Safeway #1971, located at 8950 West Bell Road, Nicholas C. Guttilla, Applicant, LL#20019783.

Summary:

Safeway #991, Safeway and Albertsons have merged. The store will still be operating as Albertsons with Safeway #991 holding the liquor license at 8240 West Deer Valley Road. Safeway has applied for a Person Transfer for an Off-Sale All with sampling (Series 09s) Liquor License. The application agent is Nicholas C. Guttilla.

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

A Series 09S allows customers to sample beer, cooler-type products, wine and distilled spirits on-site, before making a purchase.

Some of the businesses around Safeway #991 are Top Shelf Mexican Food & Cantina, Jack in the Box and Dollar Tree. There are no staff concerns with Safeway #991. 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.

Safeway #1971, Safeway and Albertsons have merged. The store will still be operating as

Albertsons with Safeway #1971 holding the liquor license at 8950 West Bell Road. Safeway has applied for a Person Transfer for an Off-Sale All with sampling (Series 09s) Liquor License. The application agent is Nicholas C. Guttilla.

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

A Series 09S allows customers to sample beer, cooler-type products, wine and distilled spirits on-site, before making a purchase.

Some of the businesses around Safeway #1971 are Peoria Ford, Whataburger and Chevron. There are no staff concerns with Safeway #1971. 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/Background:

In June 2006, the Mayor and Council recommended approval to the Arizona State Liquor Board for Albertsons #991 for a Person Transfer for an Off-Sale All (Series 09) Liquor License located at 8240 West Deer Valley Road.

In June 2006, the Mayor and Council recommended approval to the Arizona State Liquor Board for Albertsons #1971 for a Person Transfer for an Off-Sale All (Series 09) Liquor License located at 8950 West Belly Road.

Options:

A: Recommend approval to the Arizona State Liquor Board for a Person Transfer for an Off-Sale All with Sampling (Series 09s) Liquor License for Safeway #991, located at 8240 West Deer Valley Road, Nicholas C. Guttilla, Applicant, LL#20019779.

B: Recommend denial to the Arizona State Liquor Board for a Person Transfer for an Off-Sale All with Sampling (Series 09s) Liquor License for Safeway #991, located at 8240 West Deer Valley Road, Nicholas C. Guttilla, Applicant, LL#20019779.

A: Recommend approval to the Arizona State Liquor Board for a Person Transfer for an Off-Sale All with Sampling (Series 09s) Liquor License for Safeway #1971, located at 8950 West Bell Road, Nicholas C. Guttilla, Applicant, LL#20019783.

B: Recommend denial to the Arizona State Liquor Board for a Person Transfer for an Off-Sale All with Sampling (Series 09s) Liquor License for Safeway #1971, located at 8950 West Bell Road, Nicholas C. Guttilla, Applicant, LL#20019783.

Staff Recommendation:

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.

Fiscal Analysis:

No fiscal impact.

ATTACHMENTS:

Safeway 991 App

Safeway 1971 App

Contact Name and Number:

Samuel Brown (623) 773-7658



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

IP #18379

DLIC USE ONLY

License #	18378
Date Accepted:	04-09-18
CSR:	JB

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 (series 6, 7 and 9)
☐ 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 Privilege** ☒ 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 (Series of license): series 9

2. LICENSE # 09070520

SECTION 4 Applicants

1. Agent's Name: Gutilla Nicholas Carl
Last First Middle
2. Individual/Owner Name: Safeway, Inc.
(Ownership name for type of ownership checked in section 2)
3. Business Name (Doing Business As-DBA): Safeway #991
4. Business Location Address: 8240 W Deer Valley Road Peoria AZ 85382 Maricopa
(Do not use PO Box) Street City State Zip Code County
5. Mailing Address: c/o Gutilla Murphy Anderson 5415 E High St #200 Phoenix AZ 85054
(All correspondence will be mailed to this address) Street City State Zip Code
6. Business Phone: (623) 572-5744 Daytime Contact Phone: [REDACTED]
7. Email Address: psines@gamlaw.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? _____
9. Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store (license only) \$ n/a

Fees:				Department Use Only		Total of All Fees	
<u>100.00</u>	<u>100.00</u>					<u>200.00</u>	
Application	Interim Permit	Site Inspection	Finger Prints				

APR 09 2018
AZ DLIC

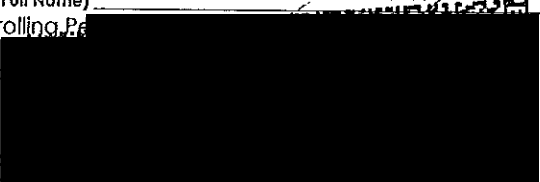
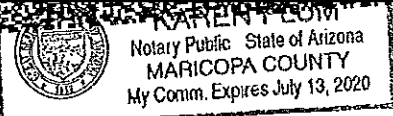
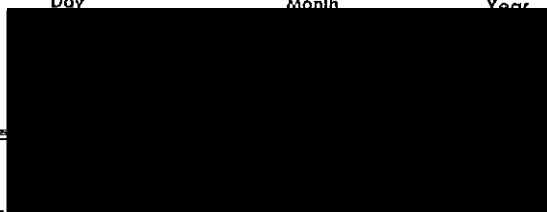
SECTION 5 Interim Permit

If you intend to operate business while the 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: 09070520

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

NOTARY			
I (Print Full Name) <u>Nicholas Carl Guttilla</u> Controlling Person	hereby declare that I am the <u>(Agent)</u> Current Owner, or State of <u>Arizona</u> County of <u>Maricopa</u> The foregoing instrument was acknowledged before me this <u>26</u> Day of <u>March</u> , 2018 Day Month Year		
Signature  My Commission 			

SECTION 6 Background Check

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

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

a) Date Incorporated/Organized: 7/23/86 State where Incorporated/Organized: Delaware

b) AZ Corporation or AZ L.L.C. File No: F00372050 Date authorized to do business in AZ: 11/13/86

2. List any individual or entity that owns a beneficial interest of 10% or more and/or controls the applicant or licensee. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed. Disclose all controlling persons and members, shareholders or general partners who own a beneficial interest of 10% or more of the applicant or licensee.

Last	First	Middle	Title	%Owned	Mailing Address	City	State	Zip
See attached flow chart								

(Attach additional sheet if necessary)

SECTION 7 Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license A.R.S. §4-204

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

1. Current Licensee's Name: _____

(Exactly as it appears on the license) Last First Middle

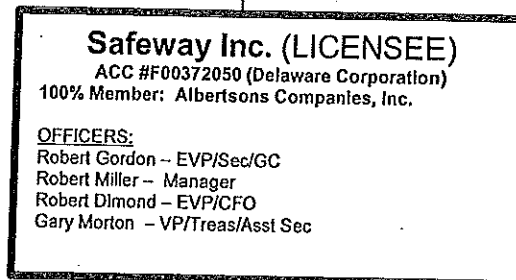
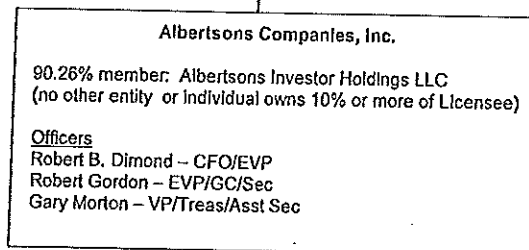
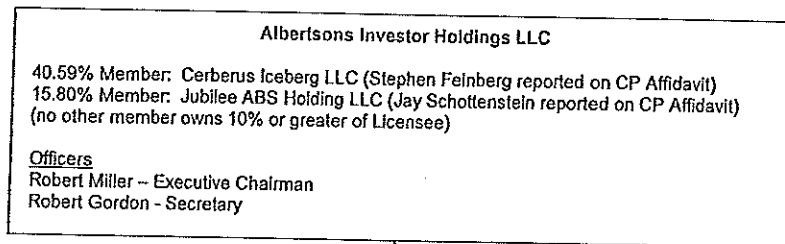
2. Assignee's Name: _____

Last First Middle

3. License Number: _____

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

Safeway Inc.
(effective 12/3/17)



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

1. Government Entity: _____
2. Person/Designee: _____
Last First Middle Daytime Contact Phone #

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

1. License #: 09070520
2. Individual Owner/Agent Name: Guttilla Nicholas Carl
Last First Middle
3. Ownership Name: Albertson's LLC
(Exactly as it appears on the license)
4. Current Business Name: Albertson's #991
(Exactly as it appears on the license)
5. Business Location Address: 8240 W Deer Valley Road Peoria AZ Maricopa 85382
Street City State County Zip
6. Current Daytime Phone: [REDACTED] Primary Email Address: psines@gamlaw.com
7. Does current license have any pending applications? ☐ Yes ☒ No
8. I, (Signature) [REDACTED] authorize the transfer of this license to the applicant.

NOTARY

I (Print Full Name) Nicholas Carl Guttilla hereby declare that I am the Individual (Agent) Owner,
Or Controlling Person on the state of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this
26 Day of March, 2018
Day Month Year
My [REDACTED]
MARICOPA COUNTY
My Comm. Expires July 13, 2020

**SECTION 10 Location Transfer– Current Licensee Information ARS§4-203(C), (D), (G)
(Bar and Liquor Stores only – Series 06, 07, and 09)**

1. Current Business: Name: _____
Address: _____
(exactly as it appears on license)
2. New Business: Name: _____
Address: _____

SECTION 11 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 03
- d) Craft Distillery (A.R.S. §4-205.10) Series 18

- e) Government license (A.R.S. §4-205.03) Series 05
- f) Playing area of a golf course (A.R.S. §4-207 (B)(5))
- g) Wholesaler/Distributor Series 04
- h) Farm Winery Series 13
- i) Producer Series 01

1. Distance to nearest School: n/a per ARS 4-207.C1
(If less than one (1) mile, note footage)

Name of School: _____

Address: _____

2. Distance to nearest Church: n/a per ARS 4-207.C1
(If less than one (1) mile, note footage)

Name of Church: _____

Address: _____

SECTION 12 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 - (See attached letter)

2. If the premises is leased give lessors: Name: _____

Address: _____
Street City State Zip

3. What is the penalty if the lease is not fulfilled? \$ n/a 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

(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 manufacturer, wholesaler, or employee have an interest in your business?

☐ Yes ☒ No

If yes, attach explanation.

SECTION 13 Diagram of Premises

Check ALL boxes that apply to your business:

☐ Walk-up or drive-through windows

☐ Patio: Contiguous

☐ Patio: 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? ____/____/____

2. What type of business will this license be used for? (be Specific) Retail grocery store

3. Please attach a diagram of the premises which clearly shows only the areas where spirituous liquor will be sold, served, consumed, dispensed, possessed or stored. Include entrances, exits, interior walls, bar areas, dining areas, dance floor, stage, game room and kitchen.

DO NOT INCLUDE

Parking lots, living quarters or areas where business is not conducted under this liquor license. Please identify which orientation is North on the diagram.

4. 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.

ATTACH DIAGRAM

IMPORTANT NOTE: As stated in A.R.S. §4-207.01 (B), it is the licensee's 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.




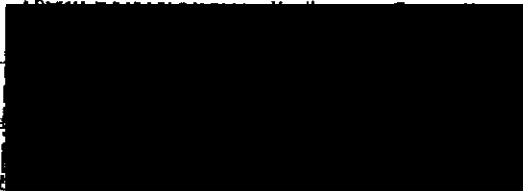
RESTAURANTS AND HOTELS/MOTELS ONLY

(IMPORTANT NOTE: A site inspection must be conducted prior to activation of the license. A \$50.00 fee for the inspection will be due and payable upon submitting this application.)

5a. 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)

5b. Provide a restaurant operation plan.

SECTION 14 SIGNATURE BLOCK

NOTARY	
I (Print Full Name) <u>Nicholas Carl Guttilla</u> hereby declare that I am the Individual <u>(Agent)</u> , Owner, Or Controlling Person on the stated license and location.	
Signature 	State of <u>Arizona</u> County of <u>Maricopa</u>
My Comm. 	The foregoing instrument was acknowledged before me this <u>26</u> Day of <u>March</u> , 2018
	
	

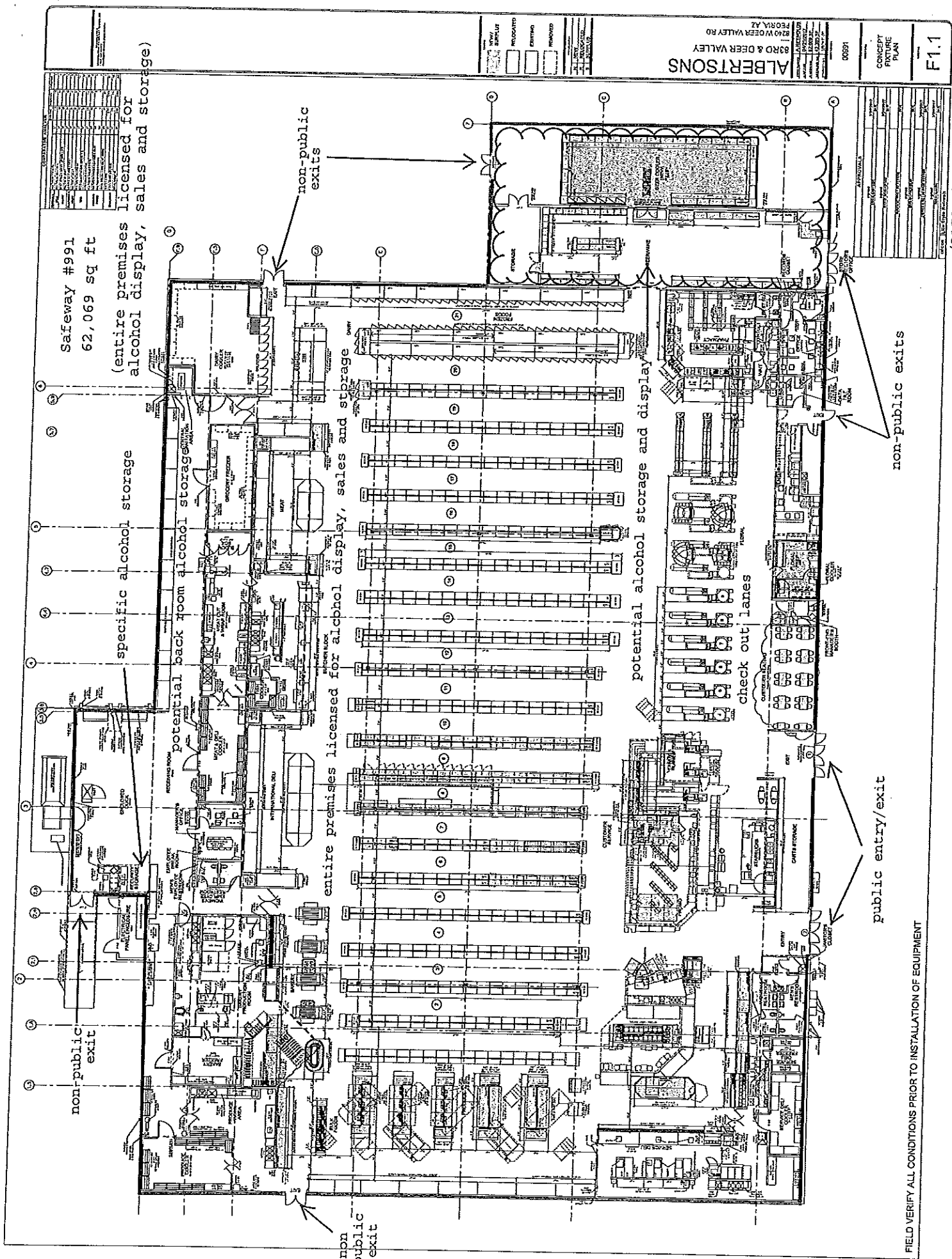
A.R.S. §41-1030. Invalidity of rules not made according to this chapter by state employees; enforcement; notice

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.



DATE	REVISION	BY	FOR
10/1/80	1	ALBERTSONS	CONCEPT
10/1/80	2	ALBERTSONS	CONCEPT
10/1/80	3	ALBERTSONS	CONCEPT
10/1/80	4	ALBERTSONS	CONCEPT
10/1/80	5	ALBERTSONS	CONCEPT
10/1/80	6	ALBERTSONS	CONCEPT
10/1/80	7	ALBERTSONS	CONCEPT
10/1/80	8	ALBERTSONS	CONCEPT
10/1/80	9	ALBERTSONS	CONCEPT
10/1/80	10	ALBERTSONS	CONCEPT
10/1/80	11	ALBERTSONS	CONCEPT
10/1/80	12	ALBERTSONS	CONCEPT
10/1/80	13	ALBERTSONS	CONCEPT
10/1/80	14	ALBERTSONS	CONCEPT
10/1/80	15	ALBERTSONS	CONCEPT
10/1/80	16	ALBERTSONS	CONCEPT
10/1/80	17	ALBERTSONS	CONCEPT
10/1/80	18	ALBERTSONS	CONCEPT
10/1/80	19	ALBERTSONS	CONCEPT
10/1/80	20	ALBERTSONS	CONCEPT

ALBERTSONS
83RD & DEER VALLEY
8240 W DEER VALLEY RD
PEORIA, AZ
00091

CONCEPT
FLOOR
PLAN
F1.1

FIELD VERIFY ALL CONDITIONS PRIOR TO INSTALLATION OF EQUIPMENT

(317924)

STATE OF ARIZONA

DEPARTMENT OF LIQUOR LICENSING
AND CONTROL
ALCOHOLIC BEVERAGE LICENSE

License 09070520 S

Issue Date: 7/31/2006

Expiration Date: 12/31/2018

Issued To:

NICHOLAS CARL GUTTILLA, Agent
ALBERTSON'S LLC, Owner

Location:

ALBERTSON'S #991
8240 W DEER VALLEY RD
PEORIA, AZ 85382

Mailing Address:

NICHOLAS CARL GUTTILLA
ALBERTSON'S LLC
ALBERTSON'S #991
PO BOX 20
ATTN TAX DEPT
BOISE, ID 83726



EXP 12/31/2018

POST THIS LICENSE IN A CONSPICUOUS PLACE

GUTTILLA MURPHY
ANDERSON

5415 E. HIGH STREET, SUITE 200
PHOENIX, ARIZONA 85054
(480) 304-8300
FAX (480) 304-8301

Our No. 0996-016

March 19, 2018

HAND DELIVERED

Arizona Department of Liquor Licenses and Control
Attn: Licensing Department
800 W. Washington, 5th Floor
Phoenix, AZ 85007

AZ DLIC
APR 09 2018

Re: Section 12 of transfer applications from Albertson's LLC to Safeway, Inc.

Dear Licensing Department:

I am the Agent for Albertson's LLC and Safeway, Inc. liquor licenses, both having the same parent entity. The Arizona liquor licenses currently issued to Albertson's LLC are being transferred to Safeway, Inc. Safeway, Inc. has entered into a management agreement with Albertson's LLC to manage the liquor licenses in the Albertson's stores in Arizona. Therefore, pursuant to a conversation between ADLLC Licensing Manager Jennifer Benson and my paralegal, Pam Sines, we have checked the "Management Agreement" box in Section 12 of the applications and are supplementing the application with this letter.

Very truly

Nicholas

Agent and Attorney for Applicants

/pjs
316318



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

IP #18370

DLLC USE ONLY

License #	18368
Date Accepted:	04-09-18
CSR:	JB

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 (series 6, 7 and 9)
☐ 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 Privilege** ☒ 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 (Series of license): series 9

2. LICENSE # 09070515

SECTION 4 Applicants

1. Agent's Name: Gutilla Nicholas Carl
Last First Middle

2. Individual/Owner Name: Safeway, Inc.

(Ownership name for type of ownership checked in section 2)

3. Business Name (Doing Business As-DBA): Safeway #1971

4. Business Location Address: 8950 W Bell Road Peoria AZ 85382 Maricopa
(Do not use PO Box) Street City State Zip Code County

5. Mailing Address: c/o Gutilla Murphy Anderson 5415 E High St #200 Phoenix AZ 85054
(All correspondence will be mailed to this address) Street City State Zip Code

6. Business Phone: (623) 876-8103 Daytime Contact Phone: [REDACTED]

7. Email Address: psines@gamlaw.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? _____

9. Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store (license only) \$ n/a

Fees:	<u>100.00</u>	<u>100.00</u>	Department Use Only		<u>\$ 200.00</u>
	Application	Interim Permit	Site Inspection	Finger Prints	Total of All Fees

Sampling Privilege \$100.00
page 1 of 6

Total of \$300.00
(317197)


SECTION 5 Interim Permit

If you intend to operate business while the 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: 09070515

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

NOTARY	
I (Print Full Name) <u>Nicholas Carl Guttilla</u>	hereby declare that I am the <u>(Agent)</u> Current Owner, or
Controlling <u>[Redacted]</u> and location.	
Signature: <u>[Redacted]</u>	State of <u>Arizona</u> County of <u>Maricopa</u>
My Comm. <u>[Redacted]</u>	The foregoing instrument was acknowledged before me this
	Day of <u>March</u> 2018
 KAREN PLUM Notary Public, State of Arizona MARICOPA COUNTY My Comm. Expires July 13, 2020	

SECTION 6 Background Check

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

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

a) Date Incorporated/Organized: 7/23/86 State where Incorporated/Organized: Delaware

b) AZ Corporation or AZ L.L.C. File No: F00372050 Date authorized to do business in AZ: 11/13/86

2. List any individual or entity that owns a beneficial interest of 10% or more and/or controls the applicant or licensee. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed. Disclose all controlling persons and members, shareholders or general partners who own a beneficial interest of 10% or more of the applicant or licensee.

