

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
November 13, 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 Cathy Carlat, Joan Evans, Carlo Leone, Dave Pearson and Tony Rivero.

Members Absent: None.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Thorpe, Deputy City Manager; Rhonda Geriminsky, Interim City Clerk; Andy Granger, Engineering Director; Bo Larsen, Public Information Manager; Jeff Tyne, Management and Budget Director; Scott Whyte, Economic Development Services Director; and Linda Blas, Deputy City Clerk.

Audience: Approximately two members of the public were present.

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

CONSENT AGENDA

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

Motion was made by Councilmember Carlat, seconded by Councilmember Rivero, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

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

Pursuant to A.R.S. § 38-431.03 Authorized the holding of an Executive Session for the purposes of discussion with City staff in order to consider the City's position and instruct staff regarding negotiations for the purchase of real property in the vicinity of 99th Avenue and Northern Avenue. (Pursuant to A.R.S. § 38-431.03(A)(7)).

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:01 p.m.

A **Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 6:08 p.m.

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; Rhonda Geriminsky, Interim City Clerk; Andy Granger, Engineering Director; Brent Mattingly, Finance Director; John Sefton, Community Services Director; Jeff Tyne, Management and Budget Director; Claudia Luján, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately five members of the public were present.

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

STUDY SESSION AGENDA

Subject(s) for Discussion Only

2. Community/Outside Agency Funding and Assistance Policy

Jeff Tyne, Management and Budget Director, provided a background of agency funding and discussed:

- Current funding strategies
- Desired policy outcomes
- Next steps

Tammy Shreeve, Grants Coordinator, outlined the draft agency funding policy. Information provided included:

- New administration guidelines
- Next steps

Discussion ensued regarding potential partner agencies.

Consensus of the Council was to bring the item back to Council at the December 4, 2012 meeting.

3. Capital Improvement Program End of Year Update

Andy Granger, Engineering Director, provided an update on the Capital Improvement Program.

Mr. Granger outlined significant projects which include:

- Council Chamber ADA enhancements
- Pioneer Community Park
- 83rd Avenue Street and Drainage Improvements
- 75th Avenue and Thunderbird Road Intersection Improvements
- Lake Pleasant Parkway
- Grand Avenue Landscaping
- Community Center Building Addition
- Agua Fria Truck Road Reliever

Discussion ensued regarding:

- Sustainable roadways
- Street lighting along Grand Avenue
- Grant funding for intersection projects

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 6:36 p.m.

EXECUTIVE SESSION AGENDA

4. An Executive Session was convened immediately following the Special City Council Meeting pursuant to A.R.S. § 38-431.03 for the purposes of discussion with City staff in order to consider the City's position and instruct staff regarding negotiations for the purchase of real property in the vicinity of 99th Avenue and Northern Avenue. (Pursuant to A.R.S. § 38-431.03(A)(7)).

Clerk's Note: In accordance with A.R.S. § 38-431.03(B), minutes of executive sessions must be kept confidential except as outlined in statute.

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, Girl Scout Troop 1252 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; Rhonda Geriminsky, Interim City Clerk; 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; Bobby Ruiz, Fire Chief; John Sefton, Community Services Director; Jeff Tyne, Management and Budget Director; Claudia Luján, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately 170 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:

5. Honoring SPC Robert J. Donevski

Mayor Barrett presented a Proclamation to Mr. and Mrs. John Donevski honoring their son, Army Specialist Robert J. Donevski, who was killed in combat while serving in Afghanistan.

6. Friends of the Library

Mr. Al Bell, Chairman of the Strategic Planning Committee for Friends of the Peoria Public Library, provided information on the organization's support of the Peoria Public Library System including:

- Promoting literacy
- Funding materials and programs not covered in the City's budget
- Public awareness and outreach

7. Certificates of Appointment

Mayor Barrett and Councilmember Pearson presented Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the October 23, 2012 City Council meeting:

- Lois Galpert appointed to the Arts Commission,
- Cecil Daniels appointed to the Board of Adjustment,
- Brent Taylor appointed to the Parks and Recreation Board, and
- Ian Mullane appointed to the Youth Advisory Board.

