

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
February 7, 2012

A **Regular Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 7:00 p.m.

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

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

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Andy Granger, Engineering Director; Katie Gregory, Interim Management and Budget Director; John Imig, Information Technology Director; Stacy Irvine, Interim Fire Chief; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Manager; Claudia Luján, Interim Human Resources Director; Bill Mattingly, Public Works and Utilities Director; Brent Mattingly, Finance Director; Bob Sanders, Deputy Police Chief; Jeff Tyne, Interim Community Services Director; Scott Whyte, Economic Development Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately 15 members of the public were present.

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

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

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

Councilmember Evans requested that Agenda Item 11C be removed for separate discussion.

Motion was made by Vice Mayor Aames, seconded by Councilmember Rivero, to approve the Consent Agenda with the exception of Agenda Item 11C. Upon vote, the motion carried

unanimously 6 to 0.

Clerk's Note: Councilmember Carlat joined the meeting at 7:02 p.m.

CONSENT – New Business:

1C Disposition of Absence

Excused the absence of Councilmember Carlo Leone from the Study Session held at 5:00 p.m. and the Regular City Council Meeting held at 7:00 p.m. on January 17, 2012.

2C Minutes

Approved the minutes of:
January 3, 2012 Special Meeting and Study Session
January 3, 2012 Regular Meeting

3C Appointment, Boards and Commissions

RESOLUTION 2012-09

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

RESOLUTION 2012-10

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING PRISCILLA COOK TO THE HISTORIC PRESERVATION COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-11

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING LEONARD SPRAKER TO THE MUNICIPAL DEVELOPMENT AUTHORITY AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-12

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING LEIGH STRICKMAN TO THE PLANNING AND ZONING COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-13

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING REED WEBBER TO THE VETERANS MEMORIAL BOARD AND ESTABLISHING THE TERM OF OFFICE.

Approved the recommendations from the Council Subcommittee on Policy and Appointments pertaining to the following reappointments and adopted the Resolutions as presented:

Adopted **RES. 2012-09** reappointing Michael Bellard, as a regular member to the Building Board of Appeals, for a term to expire December 2015,

Adopted **RES. 2012-10** reappointing Priscilla Cook, as a regular member to the Historic Preservation Commission, for a term to expire December 2015,

Adopted **RES. 2012-11** reappointing Leonard Spraker, as a regular member to the Municipal Development Authority, for a term to expire November 2015,

Adopted **RES. 2012-12** reappointing Leigh Strickman, as a regular member to the Planning and Zoning Commission, for a term to expire December 2015; and

Adopted **RES. 2012-13** reappointing Reed Webber, as a regular member to the Veterans Memorial Board, for a term to expire December 2015.

4C Initial Zoning, Lake Pleasant Parkway and Pinnacle Peak Road

ORDINANCE NO 2012-04

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ESTABLISHING INITIAL ZONING ON PROPERTY FROM MARICOPA COUNTY RURAL-43 ZONING DISTRICT TO CITY OF PEORIA SR-43 ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Concurred with the Planning and Zoning Commission's recommendation and adopted **ORD. 2012-04** establishing initial zoning of Suburban Ranch (SR-43) on approximately 2.49 acres recently annexed privately-owned land from Maricopa County generally located north of the intersection of Lake Pleasant Parkway and Pinnacle Peak Road.

5C Grant Application, Bureau of Reclamation WaterSMART, Water and Energy Efficiency Grant

RESOLUTION NO. 2012-16

RESOLUTION OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPROVING THE APPLICATION FOR THE 2012 WATERSMART: WATER AND ENERGY EFFICIENCY GRANT.

Adopted **RES. 2012-16** approving the application for a U.S. Department of Interior, Bureau of Reclamation WaterSMART: Water and Energy Efficiency Grant.

6C Intergovernmental Agreement, City of Glendale, Regional Metropolitan Medical Response System

Approved an intergovernmental agreement with the City of Glendale to accept a trailer as part of the mission of the Regional Metropolitan Medical Response System to share resources in strengthening the regional response capabilities to transport mass casualty and shelter resources in the event of a disaster.

7C Second Partial Assignment and Assumption, Annexation Agreement and Consent, City of Peoria, The Larry Company, LLC, Peoria Peaks, LLC, and Johnson Bank

Authorized a Second Partial Assignment and Assumption of Annexation Agreement and Consent between City of Peoria, The Larry Company, LLC, Peoria Peaks, LLC, and Johnson Bank for four parcels located northwest of Jomax and Dysart Roads.