Last	First	Middle	Title	%Owned	Mailing Address	City	State	Zip
See attached flow chart								

(Attach additional sheet if necessary)

SECTION 7 Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license A.R.S. §4-204

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

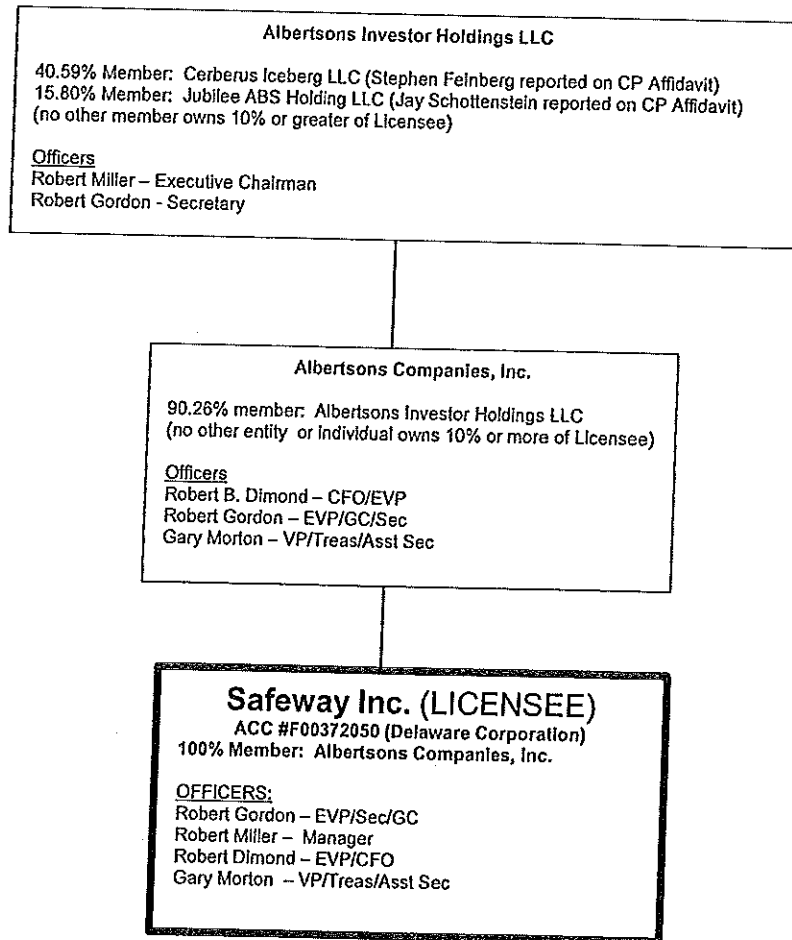
1. Current Licensee's Name: _____
 (Exactly as it appears on the license) Last First Middle

2. Assignee's Name: _____
 Last First Middle

3. License Number: _____

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

Safeway Inc.
(effective 12/3/17)



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

1. Government Entity: _____
2. Person/Designee: _____
Last First Middle Daytime Contact Phone #

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

1. License #: 09070515
2. Individual Owner/Agent Name: Guttilla Nicholas Carl
Last First Middle
3. Ownership Name: Albertson's LLC
(Exactly as it appears on the license)
4. Current Business Name: Albertson's #1971
(Exactly as it appears on the license)
5. Business Location Address: 8950 W Bell Road Peoria AZ Maricopa 85382
Street City State County Zip
6. Current Daytime Phone: [REDACTED] Primary Email Address: psines@gamlaw.com
7. Does current licensee have a pending application? ☐ Yes ☒ No
8. I, (Signature) [REDACTED] authorize the transfer of this license to the applicant.

NOTARY

I (Print Full Name) Nicholas Carl Guttilla hereby declare that I am the Individual (Agent) Owner,
Or Controlling Person on the stated license and I am duly qualified to perform the duties of a Notary Public in and for the State of Arizona County of Maricopa
Signature [REDACTED] The foregoing instrument was acknowledged before me this
My Comm. [REDACTED] 26 Day of March, 2018
Notary Public State of Arizona
MARICOPA COUNTY
My Comm. Expires July 13, 2020

**SECTION 10 Location Transfer– Current Licensee Information ARS§4-203(C), (D), (G)
(Bar and Liquor Stores only – Series 06, 07, and 09)**

1. Current Business: Name: _____
Address: _____
(exactly as it appears on license)
2. New Business: Name: _____
Address: _____

SECTION 11 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 03
- d) Craft Distillery (A.R.S. §4-205.10) Series 18

- e) Government license (A.R.S. §4-205.03) Series 05
- f) Playing area of a golf course (A.R.S. §4-207 (B)(5))
- g) Wholesaler/Distributor Series 04
- h) Farm Winery Series 13
- i) Producer Series 01

1. Distance to nearest School: n/a per ARS 4-207.C1
(If less than one (1) mile, note footage)

Name of School: _____

Address: _____

2. Distance to nearest Church: n/a per ARS 4-207.C1
(If less than one (1) mile, note footage)

Name of Church: _____

Address: _____

SECTION 12 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 - (See attached letter)

2. If the premises is leased give lessors: Name: _____

Address: _____
Street City State Zip

3. What is the penalty if the lease is not fulfilled? \$ n/a 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

(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 manufacturer, wholesaler, or employee have an interest in your business?

☐ Yes ☒ No

If yes, attach explanation.

SECTION 13 Diagram of Premises

Check ALL boxes that apply to your business:

☐ Walk-up or drive-through windows

☐ Patio: Contiguous

☐ Patio: 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? ____/____/____

2. What type of business will this license be used for? (be Specific) Retail grocery store

3. Please attach a diagram of the premises which clearly shows only the areas where spirituous liquor will be sold, served, consumed, dispensed, possessed or stored. Include entrances, exits, interior walls, bar areas, dining areas, dance floor, stage, game room and kitchen.

DO NOT INCLUDE

Parking lots, living quarters or areas where business is not conducted under this liquor license. Please identify which orientation is North on the diagram.

4. 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.

ATTACH DIAGRAM

IMPORTANT NOTE: As stated in A.R.S. §4-207.01 (B), it is the licensee's 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.


RESTAURANTS AND HOTELS/MOTELS ONLY

(IMPORTANT NOTE: A site inspection must be conducted prior to activation of the license. A \$50.00 fee for the inspection will be due and payable upon submitting this application.)

5a. 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)

5b. Provide a restaurant operation plan.

SECTION 14 SIGNATURE BLOCK

NOTARY	
I (Print Full Name) Or C	Nicholas Carl Guttilla, [REDACTED] by declare that I am the Individual (Agent), Owner,
Signature	Arizona County of Maricopa The foregoing Instrument was acknowledged before me this
My Comm	26 Day of March, 2018.
 KAREN PLUM Notary Public - State of Arizona MARICOPA COUNTY My Comm. Expires July 13, 2020	

A.R.S. §41-1030. Invalidity of rules not made according to this chapter by
state employees; enforcement; notice

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F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.02.

Safeway #1971
50,368 sq ft

(entire premises licensed for
alcohol display, sales and storage)

specific liquor storage

potential back room alcohol storage

entire premises licensed for alcohol display, sales and storage

non-public
exit

potential
alcohol storage
and display

check out lanes

non-public exit

public entry/exit

SAFeway



ALBERTSONS LLC

#971

PEORIA, AZ

CONCEPT PLAN

F1.1

REVISION	DATE	BY	CHK
1	10/1/00	...	...
2	10/1/00	...	...
3	10/1/00	...	...
4	10/1/00	...	...
5	10/1/00	...	...
6	10/1/00	...	...
7	10/1/00	...	...
8	10/1/00	...	...
9	10/1/00	...	...
10	10/1/00	...	...

RELOCATED	EXISTING	REMOVED
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(317222)

STATE OF ARIZONA

DEPARTMENT OF LIQUOR LICENSES
AND CONTROL
ALCOHOLIC BEVERAGE LICENSE

License 09070515

Issue Date: 7/31/2006

Expiration Date: 12/31/2018

Issued To:

NICHOLAS CARL GUTTILLA, Agent
ALBERTSON'S LLC, Owner

Location:

ALBERTSON'S #1971
8950 W BELL RD
PEORIA, AZ 85382

Mailing Address:

NICHOLAS CARL GUTTILLA
ALBERTSON'S LLC
ALBERTSON'S #1971
PO BOX 20
ATTN TAX DEPT
BOISE, ID 83726



EXP 12/31/2018

POST THIS LICENSE IN A CONSPICUOUS PLACE

AZ DLIC
APR 09 2018

GUTTILLA MURPHY
ANDERSON

5415 E. HIGH STREET, SUITE 200
PHOENIX, ARIZONA 85054
(480) 304-8300
FAX (480) 304-8301

Our No. 0996-016

March 19, 2018

HAND DELIVERED

Arizona Department of Liquor Licenses and Control
Attn: Licensing Department
800 W. Washington, 5th Floor
Phoenix, AZ 85007

Re: Section 12 of transfer applications from Albertson's LLC to Safeway, Inc.

Dear Licensing Department:

I am the Agent for Albertson's LLC and Safeway, Inc. liquor licenses, both having the same parent entity. The Arizona liquor licenses currently issued to Albertson's LLC are being transferred to Safeway, Inc. Safeway, Inc. has entered into a management agreement with Albertson's LLC to manage the liquor licenses in the Albertson's stores in Arizona. Therefore, pursuant to a conversation between ADLLC Licensing Manager Jennifer Benson and my paralegal, Pam Sines, we have checked the "Management Agreement" box in Section 12 of the applications and are supplementing the application with this letter.

V

Ni

Agent and Attorney for Applicant/Licensee

/pjs
316318

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 24C.

Date Prepared: 5/24/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager

THROUGH: Katie Gregory, Deputy District Manager

FROM: Sonia Andrews, Finance Director

SUBJECT: PUBLIC HEARING - Bingo License, Sun Air Estates HOA, 9600 North 97th Avenue

Purpose:

Discussion and possible action to recommend approval to the Arizona Department of Revenue for a Class A (Small Game) Bingo License for Sun Air Estates HOA, located at 9600 North 97th Avenue, Patricia Zaragoza, Applicant, LL#20019751.

Summary:

Sun Air Estates HOA, is an existing HOA located at 9600 N. 97th Avenue. The HOA have applied for a Class A (Small Game) Bingo License. The application agent is Patricia Zaragoza.

The Class A license is used for recreational and social purposes, returning all gross receipts to the players in prizes. Class A licensees cannot exceed \$15,600 per year in gross receipts. That is the amount left, if any, after paying prizes.

The public hearing notice was posted 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/Background:

There has never been a Bingo License at this location.

Options:

A: Recommend approval to the Arizona Department of Revenue for a Class A (Small Game) Bingo License for Sun Air Estates HOA, located at 9600 N. 97th Avenue, Patricia Zaragoza, Applicant, LL#20019751.

B: Recommend denial to the Arizona Department of Revenue for a Class A (Small Game) Bingo License for Sun Air Estates HOA, located at 9600 N. 97th Avenue, Patricia Zaragoza, Applicant, LL#20019751.

Staff Recommendation:

Pursuant to Arizona Law the City must recommend to the Arizona Department of Revenue for approval. The Standard for the recommendation is whether the best interest of the community will be served by the issuance of this license and whether the public convenience is served.

Fiscal Analysis:

No fiscal impact.

ATTACHMENTS:

Sun Air Bingo App

Contact Name and Number:

Samuel Brown (623) 773-7658

Arizona Form 833
Application for Bingo License

- Type or print in black ink and complete all information requested on this form. If you do not, your application will be returned. All information is subject to verification. If you need more space, attach additional sheets.
- All bingo licenses expire one year from the date of issue. To continue conducting bingo games, you must renew your license prior to the expiration date.

1 Applicant's Name Sun Air Estates HOA		Falsification of information contained in this application constitutes a Class 6 felony. REVENUE USE ONLY. DO NOT MARK IN THIS AREA. [88] [81] PM [80] RCVD	
2a Mailing Address PO Box 21			
2b City Peoria	State AZ		ZIP Code 85345
3a Administrative Office Location 9600 N 97th Ave			
3b City Peoria	State AZ		ZIP Code 85345
4a Name of Contact Person Patricia Zaragoza	4b Telephone No. (623) 412-9498		
4c E-mail Address pzkeno@gmail.com	4c Fax No. (623) 878-5287		

5 Class B and Class C license applicants only: If applying as a qualified organization, check one box to indicate the type of organization:

- ☐ Charitable ☐ Social ☐ Religious ☐ Veterans
☐ Fraternal ☐ Volunteer Fire Department ☐ Homeowners Association ☐ Nonprofit Ambulance Service

6 Class B and Class C license applicants only applying as a qualified organization, provide parent or auxiliary information:

6a Parent Name	6b Auxiliary Name
Address – Number and Street, Rural Rt., Apt. No.	Address – Number and Street, Rural Rt., Apt. No.
City State ZIP Code	City State ZIP Code

7 Class B and Class C license applicants only applying as a qualified organization, provide the date the organization was established in Arizona: [] [] [] [] [] [] [] [] [] []

8 Class B and Class C license applicants only applying as a qualified organization, list the current officers of the organization:

8a Name	8b Name
Title	Title
Address – Number and Street, Rural Rt., Apt. No.	Address – Number and Street, Rural Rt., Apt. No.
City State ZIP Code	City State ZIP Code
8c Name	8d Name
Title	Title
Address – Number and Street, Rural Rt., Apt. No.	Address – Number and Street, Rural Rt., Apt. No.
City State ZIP Code	City State ZIP Code

Continued on page 2 →

REVENUE USE ONLY. DO NOT MARK IN THIS AREA.				
<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	<input type="checkbox"/> Class A License	<input type="checkbox"/> Class B License	<input type="checkbox"/> Class C License
Reviewer's Name (please print)	Date	License Number	Effective Date	Expiration Date

Applicant's Name (as shown on page 1)

Sun Air Estates HOA

APPLICATION FOR BINGO LICENSE

9 Class B and Class C license applicants only: Bingo checking account information:

Checking Account Number	Bank Name	Bank Branch
-------------------------	-----------	-------------

10 Class B and Class C license applicants only: Bingo interest-bearing account information:

Account Number	Bank Name	Bank Branch
----------------	-----------	-------------

11 Class B and Class C license applicants only: List all officers and/or supervisors authorized to sign checks from the accounts listed above. If applying as a qualified organization, all supervisors must be members of the applicant:

11a Name	11b Name
Title	Title
Address -- Number and Street, Rural Rt., Apt. No.	Address -- Number and Street, Rural Rt., Apt. No.
City State ZIP Code	City State ZIP Code

12 List the name(s) of the one or two persons who will serve as managers. If applying as a qualified organization, these persons must be members of the applicant. Each person must submit an affidavit.

12a Name	12b Name
Patricia Zaragoza	Jacqueline Cameron
Title	Title
Vice President, SAE HOA	SAE Member
Address -- Number and Street, Rural Rt., Apt. No.	Address -- Number and Street, Rural Rt., Apt. No.
City State ZIP Code	City State ZIP Code

13 List the name of the one person designated as proceeds coordinator. If applying as a qualified organization, this person must be an officer or director and a member of the applicant. Each person must submit an affidavit.

Name	Address -- Number and Street, Rural Rt., Apt. No.
Patricia Zaragoza	9666 W Mountain View Rd B
Title	City State ZIP Code
Vice President, SAE HOA	Peoria, AZ 85345

14 List the name(s) of the person(s) who will serve as supervisor. If applying as a qualified organization, each person must be a member of the applicant. Each person must submit an affidavit.

14a Name	14b Name
Patricia Zaragoza	Jacqueline Cameron
Title	Title
Vice President of SAE HOA	Member of SAE Association
Address -- Number and Street, Rural Rt., Apt. No.	Address -- Number and Street, Rural Rt., Apt. No.
City State ZIP Code	City State ZIP Code
14c Name	14d Name
Title	Title
Address -- Number and Street, Rural Rt., Apt. No.	Address -- Number and Street, Rural Rt., Apt. No.
City State ZIP Code	City State ZIP Code

Applicant's Name (as shown on page 1)

Sun Air Estates HOA

APPLICATION FOR BINGO LICENSE

- 15 List the name(s) of the person(s) who will serve as assistants. If applying as a qualified organization, each person must be a member or new member of the applicant. Except for "Class A" licensees, each person must submit an affidavit.

15a Name Patricia Zaragoza	15b Name Jacqueline Cameron
15c Name	15d Name
15e Name	15f Name
15g Name	15h Name

- 16 Street address of the physical location where bingo will be played:

9600 N 97th Ave. Peoria, AZ 85345

- 17 Indicate the time on each respective day that bingo will be played:

SUN	MON	TUE	WED	THUR	FRI	SAT
<input type="checkbox"/> a.m.	<input type="checkbox"/> a.m.	<input type="checkbox"/> a.m.	<input checked="" type="checkbox"/> a.m.	<input type="checkbox"/> a.m.	<input type="checkbox"/> a.m.	<input type="checkbox"/> a.m.
<input type="checkbox"/> p.m.	<input type="checkbox"/> p.m.	<input type="checkbox"/> p.m.	<input checked="" type="checkbox"/> p.m.	<input type="checkbox"/> p.m.	<input type="checkbox"/> p.m.	<input type="checkbox"/> p.m.

- 18 List dates of proposed game cancellation if any:

We intend to have one daytime Wed Bingo at 12:30 (1st Wed) & one evening Bingo Wed at 6PM (3rd Wed) per mo.

- 19 Indicate the type of premises where bingo will be played. Check one box:

a ☒ Neither rent nor mortgage will be paid from bingo funds.

b ☐ Rented or leased. Attach rental affidavit and copy of rental agreement.

Landlord's Name	Address – Number and Street, Rural Rt., Apt. No.		
Telephone Number (with area code)	City	State	ZIP Code

c ☐ Owned solely by the organization. Attach copy of mortgage, deed of trust, purchase agreement, escrow agreement, or other related document:

Holder of Mortgage	Address – Number and Street, Rural Rt., Apt. No.		
Telephone Number (with area code)	City	State	ZIP Code

d ☐ Owned jointly with other organization. Attach copy of mortgage, deed of trust, purchase agreement, escrow agreement, or other related document:

1) Holder of Mortgage	Address – Number and Street, Rural Rt., Apt. No.		
Telephone Number (with area code)	City	State	ZIP Code
2) Co-Owner Holder:	Address – Number and Street, Rural Rt., Apt. No.		
Telephone Number (with area code)	City	State	ZIP Code
3) Co-Owner Holder:	Address – Number and Street, Rural Rt., Apt. No.		
Telephone Number (with area code)	City	State	ZIP Code

Continued on page 4 →

Applicant's Name (as shown on page 1)

Sun Air Estates HOA

APPLICATION FOR BINGO LICENSE

- 20 List bingo licensees who are or will be conducting bingo in the same premises as you and those licensees located within 1,000 feet of your premises:

20a Name N/A	20b Name
Address – Number and Street, Rural Rt., Apt. No.	Address – Number and Street, Rural Rt., Apt. No.
City State ZIP Code	City State ZIP Code

- 21 Expected bingo expenses:

- a Mortgage: \$0.00 per month

Payable to	Address – Number and Street, Rural Rt., Apt. No.
Telephone number (with area code)	City State ZIP Code

- b Rent: \$0.00 per ☐ month ☐ hour ☐ occasion

Payable to	Address – Number and Street, Rural Rt., Apt. No.
Telephone number (with area code)	City State ZIP Code

- c Janitorial Services: \$0.00 per ☐ month ☐ hour ☐ occasion

Payable to	Address – Number and Street, Rural Rt., Apt. No.
Telephone number (with area code)	City State ZIP Code

- d Accounting Services: \$0.00 per ☐ month ☐ hour ☐ occasion

Payable to	Address – Number and Street, Rural Rt., Apt. No.
Telephone number (with area code)	City State ZIP Code

- e Security Services: \$0.00 per ☐ month ☐ hour ☐ occasion

Payable to	Address – Number and Street, Rural Rt., Apt. No.
Telephone number (with area code)	City State ZIP Code

- f Bingo Supplies: \$0.00 per

Payable to	Address – Number and Street, Rural Rt., Apt. No.
Telephone number (with area code)	City State ZIP Code

Line 21 continues on page 5 →

Applicant's Name (as shown on page 1)

Sun Air Estates HOA

APPLICATION FOR BINGO LICENSE

21 Expected Bingo Expenses, continued...

- g Maximum prize payout per occasion: \$. Attach game schedule that lists individual prize amounts.

Paid to		Address - Number and Street, Rural Rt., Apt. No.	
Telephone number (with area code)		City	State ZIP Code

- h Utility Expenses:

Electric (payable to)		Address - Number and Street, Rural Rt., Apt. No.	
Account Number	Monthly Amount	City	State ZIP Code
	\$0.00		

Gas (payable to)		Address - Number and Street, Rural Rt., Apt. No.	
Account Number	Monthly Amount	City	State ZIP Code
	\$0.00		

Water (payable to)		Address - Number and Street, Rural Rt., Apt. No.	
Account Number	Monthly Amount	City	State ZIP Code
	\$0.00		

Trash Removal (payable to)		Address - Number and Street, Rural Rt., Apt. No.	
Account Number	Monthly Amount	City	State ZIP Code
	\$0.00		

- 22 Briefly state the specific projected use of net proceeds from games of bingo:

Intended for SAE Residents entertainment only, no profits will be received.
Any monies taken in will be paid

I, PATRICIA L. JARAGOZA, under penalty of perjury and upon oath, declare that I am duly authorized to sign and file this application. I hereby swear or confirm that I have read the foregoing application and know the contents thereof and that all information provided has been fully, accurately, and truthfully completed to the best of my knowledge.