Note: Cecil Daniels was not present to receive his certificate.

8. 12th Annual U.S. Constitution Contest

Mayor Barrett, Councilmember Evans, and Uncle Sam (portrayed by Mike Lindquist) presented certificates to the Constitution Contest winners from local schools.

Mayor Barrett declared a short recess at 7:28 p.m. and reconvened the meeting at 7:42 p.m.

CONSENT AGENDA

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

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

Councilmember Rivero requested that Agenda Items 13C, 14C, and 15C be removed for separate discussion.

Motion was made by Councilmember Rivero, seconded by Councilmember Leone, to approve the Consent Agenda with the exception of Agenda Items 13C, 14C, and 15C. Upon vote, the motion carried unanimously 7 to 0.

9C. **Disposition of Absence**

Approved the absences of:

- (a) Councilmember Cathy Carlat from the Special Meeting & Study Session held at 5:00 p.m. on October 23, 2012, and
- (b) Councilmember Cathy Carlat and Councilmember Joan Evans from the Regular City Council Meeting held at 7:00 p.m. on October 23, 2012.

10C. **Minutes**

Approved the October 23, 2012 City Council meeting minutes.

11C. **Appointments, Boards and Commissions**

RESOLUTION 2012-124

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING MICHAEL KWEDERIS AND BRIAN GREATHOUSE TO THE BOARD OF ADJUSTMENT AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-125

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

RESOLUTION 2012-126

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING PHIL HANSON TO THE CITIZENS COMMISSION ON SALARIES FOR ELECTED CITY OFFICIALS AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-127

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING MICHELLE LEHMAN AND NEIL TERRY TO THE ECONOMIC DEVELOPMENT ADVISORY BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-128

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING SHLEBY DUPLESSIS AND STEVE POE TO THE HISTORIC PRESERVATION COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-129

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING KRISTIN PHELPS TO THE PERSONNEL BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-130

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING NANCY GOLDEN AND LEONARD SPRAKER TO THE PLANNING AND ZONING COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-131

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING JOE MCCORD AND KENNETH LAMBERT TO THE VETERANS MEMORIAL BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-132

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING JOHN ALBRIGHT TO THE VOLUNTEER FIREFIGHTER PENSION BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-134

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING HAMA AMJAD AND EMILY SARBACKER TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERM OF OFFICE.

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

Adopted **RES. 2012-124** appointing Michael Kwederis, as a regular member, and Brian Greathouse, as an alternate member, to the Board of Adjustment,

Adopted **RES. 2012-125** reappointing Roy Bade, as a regular member, to the Building Board of Appeals,

Adopted **RES. 2012-126** reappointing Phil Hanson, as a regular member, to the Citizens Commission on Salaries,

Adopted **RES. 2012-127** appointing Michelle Lehman, as a regular member, and Neil Terry, as an alternate member, to the Economic Development Advisory Board,

Adopted **RES. 2012-128** reappointing Shelby Duplessis and Steve Poe, as regular members, to the Historic Preservation Commission,

Adopted **RES. 2012-129** appointing Kristin Phelps, as a regular member, to the Personnel Board,

Adopted **RES. 2012-130** reappointing Nancy Golden and Leonard Spraker, as regular members, to the Planning and Zoning Commission,

Adopted **RES. 2012-131** reappointing Joe McCord and Kenneth Lambert, as regular members, to the Veterans Memorial Board,

Adopted **RES. 2012-132** appointing John Albright, as a regular member, to the Volunteer Firefighter Pension Board, and

Adopt **RES. 2012-134** appointing Hama Amjad, as a regular member, and Emily Sarbacker, as an alternate member, to the Youth Advisory Board.

12C. **Investment Report for the Quarter Ended September 30, 2012**

Accepted the Investment Report for the Quarter Ended September 30, 2012.

13C. **Budget Transfers, Sports Complex Improvements, 83rd Avenue and Mariners Way**

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

At the request of Councilmember Rivero, Agenda Item 13C was pulled from the Consent Agenda for separate discussion.

Jeff Tyne, Management and Budget Director, presented a brief overview of the request to approve budget transfers for improvements at the Sports Complex.