8C Fiscal Year 2012 Second Quarter Budget Amendments

Approved Second Quarter Budget Amendments for Fiscal Year 2012.

9C Right-of-Way Easement, Arizona Public Service, Truck Road Reliever, Rose Garden Lane and 111th Avenue

RESOLUTION NO. 2012-15

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF AN EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY FOR THE RELOCATION OF EXISTING UTILITY LINES IN THE VICINITY OF ROSE GARDEN LANE AND THE FUTURE TRUCK ROUTE AT THE 111TH AVENUE ALIGNMENT.

Adopted **RES. 2012-15** authorizing the execution of a Right-of-Way Easement to Arizona Public Service for the relocation and maintenance of an overhead utility line associated with the construction of the Truck Road Reliever Project.

10C Acceptance and Subsequent Land Donation, Downtown Peoria Residential Lot, 11619 N. 80th Avenue

RESOLUTION NO. 2012-14

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE ACCEPTANCE AND SUBSEQUENT CONVEYANCE BY QUIT CLAIM DEED OF A RESIDENTIAL LOT LOCATED AT 11619 N. 80th AVENUE, PEORIA, ARIZONA.

Adopted **RES. 2012-14** authorizing the acceptance of a vacant lot in downtown Peoria at 11619 N. 80th Avenue from Wells Fargo Bank and further authorize the offering of the property to a non-profit through a Materials Management Solicitation of Interest.

11C Authorize Expenditure, Ironwood Council District Funds

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

Councilmember Pearson provided an overview of the request to expend Ironwood Council District Funds in support of the City's "P83 Party". Councilmember Pearson encouraged attendance at the event to be held on March 3, 2012 in the Arrowhead Entertainment area.

Motion was made by Councilmember Pearson, seconded by Vice Mayor Aames, to authorize an expenditure of up to \$45,000 in Ironwood Council District Funds to support the City's "P83 Party" special event.

Upon vote, the motion carried unanimously 7 to 0.

REGULAR AGENDA

NEW BUSINESS

12R PUBLIC HEARING - Liquor Licenses, Various Locations

Staff Report/Public Comment:

Brent Matting, Finance Director, reported that the properties were posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval, and no comments were received from the public.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request for (a) a New Wine and Beer Liquor License (Series 10) for Arco AM/PM, located at 9102 W. Peoria Avenue, Mohamed Sweillam, Applicant, LL#20004487; and (b) a Person and Location Transfer for an Off-Sale All Liquor License (Series 09) for CVS/Pharmacy #07115, located at 7530 W. Cactus Road, Jason B. Morris, Applicant, LL#10003803.

Having no requests from the public to address this item, Mayor Barrett declared the Public Hearing closed.

COUNCIL ACTION:

Motion was made by Councilmember Rivero, seconded by Vice Mayor Aames, to recommend approval to the State Liquor Board for (a) a New Wine and Beer Liquor License (Series 10) for Arco AM/PM, located at 9102 W. Peoria Avenue, Mohamed Sweillam, Applicant, LL#20004487; and (b) a Person and Location Transfer for an Off-Sale All Liquor License (Series 09) for CVS/Pharmacy #07115, located at 7530 W. Cactus Road, Jason B. Morris, Applicant, LL#10003803.

Upon vote, the motion carried unanimously 7 to 0.

13R PUBLIC HEARING - Code Amendment, Chapter 14, Administrative Regulations, Temporary Use Permits

ORDINANCE NO. 2012-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLE 14-39-11 "ADMINISTRATIVE PROCEDURES" OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report/Public Comment:

Chris Jacques, Planning and Community Development Director, reported on the request to amend Chapter 14 of the Peoria City Code (1977 Edition) regarding the types of allowable structures and site restoration time frames that may be used for outdoor sales and displays in conjunction with an approved temporary use permit.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request to amend Chapter 14 of the Peoria City Code (1977 Edition) to modify temporary use permit regulations.

Having no requests from the public to address this item, Mayor Barrett declared the Public Hearing closed.

COUNCIL ACTION:

Motion was made by Councilmember Evans, seconded by Councilmember Pearson, to adopt **ORD. 2012-05** amending Chapter 14 of the Peoria City Code (1977 Edition), amending Article 14-39-11 pertaining to temporary use permit regulations.

Upon vote, the motion carried unanimously 7 to 0.

