

**MINUTES OF THE PEORIA CITY COUNCIL**  
CITY OF PEORIA, ARIZONA  
PINE CONFERENCE ROOM  
December 4, 2012

A **Special Meeting and Study Session** 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:** Vice Mayor Ron Aames; Councilmembers Cathy Carlat, Joan Evans, Carlo Leone, Dave Pearson and Tony Rivero.

**Members Absent:** Mayor Bob Barrett

**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; Julie Ayers, Human Resources Director; Bo Larsen, Public Information Manager; John Sefton, Community Services Director; Claudia Luján, 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**

**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 Pearson, seconded by Councilmember Leone, to approve the Consent Agenda. Upon vote, the motion carried unanimously 6 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 purpose of discussion with Legal Counsel for legal advice pertaining to pending litigation for Jane Doe v. City of Peoria, et al. (Pursuant to A.R.S. § 38-431.03(A)(3)).

## STUDY SESSION AGENDA

### Subject(s) for Discussion Only

#### 2. Peoria Friends of the Arts

John Sefton, Community Services Director, summarized the concept of forming a Peoria Friends of the Arts organization dedicated to enrichment of the arts in the community.

Mr. Sefton discussed the entity's operational functions in the following areas:

- Advocacy
- Volunteerism
- Financial support

Thomas Gyder addressed Council pertaining to the development of the Friends of the Arts. Mr. Gyder voiced his concern regarding implementation of the program. Mr. Gyder questioned whether the concept has been established in other cities and if so, was the venture successful.

Constance McMillan discussed the lack of funding for the arts. Ms. McMillan requested collaborative meetings with other groups in the arts community before moving forward with the creation of the not-for-profit organization.

Discussion ensued regarding public input, funding and the concerns raised by the members of the arts community.

Robert Benson, Arts Commission Chairman, spoke in support of the Peoria Friends of the Arts. Mr. Benson noted that establishing the Friends of the Arts would serve the citizens by bringing creative capital to the City of Peoria.

It was the consensus of Council to move forward with creating a Peoria Friends of the Arts not-for-profit organization and public vetting of the process.

## EXECUTIVE SESSION AGENDA

3. An Executive Session was convened immediately following the Special City Council Meeting and Study Session pursuant to A.R.S. 38-431.03 for the purpose of discussion with Legal Counsel for legal advice pertaining to pending litigation for Jane Doe v. City of Peoria, et al. (Pursuant to A.R.S. § 38-431.03(A)(3)).

**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.**

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 5:34 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 Carlat led the Pledge of Allegiance.

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

**Members Absent:** Mayor Bob Barrett

**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; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; Katie Gregory, Development Agreement Coordinator; Stacy Irvine, Deputy Fire Chief; 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; Scott Whyte, Economic Development Services Director; Claudia Luján, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

**Audience:** Approximately 35 members of the public were present.

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

**Presentation:**

4. Certificates of Appointment

Councilmember Pearson presented Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the November 13, 2012 City Council meeting:

- Brian Greathouse appointed to the Board of Adjustment,
- Michael Kwederis appointed to the Board of Adjustment,
- Michelle Lehman appointed to the Economic Development Advisory Board,
- Neil Terry appointed to the Economic Development Advisory Board,
- Kristin Phelps appointed to the Personnel Board,

- John Albright appointed to the Volunteer Firefighter Pension Board,
- Hama Amjad appointed to the Youth Advisory Board, and
- Emily Sarbacker appointed to the Youth Advisory Board.

**Note: Michelle Lehman was not present to receive her certificate.**

## 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.

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

Councilmember Rivero requested that Agenda Item 16C be removed for separate discussion. Vice Mayor Aames requested that Agenda Items 7C and 15C be removed for separate discussion.

Motion was made by Councilmember Leone, seconded by Councilmember Rivero, to approve the Consent Agenda with the exception of Agenda Items 7C, 15C and 16C. Upon vote, the motion carried unanimously 6 to 0.

### 5C. Disposition of Absence

Approved the absence of Councilmember Carlo Leone from the Special Meeting held at 5:30 p.m. on November 26, 2012.

### 6C. Minutes

Approved the following minutes:

November 13, 2012 City Council meeting  
November 26, 2012 5:00 p.m. Special City Council meeting  
November 26, 2012 5:30 p.m. Special City Council meeting

7C. **Code Amendment, Chapter 14, Motor Vehicles and Traffic**

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

ORDINANCE NO. 2012-21A

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 14-80 PERTAINING TO LOCAL SPEED LIMITS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

At the request of Vice Mayor Aames, Agenda Item 7C was pulled from the Consent Agenda for separate discussion.

Jamal Rahimi, City Traffic Engineer, provided an overview of the proposed changes to Chapter 14 of the City Code to establish speed limits on roadways in newly annexed areas, roadways not included previously in the City Code and revisions to some of the existing speed limits.