Motion was made by Vice Mayor Aames, seconded by Councilmember Leone, to approve a series of budget transfers for the Sports Complex Improvements to fully appropriate this project using available cash in several funds.

Upon vote, the motion carried unanimously 7 to 0.

14C. **Grant, State of Arizona, Department of Homeland Security, Various Police and Fire Department Programs**

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

At the request of Councilmember Rivero, Agenda Item 14C was pulled from the Consent Agenda for separate discussion.

Bobby Ruiz, Fire Chief, and Roy Minter, Police Chief, provided an overview of grant funding awarded to support the Terrorism Liaison Officer program and the Chemical, Biological, Radiological, Nuclear or Explosive operations.

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

- (a) Authorize the Peoria Police and Fire Departments to accept three grant awards totaling \$133,990 from the Arizona Department of Homeland Security to be used to strengthen chemical, biological, radiological, nuclear or explosive (CBRNE) weapon detection, response and decontamination capabilities; and sustain and enhance the Terrorism Liaison Officer (TLO) program; and
- (b) Approve a budget adjustment in the amount of \$133,990 from the Proposed Grants Contingency Account to the Homeland Security Fund.

Upon vote, the motion carried unanimously 7 to 0.

15C. **Fiscal Year 2012 Comprehensive Annual Financial Report, Single Audit, Management Letter and SAS114 Letter**

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

At the request of Councilmember Rivero, Agenda Item 15C was pulled from the Consent Agenda for separate discussion.

Brent Mattingly, Finance Director, reviewed the request to receive and file the Comprehensive Annual Financial Report, Single Audit, Management Letter, and SAS114 Letter for the fiscal year ended June 30, 2012.

Motion was made by Vice Mayor Aames, seconded by Councilmember Leone, to receive and file the Comprehensive Annual Financial Report, Single Audit, Management Letter, and SAS114 Letter for the fiscal year ended June 30, 2012.

Upon vote, the motion carried unanimously 7 to 0.

16C. **Annexation, 97th Avenue and Avenida Del Sol**

ORDINANCE NO. 2012-25

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF PEORIA OF MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF PEORIA, AND PROVIDING FOR SEVERABILITY.

Adopted **ORD. 2012-25** approving the annexation of approximately 2.33 acres of privately-owned property located west of the southwest corner of 97th Avenue and Avenida Del Sol (ANX12-0001).

17C. **Initial Zoning, 97th Avenue and Avenida Del Sol**

ORDINANCE NO 2012-26

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. 2012-26** establishing initial zoning of Suburban Ranch (SR-43) on approximately 2.33 acres of privately-owned property recently annexed from Maricopa County, generally located west of the southwest corner of 97th Avenue and Avenida Del Sol.

18C. **Deeds and Easements, Various Locations**

RESOLUTION NO. 2012-133

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.

Adopted **RES. 2012-133** accepting Deeds and Easements for various Real Property interests acquired by the City.

19C. Maintenance Improvement District No. 1132, Umbria Estates, 101st Avenue and Williams Road

RESOLUTION NO. 2012-119

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1132, UMBRIA ESTATES, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2012-120

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1132, UMBRIA ESTATES; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

Approved the Petition for Formation and adopted **RES. 2012-119** intention and ordering the formation of proposed Maintenance Improvement District No. 1132, Umbria Estates, located at 101st Avenue and Williams Road; and adopted **RES. 2012-120** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

20C. **Street Light Improvement District No. 1071, Umbria Estates, 101st Avenue and Williams Road**

RESOLUTION NO. 2012-121

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS WITHIN THE PROPOSED DISTRICT AND THAT THE COST OF THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS, BE ASSESSED UPON A CERTAIN IMPROVEMENT DISTRICT TO BE KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1071, UMBRIA ESTATES; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2012-122

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1071, UMBRIA ESTATES, PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

Approved the Petition for Formation and adopted **RES. 2012-121** intention and ordering formation of proposed Street Light Improvement District No. 1071, Umbria Estates, located at 101st Avenue and Williams Road; and adopted **RES. 2012-122** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

REGULAR AGENDA

Unfinished Business

21R. **PUBLIC HEARING – Major Planned Area Development (PAD) Amendment, Donation Center, Fletcher Heights PAD, Lake Pleasant Parkway and 83rd Avenue**

ORDINANCE NO 2012-27

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.