DATE TITLE

Please mail to: Arizona Department of Revenue, PO Box 29019, Phoenix, AZ 85038-9019

(602) 716-7801

Applicant's Name (as shown on page 1)

Sun Air Estates HOA

APPLICATION FOR BINGO LICENSE

21 Expected Bingo Expenses, continued...

g Maximum prize payout per occasion: \$_____. Attach game schedule that lists individual prize amounts.

Paid to	Address – Number and Street, Rural Rt., Apt. No.		
Telephone number (with area code)	City	State	ZIP Code

h Utility Expenses:

Electric (payable to)		Address – Number and Street, Rural Rt., Apt. No.	
Account Number	Monthly Amount \$	City	State ZIP Code

Gas (payable to)		Address – Number and Street, Rural Rt., Apt. No.	
Account Number	Monthly Amount \$	City	State ZIP Code

Water (payable to)		Address – Number and Street, Rural Rt., Apt. No.	
Account Number	Monthly Amount \$	City	State ZIP Code

Trash Removal (payable to)		Address – Number and Street, Rural Rt., Apt. No.	
Account Number	Monthly Amount \$	City	State ZIP Code

22 Briefly state the specific projected use of net proceeds from games of bingo:

All monies taken in will be given out as game winnings. No income will be received from these games.

I, JACQUELINE M. CAMERON, under penalty of perjury and upon oath, declare that I am duly authorized to sign and file this application. I hereby swear or confirm that I have read the foregoing application and know the contents thereof and that all information provided has been fully, accurately, and truthfully completed to the best of my knowledge.

3/13/18
DATE

resident of HOA Sun Air Estates
TITLE

Please mail to: Arizona Department of Revenue, PO Box 29019, Phoenix, AZ 85038-9019

☎ (602) 716-7801

**Arizona Form
830****Affidavit****Bingo**

This affidavit must be completed by each person who wishes to assist in the conduct of any game of bingo. If any information is blank or incorrect, the affidavit will be returned to you. All information is subject to verification. Disclosure of your Social Security Number (SSN) is voluntary. This information may be used to establish positive identification for purposes of criminal background checks pursuant to Arizona Revised Statutes § 5-404.

Licensee's Name Sun Air Estates		License Number	
Position (check the appropriate boxes): <input checked="" type="checkbox"/> Manager <input type="checkbox"/> Supervisor <input type="checkbox"/> Proceed Coordinator <input type="checkbox"/> Assistant		REVENUE USE ONLY. DO NOT MARK IN THIS AREA. <div>88</div> <div>81 PM 80 RCVD</div>	
Affiant's Name Patricia Zaragoza			
Social Security Number	Date of Birth		
Address			
Home Phone No. (with area code)	Work Phone No. (with area code) (623) 363-3863		

If licensee is a qualified organization, complete the following section:

Member? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Joined Organization
Officers? <input type="checkbox"/> Yes <input type="checkbox"/> No	Officer Title
Do you have an affidavit on file for any other licensee? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", list license number(s):	

I, Patricia Zaragoza, the above-named affiant, under penalty of perjury, upon oath, depose and say that I will conduct or assist in conducting all bingo games in compliance with the terms of the license, Arizona Revised Statutes, Title 5, Chapter 4, and the rules of the licensing authority. I am of good moral character and have never been convicted of any misdemeanor involving moral turpitude or felony. I have not and shall not receive any reward, compensation or recompense for my participation in the conduct of bingo games except as provided for by law. I hereby swear or confirm that I have read and understand the foregoing and verify that the information and statements made herein are true and correct to the best of my knowledge.

Signature of Affiant

Date

Please mail to: Arizona Department of Revenue, PO Box 29019, Phoenix, AZ 85038-9019

☎ (602) 716-7801

**Arizona Form
830****Affidavit****Bingo**

This affidavit must be completed by each person who wishes to assist in the conduct of any game of bingo. If any information is blank or incorrect, the affidavit will be returned to you. All information is subject to verification. Disclosure of your Social Security Number (SSN) is voluntary. This information may be used to establish positive identification for purposes of criminal background checks pursuant to Arizona Revised Statutes § 5-404.

Licensee's Name <u>SUN AIR ESTATES</u>		License Number	
Position (check the appropriate boxes): <input checked="" type="checkbox"/> Manager <input type="checkbox"/> Supervisor <input type="checkbox"/> Proceed Coordinator <input type="checkbox"/> Assistant		REVENUE USE ONLY. DO NOT MARK IN THIS AREA. [88] [81] PM [80] RCVD	
Affiant's Name <u>JACQUELINE M. CAMERON</u>			
Social Security Number [REDACTED]			
Address [REDACTED]			
City [REDACTED]	State [REDACTED]	ZIP Code [REDACTED]	
Home Phone No. (with area code) [REDACTED]		Work Phone No. (with area code) [REDACTED]	

If licensee is a qualified organization, complete the following section:

Member? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Joined Organization ____/____/____
Officers? <input type="checkbox"/> Yes <input type="checkbox"/> No	Officer Title _____
Do you have an affidavit on file for any other licensee? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes", list license number(s): _____	

I, JACQUELINE CAMERON, the above-named affiant, under penalty of perjury, upon oath, depose and say that I will conduct or assist in conducting all bingo games in compliance with the terms of the license, Arizona Revised Statutes, Title 5, Chapter 4, and the rules of the licensing authority. I am of good moral character and have never been convicted of any misdemeanor involving moral turpitude or felony. I have not and shall not receive any reward, compensation or recompense for my participation in the conduct of bingo games except as provided for by law. I hereby swear or confirm that I have read and understand the foregoing and verify that the information and statements made herein are true and correct to the best of my knowledge.

[REDACTED]
Signature of Affiant

4-17-18
Date

Please mail to: Arizona Department of Revenue, PO Box 29019, Phoenix, AZ 85038-9019

☎ (602) 716-7801

FOR OFFICIAL USE ONLY PURSUANT TO A.R.S. § 5-404.A

- **License Applicants:** Complete lines 2, 3, and 4. Submit with entire license package to local governing body.
- **Local Governing Body:** Complete and return with license package to the Department of Revenue Bingo Section.

<input type="checkbox"/> New Application <input type="checkbox"/> Change of Location		Date	License Number
From (Name of local governing body)			REVENUE USE ONLY. DO NOT MARK IN THIS AREA. <div style="border: 1px solid black; padding: 2px; margin: 2px;">88</div> <div style="display: flex; justify-content: space-between;"> <div style="border: 1px solid black; padding: 2px;">81 PM</div> <div style="border: 1px solid black; padding: 2px;">80 RCVD</div> </div>
Address (number and street, PO Box)			
City	State	ZIP Code	
Phone No. (with area code)			

- 1 This is to certify that on _____ a hearing was conducted pursuant to Arizona Revised Statute, Title 5, Chapter 4, in the matter of:
- ☐ Application for a bingo license by the following applicant.
- ☐ Application for a bingo license location transfer.

2 Applicant's Name Sun Air Estates HOA			
3 Location/Address where games will be conducted: 9600 N 97TH AVE	City PEORIA	State AZ	ZIP Code 85345

- 4 Fill in the time on the days games will be played:

SUN	MON	TUE	WED	THUR	FRI	SAT
<input type="checkbox"/> a.m.	<input type="checkbox"/> a.m.	<input type="checkbox"/> a.m.	<input checked="" type="checkbox"/> a.m.	<input type="checkbox"/> a.m.	<input type="checkbox"/> a.m.	<input type="checkbox"/> a.m.
<input type="checkbox"/> p.m.	<input type="checkbox"/> p.m.	<input type="checkbox"/> p.m.	<input checked="" type="checkbox"/> p.m.	<input type="checkbox"/> p.m.	<input type="checkbox"/> p.m.	<input type="checkbox"/> p.m.

- 5 Background investigations:
- ☐ have ☐ have not been conducted on all individuals listed in the Bingo License Application.

- 6 Recommendation for the application: ☐ Approved ☐ Disapproved

- 7 Specific reasons for disapproval are hereby listed pursuant to A.R.S. § 5-404.1:

This endorsement must be signed by a delegated authority of the local governing body.		
PRINTED NAME _____		
SIGNATURE _____	DATE _____	TITLE _____

Please mail to: Arizona Department of Revenue, PO Box 29019, Phoenix, AZ 85038-9019

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 25R.

Date Prepared: 5/15/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Andy Granger, Deputy City Manager
FROM: Chris M. Jacques, AICP, Planning Director
SUBJECT: PUBLIC HEARING - Initial Zoning, Harvest Church, 8340 West Northern Avenue

Purpose:

Discussion and possible action to adopt **ORD. 2018-16** approving initial zoning for approximately 10.49 acres of recently annexed property located at 8340 West Northern Avenue from Maricopa County Rural-43 (RU-43) to Peoria Suburban Ranch (SR-43).

Summary:

The property contains Harvest Church, a place of worship. The property is adjacent to an unincorporated Maricopa County island to the north, south, and west; and, the city of Peoria to the east. As impetus for its annexation request, the church is planning for future expansions on the site and desires to connect to water and sewer systems as well as receiving public safety services.

Accordingly, on November 28, 2017 the Mayor and City Council adopted Ordinance No. 2017-46 approving the annexation of the subject site. Pursuant to A.R.S. §9-462.04(E) and Section 21-318 of the Peoria City Code, the City must assign initial zoning within six (6) months of the effective date of annexation. The effective date is January 4, 2018.

Pursuant to Arizona Revised Statutes, the initial corresponding zoning shall not permit densities and uses more intense than those permitted by the County prior to the annexation. The most analogous City of Peoria zoning category to the Maricopa County Rural Residential Zoning District (RU-43) is City of Peoria Suburban Ranch (SR-43) Zoning District. This request is consistent with the State Statute.

Previous Actions/Background:

- On May 17, 2018 the Planning and Zoning Commission held a public hearing on this case. The Commission unanimously recommended approval of this request. There were no speakers in support or opposition to the proposal.

Options:

- A:** Approve as recommended by Staff and the Planning & Zoning Commission; or
- B:** Approve with modifications; or
- C:** Deny; or
- D:** Continue action to a date certain or indefinitely; or
- E:** Remand to the Planning & Zoning Commission for further consideration.

Staff Recommendation:

Pursuant to A.R.S. 9-462.04(E), the annexing municipality must establish initial or equivalent zoning on newly-annexed property within six (6) months of the effective date. To this end, the City is requesting to assign Peoria Suburban Ranch (SR-43) zoning on a privately-owned parcel comprising 10.49 acres, located at 8340 W. Northern Avenue.

Fiscal Analysis:

This request is not expected to have immediate budgetary impacts to the City.

ATTACHMENTS:

Exhibit 1 - Vicinity Map

Exhibit 2 - Planning and Zoning Commission Packet

Exhibit 3 - Draft Ordinance

Contact Name and Number:

Chris Jacques, AICP, Planning Director (623) 773-7609

Randy Proch, Planner (623) 773-5164

Vicinity Map



Z18-08 Harvest Church Initial Zoning

Applicant: City of Peoria

Request: The City is requesting initial zoning from Maricopa County Rural Residential (RU-43) to Peoria Suburban Ranch 43 (SR-43).

Location: 8340 W. Northern Avenue

Exhibit 1



Not to Scale

BACKGROUND

Context

The subject property is approximately 10.49 acres in size, and located at 8340 W. Northern Avenue, which is west of the northwest corner of 83rd Avenue and Northern Avenue (Exhibit A).

On November 28, 2017, the Mayor and City Council unanimously Ordinance #2017-46, annexing the property into the City of Peoria. Pursuant to Arizona Revised Statutes (ARS) §9-462.04(E), the City must assign initial zoning to the property within six (6) months of effective date of annexation. Additionally, the corresponding initial zoning district cannot permit densities or uses more intense than that provided under the Maricopa County (County) zoning. In essence, the City works to identify the equivalent or most analogous Peoria zoning district to that granted in the County. Accordingly, this is a city-initiated rezoning request to designate the property as Suburban Ranch (SR-43).

General Plan

The subject property has a land use designation on the General Plan as *Low Density Residential (LDR)*, which as a density range of 2-5 dwelling units per acre (du/ac) with a target of 3 du/ac (Exhibit B). The LDR land use designation denotes areas where detached, moderately sized lot, single-family residential neighborhoods are desirable.

Zoning

The site is zoned Maricopa County Rural Residential (RU-43). The RU-43 district's principal purpose is to conserve and protect farms and other open land uses, foster orderly growth in rural and agricultural areas, prevent urban and agricultural land use conflicts, and encourage sustainable development (Exhibit C).

Adjacent Uses and Zoning

Table 1 summarizes the existing land use, General Plan designation, and Zoning District designation for the surrounding areas.

Table 1 – Existing Land Use, General Plan Designation, and Zoning District

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Harvest Church	Low Density Residential	Maricopa County Rural Residential (RU-43)
North	Single-Family homes	Low Density Residential	Maricopa County Rural Residential (RU-43)
South	Single-Family homes	Maricopa County	Maricopa County Rural Residential (RU-43)
East	83 rd Avenue, then agricultural use	Business Park / Industrial	Light Industrial (I-1)
West	Retention basin	Low Density Residential	General Agricultural (AG)

Other Related Policies and Project History

On November 28, 2017, the Mayor and City Council adopted Ordinance #2017-41, approving the annexation of the subject property (Case ANX17-04). The annexation became effective on January 4, 2018.

APPLICANT'S PROPOSAL

Goal/Purpose of Request

Pursuant to ARS §9-462.04E and ARS §9-471.L, the City must assign City zoning to the annexed property within six (6) months following the effective date of adoption of the annexation.

Per ARS, the initial corresponding zoning shall not permit densities and uses more intense than those permitted by Maricopa County prior to the annexation. The closest City of Peoria zoning category to the Maricopa County Rural Residential (RU-43) Zoning District is City of Peoria Suburban Ranch (SR-43) Zoning District. This request is consistent with the State Statutes.

Development Information

- | | |
|------------------|------------------|
| • Existing Use: | Place of Worship |
| • Proposed Use | Place of Worship |
| • Property Size: | 10.49 acres |

DISCUSSION AND ANALYSIS

Land Use

The site is currently being utilized by Harvest Church, and there will be no foreseen change in land use. The property is being utilized and maintained for religious activities and has an existing place of worship which has existed on the subject property for several years. Therefore, the request does not pose an increase in the current use.

Staff supports the initial zoning request as denoted by ARS, which mandates the transition from RU-43 to SR-43 within six (6) months of the effective date of the annexation. The proposed initial zoning district, SR-43, meets the criteria as outlined by statute.

Zoning Findings

The initial zoning request is mandated by ARS for annexation of properties into a municipal jurisdiction. The proposed initial zoning district of Suburban Ranch 43 (SR-43) is similar in density and uses as permitted by Rural Residential 43 (RU-43). SR-43 is also in conformance with the goals and objectives set forth in the Peoria General Plan.

Harvest Church is considered a "Religious Institution" and allowed within the Maricopa County RU-43 Zoning District, as well as allowed within the proposed Peoria Suburban Ranch 43 (SR-43) Zoning District.

COMMUNITY INVOLVEMENT

Outreach Requirements

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOAs within one (1) mile, posting a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

A neighborhood meeting is not required for an Initial Zoning application.

Support / Opposition

At the time of this report, staff has not received any correspondence in support or opposition to the request.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission take the following action:

Recommend approval for Case Z18-08 to the City Council establishing initial zoning of the subject property to Suburban Ranch 43 (SR-43).

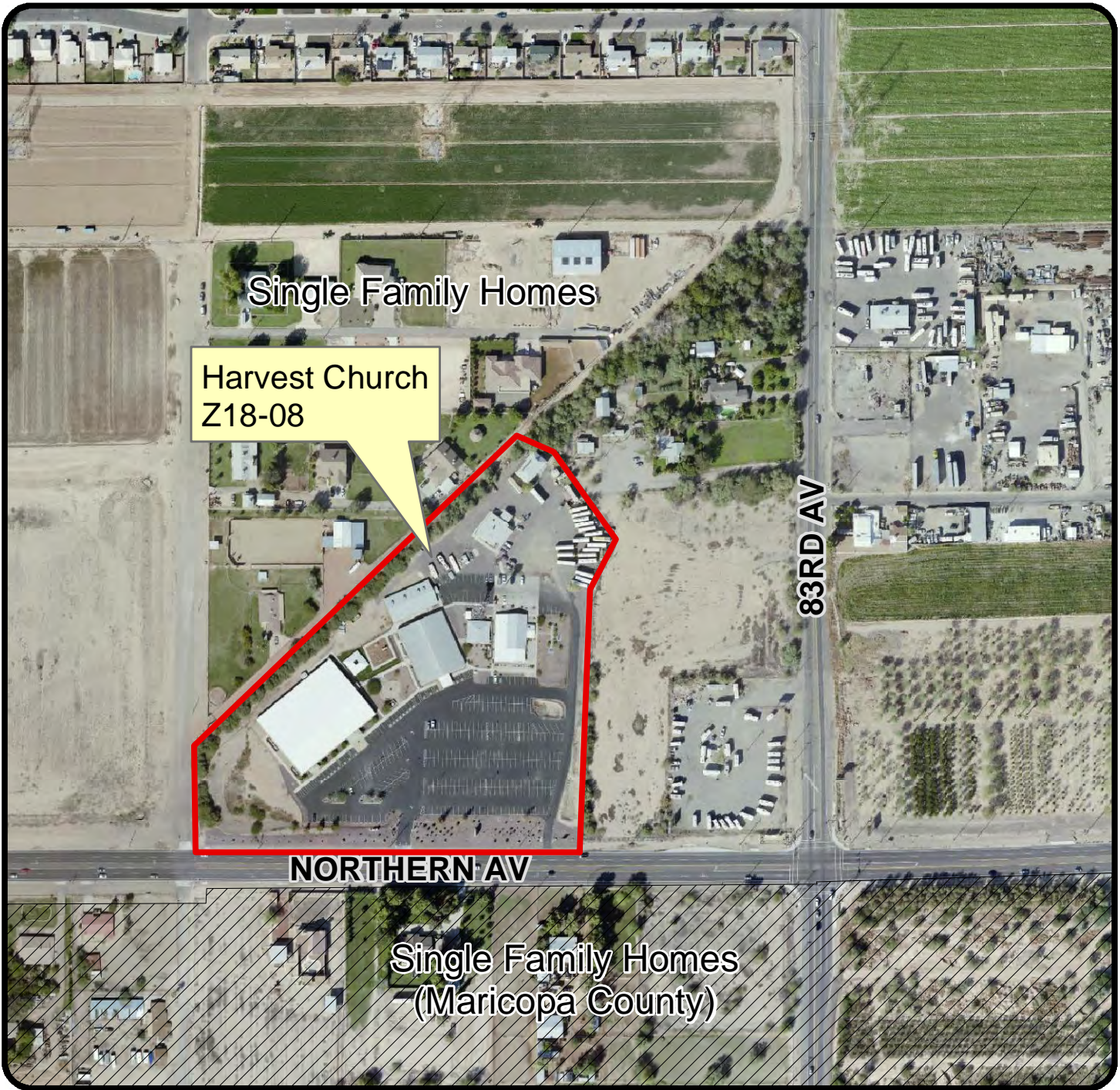
REPORT PREPARED BY

Randy Proch
Planner
623-773-5164
randy.proch@peoriaaz.gov

ATTACHMENTS:

Exhibit A	Vicinity Map
Exhibit B	General Plan Map
Exhibit C	Zoning Map

Vicinity Map



Z18-08 Harvest Church Initial Zoning

Applicant: City of Peoria

Request: The City is requesting initial zoning from Maricopa County Rural Residential (RU-43) to Peoria Suburban Ranch 43 (SR-43).