Motion was made by Councilmember Evans, seconded by Councilmember Rivero, to adopt **ORD. 2012-21A** amending Chapter 14 of the Peoria City Code (1992 Edition) by amending Section 14-80 pertaining to local speed limits.

Upon vote, the motion carried unanimously 6 to 0.

8C. **Grant, United States Department of the Interior Bureau of Reclamation, Home Owner Associations, Water Efficiency/Audits**

- (a) Accepted a grant from the United States Department of the Interior Bureau of Reclamation in the amount of \$25,000 for Home Owner Association's Water Efficiency/Audits; and
- (b) Approved a budget adjustment in the amount of \$25,000 from the Proposed Grant Contingency account to various Bureau of Reclamation Home Owner Associations Water Efficiency Grant Fund accounts.

9C. **Grant, Arizona Peace Officer Standards and Training Board, Indoor Range Target System Upgrade**

- (a) Authorized the Peoria Police Department to accept a grant award in the amount of \$27,295 from the Arizona Peace Officer Standards and Training Board; and
- (b) Approved a budget adjustment in the amount of \$27,295 from the Proposed Grants Contingency account to the Police Administration account.

10C. **Programmatic Agreement, Neighborhood Stabilization Program, State Historical Preservation Office**

Approved the Neighborhood Stabilization Programmatic Agreement with the State Historical Preservation Office allowing City Staff to make a determination that there will be no adverse historic effect on properties acquired, rehabilitated and resold to eligible homebuyers in the expanded target area.

11C. **Deeds and Easements, Various Locations**

RESOLUTION NO. 2012-135

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. 2012-135** accepting Deeds and Easements for various Real Property interests acquired by the City.

12C. **Designate Roadways, Establish Rights-of-Way, Various Locations**

RESOLUTION NO. 2012-136

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF PUBLIC STREETS, TO BE OPENED AND MAINTAINED BY THE CITY.

Adopted **RES. 2012-136** designating various Real Properties to be used as City roadways and authorized the establishment of Public Rights-of-Way to be opened and maintained by the City as a Public Street.

13C. **Final Plat, Vistancia Village A Parcel G1, Lone Mountain Road and Vistancia Boulevard**

Approved the Final Plat of Vistancia Village A Parcel G1, located at Lone Mountain Road west of Vistancia Boulevard, subject to stipulations.

14C. **Condominium Replat, 1200 Riverwalk Professional Center North, 77th Avenue and Deer Valley Road**

Approved the Condominium Replat of 1200 Riverwalk Professional Center North, located at 77th Avenue south of Deer Valley Road, subject to stipulations.

15C. **Fiscal Year 2013 Budget Amendments**

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

At the request of Vice Mayor Aames, Agenda Item 15C was pulled from the Consent Agenda for separate discussion.

Katie Gregory, Development Agreement Coordinator, summarized the request for Fiscal Year 2013 first quarter budget adjustments and Fiscal Year 2012 budget carryover items.

Motion was made by Councilmember Carlat, seconded by Councilmember Leone, to approve the recommended budget amendments.

Upon vote, the motion carried unanimously 6 to 0.

16C. **Community/Outside Agency Funding and Assistance Policy**

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

At the request of Councilmember Rivero, Agenda Item 16C was pulled from the Consent Agenda for separate discussion.

Tammy Shreeve, Grant Program Manager, summarized the proposed Community/Outside Agency Funding and Assistance Policy to establish guidelines for all funding programs.

Ms. Shreeve provided background on the City's funding assistance programs to enhance the quality of life for its residents. Ms. Shreeve reported that the City of Peoria currently provides approximately \$1.4 million to eligible service organizations through:

- Community Development Block Grants
- Federal HOME Grants
- General Fund Not-for-Profit Grants
- Partner Agency Grants
- Arts Grants
- Festival Grants

Motion was made by Councilmember Rivero, seconded by Councilmember Evans, to adopt the Community/Outside Agency Funding and Assistance Policy.

Upon vote, the motion carried unanimously 6 to 0.

17C. **Exemption Request, Requirement to Post Security for Self Insured Workers' Compensation Claims**

Authorized the execution of documents necessary to certify the City of Peoria exemption from the Industrial Commission of Arizona requirements to post security for pending self-insured Workers' Compensation claims.

18C. **Ratification of Approval, Industrial Development Authority Board Debt Refinance, LifeStream Complete Senior Living, Inc. Project formerly known as Arizona Baptist Retirement Centers, Inc.**

RESOLUTION NO. 2012 -140

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE AND SALE OF REVENUE BONDS BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF PEORIA, ARIZONA, AT THE REQUEST OF LIFESTREAM COMPLETE SENIOR LIVING, INC., AN ARIZONA NONPROFIT CORPORATION.