14R Exclusive Negotiating Agreement, Emerald Yard LLC, Rovey Industrial Park

Scott Whyte, Economic Development Services Director, provided an overview of the request to enter into an Exclusive Negotiating Agreement with Emerald Yard, LLC for the development of a rail-supported industrial park in southern Peoria.

Motion was made by Councilmember Rivero, seconded by Councilmember Leone, to authorize the City Manager to enter into an Exclusive Negotiating Agreement with Emerald Yard, LLC for the development of the Rovey Industrial Park in southern Peoria.

Upon vote, the motion carried unanimously 7 to 0.

15R Exclusive Negotiating Agreement, Osage West, LLC, Peoria Eighty Three (P83) Mixed-Use Redevelopment Project

Scott Whyte, Economic Development Services Director, reported on the request to extend the Exclusive Negotiating Agreement with Osage West, LLC on the Peoria Eighty Three (P83) Mixed-Use Redevelopment Project.

Motion was made by Vice Mayor Aames, seconded by Councilmember Rivero, to authorize the City Manager to enter into a 365-day extension to the Exclusive Negotiating Agreement with Osage West, LLC on the Peoria Eighty Three (P83) Mixed-Use Redevelopment Project.

Upon vote, the motion carried unanimously 7 to 0.

16R Council Policy 1-10, City Council Subcommittees

Councilmember Leone reported on his request for reconsideration of Council Policy 1-10.

Motion was made by Councilmember Leone, seconded by Councilmember Carlat, to reconsider Council Policy 1-10 as adopted on September 20, 2011 pertaining to City Council Subcommittees.

Upon vote, the motion carried unanimously 7 to 0.

Motion was made by Councilmember Leone, seconded by Councilmember Pearson, to reduce the number of City Council Subcommittees to four effective May 2012 and to direct staff to submit the names and composition of the four subcommittees for future consideration by Council.

Discussion ensued regarding the number of subcommittees needed.

Councilmember Carlat moved to amend the motion by rescinding subcommittees and reverting back to Committee Policy prior to September 20, 2011. The amended motion died for lack of a second.

Upon vote, the motion to reduce the number of City Council Subcommittees to four effective May 2012 and to direct staff to submit the names and composition of the four subcommittees for future consideration by Council carried 6 to 1, with Councilmember Carlat voting "no".

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Bill Evans addressed Council on behalf of SWABS-Az, Inc. regarding non-payment for services rendered as a subcontractor on the Scotland Yard Project.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation
 - a. "P83 Party"

Jeff Tyne, Interim Community Services Director, presented on the "P83 Party" to be held from 4 p.m. to 9 p.m. on March 3, 2012. Mr. Tyne reported that the event will include various amusement activities, food booths, a beer garden, and musical acts. The "P83

Party” will take place along 83rd Avenue south of Bell Road following the Seattle Mariners/Oakland Athletics Spring Training game at the Peoria Sports Complex.

3. Informational (The following items are included for informational purposes only. There will be no separate discussion of these items unless a Councilmember so requests.)

Carl Swenson, City Manager, informed Council that their Agenda packet contains information related to the following items:

- a. Council Subcommittee Update
- b. Peoria NOW Newsletter

Reports from City Council:

Councilmember Leone reported on the various City of Peoria events he attended. Councilmember Leone congratulated Vice Mayor Aames on his election to the Valley Metro Board of Directors.

Councilmember Rivero reported on his attendance at the Centennial Plaza Dedication and Celebration. Councilmember Rivero extended his compliments to Councilmember Evans and the Centennial Committee for a superb event.

Councilmember Pearson commended Councilmember Evans and the Centennial Committee for their work on the Centennial activities. Councilmember Pearson congratulated the Peoria Unified School District for being evaluated for District Accreditation through the AdvancED Accreditation Commission.

Councilmember Evans wished the State of Arizona a very Happy Birthday and urged citizens to participate in other centennial events throughout the state. Councilmember Evans thanked Councilmember Pearson for his involvement in the “P83 Party”.

Vice Mayor Aames reiterated the comments expressed by the other members of the City Council.

Reports from the Mayor:

Mayor Barrett complimented Councilmember Evans on the Centennial Celebration. Mayor Barrett announced he had been selected to serve on the Executive Board for WESTMARC.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:48 p.m.

ATTEST:

Wanda Nelson, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Regular Meeting of the City Council of Peoria, Arizona held on the 7th day of February, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of March, 2012.

(Seal)

Wanda Nelson, City Clerk