

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
October 23, 2012

A **Special Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:00 p.m.

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

Members Absent: Councilmember Cathy Carlat.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan K. Thorpe, Deputy City Manager; Susan Daluddung, Deputy City Manager; Anh Spiek, Acting City Attorney; Rhonda Geriminsky, Interim City Clerk; Jeff Tyne, Management and Budget Director; and Natalie Gilstrap, City Clerk Specialist.

Audience: Approximately 4 members of the public were present.

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

1. **Impact Fee Update**

Katie Gregory, Development Agreement Coordinator, provided an update regarding the need to revise Impact Fees due to significant changes in state law. Ms. Gregory reviewed the following:

- Park facilities,
- Economic development priorities,
- Service areas,
- Advisory committee/audits, and
- Project timeline.

Discussion ensued regarding:

- Audits and costs for audits,
- Advisory committee, and
- Growth projections.

2. **Development Services User Fee Policy**

Katie Gregory, Development Agreement Coordinator, provided an update regarding the Development Services User Fee Policy. Ms. Gregory provided background information related to user fees and the Principles of Sound Financial Management.

Ms. Gregory reviewed the following:

- Fee adoption procedures,
- Cost recovery levels,
- Pyramid price model,
- Pricing considerations,
- Public input and review, and
- Next steps.

Discussion ensued regarding:

- Partial and full cost recovery,
- Working comparisons,
- Fee increase implementation,
- Review of cost of service, and
- Self certification process.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:40 p.m.

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

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

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

Members Absent: Councilmembers Cathy Carlat and Joan Evans.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan K. Thorpe, Deputy City Manager; Susan Daluddung, Deputy City Manager; Anh Spiek, Acting City Attorney, Rhonda Geriminsky, Interim City Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Manager; Bill Mattingly, Public Works Director; Brent Mattingly, Finance Director; Roy Minter, Police Chief; John Sefton, Community Services Director; Jeff Tyne, Management and Budget Director; Claudia Luján, Assistant to the City Manager; and Natalie Gilstrap, City Clerk Specialist.

Audience: Approximately 30 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.

Mayor Barrett announced that, at the request of the applicant, Agenda Item 10R would be continued to November 13, 2012 City Council meeting.

PRESENTATION:

3. 2012 Sister Cities Young Ambassador Youth Exchange

Claudia Luján, Assistant to the City Manager, provided background on the Young Ambassador Program. Ms. Luján recognized the host families in attendance. Makenzie Middleton, Mary Wight, Thomas Prior, and Zack Madonia, 2012 Young Ambassador delegates, provided highlights of this year's student exchange program with the Borough of Ards, Northern Ireland, the cultural experience abroad, and the two-week hosting student exchange in Peoria.

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 Rivero requested that Agenda Items 5C and 6C be removed for separate discussion.

Motion was made by Vice Mayor Aames, seconded by Councilmember Leone, to approve the Consent Agenda with the exception of Agenda Items 5C and 6C. Upon vote, the motion carried unanimously 5 to 0.

4C **Minutes**

Approved the October 9, 2012 City Council Meeting minutes.

5C **Supplemental Benefits for Public Safety Employees**

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

At the request of Councilmember Rivero, this item was pulled from the Consent Agenda for discussion.

Julie Ayers, Human Resources Director, presented information regarding the supplemental benefits plan for Public Safety employees.

Discussion ensued regarding the cost and scope of the plan.

Motion was made by Councilmember Rivero, seconded by Vice Mayor Aames, to adopt the Supplemental Benefits Plan for Public Safety Employees.
Upon vote, the motion carried unanimously 5 to 0.

6C **Contract Amendment, Brignall Construction Company, Community Center Building Addition, 84th Avenue and Jefferson Street**

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

At the request of Councilmember Rivero, this item was pulled from the Consent Agenda for discussion.

Andy Granger, Engineering Director, provided an overview of the contract amendment with Brignall Construction Company.

Discussion ensued regarding issues necessitating the additional costs for the contract.

Motion was made by Councilmember Rivero, seconded by Councilmember Leone, to:

- (a) Authorize a budget transfer of \$130,000 from the General Fund Contingency Account to the 2010 General Obligation Bond Fund Building and Improvements Account,
- (b) Approve the use of reserves from the 2010 General Obligation Bond Fund, and
- (c) Authorize a final contract amendment at the conclusion of construction to Brignall Construction in an amount not to exceed \$130,000.

Upon vote, the motion carried unanimously 5 to 0.