Staff Report:

Chris Jacques, Planning and Community Development Director, provided background on a request from Goodwill Industries to amend the Fletcher Heights Planned Area Development (PAD) to allow donation centers as a conditional use on a 17-acre commercial parcel located at the northeast corner of Lake Pleasant Parkway and 83rd Avenue.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request to amend the Fletcher Heights Planned Area Development (PAD) by amending the permitted use list to allow donation centers as a conditional use on a 17-acre parcel located at the northeast corner of Lake Pleasant Parkway and 83rd Avenue.

Jeff Wilson spoke in opposition of the Goodwill donation center becoming a drop off location.

Jason Morris, representing Goodwill of Central Arizona, addressed Council regarding the site which will utilize an existing empty Safeway store. Mr. Morris highlighted Goodwill's operating standards in excess of the stipulations imposed by the City including:

- Donation attendants on staff assigned to receiving doors during hours of operation
- Daily clean up and continual maintenance outside the Goodwill site
- Signage and reference to the correct donation receiving area
- Signage referencing City Code regarding dumping
- Working with the City to maintain a zero tolerance for illegal dumping
- 24-hour video surveillance of the entire site

Richard May inquired if the proposed amendment could be granted with the stipulation of a probationary period, and whether the amendment could be reversed if it were approved.

Jeff Wilson addressed Council to inform that his opinion regarding the Goodwill donation center becoming a drop off location had changed after hearing the information presented by Mr. Morris. Mr. Wilson spoke in favor of a probationary period for the proposed amendment.

Having no further 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 Vice Mayor Aames, to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2012-27** 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 7 to 0.

New Business

22R. **PUBLIC HEARING - Liquor Licenses, Various Locations**

Staff Report :

Brent Mattingly, Finance Director, reported on staff's recommendation to recommend approval to the State Liquor Board for:

- (a) A New Restaurant Liquor License (Series 12) for Nineveh Restaurant, located at 9864 W. Peoria Avenue, Randy D. Nations, Applicant, LL#20005373; and
- (b) A New Restaurant Liquor License (Series 12) for CheezHeadz Winning Pizza, Subs and more, located at 20283 N. Lake Pleasant Road Suite #110, Craig S. Maynard, Applicant, LL#20006321.

Mr. Mattingly advised 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 Nineveh Restaurant, located at 9864 W. Peoria Avenue, Randy D. Nations, Applicant, LL#20005373; and

- (b) A New Restaurant Liquor License (Series 12) for CheezHeadz Winning Pizza, Subs and more, located at 20283 N. Lake Pleasant Road Suite #110, Craig S. Maynard, Applicant, LL#20006321.

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

Council Action:

Motion was made by Councilmember Carlat, seconded by Vice Mayor Aames, to recommend approval to the State Liquor Board for:

- (a) A New Restaurant Liquor License (Series 12) for Nineveh Restaurant, located at 9864 W. Peoria Avenue, Randy D. Nations, Applicant, LL#20005373; and
- (b) A New Restaurant Liquor License (Series 12) for CheezHeadz Winning Pizza, Subs and more, located at 20283 N. Lake Pleasant Road Suite #110, Craig S. Maynard, Applicant, LL#20006321.

Upon vote, the motion carried unanimously 7 to 0.

Staff Report:

Brent Mattingly, Finance Director, reported on staff's recommendation to recommend approval to the State Liquor Board for:

- (c) A New Restaurant Liquor License (Series 12) for Times 3 Bar & Grill, located at 8279 W. Lake Pleasant Parkway Suite #101-103, Daniel C. Eastwood, Applicant, LL#20006523.

Mr. Mattingly advised that the property was posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval, and five comments were received from the public.

Chris Jacques, Planning and Community Development Director, provided information pertaining to zoning of the site. Mr. Jacques informed Council that under the Zoning Ordinance, the establishment is classified as a restaurant which is a permitted use at the site.