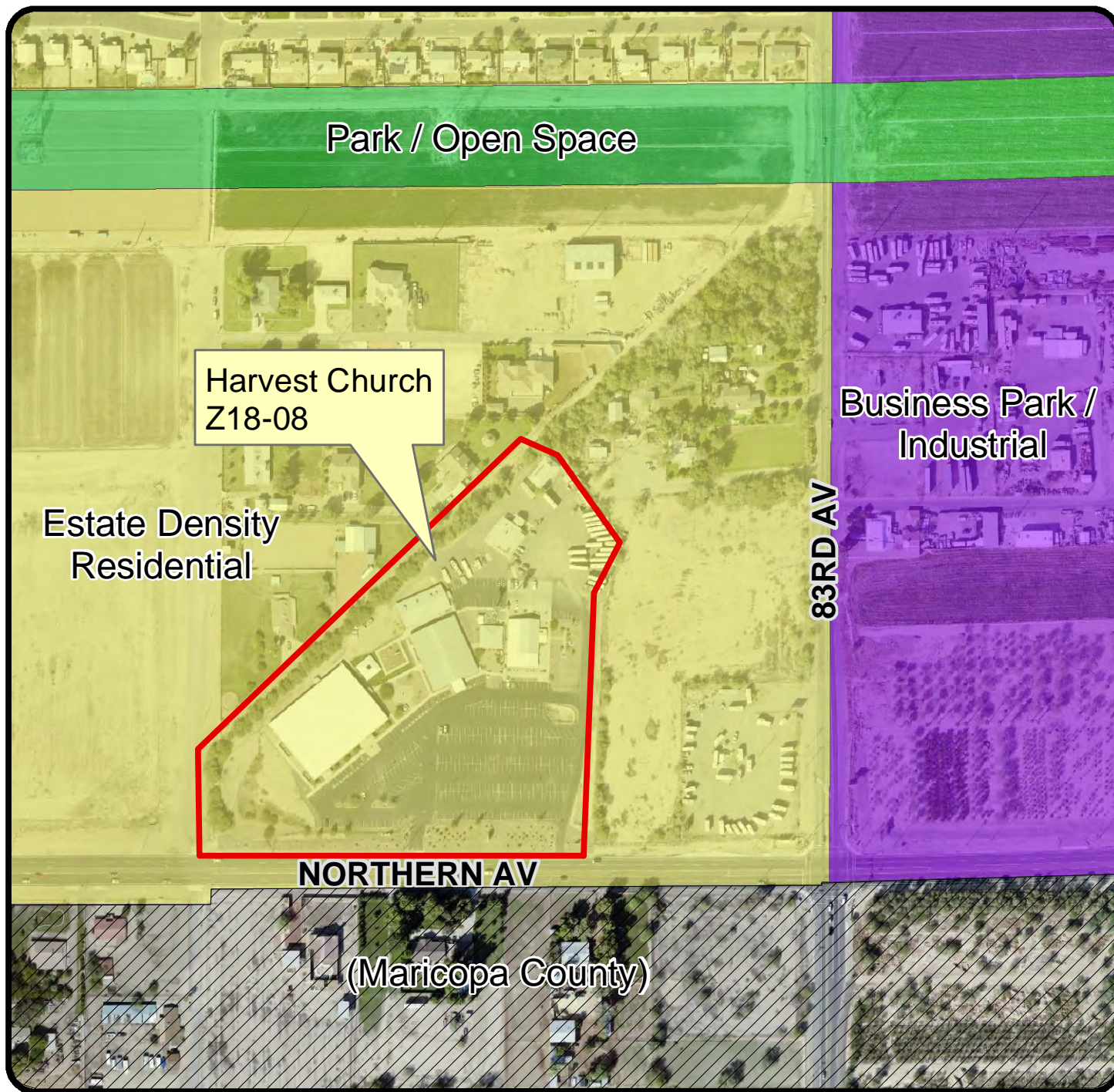
Location: 8340 W. Northern Avenue

Exhibit A



Not to Scale

General Plan Map



Z18-08 Harvest Church Initial Zoning

Applicant: City of Peoria

Request: The City is requesting initial zoning from Maricopa County Rural Residential (RU-43) to Peoria Suburban Ranch 43 (SR-43).

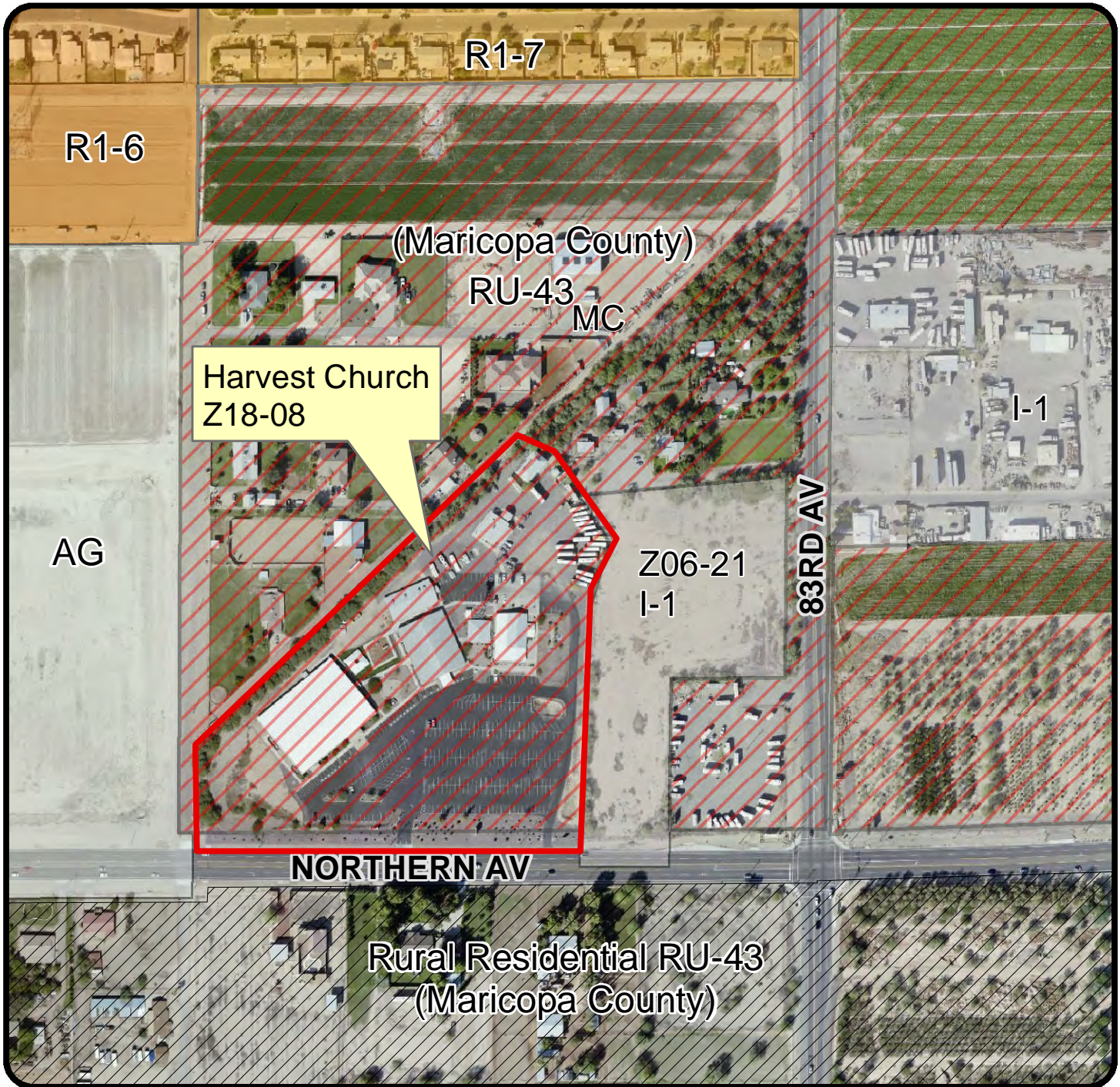
Location: 8340 W. Northern Avenue

Exhibit B



Not to Scale

Zoning Map



Z18-08 Harvest Church Initial Zoning

Applicant: City of Peoria

Request: The City is requesting initial zoning from Maricopa County Rural Residential (RU-43) to Peoria Suburban Ranch 43 (SR-43).

Location: 8340 W. Northern Avenue

Exhibit C



Not to Scale

ORDINANCE NO 2018-16

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ESTABLISHING INITIAL ZONING ON RECENTLY ANNEXED PROPERTY, FROM MARICOPA COUNTY RURAL RESIDENTIAL (RU-43) ZONING DISTRICT TO CITY OF PEORIA SUBURBAN RANCH (SR-43) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 28, 2017, the Mayor and City Council of the City of Peoria adopted Ordinance No. 2017-46, approving the annexation of the subject property into the City of Peoria.

WHEREAS, pursuant to A.R.S. §9-462.04(E) and §9-471(L) and Section 21-318 of the Peoria City Code, the City must assign initial zoning to the newly annexed property within six (6) months of the effective date of annexation.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on May 17, 2018 for Case Z18-08 in the manner prescribed by law for the purpose of considering an amendment to the district boundaries of property within the City of Peoria, Arizona to provide for initial city zoning of the subject parcel as described below from Maricopa County Rural Residential (RU-43) zoning district to City of Peoria Suburban Ranch (SR-43) zoning district as provided in Section 21-318 of the Peoria City Code;

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times Newspaper on April 27, 2018; and,

WHEREAS, the City of Peoria Planning and Zoning Commission has recommended to the Mayor and the Council of the City of Peoria, Arizona, the initial zoning of property as aforesaid and the Mayor and the Council of the City of Peoria, Arizona desires to accept such recommendation and rezone the property as described below as aforesaid.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona that:

SECTION 1. A parcel of land in Peoria, Maricopa County, Arizona, which is more accurately described in Exhibit A to this Ordinance, is hereby rezoned from Maricopa County RU-43 zoning district to City of Peoria SR-43 zoning district.

SECTION 2. Amendment of Zoning Map. The City of Peoria zoning map is herewith amended to reflect the change in districts referred to in Section 1 above.

SECTION 3. Effective Date. This Ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria, Arizona
this 5th day of June, 2018.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Vanessa P. Hickman, City Attorney

Published in: Peoria Times

Publication Dates: June 15, 2018

Effective Date: _____

Exhibit A
Legal Description

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 CORNER OF 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 ON 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 ON 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 40.00 FEET THEROF; 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 CORNER OF SAID SECTION 34;

THENCE NORTH 89 DEGREES 37 MINUTES 12 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 1295.91 FEET TO THE SOUTHWEST CORNER 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;

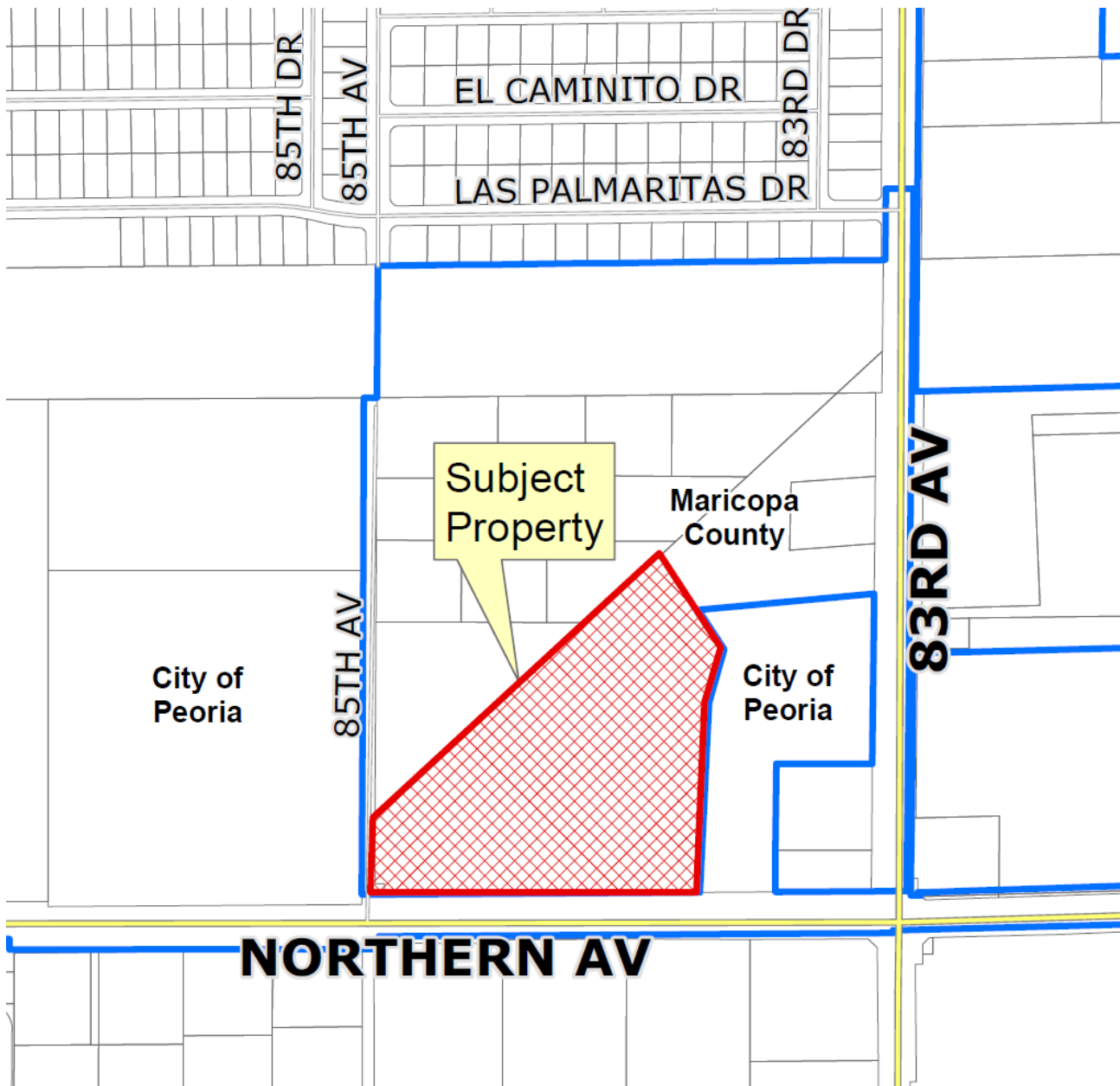
THENCE SOUTH 00 DEGREES 17 MINUTES 30 SECONDS WEST, A DISTANCE OF 47.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 45.00 FEET OF SECTION 34;

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 B
Parcel Map**



**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 26R.

Date Prepared: 5/16/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Andy Granger, Deputy City Manager
FROM: Chris M. Jacques, AICP, Planning Director
SUBJECT: PUBLIC HEARING - Code Amendment, Chapter 21, Section 21-320 Site Plan Review

Purpose:

Discussion and possible action to adopt **ORD. 2018-17**, amending Chapter 21 of the Peoria City Code, amending Section 21-320 pertaining to Site Plan Review.

Summary:

Prior to the submittal of construction and permitting documents, a proposed development will undergo *Site Plan Review*. In this phase, the conceptual development program is reviewed for compliance with the Zoning Ordinance and any associated conditions, Design Review Manual, infrastructure guidelines and all other relevant codes and ordinances. A multitude of factors are assessed including drainage, building setbacks, parking, fire access, ingress/egress, architectural / site design, and others. This phase ensures that the conceptual plan is compliant before detailed construction and civil plan review documents are drawn up.

Site Plan Review applications are reviewed and approved administratively by staff from multiple city departments. This process takes into consideration the proposed design, the function, location, operational aspects for the type of use, and compatibility of the proposal with the surrounding area to ensure that individually, and cumulatively, any potential adverse impacts are mitigated if appropriate, and to protect and promote the public health, safety, and general welfare.

In short, this a technical review with objective decision criteria.

Regulations within Section 21-320 of the Zoning Ordinance identify how city staff review a Site Plan application. If collectively city staff determines the proposal in conformance with the stated criteria, then the Zoning Ordinance gives the authority to the City to grant Site Plan Approval and/or impose such conditions and safeguards as deemed necessary to satisfy the provisions of the Zoning Ordinance. Additionally, the Zoning Ordinance allows an appeal to be filed if a party believes an error was made in a decision or determination in the enforcement of the Zoning Ordinance or applicable regulatory requirements.

Currently, the Zoning Ordinance permits "the applicant or *any member of the public*" to file an appeal of a decision to approve or deny a Site Plan. Such appeals are then forwarded to the Planning and Zoning Commission for a final decision. Moreover, the Ordinance does not currently provide any limitations as to what constitutes a valid appeal. Unfortunately, because any simple objection constitutes a valid appeal, projects may be subject to undue delay particularly if the basis of the appeal is not applicable to the purview of a Site Plan.

Historically, the City has received very few Site Plan appeals, although this number has risen in the last few years. Currently, the vast majority of site plan appeals being heard by the Planning and Zoning Commission are filed by aggrieved persons disapproving of a particular *use*, which is something that would have been determined previously through the rezoning process. When this occurs, the appellant is often dissatisfied by the outcome, possibly feeling misled by the stated right to appeal, and the Commission often finds itself hearing an appeal, but having very limited authority to act in favor of the appellant, thereby frustrating the Commissioners, the applicant, the appellant, and the site plan process as a whole.

The City of Peoria's current standards for Site Plan Review have remained largely unchanged since their adoption by City Council. The subject amendment seeks to modernize the code through the following:

- Align potential appellants to a Site Plan case to be the applicant and property owners with the notification radius (300 feet for Site Plan Review). The notification radius is seen as the "impact area" of the site plan request.
- Refine the process by allowing the Department Director to determine when site plan appeals are valid and the appropriate hearing officer for the appeal.
- Realign the designated hearing officer with the technical nature of the appeal.
- Modify appeal deadlines to be consistent with the City's stated hours of operations.

The proposed amendment provides a more user-friendly ordinance, which clarifies the site plan review and approval criteria, along with aligning filing deadlines with the city's stated hours of operation. More importantly, the proposed refinements streamline the appeal process, while ensuring that appeals are conducted in a fair and expeditious manner that protects the rights of all parties.

Previous Actions/Background:

- On April 5, 2018, the Planning and Zoning Commission held a Study Session on the proposed amendment.
- On May 3, 2018, A regular Public Hearing was held to consider the proposed code amendment. The Commission voted 7-0 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:

APPROVE as recommended by Staff and the Planning and Zoning Commission.

Fiscal Analysis:

This request is not expected to generate any fiscal impacts to the City.

ATTACHMENTS:

Exhibit A - May 3, 2018 Planning and Zoning Commission Staff Report

Exhibit B - Proposed Ordinance Amending 21-320 of the City Code (2017 edition)

Contact Name and Number:

Chris M. Jacques, AICP, Planning Director (623) 773-7609

Lorie Dever, Principal Planner (623) 773-5168



PLANNING AND ZONING COMMISSION REPORT

Meeting May 3, 2018

Date:

Agenda Item: 5R

Case Name: TA18-02: Site Plan Review Text Amendment

Case TA18-02

Number(s):

General Application Information

Proposal:

A comprehensive amendment to the existing site plan review section of the Zoning Ordinance for the purposes of modernizing the code and updating the site plan appeal criteria and process.

Location:

N/A

Project Acreage:

N/A

Applicant:

City of Peoria

Project Description

A request to consider a city-initiated comprehensive amendment to Section 21-320 ("Site Plan Review") of the City Code.

Recommendations:

Recommend approval of Case TA18-02 to the Peoria City Council.

ATTACHMENTS:

Description

Staff Report

Exhibit A - Proposed Section 21-320 Site Plan

Exhibit B - Existing Section 21-320 Site Plan

BACKGROUND

Context

Prior to the submittal of construction and permitting documents, a proposed development will undergo Site Plan Review. In this phase, the conceptual development program is reviewed for compliance with the Zoning Ordinance and any associated conditions, Design Review Manual, infrastructure guidelines and all other relevant codes and ordinances. A multitude of factors are assessed including drainage, building setbacks, parking, fire access, ingress/egress, architectural / site design, and others. This phase ensures that the conceptual plan is compliant before detailed construction and civil plan review documents are drawn up.

Site Plan Review applications are reviewed administratively by staff from multiple city departments. This process takes into consideration the proposed design, the function, location, operational aspects for the type of use, and compatibility of the proposal with the surrounding area to ensure that individually, and cumulatively, any potential adverse impacts are mitigated if appropriate, and to protect and promote the public health, safety, and general welfare.

The City of Peoria's current standards for Site Plan Review have remained largely unchanged since their adoption by City Council. The subject amendment seeks to modernize the code through the following:

- Refine the process by allowing the Department Director to determine when site plan appeals are valid and the appropriate hearing officer for the appeal.
- Realign the designated hearing officer with the technical nature of the appeal.
- Modify appeal deadlines to be consistent with the City's stated hours of operations.

PROPOSAL

Goal/Purpose of Request

The purpose of this city-initiated text amendment is to address the aforementioned factors by creating a streamlined, easy to follow ordinance.

DISCUSSION AND ANALYSIS

Regulations within Section 21-320 of the Zoning Ordinance identify how city staff review a Site Plan application. If collectively city staff determines the proposal in conformance with the stated criteria, then the Zoning Ordinance gives the authority to the City to grant Site Plan Approval and/or impose such conditions and safeguards as deemed necessary to satisfy the provisions of the Zoning Ordinance. Additionally, the Zoning Ordinance allows an appeal to be filed if a party believes an error was made in a decision or determination in the enforcement of the Zoning Ordinance or applicable

regulatory requirements.

This text amendment proposes a number of refinements to the site plan appeal criteria, which are intended to safeguard the appeal rights of persons aggrieved by City decisions, while also ensuring that appeals are conducted fairly and expeditiously manner that protects the rights of all parties. Additionally, the refinements within the appeal portion of the proposed Code provide the applicant more finality regarding the city's land use decisions and development permitting process.

The following summarizes the proposed changes to the Zoning Ordinance and the reasoning for the modifications as noted in italics:

- An appeal may only be filed by the applicant, a City of Peoria property owner, or property owners within the prescribed notification area.

These refinements reduce the potential for a business competitor or individual to use the appeal process to slow down, or place added financial burden on a project as a means for competitive advantage. Additionally, it appropriately confines an appellant to an area of impact coinciding with the notification radius.

- Appeals must be received by the Department within fifteen (15) calendar days after the Notice of Decision has been issued. The deadline shall be extended to the end of the next business day when the deadline occurs on a non-business day.

The deadline now aligns with the City's stated hours of operation.

