

**MINUTES OF THE PEORIA CITY COUNCIL**  
CITY OF PEORIA, ARIZONA  
CITY COUNCIL CHAMBER  
June 4, 2013

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:** Mayor Bob Barrett; Councilmembers Ron Aames, Cathy Carlat, Jon Edwards, Carlo Leone and Bill Patena.

**Members Absent:** Vice Mayor Tony Rivero

**Other Municipal Officials Present:** Carl Swenson, City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; and Bobby Ruiz, Fire Chief.

**Audience:** There were no members of the public 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 Aames, seconded by Councilmember Carlat, to approve the Consent Agenda. Upon vote, the motion carried unanimously 6 to 0.

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

Authorized the holding of an Executive Session for the purpose of discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations pursuant to A.R.S. § 38-431.03.A.5.

## **STUDY SESSION AGENDA**

**Subject(s) for Discussion Only**

2. 2013 Peoria Leadership Institute Roundtable Discussion with Mayor and Council

The Mayor and Council met with the graduating students of the 2013 Peoria Leadership Institute. The Mayor and Council responded to questions from the Peoria Leadership Institute participants.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 6:54 p.m.

**EXECUTIVE SESSION AGENDA**

3. An Executive Session was convened immediately following the Special City Council Meeting for the purpose of discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations pursuant to A.R.S. § 38-431.03.A.5.

**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, Councilmember Carlat led the Pledge of Allegiance.

**Members Present:** Mayor Bob Barrett; Vice Mayor Tony Rivero; Councilmembers Ron Ames, Cathy Carlat, Jon Edwards, Carlo Leone and Bill Patena.

**Other Municipal Officials Present:** Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Andy Granger, Engineering Director; John Imig, Information Technology Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Brent Mattingly, Finance and Budget Director; Bobby Ruiz, Fire Chief; John Sefton, Community Services Director; Rocky Smith, Deputy Police Chief; Scott Whyte, Economic Development Services Director; and Linda Blas, Deputy City Clerk.

**Audience:** Approximately 45 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 Completion for 2013 Peoria Leadership Institute Graduates

Mayor Barrett, Carl Swenson, City Manager, and Bo Larsen, Public Information Director, presented certificates to the graduates of the 2013 Peoria Leadership Institute.

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

Vice Mayor Rivero requested that Agenda Items 6C and 7C be removed for separate discussion.

Motion was made by Councilmember Carlat, seconded by Councilmember Leone, to approve the Consent Agenda with the exception of Agenda Items 6C and 7C.

Upon vote, the motion carried unanimously 7 to 0.

5C. **Minutes**

Approved the following minutes:

April 9, 2013 Meeting Minutes

April 10, 2013 Budget Study Session Minutes

April 12, 2013 Budget Study Session Minutes

April 16, 2013 Meeting Minutes

6C. **Code Amendment, Chapter 2, Community Services Department Fees**

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

At the request of Vice Mayor Rivero, Agenda Item 6C was pulled from the Consent Agenda for separate discussion.

ORDINANCE NO. 2013-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY AMENDING TABLE 2-207 PERTAINING TO FEES CHARGED BY THE COMMUNITY SERVICES DEPARTMENT AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

John Sefton, Community Services Director, presented the request to amend Chapter 2, Section 2-207, of the Peoria City Code pertaining to Community Services Department Fees for Fiscal Year 2014.

Mr. Sefton provided a brief overview of the Community Services Recreation Pricing and Fees Policy and the Field Allocation Policy. Information included:

- Pyramid pricing model
- Cost recovery philosophy for recreation programs and services
- Definition of fees
- Definition of costs
- User groups by category

Discussion ensued regarding increased fees and cost recovery goals.

Motion was made by Councilmember Patena, seconded by Councilmember Carlat, to adopt **ORD. 2013-07** amending Chapter 2, Section 2-207 of the Peoria City Code (1992 Edition) pertaining to Community Services Department Fees for Fiscal Year 2014.

Upon vote, the motion carried 6 to 1, with Vice Mayor Rivero voting “no”.