7C **Appointments, Boards and Commissions**

RESOLUTION 2012-115

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING LOIS GALPERT TO THE ARTS COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-116

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING CECIL DANIELS TO THE BOARD OF ADJUSTMENT AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-117

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING BRENT TAYLOR TO THE PARKS AND RECREATION BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-118

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

Approved the recommendation from the Council Subcommittee on Policy and Appointments pertaining to the following appointments, and adopted the Resolutions as presented:

Adopted **RES. 2012-115** appointing Lois Galpert, as a regular member, to the Arts Commission,

Adopted **RES. 2012-116** appointing Cecil Daniels, as a regular member, to the Board of Adjustment,

Adopted **RES. 2012-117** appointing Brent Taylor, as a regular member, to the Parks and Recreation Board, and

Adopted **RES. 2012-118** appointing Ian Mullane, as a regular member, to the Youth Advisory Board.

REGULAR AGENDA

8R **PUBLIC HEARING - Liquor License, Satara Thai Cuisine Boutique Wine, 8350 W. Paradise Lane**

Staff Report:

Brent Mattingly, Finance Director, reported on staff's recommendation to deny the request for a New Restaurant Liquor License (Series 12) for Satara Thai Cuisine Boutique Wine, located at 8350 W. Paradise Lane, Steven R. Jones, Applicant, LL#20005219.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request for a New Restaurant Liquor License (Series 12) for Satara Thai Cuisine Boutique Wine, located at 8350 W. Paradise Lane, Steven R. Jones, Applicant, LL#20005219.

Steven Jones, applicant, addressed Council regarding the Liquor License request for Satara Thai Cuisine Boutique Wine.

Discussion ensued regarding the staff's recommendation to recommend denial to the State Liquor Board, past sales tax obligations, future sales tax revenue, and debt obligations of the prior owner and the applicant. Additional issues addressed included:

- New and transfer liquor license requests,
- Vested interests of the prior owner,
- Applicant's experience in the restaurant business,
- Additional extension requests to the State Liquor Board, and
- Payment plans and/or stipulations.

There being no further comments, Mayor Barrett declared the Public Hearing closed.

COUNCIL ACTION:

Motion was made by Councilmember Pearson, seconded by Vice Mayor Aames, to recommend denial to the State Liquor Board for a New Restaurant Liquor License (Series 12) for Satara Thai Cuisine Boutique Wine, located at 8350 W. Paradise Lane, Steven R. Jones, Applicant, LL#20005219 with a stipulation that the denial would be replaced with an approval if staff concerns are satisfactorily addressed prior to the State Liquor Board Hearing.

Upon vote, the motion carried 3 to 2, with Councilmember Rivero and Councilmember Leone voting "no".

9R **PUBLIC HEARING - Liquor License, Various Locations**

Staff Report:

Brent Mattingly, 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 a request for:

- (a) A New Restaurant Liquor License (Series 12) for Sweet Tomatoes #43, located at 7565 W. Bell Road Suite 1, Natalie B. Lahr, Applicant, LL#10658,
- (b) A New Restaurant Liquor License (Series 12) for Rosati's Pizza, located at 10651 W. Olive Avenue #105, Prabhjot Gill, Applicant, LL#10018875,
- (c) A New Restaurant Liquor License (Series 12) for Oriental Buffet Grill & Sushi, located at 10146 W. Lake Pleasant Parkway Suite 1030, Xinx Q. Chen, Applicant, LL#20006384, and
- (d) A New Wine and Beer Liquor License (Series 10) for Spanky's Smoke Shop, located at 8868 W. Bell Road Suite 103, Matthew J. White, Applicant, LL#20003953.

There being no comments, Mayor Barrett declared the Public Hearing closed.

COUNCIL ACTION:

Motion made by Councilmember Pearson, seconded by Councilmember Leone, to recommend approval to the State Liquor Board for:

- (a) A New Restaurant Liquor License (Series 12) for Sweet Tomatoes #43, located at 7565 W. Bell Road Suite 1, Natalie B. Lahr, Applicant, LL#10658,
- (b) A New Restaurant Liquor License (Series 12) for Rosati's Pizza, located at 10651 W. Olive Avenue #105, Prabhjot Gill, Applicant, LL#10018875,
- (c) A New Restaurant Liquor License (Series 12) for Oriental Buffet Grill & Sushi, located at 10146 W. Lake Pleasant Parkway Suite 1030, Xinx Q. Chen, Applicant, LL#20006384, and
- (d) A New Wine and Beer Liquor License (Series 10) for Spanky's Smoke Shop, located at 8868 W. Bell Road Suite 103, Matthew J. White, Applicant, LL#20003953.

Upon vote, the motion carried unanimously 5 to 0.

