

# City Council Meeting Notice & Agenda - **RESULTS**

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Tuesday, December 04, 2012

Pine Conference Room  
8401 West Monroe Street  
Peoria, AZ 85345

## Special Meeting & Study Session

5:00 P.M. Convene

### Roll Call

### Final Call To Submit Speaker Request Forms

### 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.

### Consent

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

Pursuant to A.R.S. § 38-431.03: Discussion and possible action to authorize 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 – **DISCUSSION ONLY- NO ACTION TAKEN**

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Mayor  
Bob Barrett

Palo Verde  
District  
Ron Aames,  
Vice Mayor

Acacia  
District  
Tony Rivero

Ironwood  
District  
Dave Pearson

Mesquite  
District  
Cathy Carlat

Pine  
District  
Carlo Leone

Willow  
District  
Joan Evans

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

If you wish to address the City Council, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. The City Council is not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

### **Adjournment**

## **Executive Session**

**Convene immediately following Special City Council Meeting  
Ironwood Conference Room, City Hall Building**

Under the provisions of A.R.S. § 38-431.02 there will be a **CLOSED EXECUTIVE SESSION**.

### **Executive Session Agenda**

3. 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)).

### **Adjournment**

The above-named Public Body of the City of Peoria, Arizona will convene into Executive Session pursuant to A.R.S. § 38-431.03 for those items listed on the agenda. Only those persons who are:

- Members of the Public Body, or
- Officers of the City that are required to attend, or
- Those individuals whose presence is reasonably necessary for the Public Body to carry out its Executive Session responsibilities as determined by the City Attorney may be present during the Executive Session.

All persons who remain present during the Executive Session are reminded that the business conducted in Executive Session, including all discussion taking place herein, is confidential and may not be disclosed to any person, except as permitted by law.

## Regular Meeting

7:00 P.M. Convene

### Pledge of Allegiance

### Roll Call

### Final Call To Submit Speaker Request Forms

### Presentation

4. 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.

### Consent Agenda

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### Consent

5C. **Disposition of Absence - PASSED**

Discussion and possible action to excuse the absence of Councilmember Carlo Leone from the Special Meeting held at 5:30 p.m. on November 26, 2012.

6C. **Minutes - PASSED**

Discussion and possible action to approve 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 - PASSED**

Discussion and possible action 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.

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

Discussion and possible action to: (a) accept 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) approve 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 - PASSED**

Discussion and possible action to: (a) authorize 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) approve 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 - PASSED**

Discussion and possible action to approve 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 - PASSED**

Discussion and possible action to adopt **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 - PASSED**

Discussion and possible action to adopt **RES. 2012-136** designating various Real Properties to be used as City roadways and authorize 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** - **PASSED**

Discussion and possible action to approve 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** - **PASSED**

Discussion and possible action to approve 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** - **PASSED**

Discussion and possible action to approve the recommended budget amendments.

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

Discussion and possible action to adopt the Community/Outside Agency Funding and Assistance Policy.

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

Discussion and possible action to authorize 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.** - **PASSED**

Discussion and possible action to adopt **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** - **PASSED**

Discussion and possible action to approve an amendment to the Terms and Conditions of Employment with the City Manager.

## Regular Agenda

### New Business

20R. **PUBLIC HEARING - Liquor License, Various locations - PASSED**

**PUBLIC HEARING:** RE: (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.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

**COUNCIL ACTION:** Discussion and possible action 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.

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

**PUBLIC HEARING:** RE: 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.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

**COUNCIL ACTION:** Discussion and possible action 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.

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

**PUBLIC HEARING:** RE: 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.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

**COUNCIL ACTION:** Discussion and possible action 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.

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 - PASSED**

Discussion and Possible action 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.

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### **Reports from City Manager**

24. **Council Calendar**

25. **Reports with Presentation**

A. Building Development Initiatives

B. November 8, 2012 Job Fair - Results

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

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.)**

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 Reports from the Mayor

## Adjournment

**NOTE:** Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

***Accommodations for Individuals with Disabilities.*** Alternative format materials, sign language interpretation and assistive listening devices are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Peoria, Arizona 85345 - Phone: (623)773-7340 or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request. The City has a TDD line where accommodations may be requested at: (623)773-7221.

### **PUBLIC NOTICE:**

In addition to the City Council members noted above, one or more members of the City of Peoria Boards and Commissions may be present to observe the City Council meeting as noticed on this agenda.

City Council Meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <http://www.peoriaaz.gov/content2.aspx?id=2151>.