7C. **Code Amendment, Chapter 18, Parks**

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

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

ORDINANCE NO. 2013-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 18 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 18-61 PERTAINING TO PARKS; DEFINITIONS; AMENDING SECTION 18-63 PERTAINING TO PARKS; HOURS OF OPERATION. ACCESS RESTRICTED; VIOLATIONS; AMENDING SECTION 18-64 PERTAINING TO VEHICLES; PEACE OFFICER AUTHORITY; VIOLATIONS; AMENDING SECTION 18-65 PERTAINING TO PARKS, ALCOHOLIC BEVERAGES; AMENDING SECTION 18-66 PERTAINING TO PARKS; GENERAL RULES OF CONDUCT; VIOLATIONS; AMENDING SECTION 18-67 PERTAINING TO MISCELLANEOUS RULES OF CONDUCT; VIOLATIONS; AMENDING SECTION 18-69 PERTAINING TO PARKS, PROHIBITED CONDUCT, VIOLATIONS; AMENDING SECTION 18-70 PERTAINING TO PARKS; ENFORCEMENT; VIOLATIONS; AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

John Sefton, Community Services Department Director, presented a brief overview of the proposed amendment to Chapter 18 of the Peoria City Code pertaining to Parks and Recreation.

Information included:

- Definitions for Mountain Hiking Trail, Multi-Use Trail and Trailhead
- Explanation to where vehicles can or cannot stop, stand or park
- Definition of abandoned vehicles
- Failure to remain on mountain hiking trails, feeding or touching the animals and fishing without a license
- Explanation of the unlawfulness of leaving an animal in a motor vehicle
- Failure to comply with posted rules in any City area
- Smoking in violation of posted signs prohibiting or regulating smoking
- Minors in possession of tobacco
- Definition of fireworks

Motion was made by Vice Mayor Rivero, seconded by Councilmember Edwards, to adopt **ORD. 2013-01** amending Chapter 18 of the Peoria City Code (1992 Edition) pertaining to Parks.

Upon vote, the motion carried unanimously 7 to 0.

8C. **Grant Application, Challenger Space Center, Gila River Community State Shared Revenue Grant Program**

RESOLUTION NO. 2013-53

RESOLUTION OF THE CITY OF PEORIA, MARICOPA COUNTY ARIZONA SUPPORTING CHALLENGER SPACE CENTER ARIZONA'S APPLICATION FOR GILA RIVER INDIAN COMMUNITY GRANT FUNDS.

Adopted **RES. 2013-53** supporting the grant application for the Challenger Space Center for the Gila River Indian Community State Shared Revenue Grant Program.

9C. **Grant, Arizona State Library, Archives and Public Records, Library Services and Technology Act**

- (a) Accepted a Library Services and Technology Act Grant in the amount of \$9,920 from Arizona State Library, Archives and Public Records for funding computer tablets and related equipment; and
- (b) Approved a budget transfer in the amount of \$9,920 from the Proposed Grant Contingency Account to the Computer Hardware Program Account.

10C. **Letter of Agreement, Arizona Public Service, Lake Pleasant Parkway, Westwing Parkway to State Route Loop 303**

Approved a Letter of Agreement with Arizona Public Service for the design and installation of new underground electrical service and the removal of overhead power lines in conjunction with the Lake Pleasant Parkway widening project from Westwing Boulevard to State Route Loop 303.

11C. **Intergovernmental Agreement, Arizona Department of Transportation, Traffic System Enhancement and Intelligent Traffic System Upgrade**

Approved an Intergovernmental Agreement with the Arizona Department of Transportation for the design and construction of the Traffic System Enhancement and Intelligent Traffic System upgrade.

12C. **Intergovernmental Agreement Amendment, Flood Control District of Maricopa County, Glendale-Peoria Area Drainage Master Plan and Maryvale Area Drainage Master Plan Update**

Approved an amendment to the Intergovernmental Agreement with the Flood Control District of Maricopa County authorizing the City to issue interim invoices for the District's share of project costs.

13C. **Settlement Agreement, Does v. City of Peoria**

- (a) Approved the settlement agreement regarding Does v. City of Peoria; and
- (b) Authorized the City Attorney to execute all necessary documents.

14C. **Budget Amendment, Staffing for Adequate Fire and Emergency Response Grant**

Approved a budget amendment in the amount of \$930,000 from the Proposed Grants Contingency account to various payroll accounts in the U.S. Department of Homeland Security Grant Fund to provide expenditure authority for the approved Staffing for Adequate Fire and Emergency Response Grant.

15C. **Budget Amendment, City Attorney's Office, Legal Services and Litigation Costs**

- (a) Approved the one-time use of General Fund reserves; and
- (b) Approved a budget amendment in the amount of \$120,000 from the General Fund Contingency Account to the City Attorney's Office budget to cover overages in the Civil Legal Services, Administrative Hearings, and Other Professional Services Accounts.

16C. **General Liability Insurance Package Fiscal Year 2014**

Awarded a General Liability Insurance Package for Fiscal Year 2014 as recommended by Willis of Arizona, Public Entity Services to maintain the City's Self-Insured Retention (SIR) level at \$1,000,000 per claim occurrence and \$4,000,000 for the aggregate of claims during the year, with layers of insurance above those amounts up to \$40,000,000.