- Appeals filed with the intent to contest the proposed land use, the zoning designation, or an approval of a conditional use permit shall be determined by the Department Director to be invalid and shall not be forwarded to an appeal body for consideration.

Not all appeals are valid, as they are often filed with the intent to challenge a previous decision, such as a rezoning, made by the City Council or the Planning and Zoning Commission. Additionally, the existing language potentially allows an appeal to be filed as a means to oppose a particular business or land use.

As noted during study session presentation at the April 5, 2018 Planning and Zoning Commission meeting, City staff are prohibited from favoring one business or land use over another one during the site plan review process. Consequently, the proposed language allows the Department Director determine these types of appeals as invalid.

- Technical appeals will now be heard by the City Engineer acting in capacity of a Hearing Officer. Appeals regarding exactions or dedications, along with any other types of appeals will be heard by the Land Use Hearing Officer.

To process technical appeals in a more expeditious manner, the new language would allow the City Engineer to now act as a Hearing Officer in place of the Planning and Zoning Commission. These type of appeals would be related to items such as utility locations, grading and drainage, or traffic mitigation measures. In this manner, the City Engineer would be responsible for ensuring compliance with the City's adopted engineering standards and policies.

The hearing officer for exactions or dedications remains the same, which is a Land Use Hearing Officer. As part of the proposed modification, another universal category has been added to address the appropriate hearing body for all of other types of appeals that are not technical in nature. Depending on the exact nature of the appeal, the City Manager or designee may fulfill this role. The new language also allows the City Manager to appoint a third-party with technical or legal expertise to serve as the Hearing Officer to ensure impartiality and protection of rights of all parties are protected.

Conclusions

Currently, the vast majority of site plan appeals being heard by the Planning and Zoning Commission are filed by aggrieved persons disapproving of a particular use – something that would have been determined previously through the rezoning process. When this occurs, the appellant is often dissatisfied by the outcome, possibly feeling misled by the stated right to appeal, and the Commission often finds itself hearing an appeal, but having very limited authority to act in favor of the appellant, thereby frustrating the Commissioners, the applicant, the appellant, and the site plan process as a whole.

The proposed amendment provides a more user-friendly ordinance, which clarifies the site plan review and approval criteria, along with aligns filing deadlines with the city's stated hours of operation. More importantly, the proposed refinements streamline the appeal process, while ensuring that appeals are conducted fairly and expeditiously manner that protects the rights of all parties.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission make the following recommendations to the City Council:

- 1) Approval of case TA18-02 regarding Temporary Uses to the City Council, a request for a comprehensive amendment of Section 21-320, Site Plan, of Chapter 21 of the City of Peoria City Code.

REPORT PREPARED BY

Lorie Dever
Principal Planner
623-773-5168
Lorie.Dever@peoriaaz.gov

ATTACHMENTS:

Exhibit A:	Proposed Section 21-320 (Site Plan)
Exhibit B:	Existing Section 21-320 (Site Plan)

Exhibit A
Proposed
Section 21-320
Site Plan

Exhibit A – Proposed Section 21-320, Site Plan

21-320 Site Plan

A. Purpose and Applicability

1. New development and existing developments which are proposing qualifying building additions, alterations and/or site improvements shall be subject to Section 21-320 of the Zoning Ordinance ("Site Plan Review"). Detached or attached single-family units on individual lots shall not be subject to the Site Plan process.
2. The Department is authorized by the provisions of the City Code to review site plan applications, and make a determination that the proposed project, or alterations and site improvements are in compliance with the underlying zoning and other applicable ordinances, codes, and regulatory requirements.
3. The regulations provided herein are intended to facilitate the orderly present and future development of the City by promoting the public health, safety, and general welfare, and aesthetic character of the community.
4. This Section establishes the application requirements, review procedures, and approval criteria utilized by the Department when considering an application for a Site Plan.

B. Application Requirements

An application for Site Plan Review must include all information required in the official process guide and application packet for Site Plan Review applications made available by the Department, in addition to other information required by the Planning Manager or designee based on the nature of the proposed development.

C. Approval Criteria

1. The Department shall review Site Plan applications in accordance with applicable Zoning Ordinance regulations, Peoria Design Review Manual, applicable City Code provisions, and other regulatory requirements.
2. Approval of a Site Plan application shall be given only when in the judgement of the City, such an approval is consistent with the intent and purpose of this Section, and it is determined that the proposed application is:
 - a. Consistent with the health, safety, and welfare of the community;
 - b. In harmony with the purposes and intent of this Ordinance, the General Plan, and any adopted plan for the area; and
 - c. Will not cause traffic related concerns that cannot be mitigated as determined by the City Engineer.

D. Notice of Decision.

1. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.
2. The Department shall provide notice of the site plan decision to all required parties identified within Section 21-315.E.
3. If no appeal is filed within the specified timeframe within Section 21-322.E, then the decision of the Department shall be final.

Exhibit A – Proposed Section 21-320, Site Plan

E. Appeal Criteria and Procedure

1. The Notice of Decision by the Department may be appealed by the applicant, or any City of Peoria property owner or property owners within the notification area identified within Section 21-315 Notices of the Zoning Ordinance.
2. The purpose of the appeal criteria provided herein is to fairly accommodate appeal rights of persons aggrieved by City decisions, while also ensuring that appeals are conducted fairly and expeditiously in a manner that protects the rights of all parties and ensures finality in land use decisions and development permitting.
3. An appeal of a Site Plan decision is limited to instances where the aggrieved party alleges there was an error in a decision or determination in the enforcement of the Zoning Ordinance or applicable regulatory requirements.
4. To initiate an appeal the Department's decision regarding a site plan application:
 - a. A written notice of appeal shall be submitted on a form prescribed by the Department and includes specific citations from the Zoning Ordinance or other regulatory documents in which the Appellant believes the Site Plan does not comply with; and
 - b. Be received by the Department within fifteen (15) calendar days after the Notice of Decision has been issued. The deadline shall be extended to the end of the next business day when the deadline occurs on a non-business day.
5. The filing of an appeal will be considered complete upon receipt of the written appeal by the Department Director within the specified timeframe and meets all of the appeal criteria as specified within 21-322.E above.

F. Determination by Department Director

1. Appeals filed with the intent to contest the proposed land use, the zoning designation, or an approval of a conditional use permit shall be determined by the Department Director to be invalid and shall not be forwarded to an appeal body for consideration.
2. Upon receipt of a valid appeal, the Department Director shall make a determination as to the nature of the appeal and shall determine the appropriate Hearing Officer to hear the appeal.
3. Appeals of a technical nature, such as but not limited to utility locations, grading and drainage, or traffic mitigation measures shall be heard by the City Engineer, or designee thereof, acting in capacity of the Hearing Officer.
4. Appeals regarding exactions or dedications associated with the site plan shall be heard by the Land Use Hearing Officer, which shall be the City Manager or designee.
5. For all other types of appeals, they shall be heard by the Land Use Hearing Officer, which shall be the City Manager or designee.

G. Action of Hearing Officer

1. The Hearing Officer shall hold a hearing and provide the appellant, applicant, Department staff, and those property owners and registered homeowner's associations within the required notification radius of the subject property an opportunity to present their position. Such hearings shall be informal and the rules of evidence and civil procedure shall not apply. The hearing officer shall have the authority to approve, deny, or modify the request.

Exhibit A – Proposed Section 21-320, Site Plan

2. The Hearing Officer's decision shall be in writing and shall be provided to the appellant, applicant, the Department, and any property owners and homeowner's association representatives who attended the hearing.
3. The decision of the Hearing Officer shall be final.

H. Building Permits Based upon Approved Site Plan

1. For all development subject to Site Plan review, an approved Site Plan and proper zoning are required prior to the commencement of any construction or development on the site.
2. The applicant shall obtain the necessary building and/or construction permits within eighteen (18) months of the date of approval of the Site Plan application, if not obtained within the eighteen (18) month time frame, the applicant may, prior to the date of expiration, file a request for an extension, whereupon the Planning Manager may authorize a one-time, six (6) month extension. If the time frame has expired, the applicant shall submit a new Site Plan, together with the applicable documents and fees as stipulated in the above provisions.

I. Amendments to Approved Site Plans

1. When a site plan has been previously approved and alterations to the proposed buildings or site improvements are desired, a site plan amendment will be required if those changes are deemed by the Planning Manager or designee to be substantial in nature.
2. Substantial changes may include, but not be limited to a ten (10) percent increase in a project gross land area, a building or buildings' square footage, or a multi-family project's density, or a material change to the project's land use, or an alteration to the project's circulation pattern.
3. A site plan amendments shall be submitted, reviewed and approved in accordance with the same Site Plan approval criteria as identified herein.
4. Any modification which does not substantially change the approved site plan, shall be not require the applicant to obtain new site plan approval and may be addressed through the building permit process.

Exhibit B
Existing
Section 21-320
Site Plan

Exhibit B – Existing Section 21-320, Site Plan Review

21-320 Site Plan Review

A. Applicability

1. All development in the City of Peoria, except detached or attached single-family units on individual lots, shall be subject to Site Plan Review as provided in this Ordinance.

B. Application for Site Plan Review

An application for Site Plan Review shall be submitted to the Department on an official form provided by the Department. The application shall satisfy the submittal requirements as provided in the Site Plan and Design Review Process Guides. The application shall contain sufficient information for the City to determine whether the proposed development meets the development requirements of the City.

C. Plans Review

The City shall review Site Plan applications in accordance with the Process Guides. If the Department determines that the proposed Site Plan 1) is consistent with the health, safety, and welfare of the community; 2) is in harmony with the purposes and intent of this Ordinance, the General Plan, and any plan for the area; and 3) will not cause traffic related concerns that cannot be mitigated then the Department may grant Site Plan Approval and may impose such conditions and safeguards as the Department deems necessary to satisfy the provisions in this Ordinance. The Department may determine that the conditions required for approval do not exist and, thereupon, deny Site Plan approval. ^{*12, *19}

D. Appeals

The applicant or any member of the public may file a request to appeal: (a) the decision to approve or deny a site plan; (b) a site plan stipulation; or (c) an exaction or dedication associated with the site plan. ^{*7}

1. Appeal to Planning and Zoning Commission

The Planning and Zoning Commission shall hear appeals related to decisions to approve or deny a site plan, and for site plan stipulations other than stipulations for exactions or dedications. The Commission may approve in whole or in part, modify, or deny the request, or continue the appeal. The decision of the Planning and Zoning Commission shall be final.

a. Filing

The appealing party shall file a written appeal, to the Planning and Zoning Commission, within fifteen (15) calendar days of the Notice of Decision. The filing of an appeal will be considered complete upon receipt of the appeal by the Department Director. The written appeal shall include the specific reasons for the appeal. If no appeal is filed within the fifteen (15) calendar days of the day the notice of decision was issued, the decision of the Department shall be final.

2. Appeal to Land Use Hearing Officer for Exactions or Dedications

The Land Use Hearing Officer shall hear appeals related to exactions or dedications associated with the site plan, in accordance with Section 21-301 and Section 21-309.C.

E. Building Permits Based upon Approved Site Plan

1. For all development subject to Site Plan review, an approved Site Plan and proper zoning are required prior to the commencement of any construction or development on the site.
2. The applicant shall obtain the necessary building and/or construction permits within eighteen (18) months of the date of approval of the Site Plan application, if not obtained within the

Exhibit B – Existing Section 21-320, Site Plan Review

44 eighteen (18) month time frame, the applicant may, prior to the date of expiration, file a
45 request for an extension, whereupon the Planning Manager may authorize a one-time, six (6)
46 month extension. If the time frame has expired, the applicant shall submit a new Site Plan,
47 together with the applicable documents and fees as stipulated in the above provisions.

48 F. Amendments to Approved Site Plans

49 Any change or modification to an approved Site Plan shall be considered an amendment to the
50 Site Plan. For all Site Plan amendments, revised Site Plans incorporating the changes shall be
51 submitted to the Department. Site Plan amendments shall be classified as Major or Minor and
52 processed accordingly.

53 1. Criteria for Major Amendments

54 Any modification which, as determined by the Department, substantially changes the
55 approved site plan, shall be considered a major site plan amendment. The Department shall
56 consider all amendments that would increase project gross land area, building square footage,
57 or residential densities by more than ten (10) percent, materially change project land use, or
58 alter circulation patterns to be Major Site Plan Amendments.

59 2. Criteria for Minor Amendments

60 Any modification which, as determined by the Department, does not substantially change the
61 approved site plan, shall be considered a Minor Site Plan Amendment. The Department shall
62 consider changes such as minor dimensional building configuration and landscape changes, as
63 well as the addition of shade structures, to be Minor Site Plan Amendments.

64 3. Approval of Major Amendments

65 If the Department determines that an application is for a Major Site Plan Amendment, a new
66 application form together with the revised Site Plan, associated materials, and the application
67 fee shall be submitted to the Department and shall be subject to the Application, Site Plan
68 Review, and Appeal processes as herein set forth.

69 4. Approval of Minor Amendments

70 If the Department determines that an application is for a Minor Site Plan Amendment, the
71 Department shall approve or deny the application through the Building Permit process.

ORDINANCE NO. 2018-17

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 21 OF THE PEORIA CITY CODE, BY AMENDING SECTION 21-320 SITE PLAN REVIEW, 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 May 3, 2018 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 April 13, 2018; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of May 3, 2018 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 21-320 Site Plan Review, 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 Exhibit A.

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 3. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Maricopa County, Arizona this 5th day of June, 2018.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Vanessa P. Hickman, City Attorney

Published in: Peoria Times
Publication Date: June 15, 2018
Effective Date: _____

Exhibit A

21-320 Site Plan

A. Purpose and Applicability

1. New development and existing developments which are proposing qualifying building additions, alterations and/or site improvements shall be subject to Section 21-320 of the Zoning Ordinance ("Site Plan Review"). Detached or attached single-family units on individual lots shall not be subject to the Site Plan process.
2. The Department is authorized by the provisions of the City Code to review site plan applications, and make a determination that the proposed project, or alterations and site improvements are in compliance with the underlying zoning and other applicable ordinances, codes, and regulatory requirements.
3. The regulations provided herein are intended to facilitate the orderly present and future development of the City by promoting the public health, safety, and general welfare, and aesthetic character of the community.
4. This Section establishes the application requirements, review procedures, and approval criteria utilized by the Department when considering an application for a Site Plan.

B. Application Requirements

An application for Site Plan Review must include all information required in the official process guide and application packet for Site Plan Review applications made available by the Department, in addition to other information required by the Planning Manager or designee based on the nature of the proposed development.

C. Approval Criteria

1. The Department shall review Site Plan applications in accordance with applicable Zoning Ordinance regulations, Peoria Design Review Manual, applicable City Code provisions, and other regulatory requirements.
2. Approval of a Site Plan application shall be given only when in the judgement of the City, such an approval is consistent with the intent and purpose of this Section, and it is determined that the proposed application is:
 - a. Consistent with the health, safety, and welfare of the community;
 - b. In harmony with the purposes and intent of this Ordinance, the General Plan, and any adopted plan for the area; and
 - c. Will not cause traffic related concerns that cannot be mitigated as determined by the City Engineer.

D. Notice of Decision.

1. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.

2. The Department shall provide notice of the site plan decision to all required parties identified within Section 21-315.E.
3. If no appeal is filed within the specified timeframe within Section 21-322.E, than the decision of the Department shall be final.

E. Appeal Criteria and Procedure

1. The Notice of Decision by the Department may be appealed by the applicant, or any City of Peoria property owner or property owners within the notification area identified within Section 21-315 Notices of the Zoning Ordinance.
2. The purpose of the appeal criteria provided herein is to fairly accommodate appeal rights of persons aggrieved by City decisions, while also ensuring that appeals are conducted fairly and expeditiously in a manner that protects the rights of all parties and ensures finality in land use decisions and development permitting.
3. An appeal of a Site Plan decision is limited to instances where the aggrieved party alleges there was an error in a decision or determination in the enforcement of the Zoning Ordinance or applicable regulatory requirements.
4. To initiate an appeal the Department's decision regarding a site plan application:
 - a. A written notice of appeal shall be submitted on a form prescribed by the Department and includes specific citations from the Zoning Ordinance or other regulatory documents in which the Appellant believes the Site Plan does not comply with; and
 - b. Be received by the Department within fifteen (15) calendar days after the Notice of Decision has been issued. The deadline shall be extended to the end of the next business day when the deadline occurs on a non-business day.
5. The filing of an appeal will be considered complete upon receipt of the written appeal by the Department Director within the specified timeframe and meets all of the appeal criteria as specified within 21-322.E above.

F. Determination by Department Director

1. Appeals filed with the intent to contest the proposed land use, the zoning designation, or an approval of a conditional use permit shall be determined by the Department Director to be invalid and shall not be forwarded to an appeal body for consideration.
2. Upon receipt of a valid appeal, the Department Director shall make a determination as to the nature of the appeal and shall determine the appropriate Hearing Officer to hear the appeal.
3. Appeals of a technical nature, such as but not limited to utility locations, grading and drainage, or traffic mitigation measures shall be heard by the City Engineer, or designee thereof, acting in capacity of the Hearing Officer.

4. Appeals regarding exactions or dedications associated with the site plan shall be heard by the Land Use Hearing Officer, which shall be the City Manager or designee.
5. For all other types of appeals, they shall be heard by the Land Use Hearing Officer, which shall be the City Manager or designee.

G. Action of Hearing Officer

1. The Hearing Officer shall hold a hearing and provide the appellant, applicant, Department staff, and those property owners and registered homeowner's associations within the required notification radius of the subject property an opportunity to present their position. Such hearings shall be informal and the rules of evidence and civil procedure shall not apply. The hearing officer shall have the authority to approve, deny, or modify the request.
2. The Hearing Officer's decision shall be in writing and shall be provided to the appellant, applicant, the Department, and any property owners and homeowner's association representatives who attended the hearing.
3. The decision of the Hearing Officer shall be final.

H. Building Permits Based upon Approved Site Plan

1. For all development subject to Site Plan review, an approved Site Plan and proper zoning are required prior to the commencement of any construction or development on the site.
2. The applicant shall obtain the necessary building and/or construction permits within eighteen (18) months of the date of approval of the Site Plan application, if not obtained within the eighteen (18) month time frame, the applicant may, prior to the date of expiration, file a request for an extension, whereupon the Planning Manager may authorize a one-time, six (6) month extension. If the time frame has expired, the applicant shall submit a new Site Plan, together with the applicable documents and fees as stipulated in the above provisions.

I. Amendments to Approved Site Plans

1. When a site plan has been previously approved and alterations to the proposed buildings or site improvements are desired, a site plan amendment will be required if those changes are deemed by the Planning Manager or designee to be substantial in nature.
2. Substantial changes may include, but not be limited to a ten (10) percent increase in a project gross land area, a building or buildings' square footage, or a multi-family project's density, or a material change to the project's land use, or an alteration to the project's circulation pattern.
3. A site plan amendments shall be submitted, reviewed and approved in accordance with the same Site Plan approval criteria as identified herein.
4. Any modification which does not substantially change the approved site plan, shall be not require the applicant to obtain new site plan approval and may be addressed through the building permit process.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 27R.

Date Prepared: 5/10/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Andy Granger, Deputy City Manager
FROM: Chris M. Jacques, AICP, Planning Director
SUBJECT: PUBLIC HEARING - Code Amendment, Chapter 21, Section 21-322 Temporary Use Permits

Purpose:

Discussion and possible action to adopt **ORD. 2018-18** amending Chapter 21 of the Peoria City Code, amending Section 21-322 pertaining to Temporary Use Permits.

Summary:

The objective of the proposed text amendment is to simplify and organize the temporary use requirements in a more efficient manner and to require a Temporary Use Permit (TUP) in those situations where it is truly appropriate or impactful.

For example, the current ordinance is silent on many types of temporary events that would commonly be thought of as innocuous or a normal ancillary practice. This includes events such as yard sales, open houses, and Homeowner's Association (HOA) events on HOA property. Because the current ordinance is silent on such items, the structure of the regulations would suggest a TUP is required for every occurrence of any such event. The proposed language seeks to clarify the intent of the regulations, and proposes exemptions for these minor common practices to ensure that there is no ambiguity in the regulation of such activities.

In addition to clarifying those uses that would not fall under the purview of a Temporary Use Permit, the proposed amendment creates exemptions that did not previously exist. These exemptions allow additional flexibility for property owners to appropriately program otherwise inactive space for a limited duration. These exemptions are not blanket exemptions; rather, these exemptions are caveated with general requirements that are applicable to all Temporary Uses, unless deviations are otherwise approved through Temporary Use Permit process.

Regardless of the exemptions provided, the temporary uses must also comply with specific criteria to receive an exemption from a Temporary Use Permit process. Some of these criteria include:

- The use must occur on an improved surface without blocking primary drive aisles or site

- and building general or emergency access;
- Uses which do not operate between the hours of 10:00 p.m. and 7:00 a.m., and do not occur for more than one (2) day within a thirty (30) day period per site;
- Uses which are located at least two hundred (200) feet away from a residential structure;
- Uses which provide for all necessary pedestrian and vehicular queuing to occur outside of the right-of-way and outside of any primary or emergency drive aisles; and
- Events occurring within a designated entertainment district.