Adopted **RES. 2012-140** ratifying the approval of the Industrial Development Authority Board of the City of Peoria, Arizona to refinance certain authority bonds issued on behalf of the LifeStream Complete Senior Living, Inc. Project formerly known as Arizona Baptist Retirement Centers, Inc.

19C. **Contract Amendment, City Manager, Terms and Conditions of Employment**

Approved an amendment to the Terms and Conditions of Employment with the City Manager.

**REGULAR AGENDA**

20R. **PUBLIC HEARING - Liquor License, 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 Domestic Microbrewery Liquor License (Series 03) for Freak'N Brewing Company, located at 9299 W. Olive Avenue Suite 513, Thomas F. Lavalley Jr., Applicant, LL#20006638; and
- (b) A New Restaurant Liquor License (Series 12) for Yu's Chinese Cuisine, located at 13686 N. 75th Avenue, Cai H. Situ Tang, Applicant, LL#20005686.

**Public Hearing:**

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

- (a) A New Domestic Microbrewery Liquor License (Series 03) for Freak'N Brewing Company, located at 9299 W. Olive Avenue Suite 513, Thomas F. Lavallee Jr., Applicant, LL#20006638; and
- (b) A New Restaurant Liquor License (Series 12) for Yu's Chinese Cuisine, located at 13686 N. 75th Avenue, Cai H. Situ Tang, Applicant, LL#20005686.

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

**Council Action:**

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

- (a) A New Domestic Microbrewery Liquor License (Series 03) for Freak'N Brewing Company, located at 9299 W. Olive Avenue Suite 513, Thomas F. Lavallee Jr., Applicant, LL#20006638; and
- (b) A New Restaurant Liquor License (Series 12) for Yu's Chinese Cuisine, located at 13686 N. 75th Avenue, Cai H. Situ Tang, Applicant, LL#20005686.

Upon vote, the motion carried unanimously 6 to 0.

21R. **PUBLIC HEARING - 2012 Major General Plan Amendment, Land Use Element**

RESOLUTION NO. 2012-137

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

**Staff Report:**

Adam Pruet, Senior Planner, reported on a request to amend the Land Use Element of the General Plan pertaining to aggregate mining in compliance with recent changes in State Law with the passage of Senate Bill 1598.

Mr. Pruett provided the language from Senate Bill 1598 requiring cities to include sources of currently identified aggregates from maps available from state agencies, policies to preserve currently identified aggregates sufficient for future development and policies to avoid incompatible land uses.

**Public Hearing:**

Vice Mayor Aames opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request for a Major Amendment to the General Plan that updates the Land Use Element and Land Use Map to comply with Senate Bill 1598 on the topic of aggregate mining.

Joe McCord, a member of the Maricopa County Mining District Recommendation Committee, informed Council that the Mining Board reviewed the state maps and determined that the data was inadequate.

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

Discussion ensued regarding the accuracy of the state maps used, mining operations in the proximity of residential development, hours of operation and truck traffic related to mining operations.

**Council Action:**

Motion was made by Councilmember Evans, seconded by Councilmember Pearson, to adopt **RES. 2012-137** amending the General Plan under Planning and Community Development Case No. GPA 12-0002, a Major Amendment to the General Plan that updates the Land Use Element and Land Use Map to comply with Senate Bill 1598 on the topic of aggregate mining.

Upon vote, the motion carried unanimously 6 to 0.

22R. **PUBLIC HEARING - 2012 Major General Plan Amendment, Lake Pleasant Heights Specific Area Plan**

RESOLUTION NO. 2012-138

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA APPROVING A MAJOR SPECIFIC AREA PLAN AMENDMENT FOR THE LAKE PLEASANT HEIGHTS MASTER PLANNED COMMUNITY (FORMERLY GPA 01-04A.1) LOCATED SOUTH OF SR 74 GENERALLY BETWEEN 115<sup>TH</sup> AVENUE AND 139<sup>TH</sup> AVENUE WITHIN THE CITY OF PEORIA, ARIZONA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

**Staff Report:**

Rob Gubser, Principal Planner, reported on a proposed amendment to the Lake Pleasant Heights Specific Area Plan that would increase the number of residential units within the project, increase open space areas, incorporate mixed-use land categories and remove the golf course and land uses no longer supported by the current and expected future market trends.

Shawn Kreuzwiesner, Engineering Planning Manager, outlined the proposed circulation changes to the Lake Pleasant Heights Specific Area Plan including:

- Realignment of the Bullard/Carefree Highway
- New collector road along the Carefree alignment
- New collector system added to enhance overall circulation
- Refined El Mirage Road and Westland Road alignments

Mr. Kreuzwiesner discussed the following utilities for the project:

- Wastewater to be conveyed to the existing Jomax Water Reclamation Facility for treatment
- Reclaimed water to be used at park and school sites south of the Central Arizona Project Canal
- Water resource solutions are being explored with the developers for north Peoria

**Public Hearing:**

Vice Mayor Aames opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request for a Major Amendment to the Lake Pleasant Heights Specific Area Plan for a site comprised of approximately 3,268 acres, generally located south of the intersection of the El Mirage alignment and SR-74 to south of Westland Drive.