**REGULAR AGENDA**

17R. **Community Development Block Grant Loan, Maxwell Technologies**

RESOLUTION 2013-52

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPROVING AND PROVIDING SECURITY FOR THAT CERTAIN HUD SECTION 108 LOAN IN THE AMOUNT OF \$1,500,000.

Scott Whyte, Economic Development Services Director, summarized the request to pledge General Fund Reserves as collateral for a Community Development Block Grant Section 108 Loan for Maxwell Technologies as required by the U. S. Department of Housing and Urban Development.

In response to questions from Council, Mr. Whyte reported that the loan proceeds would be drawn only when Maxwell Technologies meets its performance objectives as outlined in the Development Agreement approved by the Council in June 2012.

Motion was made by Councilmember Carlat, seconded by Councilmember Patena, to adopt **RES. 2013-52** for a pledge of General Fund Reserves as collateral for a Community Development Block Grant Section 108 Loan for Maxwell Technologies.

Upon vote, the motion carried unanimously 7 to 0.

18R. **Lease Agreement Amendment, Theater Works**

Jeff Tyne, Deputy City Manager, presented an overview of a proposed amendment to the lease agreement with Theater Works regarding the use of the Peoria Center for the Performing Arts. Information included:

- History of the agreement with Theater Works
- Other theater arrangements in Central Arizona
- Recent discussions and activity
- Financial challenges facing Theater Works

Mr. Tyne noted that the Theater Works Board has requested \$200,000 in one-time funding to assist with current funding requirements and an additional \$150,000 in one-time funding to support their operations in Fiscal Year 2014.

Mr. Tyne highlighted the City's interests outlined in the proposed amended lease agreement. Information included:

- Number of days for City access increased from 12 to 20
- Participation in City-affiliated events
- Three different performance series during the next 16 months
- Theater Works to promote defined events showcasing cultural diversity
- Periodic updates regarding the status of the Theater's workplan, financial condition and performance measures
- Continued support to special population groups

Discussion ensued regarding:

- Financial support to Theater Works to date
- Performance-based funding options
- Return on investment

John Buonagurio, Board Chairman of Theater Works, addressed Council and provided a history of the organization. Mr. Buonagurio also discussed the financial challenges Theater Works has experienced.

Dan Schay, Executive Director of Theater Works, addressed Council detailing performances scheduled for the upcoming season.

Thom Gyder, spoke in support of Theater Works and the Peoria Center for the Performing Arts.

Motion was made by Councilmember Carlat, seconded by Councilmember Carlat, to approve an amended lease agreement with Theater Works regarding Fiscal Year 2014 funding, terms for facility maintenance and programming opportunities.

Upon vote, the motion failed 4 to 3, with Vice Mayor Rivero, Councilmembers Aames, Edwards and Leone voting "no".

#### 19R. **PUBLIC HEARING - Liquor Licenses, Various Locations**

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 The Haymaker Restaurant Co., located at 24762 North Lake Pleasant Parkway Suite #101, Joseph Lucidi, Applicant, LL#20008045; (b) a New Restaurant Liquor License (Series 12) for Quintero Golf Club, located at 16752 West State Route 74, Randy D. Nations, Applicant, LL#20004133; and (c) a Person and Location Transfer for an On-Sale Beer and Wine Liquor License (Series 07) for Quintero Golf Club, located at 16752 West State Route 74, Randy D. Nations, Applicant, LL#20004133.

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 The Haymaker Restaurant Co., located at 24762 North Lake Pleasant Parkway Suite #101, Joseph Lucidi, Applicant, LL#20008045; (b) a New Restaurant Liquor License (Series 12) for Quintero Golf Club, located at 16752 West State Route 74, Randy D. Nations, Applicant, LL#20004133; and (c) a Person and Location Transfer for an On-Sale Beer and Wine Liquor License (Series 07) for Quintero Golf Club, located at 16752 West State Route 74, Randy D. Nations, Applicant, LL#20004133.

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

**Council Action:**

Motion was made by Councilmember Carlat, seconded by Councilmember Edwards, to recommend approval to the State Liquor Board for: (a) a New Restaurant Liquor License (Series 12) for The Haymaker Restaurant Co., located at 24762 North Lake Pleasant Parkway Suite #101, Joseph Lucidi, Applicant, LL#20008045; (b) a New Restaurant Liquor License (Series 12) for Quintero Golf Club, located at 16752 West State Route 74, Randy D. Nations, Applicant, LL#20004133; and (c) a Person and Location Transfer for an On-Sale Beer and Wine Liquor License (Series 07) for Quintero Golf Club, located at 16752 West State Route 74, Randy D. Nations, Applicant, LL#20004133.