There are also general criteria that apply to all temporary uses (not just exempt temporary uses). The purpose of the general criteria is to ensure the temporary nature of the use, as well as cohesive operation with the surrounding permanent uses. The criteria include some of the following:

- Permanent alterations to the site are prohibited;
- If the property is undeveloped, it shall contain sufficient land area to support the temporary use, including but not limited to, adequate parking and traffic movement to support the event;
- All signage proposed for the temporary use or event shall comply with the Sign Code, and all signage shall be removed upon completion of the event;
- Tent and or generator permits shall be required for all uses in accordance with the applicable Fire or Building code, regardless of any Temporary Use Permit exemptions;
- All uses shall comply with adopted City noise ordinances contained within the City Code; and
- All Temporary Uses shall prevent activity across improved landscape areas that would negatively impact the landscaped areas.

In addition to the proposed exemptions and general regulations identified above, the subject text amendment continues to account for and accommodate temporary uses that would extend beyond minor temporary uses. By providing for temporary uses which do not meet these exemption criteria, City staff is able to conduct reviews through all applicable City departments. Through these reviews, City staff can provide the necessary conditions to protect health, safety, and general welfare of residents and surrounding businesses. In situations where the proposed temporary use is not congruent with the surrounding uses, staff would have the latitude to deny the use for cause.

Where possible, the proposed amendment seeks to provide exemptions and general criteria that would address what can currently become a laborious review process for applicants seeking to conduct minor temporary uses. These minor temporary uses would otherwise have little to no impact on the surrounding uses or facilities if operated in compliance with the recommended restrictions. As a result, providing opportunities for these temporary uses allows the applicants to proceed without unnecessary reviews, thus will likely foster additional and unique opportunities throughout the City.

Previous Actions/Background:

- On April 5, 2018, the Planning and Zoning Commission held a Study Session on the proposed amendment.

- On May 3, 2018, the Planning and Zoning Commission held a public hearing to consider the proposed code amendment. The Commission voted 7-0 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:

APPROVE as recommended by Staff and the Planning and Zoning Commission.

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 Temporary Uses for the purposes of providing flexibility for Temporary Uses to sites throughout the City, while ensuring appropriate regulations are in place to safeguard existing permanent uses.

The attached Ordinance proposes changes to Chapter 21 of the City Code (Zoning Ordinance) through Section 21-322 ("Temporary Uses"). The City has not received any correspondence in support or opposition to the changes.

Fiscal Analysis:

This request is not expected to generate any fiscal impacts to the City.

ATTACHMENTS:

- Exhibit A - May 3, 2018 Planning and Zoning Commission Staff Report
- Exhibit B - Proposed Ordinance
- Exhibit C - Reference Guide

Contact Name and Number:

Chris M. Jacques, AICP, Planning Director (623) 773-7609
Cody Gleason, Senior Planner, (623) 773-7645



PLANNING AND ZONING COMMISSION REPORT

Meeting Date: May 3, 2018

Agenda Item: 4R

Case Name: TA18-01: Temporary Use Permit Text Amendment

Case Number(s): TA18-01

General Application Information

Proposal:

A comprehensive amendment to the Temporary Use Permit section of the Zoning Ordinance for the purposes of adding clarity and providing a delineation between temporary use that require a permit and those deemed minor, subject to generally applicable criteria.

Location:

N/A

Project Acreage:

N/A

Applicant:

City of Peoria

Project Description

A request to consider a city-initiated comprehensive amendment to Section 21-322 ("Temporary Use Permits") of the Peoria City Code.

Recommendations:

Recommend APPROVAL of Case TA18-01 to the Peoria City Council.

ATTACHMENTS:

Description

Staff Report

Exhibit A - Proposed Section 21-322 Temporary Uses

Exhibit B - Existing Section 21-322 Temporary Uses

BACKGROUND

Context

The City of Peoria's current standards for Temporary Uses have remained largely unchanged for well over twenty years. The subject amendment seeks to modernize the code in several facets. The following are focal points for the proposed text amendment:

- Eliminate duplicative or unnecessarily onerous regulation.
- Provide opportunities for maximizing otherwise inactive locations.
- Facilitate short-term place-making opportunities for areas that would benefit from increased pedestrian and vehicular interest.

PROPOSAL

Goal/Purpose of Request

The purpose of this city-initiated text amendment is to address the aforementioned factors by creating a streamlined, easy to follow ordinance. Further, the proposed refinements will provide exemptions for those temporary uses, which are minor in nature or intensity, and will not have a significant impact to the surrounding permanent uses or facilities.

DISCUSSION AND ANALYSIS

The objective of the proposed text amendment is to simplify and organize the temporary use requirements in a more efficient manner and to require a Temporary Use Permit (TUP) in those situations when it is appropriate. For example, the current ordinance is silent on many types of temporary events that would commonly be thought of as innocuous or a normal ancillary practice. This includes events such as yard sales, open houses, and Homeowner's Association (HOA) events on HOA property. Because the current ordinance is silent on such items, the structure of the regulations would suggest a TUP is required for every occurrence of any such event. The proposed language seeks to clarify the intent of the regulations, and proposes exemptions for these minor common practices to ensure that there is no ambiguity in the regulation of such activities.

Exemptions

In addition to clarifying those uses that would not fall under the purview of a Temporary Use Permit, the proposed amendment creates exemptions that did not previously exist. These exemptions allow additional flexibility for property owners to appropriately program otherwise inactive space for a limited duration. These exemptions are not blanket exemptions; rather, these exemptions are caveated with general requirements that are applicable to all Temporary Uses, unless deviations are otherwise approved through Temporary Use Permit process.

One of the key exemptions proposed includes proportionate allowances for temporary uses based on the size of the overall parcel or center. Parcels between 1-5 acres will allow for temporary uses up to four thousand (4,000) square feet. Parcels in excess of 5 acres would allow for temporary uses up to ten thousand (10,000) square feet.

Regardless of the size exemptions provided, the temporary uses must also comply with specific criteria to receive an exemption from a Temporary Use Permit process. Some of these criteria include:

- The use must occur on an improved surface without blocking primary drive aisles or site and building general or emergency access;
- Uses which do not operate between the hours of 10:00 p.m. and 7:00 a.m., and do not occur for more than one (2) day within a thirty (30) day period per site;
- Uses which are located at least two hundred (200) feet away from a residential structure;
- Uses which provide for all necessary pedestrian and vehicular queuing to occur outside of the right-of-way and outside of any primary or emergency drive aisles; and
- Events occurring within a designated entertainment district.

General Requirements

There are also general criteria that apply to all temporary uses (not just exempt temporary uses). The purpose of the general criteria is to ensure the temporary nature of the use, as well as cohesive operation with the surrounding uses. The criteria include some of the following:

- Permanent alterations to the site are prohibited;
- If the property is undeveloped, it shall contain sufficient land area to support the temporary use, including but not limited to, adequate parking and traffic movement to support the event;
- All signage proposed for the temporary use or event shall comply with the Sign Code, and all signage shall be removed upon completion of the event;
- Tent and or generator permits shall be required for all uses in accordance with the applicable Fire or Building code, regardless of any Temporary Use Permit exemptions;
- All uses shall comply with adopted City noise ordinances contained within the City Code; and
- All Temporary Uses shall prevent activity across improved landscape areas that would negatively impact the landscaped areas.

In addition to the proposed exemptions and general regulations identified above, the subject text amendment continues to account for and accommodate temporary uses that would extend beyond minor temporary uses. By providing for temporary uses, which do not meet these exemption criteria, City staff is able to conduct reviews through all applicable City departments. Through these reviews, City staff can provide the necessary conditions to protect health, safety, and general welfare of residents and surrounding businesses. In situations where the proposed temporary use is not congruent with the surrounding uses, staff would have the latitude to deny the use for cause.

Where possible, the proposed amendment seeks to provide exemptions and general criteria that would address what can currently become a laborious review process for applicants seeking to conduct minor temporary uses. These minor temporary uses would otherwise have little to no impact on the surrounding uses or facilities if operated in compliance with the recommended restrictions. As a result, providing opportunities for these temporary uses allows the applicants to proceed without unnecessary reviews, thus will likely foster additional and unique opportunities throughout the City.

Conclusions

- The proposed amendment provides a more user-friendly ordinance for all those attempting to conduct temporary uses within the City.
- The text amendment will provide appropriate exemptions to the review process while capturing applicable standards for those minor temporary uses through generally applicable criteria.
- The text amendment as proposed would continue to provide for staff review and use specific conditions to address potential impacts on surrounding uses.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission make the following recommendations to the City Council:

- 1) Approval of case TA18-01 regarding Temporary Uses to the City Council, a request for a comprehensive amendment of Section 21-322, Temporary Uses, of Chapter 21 of the City of Peoria City Code.

REPORT PREPARED BY

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ATTACHMENTS:

Exhibit A:	Proposed Section 21-322 (Temporary Uses)
Exhibit B:	Existing Section 21-322 (Temporary Uses)

Exhibit A – Temporary Uses

21-322 Temporary Uses

A. Purpose and Applicability

1. In addition to regulating uses which are permanent in nature, it is the intent of Section 21-322 of the Zoning Ordinance, otherwise referred to as the Temporary Uses Section, or Section herein, to accommodate reasonable requests for interim or temporary uses for a limited period of time when such activities are appropriate.
2. The Temporary Use Section authorizes the City to allow short-term land uses if the use does not interfere with surrounding uses, or pose a threat to public health, safety, and welfare. Allowing temporary uses, as provided for herein is not intended to permanently establish or authorize uses otherwise prohibited by the Zoning Ordinance.
3. These regulations are intended to ensure that the temporary use is conducted in a manner to maintain compatibility between the temporary use and surrounding area. Any review or approval by the City is solely intended to address City ordinances and regulations, and is not intended to supersede applicable state or federal regulations.
4. Temporary uses shall be permitted on private property with the issuance of a Temporary Use Permit (TUP) as specified within this Section. Events or activities conducted on City of Peoria owned property, or within public streets or public right-of-way shall obtain a Special Event Permit, which is administered by the City.
5. This Section establishes the procedures, and criteria to be used by the Department when considering an application for a Temporary Use Permit.

B. Temporary Use Permit:

1. Temporary Uses Allowed, Permit Required

The Temporary Uses identified below shall obtain a Temporary Use Permit pursuant to the procedures set forth in this Section. Temporary Uses shall mean events such as, but not limited to:

- a. Carnivals, circuses, craft shows, exhibitions, fairs, festivals, home and garden shows, temporary outdoor sales events, or similar special events not otherwise excluded within this Section.
- b. Donation/Recycling Drop-Off Boxes
- c. Outdoor concerts, and paid admission events.
- d. Events held on unimproved surfaces or lots.
- e. Such other uses as the City may deem to be within the Purpose and Applicability of this Section.

2. Temporary Use Permit Exemptions, No Permit Required

All temporary uses identified below are not required to submit an application for a Temporary Use Permit, but are required to comply with Subsection 21-322.C ("General Requirements for All Temporary Uses"). Those events which do not comply with the exemptions provided herein shall obtain a Temporary Use Permit as provided within this Section.

- a. Events utilizing City property, public streets or public right-of-way, provided that the applicant shall coordinate the event with the City as part of the Special Event application process.

Exhibit A – Temporary Uses

- b. Ancillary activities on residential properties, including but not limited to, residential garage or yard sales, open houses, etc.,
- c. HOA events or activities, intended for residents only, located on HOA property,
- d. On-site school events,
- e. Other intermittent activities deemed by the Department to be ancillary to the customary use of the property.
- f. Other uses not defined in 21-322.B.1 which meet all of the following criteria:
- i. Limited activity area:
1. An activity area, which is limited to the following size requirements and summarized within the Table below:
- a. Four thousand (4,000) square feet or less on a site or center that is greater than one (1) acre, but less than five (5) acres in size, or
- b. Ten thousand (10,000) square feet or less on a site or center that is greater than or equal to five (5) acres in size.

Minimum Site or Center Size	Maximum Exemption Area
≤ 1 acre	No Exemption
> 1 & < 5 acres	≤4,000 square feet
≥ 5 acres	≤10,000 square feet

2. For the purposes of this Section, an activity area means the area housing the proposed use and any associated storage. The activity area does not take in to account patron parking for the purposes of tabulating the square foot allowances identified above.
3. An improved surface without blocking primary drive aisles or site and building general or emergency access.
- a. For the purposes of this Section, an improved site means a site with paved access to the grounds, including curb-cuts as necessary to access public rights-of-way, and paved or dust-proof surfaces for the area occupied by the subject temporary use and associated parking.
- ii. Uses which do not operate between the hours of 10:00 p.m. and 7:00 a.m., and do not occur for more than two (2) days within a thirty (30) day period, per site.
- iii. Uses which are located at least two hundred (200) feet away from a residential structure.
- iv. Uses which provide for all necessary pedestrian and vehicular queuing to occur outside of the right-of-way and outside of any primary or emergency drive aisles.
- v. Events occurring within a designated Entertainment District. Such Entertainment Districts may be adopted by resolution from time to time by the City Council in accordance with A.R.S §4-207.

Exhibit A – Temporary Uses

1. All boundaries of the temporary use must remain at least 200 feet away from Grand Avenue right-of-way.
2. There is no limit on activity area size to qualify as an exempt temporary use when the use is located within a designated Entertainment District.
- C. General Requirements for all Temporary Uses. All temporary uses shall meet the following general requirements, unless otherwise specified in the Temporary Uses Section:
 1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: tents, canopies, and/or membrane structures.
 2. Permanent alterations to the site are prohibited.
 3. All temporary signs associated with the temporary use shall comply with Section 21-827 of the City Code, and all associated signs shall be removed upon completion of the activity.
 4. The temporary use standards of this Section do not exempt the applicant or operator from any other required permits, such as health department permits.
 5. If the property is undeveloped, it shall contain sufficient land area to support the temporary use, including but not limited to, adequate parking and traffic movement to support the event.
 6. Tent and or generator permits shall be required for all uses in accordance with the applicable Fire or Building code, regardless of any Temporary Use Permit Exemptions identified within Subsection 21-322.B.
 7. All uses shall comply with adopted City noise ordinances contained within the City Code.
 8. All Temporary Uses shall prevent activity across improved landscape areas that would negatively impact the landscaped areas.
- D. Application Requirements. An application for a Temporary Use Permit:
 1. Must be submitted at least thirty (30) calendar days prior to the proposed commencement of the temporary use. Application made within 30 days of the start date of the event will not be accepted;
 2. Must include all information required in the official process guide and application packet for Temporary Uses made available by the Department. The Planning Manager or designee may require additional information as necessary, based on the nature of the proposed temporary use.
 3. Each occurrence of a non-exempt Temporary Use as defined within section 21-322.B shall require a separate submittal and approval of a Temporary Use Permit Application.
- E. Posting
 1. Temporary uses that will operate after 10:00pm or before 7:00am shall require notice to be posted on site. The notice shall contain the date, time, duration, location and brief description of the event. Notice shall be posted by the City within five (5) City business days.
- F. Approval Criteria
 1. Review of the Temporary Use Permit application requires reviews and approval from the Department in addition to other City Departments (e.g. Fire, Police, Building Division, etc.).

Exhibit A – Temporary Uses

- 119 2. Approval of the Temporary Use Permit shall be given only when in the judgment of the City
120 such approval is consistent with the intent and purpose of this section of this Ordinance, and it
121 is determined that the use is compatible with nearby uses and will not:
- 122 a. Impair the normal, safe, and effective operation of a permanent use on the same site;
123 b. Create an traffic hazard or congestion;
124 c. Adversely affect public health, safety, welfare, or convenience; or
125 d. Interfere with the normal conduct of uses and activities in the vicinity.
- 126 3. The Department shall notify the applicant, in writing, of the decision to approve or deny the
127 application, and shall state any conditions for approval or reasons for denial in said letter.
- 128 G. Conditions of Approval. The Department may issue conditions of approval of a Temporary Use
129 Permit as needed to make the determinations required in compliance with Section 21-833.E
130 Approval Criteria. These conditions of approval may be required to minimize effects on nearby
131 uses, and may include, but not be limited to, standards for hours of operation, frequency of use,
132 parking, traffic circulation, screening of use from off-site, and site restoration.
133
- 134 H. Restoration and Cleanup. A person engaging in a temporary use allowed in compliance with this
135 Section shall remove all debris, litter, and other evidence of use from the site within 72 hours of
136 cessation of the use or expiration of the permit, whichever occurs first. At such time, the site shall
137 be restored to the same condition it was prior to commencement of the temporary use.
138
- 139 I. Permit Duration, Renewal and Revocation. All Temporary Use Permit approvals shall be subject to
140 a time limit as set forth below:
- 141 1. Temporary Use Permits for off-site construction yards or residential sales trailers may be
142 permitted for the duration of the project, or as determined by the City.
- 143 2. Temporary Use Permits for Donation/Recycling Drop-Off Boxes may be permitted for a
144 renewable duration not to exceed twelve (12) months, or as determined by the City. Each
145 renewal requires a new Temporary Use Permit application and fee.
- 146 3. All other Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days
147 per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days
148 per calendar year per lot. Not more than twelve (12) Temporary Use Permits shall be granted
149 per lot or complex per calendar year.
- 150 4. The Department may revoke a Temporary Use Permit at any time, if the use no longer satisfies
151 the criteria required in compliance with Section 21-322 or poses a threat to public health,
152 safety, and welfare.
- 153 J. Appeal of Decision. Upon receiving notification of the Department's decision to approve or deny
154 the application for a Temporary Use Permit, the applicant or any party of interest aggrieved by the
155 decision may file an appeal to the Board of Adjustment pursuant to Section 21-323.I.
156

Exhibit B – Existing Section 21-322, Temporary Uses

21-322 Temporary Uses

A. Intent

1. In addition to regulating uses which are permanent in nature, it is the intent of this Ordinance to provide for certain temporary uses for limited periods of time. Allowing temporary uses, as herein provided for, is not intended to permit uses otherwise prohibited by the Zoning Ordinance or to allow permanent uses to be established.
2. The purpose of this Section is to establish the procedures and outline the review criteria to be used by the Department when considering an application for a Temporary Use Permit. All Temporary Uses shall be conducted so as not to be detrimental to the surrounding properties and shall be subject to the standards and regulations contained herein. The Department shall not grant a Temporary Use Permit until adequate assurances have been provided ensuring compliance with the provisions of this Ordinance and all other applicable City Codes.

B. General

Every Temporary use on private property shall require a Temporary Use Permit as herein stipulated.

1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: tents, canopies, and/or membrane structures. ^{*4}

C. Permitted Temporary Uses

The City may grant a Temporary Use Permit for any of the following uses.

1. Carnivals, circuses, or similar special events.
2. Outdoor sales events, such as Christmas tree sales, pumpkin sales, or similar holiday-related events.
3. Outdoor sales of consumer permissible fireworks. ^{*15}
4. Temporary municipal uses. ^{*8}
5. Off-site retail sales of souvenirs, gifts, and food incidental to a sporting or cultural event.
6. Tent revival or fellowship meetings.
7. Craft shows, home and garden shows, festivals, or similar events.
8. Outdoor concerts, paid admission events, and events involving the distribution of alcoholic beverages.
9. Such other uses as the City may deem to be within the intent and purpose of this Section.
10. Donation/Recycling Drop-Off Boxes

D. Application

A property owner or duly authorized agent may submit an application for a Temporary Use Permit. The applicant shall obtain the official application materials from the Department. Submittal requirements shall be as outlined on the official form and any other requirements that the Department deems necessary to understand the proposal, including Site Plans prepared in accordance with Section 21-320 of this Section. The applicant shall submit the official application and associated materials, together with the applicable fee, to the Department.

Exhibit B – Existing Section 21-322, Temporary Uses

E. Posting

Temporary Uses which, in the opinion of the Department, meet all the following criteria shall not require posting:

1. The use and/or structure complies with all applicable codes and Ordinances;
2. The use and/or structure does not interfere with pedestrian access ways, fire lanes, driveway entrances, or traffic visibility at driveways or street intersections;
3. Parking on the property is adequate to serve any existing permanent use and the temporary use;
4. The temporary use shall not be conducted between the hours of 10:00 p.m. and 7:00 a.m., excluding Donation/Recycling Drop-Off Boxes; and,
5. The City Engineer or designee thereof, approves vehicular access for the proposed temporary use.
6. Temporary uses which, in the opinion of the Department, do not meet all of the above criteria shall be posted. For such temporary uses, the City shall post the subject property within five (5) working days following submittal of the application

F. Review and Approval

1. Application for a Temporary Use Permit shall be reviewed by the Department who shall approve, conditionally approve, or disapprove the application. Approval shall be given only when in the judgment of the City such approval is consistent with the intent and purpose of this section of this Ordinance.

In considering the application, the Department may include, but are not be limited to, the following conditions:

- a. Regulation of parking, dust control measures, and site lighting.
 - b. Regulation of hours of operation.
 - c. Regulation of site ingress and egress.
 - d. Assurance of compliance with building, fire, electrical, and all other appropriate codes.
 - e. Such other conditions deemed necessary to carry out the intent and purpose of this Section.
 - f. All signage proposed for the temporary use or event shall be in compliance with Section 21-827. All signage shall obtain a separate sign permit. *⁶
2. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.
 3. Issuance of Permits
To be issued a permit, the applicant shall sign an agreement with the City stating that within 72 hours of cessation of the use or expiration of the permit, whichever occurs first, the site shall be restored to the same condition prior to commencement of the temporary use.
 4. Time Limits and Renewal of Permits
All Temporary Use Permit approvals shall be subject to a time limit as set forth by the Department.