Mr. Jacques explained that in accordance with the Zoning Ordinance, a conditional use permit is required for all outdoor dining. Mr. Jacques noted that currently there is no conditional use permit approval for any outdoor dining component at this location, and at this time the patio cannot be utilized for any activity associated with the restaurant.

Public Hearing:

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

- (c) A New Restaurant Liquor License (Series 12) for Times 3 Bar & Grill, located at 8279 W. Lake Pleasant Parkway Suite #101-103, Daniel C. Eastwood, Applicant, LL#20006523.

The following citizens addressed Council to voice their opposition to the Series 12 Liquor License for Times 3 Bar & Grill, citing past experiences with a previous sports bar at this location:

Ian Hasegawa
Tevis West
Ismael Hamad
Jigar Patel
Daniel Pierce

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

In response to questions from Council, the applicant, Daniel Eastwood, informed he had not had any meetings with nearby homeowners as he was unaware of any opposition to the liquor license application until today. Mr. Eastwood stated he would be amenable to meeting with citizens residing near his restaurant in an effort to alleviate their concerns.

Discussion ensued regarding whether the location is conducive to any type of bar due to the proximity of the homes nearby.

Motion was made by Vice Mayor Aames, seconded by Councilmember Carlat, to recommend denial to the State Liquor Board for:

- (c) A New Restaurant Liquor License (Series 12) for Times 3 Bar & Grill, located at 8279 W. Lake Pleasant Parkway Suite #101-103, Daniel C. Eastwood, Applicant, LL#20006523.

Upon vote, the motion carried unanimously 7 to 0.

23R. **PUBLIC HEARING - Off-Track Wagering License Renewal, American Greyhound Racing, Inc., Gallagher's of Peoria, 6750 West Peoria Avenue**

Staff Report:

Brent Mattingly, Finance Director, reported that all fees were paid and staff recommends approval to the Arizona Racing Commission for an Off-Track Wagering License Renewal for Gallagher's of Peoria, located at 6750 West Peoria Avenue.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request for an Off-Track Wagering License Renewal for Gallagher's of Peoria, located at 6750 West Peoria Avenue.

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

Council Action:

Motion was made by Councilmember Carlat, seconded by Vice Mayor Aames, to recommend approval to the Arizona Racing Commission for an Off-Track Wagering License Renewal for Gallagher's of Peoria, 6750 West Peoria Avenue.

Upon vote, the motion carried unanimously 7 to 0.

24R. **Peoria Youth Master Plan**

John Sefton, Community Services Director, summarized the process involved in drafting the Peoria Youth Master Plan.

Motion was made by Councilmember Evans, seconded by Councilmember Carlat, to adopt the Peoria Youth Master Plan.

Upon vote, the motion carried unanimously 7 to 0.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager:

25. **Council Calendar**

26. **Reports with Presentation**

Clerk's Note: The Capital Improvement Program End of Year Update was presented as Study Session Agenda Item 3.

- A. Capital Improvement Program End of Year Update
- B. Budget/Financial Update

Jeff Tyne, Management and Budget Director, presented an update on the economic forecast and the impact to the City's financial condition and provided information related to the following:

- Consumer spending
- Unemployment rates
- Housing market trends
- General Fund revenues
- Operating expenditures
- Budgetary considerations

27. **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. Festival in the Plaza
- C. Peoria's 26th Annual Oldtown Holiday Festival
- D. Proposed 2013 City Council Meeting Calendar

Reports from City Council:

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

Councilmember Carlat wished a Happy Thanksgiving to the citizens of Peoria.

Councilmember Evans congratulated the students who participated in the Constitution Contest. Councilmember Evans expressed her appreciation to all veterans for their service.

Vice Mayor Aames reported on the various City of Peoria activities he attended. Vice Mayor Aames reported on his attendance at a meeting of the Grand Avenue Coalition to discuss the future of transportation along the Grand Avenue corridor.

Reports from the Mayor:

Mayor Barrett reported that he had the honor of speaking at various events commemorating Veterans Day.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:57 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 13th day of November, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of December, 2012.

(Seal)

Rhonda Geriminsky, Interim City Clerk