10R **PUBLIC HEARING – Major Planned Area Development (PAD) Amendment, Donation Center, Fletcher Heights PAD, Lake Pleasant Parkway and 83rd Avenue**

ORDINANCE NO 2012-22

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING A PLANNED AREA DEVELOPMENT (P.A.D.) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Barrett announced that at the request of the applicant Agenda Item 10R would be continued to November 13, 2012 City Council meeting.

Motion was made by Vice Mayor Aames, seconded by Councilmember Leone, to postpone discussion and possible action to concur with the Planning and Zoning Commission's recommendation to adopt **ORD. 2012-22** amending a Planned Area Development (PAD) for approximately 17 acres located at the northeast corner of Lake Pleasant Parkway and 83rd Avenue. (Z 93-10A.7)

Upon vote, the motion carried unanimously 5 to 0.

11R **PUBLIC HEARING - Minor General Plan Amendment, Land Use Map, Sunset Ranch 2, Lake Pleasant Parkway and Williams Road**

RESOLUTION NO. 2012-123

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE LAND USE MAP OF THE PEORIA GENERAL PLAN FOR THE CITY OF PEORIA, ARIZONA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

Staff Report:

Chris Jacques, Planning and Community Development Director, provided information on the Agenda Items 11R and 12R including the site context, existing and proposed land use related to the Minor General Plan Amendment and Major Planned Area Development (PAD) Amendment for Sunset Ranch 2 located at Lake Pleasant Parkway and Williams Road.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request to:

- (a) Amend the General Plan Land Use Map by re-designating approximately 9.67 acres of land located east of Lake Pleasant Parkway and north of Williams Road from Residential Estate (0-2 du/ac, target of 1 du/ac) to Residential Low (2-5 du/ac, target of 3 du/ac), and
- (b) A major amendment to the Sunset Ranch 2 Planned Area Development to incorporate the addition of approximately 19.72 acres of development area for multiple sites located on the east and west sides of Lake Pleasant Parkway and north of Williams Road.

Mari Flynn, representative for Woodside Homes, reported on the development plans for the sites related to the Minor General Plan Amendment and the Major Planned Area Development (PAD) amendment for Sunset Ranch 2.

Joe McCord, inquired about the estimated number of students that may affect the nearby schools. Mary Flynn reported that the schools have the facilities to accommodate the number of students.

There being no further comments, Mayor Barrett declared the Public Hearing closed.

COUNCIL ACTION:

Motion was made by Vice Mayor Aames, seconded by Councilmember Pearson, to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 2012-123** approving a minor amendment to the General Plan Land Use Map by re-designating approximately 9.67 acres of land, located east of Lake Pleasant Parkway and north of Williams Road, from Residential Estate (0-2 du/ac, target of 1 du/ac) to Residential Low (2-5 du/ac, target of 3 du/ac). (GPA 12-0006)

Upon vote, the motion carried unanimously 5 to 0.

12R **PUBLIC HEARING – Major Planned Area Development (PAD) Amendment, Sunset Ranch 2 PAD, Lake Pleasant Parkway and Williams Road**

ORDINANCE NO 2012-24

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING CERTAIN PROPERTY FROM GENERAL AGRICULTURE, R1-6 SINGLE-FAMILY RESIDENTIAL, AND PLANNED AREA DEVELOPMENT ZONING DISTRICTS TO A PLANNED AREA DEVELOPMENT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report:

Chris Jacques, Planning and Community Development Director, provided information on the Agenda Items 11R and 12R including the site context, existing and proposed land use related to the Minor General Plan Amendment and Major Planned Area Development (PAD) Amendment for Sunset Ranch 2 located at Lake Pleasant Parkway and Williams Road.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request for a major amendment to the Sunset Ranch 2 Planned Area Development to incorporate the addition of approximately 19.72 acres of development area for multiple sites located on the east and west sides of Lake Pleasant Parkway and north of Williams Road.

There being no comments, Mayor Barrett declared the Public Hearing closed.

COUNCIL ACTION:

Motion was made by Councilmember Pearson, seconded by Councilmember Rivero, to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2012-24** amending the Sunset Ranch 2 Planned Area Development (PAD) for approximately 19.72 acres of development area for multiple sites located on the east and west sides of Lake Pleasant Parkway and north of Williams Road. (Z 05-25A.3)

Upon vote, the motion carried unanimously, 5 to 0.

13R **PUBLIC HEARING – Rezoning, 75th Avenue and Tierra Buena Lane**

ORDINANCE NO 2012-23

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING CERTAIN PROPERTY FROM PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT TO R1-6 SINGLE-FAMILY RESIDENTIAL; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report:

Chris Jacques, Planning and Community Development Director, reported on the rezoning request for 75th Avenue and Tierra Buena Lane.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request to rezone approximately 9.25 acres located at the northwest corner of 75th Avenue and Tierra Buena from Planned Area Development (PAD) to R1-6 Single-Family Residential.