Exhibit B – Existing Section 21-322, Temporary Uses

- a. Temporary Use Permits for off-site construction yards or residential sales may be permitted for the duration of the project, or as determined by the City.
- b. Temporary Use Permits for Donation/Recycling Drop-Off Boxes may be permitted for a renewable duration not to exceed twelve (12) months, or as determined by the City. Each renewal requires a new Temporary Use Permit application and fee.
- c. All other Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days per calendar year per lot. Not more than twelve (12) Temporary Use Permits shall be granted per lot or complex per calendar year.
- d. Each occurrence of a Temporary Use and each distinct Temporary Use on a property shall require separate submittal and approval of a Temporary Use Permit Application.

G. Appeal of Decision to Board of Adjustment

1. Upon receiving notification of the Department's decision to approve or deny the application for a Temporary use Permit, the applicant or any party in interest, aggrieved by the decision may file an appeal to the Board of Adjustment. Such appeal shall be filed in writing within seven (7) calendar days of the decision. Any appeal to the Board of Adjustment shall follow the procedures outlined in this Section, Section 21-323.I.
2. Upon appeal, the Department shall file all material on the matter with the Board of Adjustment. The Board shall review the case based on the material filed by the Department and on information presented at the hearing. The Board shall uphold the action of the Department, remand the matter back to the Department with instructions for further review, or overturn the action of the Department.

ORDINANCE NO. 2018-18

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 21 OF THE PEORIA CITY CODE, BY AMENDING SECTION 21-322 TEMPORARY USES, 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 May 3, 2018 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 April 13, 2018; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of May 3, 2018 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 21-322 Temporary Uses, 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 Exhibit A.

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 3. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Maricopa County, Arizona this 5th day of June, 2018.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Vanessa P. Hickman, City Attorney

Published in: Peoria Times
Publication Date: June 15, 2018
Effective Date: _____

Exhibit A

21-322 Temporary Uses

A. Purpose and Applicability

1. In addition to regulating uses which are permanent in nature, it is the intent of Section 21-322 of the Zoning Ordinance, otherwise referred to as the Temporary Uses Section, or Section herein, to accommodate reasonable requests for interim or temporary uses for a limited period of time when such activities are appropriate.
2. The Temporary Use Section authorizes the City to allow short-term land uses if the use does not interfere with surrounding uses, or pose a threat to public health, safety, and welfare. Allowing temporary uses, as provided for herein is not intended to permanently establish or authorize uses otherwise prohibited by the Zoning Ordinance.
3. These regulations are intended to ensure that the temporary use is conducted in a manner to maintain compatibility between the temporary use and surrounding area. Any review or approval by the City is solely intended to address City ordinances and regulations, and is not intended to supersede applicable state or federal regulations.
4. Temporary uses shall be permitted on private property with the issuance of a Temporary Use Permit (TUP) as specified within this Section. Events or activities conducted on City of Peoria owned property, or within public streets or public right-of-way shall obtain a Special Event Permit, which is administered by the City.
5. This Section establishes the procedures, and criteria to be used by the Department when considering an application for a Temporary Use Permit.

B. Temporary Use Permit:

1. Temporary Uses Allowed, Permit Required

The Temporary Uses identified below shall obtain a Temporary Use Permit pursuant to the procedures set forth in this Section. Temporary Uses shall mean events such as, but not limited to:

- a. Carnivals, circuses, craft shows, exhibitions, fairs, festivals, home and garden shows, temporary outdoor sales events, or similar special events not otherwise excluded within this Section.
- b. Donation/Recycling Drop-Off Boxes
- c. Outdoor concerts, and paid admission events.
- d. Events held on unimproved surfaces or lots.
- e. Such other uses as the City may deem to be within the Purpose and Applicability of this Section.

2. Temporary Use Permit Exemptions, No Permit Required

All temporary uses identified below are not required to submit an application for a Temporary Use Permit, but are required to comply with Subsection 21-322.C ("General Requirements for All Temporary Uses"). Those events which do not comply with the exemptions provided herein shall obtain a Temporary Use Permit as provided within this Section.

- a. Events utilizing City property, public streets or public right-of-way, provided that the applicant shall coordinate the event with the City as part of the Special Event application process.
- b. Ancillary activities on residential properties, including but not limited to, residential garage or yard sales, open houses, etc.,
- c. HOA events or activities, intended for residents only, located on HOA property,
- d. On-site school events,
- e. Other intermittent activities deemed by the Department to be ancillary to the customary use of the property.
- f. Other uses not defined in 21-322.B.1 which meet all of the following criteria:
 - i. Limited activity area:
 1. An activity area, which is limited to the following size requirements and summarized within the Table below:
 - a. Four thousand (4,000) square feet or less on a site or center that is greater than one (1) acre, but less than five (5) acres in size, or
 - b. Ten thousand (10,000) square feet or less on a site or center that is greater than or equal to five (5) acres in size.

Minimum Site or Center Size	Maximum Exemption Area
≤ 1 acre	No Exemption
> 1 & < 5 acres	≤4,000 square feet
≥ 5 acres	≤10,000 square feet

2. For the purposes of this Section, an activity area means the area housing the proposed use and any associated storage. The activity area does not take in to account patron parking for the purposes of tabulating the square foot allowances identified above.
3. An improved surface without blocking primary drive aisles or site and building general or emergency access.
 - a. For the purposes of this Section, an improved site means a site with paved access to the grounds, including curb-cuts as necessary to access public rights-of-way, and paved or dust-proof surfaces for the area occupied by the subject temporary use and associated parking.
- ii. Uses which do not operate between the hours of 10:00 p.m. and 7:00 a.m., and do not occur for more than two (2) days within a thirty (30) day period, per site.
- iii. Uses which are located at least two hundred (200) feet away from a residential structure.
- iv. Uses which provide for all necessary pedestrian and vehicular queuing to occur outside of the right-of-way and outside of any primary or emergency drive aisles.

- v. Events occurring within a designated Entertainment District. Such Entertainment Districts may be adopted by resolution from time to time by the City Council in accordance with A.R.S §4-207.
 - 1. All boundaries of the temporary use must remain at least 200 feet away from Grand Avenue right-of-way.
 - 2. There is no limit on activity area size to qualify as an exempt temporary use when the use is located within a designated Entertainment District.
- C. General Requirements for all Temporary Uses. All temporary uses shall meet the following general requirements, unless otherwise specified in the Temporary Uses Section:
 - 1. Structures utilized for the Temporary Uses of outdoor sales and/or displays that exceed seven (7) days in duration shall be limited only to the following: tents, canopies, and/or membrane structures.
 - 2. Permanent alterations to the site are prohibited.
 - 3. All temporary signs associated with the temporary use shall comply with Section 21-827 of the City Code, and all associated signs shall be removed upon completion of the activity.
 - 4. The temporary use standards of this Section do not exempt the applicant or operator from any other required permits, such as health department permits.
 - 5. If the property is undeveloped, it shall contain sufficient land area to support the temporary use, including but not limited to, adequate parking and traffic movement to support the event.
 - 6. Tent and or generator permits shall be required for all uses in accordance with the applicable Fire or Building code, regardless of any Temporary Use Permit Exemptions identified within Subsection 21-322.B.
 - 7. All uses shall comply with adopted City noise ordinances contained within the City Code.
 - 8. All Temporary Uses shall prevent activity across improved landscape areas that would negatively impact the landscaped areas.
- D. Application Requirements. An application for a Temporary Use Permit:
 - 1. Must be submitted at least thirty (30) calendar days prior to the proposed commencement of the temporary use. Application made within 30 days of the start date of the event will not be accepted;
 - 2. Must include all information required in the official process guide and application packet for Temporary Uses made available by the Department. The Planning Manager or designee may require additional information as necessary, based on the nature of the proposed temporary use.
 - 3. Each occurrence of a non-exempt Temporary Use as defined within section 21-322.B shall require a separate submittal and approval of a Temporary Use Permit Application.
- E. Posting
 - 1. Temporary uses that will operate after 10:00pm or before 7:00am shall require notice to be posted on site. The notice shall contain the date, time, duration, location and brief description of the event. Notice shall be posted by the City within five (5) City business days.

F. Approval Criteria

1. Review of the Temporary Use Permit application requires reviews and approval from the Department in addition to other City Departments (e.g. Fire, Police, Building Division, etc.).
2. Approval of the Temporary Use Permit shall be given only when in the judgment of the City such approval is consistent with the intent and purpose of this section of this Ordinance, and it is determined that the use is compatible with nearby uses and will not:
 - a. Impair the normal, safe, and effective operation of a permanent use on the same site;
 - b. Create an traffic hazard or congestion;
 - c. Adversely affect public health, safety, welfare, or convenience; or
 - d. Interfere with the normal conduct of uses and activities in the vicinity.
3. The Department shall notify the applicant, in writing, of the decision to approve or deny the application, and shall state any conditions for approval or reasons for denial in said letter.

G. Conditions of Approval. The Department may issue conditions of approval of a Temporary Use Permit as needed to make the determinations required in compliance with Section 21-833.E Approval Criteria. These conditions of approval may be required to minimize effects on nearby uses, and may include, but not be limited to, standards for hours of operation, frequency of use, parking, traffic circulation, screening of use from off-site, and site restoration.

H. Restoration and Cleanup. A person engaging in a temporary use allowed in compliance with this Section shall remove all debris, litter, and other evidence of use from the site within 72 hours of cessation of the use or expiration of the permit, whichever occurs first. At such time, the site shall be restored to the same condition it was prior to commencement of the temporary use.

I. Permit Duration, Renewal and Revocation. All Temporary Use Permit approvals shall be subject to a time limit as set forth below:

1. Temporary Use Permits for off-site construction yards or residential sales trailers may be permitted for the duration of the project, or as determined by the City.
2. Temporary Use Permits for Donation/Recycling Drop-Off Boxes may be permitted for a renewable duration not to exceed twelve (12) months, or as determined by the City. Each renewal requires a new Temporary Use Permit application and fee.
3. All other Temporary Use Permits shall be limited to a maximum of thirty (30) consecutive days per event, and the cumulative total of all Temporary Uses shall not exceed ninety (90) days per calendar year per lot. Not more than twelve (12) Temporary Use Permits shall be granted per lot or complex per calendar year.
4. The Department may revoke a Temporary Use Permit at any time, if the use no longer satisfies the criteria required in compliance with Section 21-322 or poses a threat to public health, safety, and welfare.

J. Appeal of Decision. Upon receiving notification of the Department's decision to approve or deny the application for a Temporary Use Permit, the applicant or any party of interest aggrieved by the decision may file an appeal to the Board of Adjustment pursuant to Section 21-323.I.

PURPOSE:

A *Temporary Use* is a use that permitted to exist for a limited period-of-time on private property. Examples of temporary uses include:

- Outdoor seasonal sales (e.g. Christmas tree lots, pumpkin sales, Valentine's Day gifts);
- Outdoor sales of consumer fireworks;
- Outdoor carnivals, concerts, festivals and other paid admission events;
- Off-site sales of gifts, souvenir items and food.
- *Note: Events on city property or ROW are not subject to the TUP process but rather the Special Event application.*

A temporary use requires the issuance of a Temporary Use Permit (TUP). Each site can have up to 12 events per calendar year, with no single event exceeding 30 consecutive days, and cumulative total for all events not to exceed 90 days. A TUP is an administrative process with approval at the staff level. Several departments review TUP's including Planning, Engineering, Police/Fire and Tax & Licensing. Staff reviews TUP's to ensure that:

- Use will not interfere with pedestrian access ways, fire lanes, access points and traffic visibility; and
- Parking is adequate to accommodate the TUP and any permanent use onsite; and
- Adequate dust controls have been put in place; and
- Noise, lighting and other impacts will not unduly impact surrounding properties; and
- Adequate security measures are in place to support the scale of the event.; and
- Compliance with all other applicable Codes and Ordinances.

Section 21-322 ("Temporary Use Permits") of the Zoning Ordinance has remained largely unchanged since inception. Moreover, recently with the corresponding adjustment in fees, the City has received hardship complaints from smaller-impact events such as non-profit fundraisers. Additionally, the Code has a lack of clarity – that with a technical reading -- could suggest the necessity of a TUP for other smaller-impact uses such as car wash fundraisers, HOA events, residential events and others.

The City has decided to comprehensively review the TUP procedures and identify a threshold of events that would require the issuance of a TUP. This will streamline the process and reduce unnecessary and burdensome regulation for events that are truly not impactful. Those smaller events that will not require a TUP will still need to follow general provisions for all events.

AMENDMENT:

This amendment creates a threshold of events that will require a TUP and those that will not require a TUP. All temporary uses however, must meet general guidelines such as:

- No permanent alterations to the site; site will need to be restored after the event;
- Sufficient parking on site for all uses including adequate circulation;
- Qualifying tent or generator permits required; AZ health department certification;
- Compliance with City's noise regulations.

Types of Events that Require a TUP:

- Carnivals, craft shows, fairs, festivals, exhibitions, concerts and paid admission events.
- Outdoor seasonal sales.
- Events held on an unimproved surface or lot
- Donation/recycling drop off boxes
- Uses that do not otherwise meet the stated exemptions below.

Types of Events that DO NOT Require a TUP:

- Events on city property and ROW – subject to Special Event application (Community Services).
- Residential events such as yard sales, block parties or open houses.
- HOA community events or activities, intended for residents only on HOA property.
- On-site school events.
- Intermittent activities deemed by the Department to be ancillary to customary use of property.
- Uses within a designated Entertainment District (currently only parts of Old Town)
- Other uses that meet all of the following:
 - Limited Activity Area

Minimum Site Area	Activity Area
1 – 5 acres	≤ 4,000 SF
≥ 5 acres	≤ 10,000 SF

- Uses that do not operate between 10pm-7am.
- Uses that do not occur for more than 2 days within a 30-day period.
- Uses on an improved surface and does not block drive aisles or site access.
- Uses located at least 200 feet from residential structure.
- Uses that do not impact adjacent ROW or primary or emergency drive aisles.

EFFECT:

The Temporary Use Permit process will remain unchanged. The process includes an application and fee (\$500), notwithstanding any fees for tents and/or generators.

The proposed changes will narrow down the size and scope of events subject to a Temporary Use Permit. Events that are truly impactful or will have broader impact on the community will be subject to the TUP.

The proposed changes will streamline the process, improve clarity and reduce burdensome regulation for smaller events, without impacting provisions for life and safety.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 28R.

Date Prepared: 5/7/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Erik Strunk, Deputy City Manager
FROM: John R. Sefton, Jr., Director
SUBJECT: Naming of Community Park III

Purpose:

Discussion and possible action to select the official name for Peoria's third community park, to be located east of Dixileta Road and Lake Pleasant Parkway.

Summary:

This is the first of three items on the agenda this evening related to the naming and construction of the new Community Park III.

Following City Council Policy (Policy #CP 3-4) regarding the naming of parks, recreation facilities, and special areas, the Community Services Department coordinated with the Office of Communications on a public input process to name Peoria's newest community park.

The process commenced in May 2017 via the Community Services "Get Active" guide. Citizens were asked to call, mail, or e-mailed their ideas for possible new Community Park III names. The City received over 500 submissions and these were initially presented to the Parks & Recreation Board for review at its June 22, 2017 meeting. As a result, the Board was able to narrow the list and identify "top" names that were publicly discussed at subsequent Board meetings on July 20, August 24, September 14, and October 19, 2017.

After final review and consideration at its February 15, 2018, meeting, the Board is recommending the following five "top" name choices for City Council consideration:

- Wild Burro Community Park – Inspired by the vast population of wild burros in the area.
- Frog Tanks Community Park – Inspired by the road that travels through the length of the park. Frog Tanks was a notable stage stop where bedrock pools of water supported a healthy population of frogs at one time.
- Dove Wings Community Park – Inspired by the geographic features of East Wing and West Wing Mountains.
- Paloma Community Park – Inspired by "Dove"
- Paloma Vista Community Park – Inspired by "Dove" and Rio Vista Community Park

Previous Actions/Background:

The Council last named a community park in April 2012 ("Pioneer Community Park").

Options:

A: Based on the City's policy for "Naming of Parks", the City Council may accept the Board's recommendations and make a final selection.

B: City Council may select a different name for the park.

Staff Recommendation:

This is a request for City Council to choose one of the names recommended by the Parks & Recreation Board.

Fiscal Analysis:

No fiscal impact.

Contact Name and Number:

John Sefton, (623) 773-7135

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 29R.

Date Prepared: 5/17/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Andy Granger, Deputy City Manager
FROM: Adina Lund, P.E., Development and Engineering Director
SUBJECT: Contract, Hunter Contracting Co., Northern Community Park Construction GMP, Lake Pleasant Parkway and Dixileta Drive

Purpose:

Discussion and possible action to approve a contract for an amount not to exceed \$34,390,000 for the Guaranteed Maximum Price (GMP) contract for construction of the Northern Community Park located in the vicinity of Lake Pleasant Parkway and Dixileta Drive.

Summary:

The Northern Community Park design and construction bidding is complete with final city, county, state, and federal permitting processes concluding this summer. A Memorandum of Agreement (MOA) between the US Army Corps of Engineers, State Historic Preservation Office (SHPO), and the tribal communities for the treatment of cultural resources is routing and will allow for cultural artifact data recovery prior to construction this summer. An Intergovernmental Agreement between the City of Peoria and the Flood Control District of Maricopa County that finalizes the land owner/park developer parameters will be presented to the City Council this fall.

The 85 acres of initial park development will include tournament grade baseball and soccer fields, multi-use open turf, a fishing lake, multi-generational inclusive playgrounds and splash pad, group and individual picnic ramadas, a multi-cell dog park, lighted pickleball courts, and supporting park maintenance, restroom, and concessions buildings. The park will include numerous hard and soft surface walking loops, and a trailhead for access into the larger New River open space. Future trail connectivity to Peoria's Westwing Mountain trail system is already in the planning stages.

A multi-part design build agreement was awarded to Hunter Contracting Co. in July 2016. This method of project delivery involves two phases that include program validation, design, and preconstruction as the first phase and the actual construction and construction administration of the project as the second phase. The phase one efforts include the competitive bidding of subcontractor trades culminating in the preparation of a Guaranteed Maximum Price (GMP) contract for construction and a fixed construction schedule.

For compliance with the prime contracting tax requirements of Arizona SB 1446, this GMP

construction contract is being executed independent of the phase one design and preconstruction services agreement.

Total construction phase project expenditures, including City-paid project expenses are estimated as follows:

\$30,000	Post construction, park start-up costs including operational signage, appliances, custodial equipment, and defibrillators utilizing State of Arizona contracts and small dollar direct purchases
\$50,000	Title reports, legal, surveys, and other professional services for land easements
\$300,000	City of Peoria water charges for the filling of the four acre lake, turf and landscape establishment
\$372,000	IT network cabling and equipment expenditures utilizing State of Arizona contracts and small dollar direct purchases
\$1,003,000	Owner purchases park capital equipment utilizing State of Arizona, Mohave Education Services, Local Agency cooperative purchase agreement, competitive price quotations, and small dollar direct purchases. Examples include: turf maintenance equipment, small manual and gas engine tools, athletic field appurtenances, maintenance shop furnishings, appliances, and building security systems
\$1,138,000	Permit, utility fees, development impact fees, APS/Cox/Century Link capital charges, and soft costs contingency
\$34,390,000	June 2018 - Hunter Contracting Co., Construction GMP Agreement (this Council action)
\$37,283,000	Total Hunter Contracting Co. Agreement + City Paid Expenses

After the data recovery this summer, the construction phase will begin. The park is anticipated to open in spring 2020.

Previous Actions/Background:

On July 5, 2016, the City Council approved the design and preconstruction services phase of the multi-part design build agreement to Hunter Contracting, Co.

Options:

A: Approve a contract for an amount not to exceed \$34,390,000, for the Guaranteed Maximum Price (GMP) contract for construction of the Northern Community Park, located in the vicinity of Lake Pleasant Parkway and Dixileta Drive.

B: Deny the award of the Guaranteed Maximum Price (GMP) contract for construction and grant the City Manager the authority to execute the contract once the Council's concerns are addressed by staff.

Staff Recommendation:

Staff recommends that Council approve a contract for an amount not to exceed \$34,390,000, for the Guaranteed Maximum Price (GMP) contract for construction of the Northern Community Park located in the vicinity of Lake Pleasant Parkway & Dixileta Drive.

Funding for this award and the related city paid project expenses is budgeted in the 2018 Capital Improvement Program in the following Park Improvements, Street Improvements, and Recreation Equipment accounts:

4252-4252-CIPPK-543005-CS00059	General Obligation Bonds
4550-4550-CIPPK-543005-CS00059	County Transp Sales Tax
7904-7904-CIPPK-543005-CS00059	Park Impact Fees
7907-7907-CIPPK-543005-CS00059	Park Impact Fees
7908-7908-CIPPK-543005-CS00059	Park Impact Fees
7910-7910-CIPPK-543005-CS00059	Park Impact Fees
7911-7911-CIPPK-543005-CS00059	Park Impact Fees
7942-7942-CIPPK-542003-CS00059	Park Impact Fees
7943-7943-CIPPK-543005-CS00059	Park Impact Fees
7010-7075-CIPST-543001-EN00588**	County Transp Sales Tax

** The Dixileta Drive signalized intersection improvements are being constructed with Northern Community Park with budgeted funding in the 2018 Capital Improvement Program, 'EN00588 – Lake Pleasant Parkway & Dixileta Dr. Intersection Modifications' project.