Lynn Lagarde, representing the applicants, addressed Council in support of the amendment to the Lake Pleasant Heights Specific Area Plan in order to proceed with developing the project.

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

**Council Action:** Motion was made by Councilmember Carlat, seconded by Councilmember Evans, to adopt **RES. 2012-138** amending the General Plan under Planning and Community Development Case No. GPA 12-0003, a Major Amendment to the Lake Pleasant Heights Specific Area Plan for a site comprised of approximately 3,268 acres, generally located south of the intersection of the El Mirage alignment and SR-74 to south of Westland Drive.

Upon vote, the motion carried unanimously 6 to 0.

23R. **Amended Settlement Agreement, Maricopa County Superior Court, City of Peoria v. Larry & Jeff Limited Partnership, et al., Inc. v. City of Peoria and FNF Construction, Inc., FFF, L.L.C. v. City of Peoria et al., Thunderbird Road Improvement Project**

Steve Kemp, City Attorney, presented an overview of the request for approval of an amended settlement agreement that would resolve all outstanding disputes between the City and other parties related to the Thunderbird Road Improvement Project.

Motion was made by Councilmember Pearson, seconded by Councilmember Carlat, to approve the Second Amended Settlement Agreement in the Maricopa County Superior Court Cases City of Peoria v. Larry & Jeff Limited Partnership, et al., Larry & Jeff Limited Partnership, Inc. v. City of Peoria and FNF Construction, Inc., FFF, L.L.C. v. City of Peoria et al., as it relates to the Thunderbird Road Improvement Project.

Upon vote, the motion carried unanimously 6 to 0.

**Call To The Public (Non-Agenda Items)**

None.

**Reports from City Manager**

24. **Council Calendar**

25. **Reports with Presentation**

A. Building Development Initiatives

Scott Whyte, Economic Development Services Director, provided an update on building development initiatives being implemented to improve customer service for building plan review, permitting and inspection. Initiatives include:

- Modification to building inspection work hours
- Contracting for building plan review and inspection services
- Improvements to the building permit and approval process
- Implementation of new building codes

Discussion ensued regarding a self-certification plan review and permitting program that would allow registered professionals to bypass the normal plan review and permitting process.

B. November 8, 2012 Job Fair – Results

Debbie Pearson, Business Development Specialist, presented on the Second Annual Regional Job Fair held at the Peoria Sports Complex. Ms. Pearson reported that the event was a success with 140 exhibitors offering more than 6,000 positions, and approximately 1,500 job seekers were in attendance.

C. Arizona Public Service Transmission Line Project and Bureau of Land Management Resource Management Plan Amendment/Draft Environmental Impact Statement

Chris Jacques, Planning and Community Development Director, presented an update on the Arizona Public Service Overhead Transmission Line Project. Information provided included:

- Project background
- Status of the process
- Public meetings schedule
- Next steps

26. **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, provided information to Council related to the following items:

- A. Fire Department's Annual Accreditation Status
- B. Council Subcommittee Update
- C. Electric Vehicle Charging Stations Agreement
- D. 2013 Winter Water Safety Day and Polar Plunge
- E. Peoria Visitors Guide
- F. Shop Peoria
- G. Holiday Festival Update

**Reports from City Council:**

Councilmember Leone reported on the various City of Peoria activities and events he attended. Councilmember Leone encouraged citizens to attend a public meeting regarding potential roadway design options for Northern Parkway on Tuesday, December 11<sup>th</sup> at the Country Meadows Elementary School.

Councilmember Carlat reported on the Toys for Tots charity event held on Friday, November 30<sup>th</sup> at Trilogy in Vistancia.

Councilmember Pearson reported on Peoria's Oldtown Holiday Festival held on Friday, November 30<sup>th</sup>. Councilmember Pearson wished everyone a Merry Christmas and Happy New Year.

Councilmember Evans reminded citizens about the "Shop with a Cop" event to be held on Saturday, December 8<sup>th</sup> at the Target store located at 24890 North Lake Pleasant Parkway.

Vice Mayor Aames reported on his attendance at the annual Oldtown Holiday Festival. Vice Mayor Aames wished the citizens of Peoria a Merry Christmas.

**Reports from the Mayor:**

None.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 9:20 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 4<sup>th</sup> day of December, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 8<sup>th</sup> day of January, 2013.

(Seal)

---

Rhonda Geriminsky, Interim City Clerk