There being no comments, Mayor Barrett declared the Public Hearing closed.

COUNCIL ACTION:

Motion was made by Vice Mayor Aames, seconded by Councilmember Rivero, to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2012-23** rezoning approximately 9.25 acres located at the northwest corner of 75th Avenue and Tierra Buena from Planned Area Development (PAD) to R1-6 Single-Family Residential. (Z12-0002).

Upon vote the motion carried unanimously, 5 to 0.

14R **Economic Development Agreement, Trine University**

Scott Whyte, Economic Development Services Director, reported on the Economic Development agreement with Trine University for the development of a branch campus in Peoria.

Discussion ensued regarding the estimated return on investment from this agreement.

Motion was made by Councilmember Pearson, seconded by Vice Mayor Aames, to authorize the City Manager to enter into an Economic Development Agreement with Trine University for the development of a branch campus in Peoria.

Upon vote, the motion carried unanimously 5 to 0.

15R **Economic Development Agreement, Genome Identification Corp.**

Scott Whyte, Economic Development Services Director, reported on the Economic Development Agreement with Genome Identification Corp.

Discussion ensued regarding:

- Repayment of the pre-performance packet loan,
- Potential revenue from the agreement, and
- Loan obligations/conditions.

Motion was made by Vice Mayor Aames, seconded by Councilmember Pearson, to authorize the City Manager to sign the Economic Development Agreement with Genome Identification Corp.

Upon vote, the motion carried unanimously 5 to 0.

16R **Memorandum of Understanding, Peoria Sports Park, LLC**

Scott Whyte, Economic Development Services Director, reported on the Memorandum of Understanding with the Peoria Sports Park, LLC.

Discussion ensued regarding:

- Construction, location, and financing of the parking garage,
- Project tenants and financing, and
- Legality of the agreement.

Motion was made by Vice Mayor Aames, seconded by Councilmember Pearson, to authorize the City Manager to enter into a Memorandum of Understanding with Peoria Sports Park, LLC for development of a mixed-use redevelopment project.

Upon vote, the motion carried unanimously, 5 to 0.

17R **Contract, Mortenson Construction, Peoria Sports Complex Improvements, 83rd Ave and Stadium Way**

Ed Striffler, Design and Construction Manager, presented information related to the Peoria Sport Complex Improvements contract. Information included:

- Building design and imagery,
- Design and construction schedule, and
- Funding and expenditures.

Discussion ensued related to:

- Bond funds,
- Financing terms, and
- Procurement process.

Motion was made by Councilmember Rivero, seconded by Vice Mayor Aames, to:

- (a) Authorize the City to enter into an agreement with Mortenson Construction for an amount not to exceed \$26,360,000 for incremental Guaranteed Maximum Price (GMP) procurement packages for the Seattle Mariners and San Diego Padres clubhouse improvements, and

- (b) Authorize the City Manager to execute any applicable agreement or amendment documents related thereto.

Upon vote, the motion carried unanimously 5 to 0.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager:

18. **Council Calendar**

19. **Reports with Presentation**

None.

20. **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. Upcoming Special Events

- Halloween Monster Bash
 - October 27th, 5:00 p.m. – 9:00 p.m., Peoria Sports Complex
- *Mish Mash! A Multi-Media Exhibit*
 - Display: October 29th – January 3rd, City Hall Art Gallery
 - Reception: November 1st, 4:00 p.m. – 7:00 p.m., City Hall Art Gallery
- 5th Annual Veterans Day Run and Activities
 - November 10th, 6:30 a.m. – Noon, Rio Vista Community Park and Recreation Center

Mr. Swenson also provided an update on the Council Chamber remodeling project.

Reports from City Council:

Councilmember Leone reported on the various activities and events he attended and hosted.

Councilmember Pearson invited the public to attend the following events:

- *Press Conference* welcoming Trine University scheduled at City Hall on Wednesday, October 24, 2012 at 10:30 a.m., and
- The *Arizona Republic Candidate Forum* scheduled at the Rio Vista Recreation Center on Thursday, October 25, 2012 at 6:00 p.m.

Vice Mayor Aames reported on the various activities and events he attended.

Reports from the Mayor:

Mayor Barrett reminded everyone to vote in the November 6, 2012 General Election.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:50 p.m.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, Interim 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 23rd day of October, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of November, 2012.

(Seal)

Rhonda Geriminsky, Interim City Clerk