Fiscal Analysis:

Staff estimates the net ongoing operating costs to be approximately \$1,333,100. This is broken down as follows: 1) personal costs totaling \$806,000, 2) contractual and commodity costs totaling \$736,600 and 3) an anticipated revenue offset of \$209,500. These costs include funding for six full-time maintenance staff, a mechanic, two park rangers and seasonal employees (part-time non-benefitted employees).

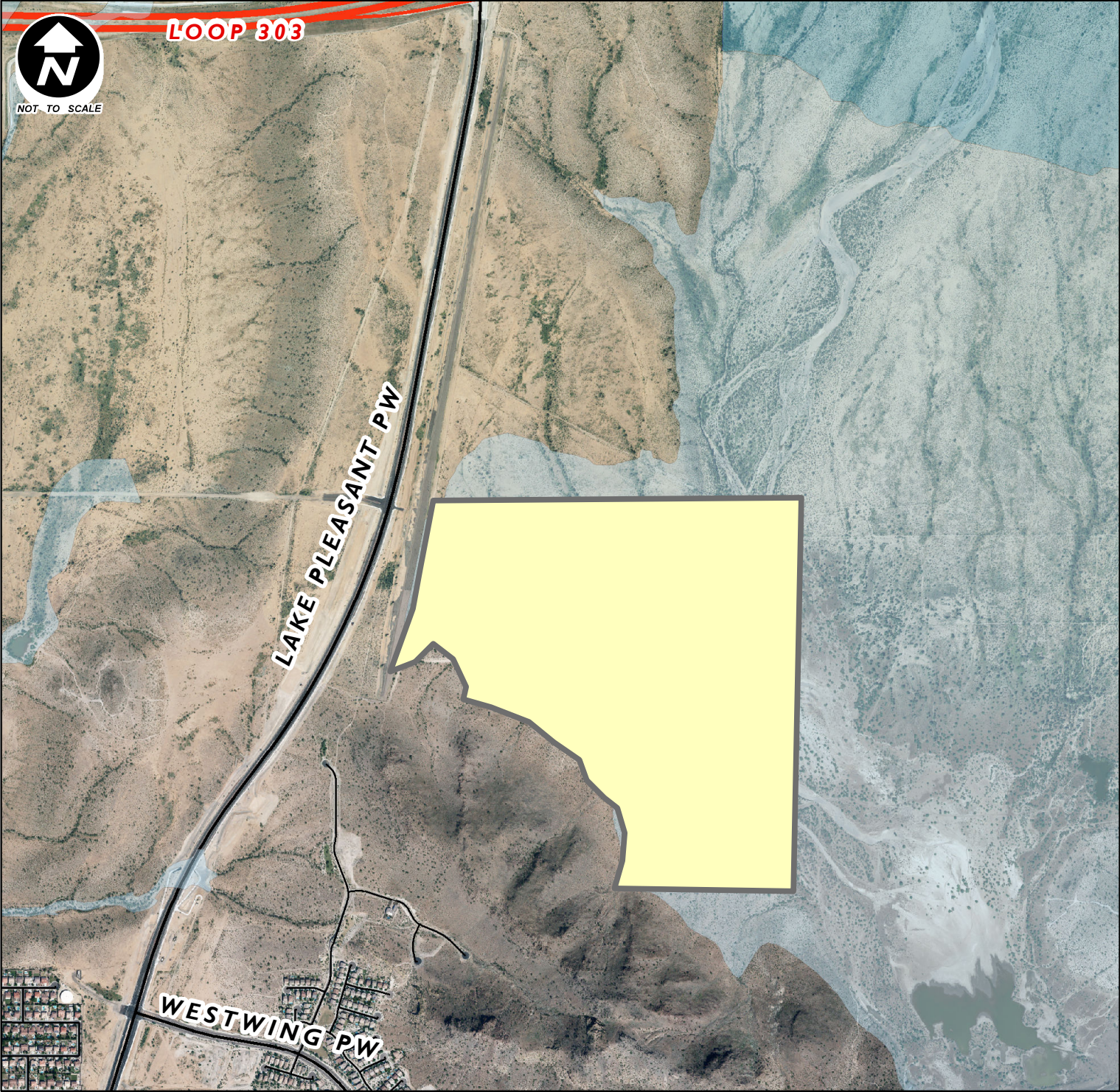
ATTACHMENTS:

Location Map_NCP

Vicinity Map_NCP

Contact Name and Number:

Adina Lund, P.E., Development and Engineering Director, (623) 773-7170.



LEGEND

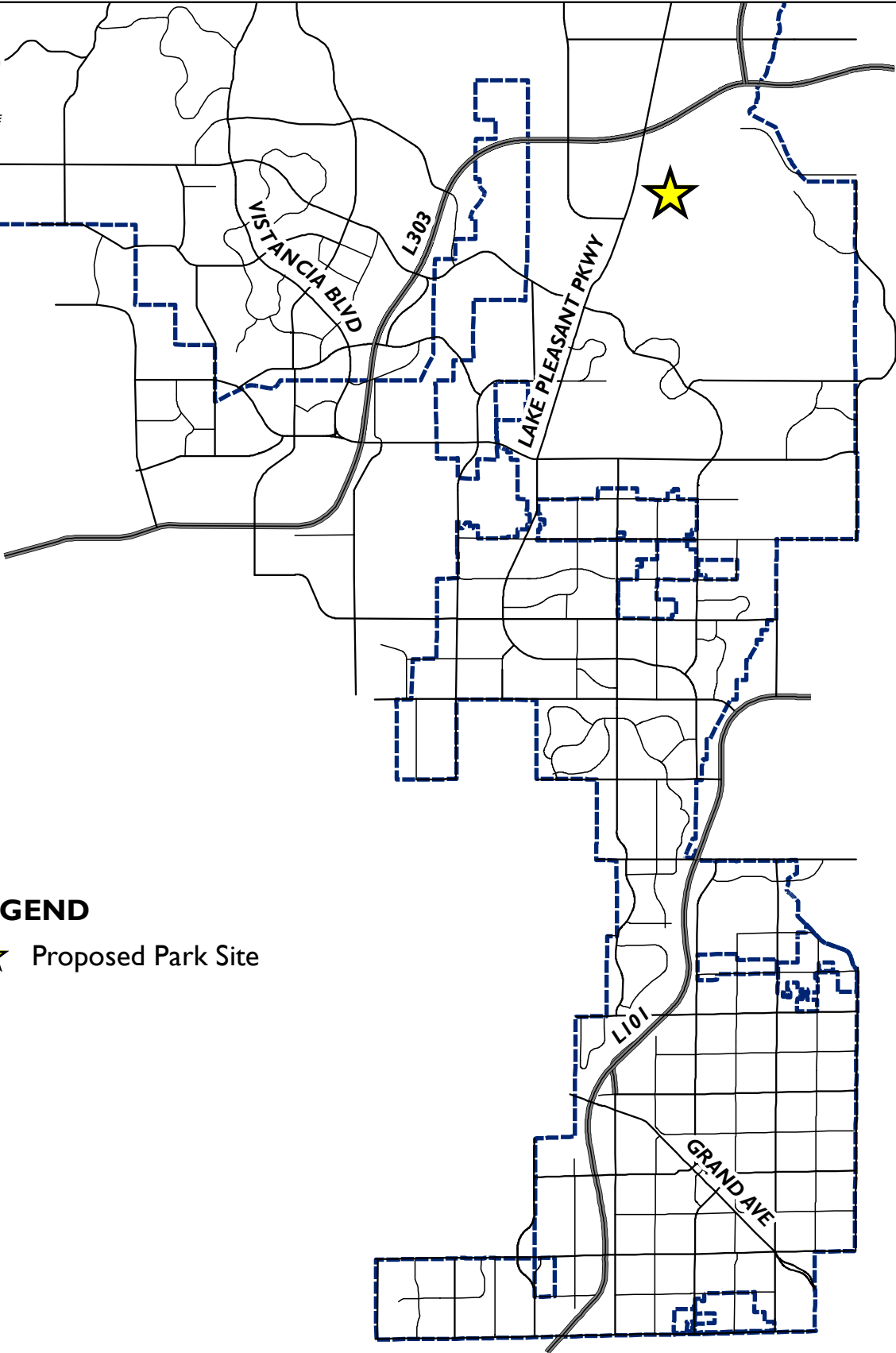
 Proposed Park Site



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



NOT TO SCALE



LEGEND

★ Proposed Park Site

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 30R.

Date Prepared: 5/21/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Andy Granger, Deputy City Manager
FROM: Adina Lund, P.E., Development and Engineering Director
SUBJECT: Contract Amendment, Hunter Contracting Co., Northern Community Park Construction Administration, Lake Pleasant Parkway and Dixileta Drive

Purpose:

Discussion and possible action to approve a contract amendment in the amount of \$306,607 for construction administration professional services for the Northern Community Park located in the vicinity of Lake Pleasant Parkway and Dixileta Drive.

Summary:

A multi-part design build agreement was awarded to Hunter Contracting Co. in July 2016. This method of project delivery involves two phases that include program validation, design, and preconstruction as the first phase and the actual construction and construction administration of the project as the second phase. The phase one efforts include the competitive bidding of subcontractor trades culminating in the preparation of a Guaranteed Maximum Price (GMP) contract for construction and a fixed construction schedule.

This contract amendment awards the construction administration services performed by the design professionals for the duration of the construction phase. These services were pre-negotiated in the base agreement, but are not customarily awarded until the construction phase.

Previous Actions/Background:

On July 5, 2016, the City Council approved the design and preconstruction services phase of the multi-part design build agreement to Hunter Contracting, Co., in the amount of \$2,406,357.

Options:

A: Approve a contract amendment in the amount of \$306,607 for construction administration professional services for the Northern Community Park located in the vicinity of Lake Pleasant Parkway & Dixileta Drive.

B: Deny the contract amendment and grant the City Manager the authority to execute the contract once the Council's concerns are addressed by staff.

Staff Recommendation:

Staff recommends that Council approve a contract amendment in the amount of \$306,607 for construction administration professional services for the Northern Community Park located in the vicinity of Lake Pleasant Parkway & Dixileta Drive.

Funding for this award is budgeted in the 2018 Capital Improvement Program in the following General Obligation Bond, Park Improvements Account, 4252-4252-CIPPK-543005-CS00059.

Fiscal Analysis:

No fiscal impact.

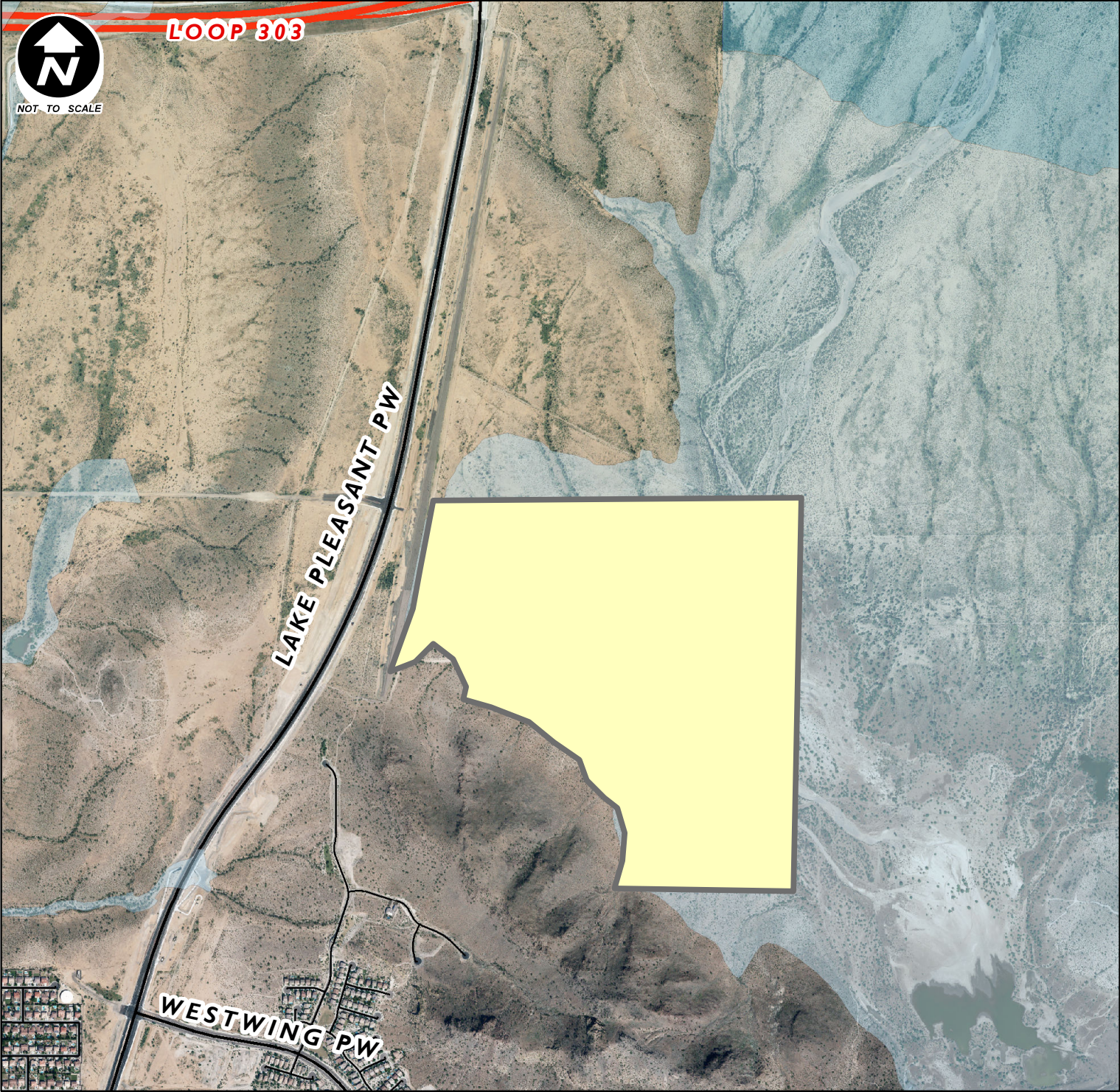
ATTACHMENTS:

Location Map_NCP

Vicinity Map_NCP

Contact Name and Number:

Adina Lund, P.E., Development and Engineering Director, (623) 773-7249



LEGEND

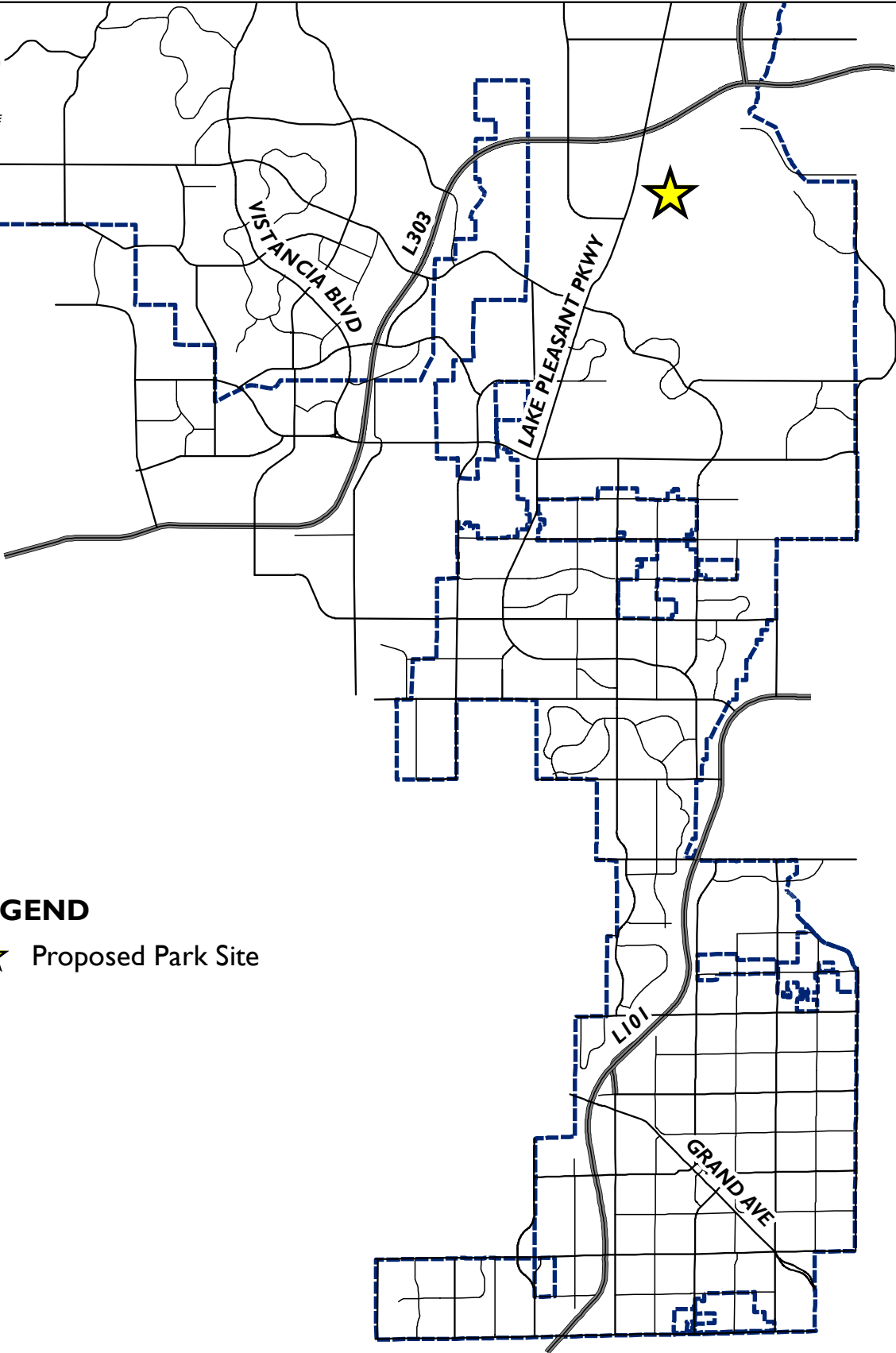
 Proposed Park Site



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



NOT TO SCALE



LEGEND

★ Proposed Park Site

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 31.

Date Prepared: 5/15/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Katie Gregory, Deputy City Manager
FROM: Rhonda Geriminsky, MMC, City Clerk
SUBJECT: Council Calendar

Summary:

To provide the Mayor and City Council with the City Council Meeting Calendar for June and August.

ATTACHMENTS:

June
August

Contact Name and Number:

Rhonda Geriminsky, (623) 773-7340

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JUNE 2018

[Next Month >>](#)

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
27	28	29	30	31	1	2
3	4	5 4:30 PM Special City Council Meeting & Executive Session 7:00 PM City Council Meeting	6	7	8	9
10	11	12 5:30 PM Council Boards and Commission Subcommittee Meeting	13	14	15	16
17	18	19 5:00 PM Special City Council Meeting & Executive Session 7:00 PM City Council Meeting	20	21	22	23
24	25	26	27	28	29	30

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AUGUST 2018

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SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14 5:00 PM Special City Council Meeting & Executive Session 7:00 PM City Council Meeting	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 32.A.

Date Prepared: 4/30/2018

Council Meeting Date: 6/5/2018

TO: Jeff Tyne, City Manager
THROUGH: Andy Granger, Deputy City Manager
FROM: Bobby Ruiz, Fire Chief
SUBJECT: Insurance Services Office Rating Change for Peoria

Summary:

The Fire-Medical Department recently received notification that the City of Peoria has been recognized by the Insurance Services Office (ISO), through their Public Protection Classification (PPC) system, as Class 1 jurisdiction. Peoria is only the second jurisdiction in the state of Arizona (to date) to receive this distinction. Before this last inspection by an ISO representative, the city of Peoria was rated as a Class 3 Jurisdiction by ISO.

Previous Actions/Background:

The last time an ISO evaluation was conducted in Peoria was June 2012. At that time, the city of Peoria was recognized as a Class 3 Jurisdiction.

The ISO evaluator “scores” the city in four areas when determining what PPC to award the jurisdiction.

1. Receiving and Handling Fire Alarms
2. Fire Department
3. Water Supply
4. Community Risk Reductions

In 2012 we received 9.37 points out of a possible 10 for Receiving and Handling Fire Alarms, 38.24 points out of a possible 40 for our Water Supply, but only 31.27 points out of a possible 50 for our Fire Department.

Though we have not received our final 2018 report from ISO, we do not expect a dramatic change in points to Receiving and Handling Fire Alarms or Water Supply. However, we have received confirmation that the total points received by the Fire Department this time 44.23 out of a possible 50 points.

This is in part due to the increase in staffing with the addition of a full-time station at Lake

Pleasant, the two full-time ambulances on-duty 24/7, and the implementation of the Low-Acuity Unit stationed at Westbrook fire station, Fire Station 192.

Another reason the score has increased in the Fire Department section of the evaluation is that ISO is now working with the Center for Public Safety Excellence (CPSE), the organization that awards Accredited status to Fire Departments around the country, and they also recognize the Automatic-Aid System as the unique system it is that allows us to request, when needed, an almost unlimited amount of resources to handle any emergency in the city of Peoria.

It is anticipated that with the overall Class 1 rating by ISO, that insurance rates, especially commercial occupancies, will see some reductions in the future. Though we cannot guarantee any reductions at this time, they would be worth pursuing by residence, property owners, and business operators in the city of Peoria.

Contact Name and Number:

Bobby Ruiz, (623) 773-7380