Upon vote, the motion carried unanimously 7 to 0.

20R. **PUBLIC HEARING - Major Planned Area Development Amendment, 67th Avenue and Cactus Road**

ORDINANCE NO 2013-08

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE 06-02 TO PROVIDE FOR A MAJOR AMENDMENT TO THE GARDENS ON CACTUS PLANNED AREA DEVELOPMENT (PAD) STANDARDS AND GUIDELINES REPORT; AND RENAMING THE PAD TO "PEORIA VILLAGE" AS REFERENCED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

Chris Jacques, Planning and Community Development Director, provided a brief overview on a request for a major amendment to a Planned Area Development encompassing 19.3 acres to decrease the allowable density and change the development standards from a courtyard cluster design to a traditional detached single-family development as proposed under Zoning Case Z05-20A.2.

**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 a Planned Area Development to decrease the allowable density and change the development standards from a courtyard cluster design to a traditional detached single-family development.

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

**Council Action:**

Motion was made by Councilmember Aames, seconded by Councilmember Leone, to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2013-08** amending and renaming the Gardens on Cactus Planned Area Development to the Peoria Village Planned Area Development as proposed under Z05-20A.2.

Upon vote, the motion carried unanimously 7 to 0.

21R. **PUBLIC HEARING - Fiscal Year 2014 Final Budget Adoption**

RESOLUTION NO. 2013-51

A RESOLUTION OF THE MAYOR AND COUNCIL OF  
THE CITY OF PEORIA, ARIZONA, ADOPTING THE  
FISCAL YEAR 2014 BUDGET.

Katie Gregory, Deputy Finance and Budget Director, provided a historical review of the City's budget. Ms. Gregory reviewed the budget adoption process and schedule. Ms. Gregory outlined the following key objectives of the final budget for Fiscal Year 2014:

- Maintain financial integrity
- Improve customer service
- Balance service delivery
- Planning for growth
- Workforce planning
- Economic development
- Maximizing the value of taxpayer dollars

Ms. Gregory reported that the tentative budget adopted by Council on May 21, 2013 set the maximum appropriation at \$468 million for Fiscal Year 2014.

**Public Hearing:**

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request to adopt the Final Annual Budget for Fiscal Year 2014.

Discussion ensued regarding:

- Maximizing taxpayer value
- Tax relief for citizens
- Peoria's vision for the future
- Increased services to citizens in the future

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 Councilmember Edwards, to approve **RES. 2013-51** adopting the Final Annual Budget in the amount of \$468,000,000 for Fiscal Year 2014.

Upon vote, the motion carried 6 to 1, with Vice Mayor Rivero voting "no".

**22R. PUBLIC HEARING - Fiscal Year 2014 Property Tax Levy**

Katie Gregory, Deputy Finance and Budget Director, presented a history of the Peoria's property tax collections and rates, as well as a comparison of the City's tax rate to neighboring jurisdictions.

Ms. Gregory advised the recommended property tax levy for Fiscal Year 2014 remains at \$1.44 per \$100 of assessed valuation. The property tax levy is based on a primary property tax rate of \$.19 and a secondary tax rate of \$1.25.

**Public Hearing:**

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the City of Peoria property tax levy for Fiscal Year 2014.

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

**Council Action:** No Council action required.

23R. **Proposed Annexation, Sun City West Fire District**

RESOLUTION NO. 2013-50

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DISAPPROVING THE PURPORTED PROPOSED ANNEXATION OF AREA "A" BY THE SUN CITY WEST FIRE DISTRICT.

Susan Daluddung, Deputy City Manager, introduced the request to adopt a Resolution disapproving a proposed annexation of 1.6 square miles of unincorporated Maricopa County by the Sun City West Fire District.

Chris Jacques, Planning and Community Development Director, reported that the area is currently served by Rural/Metro through a Mutual Aid Agreement with Peoria. Mr. Jacques advised that the proposed annexation area is surrounded by Peoria and within the City's Planning Area.

Steve Kemp, City Attorney, summarized the City's opposition to the annexation.

In response to questions from Council, Bobby Ruiz, Fire Chief, provided information related to a new Automatic Aid Agreement. Chief Ruiz noted that the new agreement clearly states that Automatic Aid System participants are committed to demonstrate public equity through the reasonable commitment and distribution of resources within their jurisdiction to ensure that no participant unfairly benefits at the expense of other participants.

Motion was made by Councilmember Carlat, seconded by Councilmember Aames to: (a) adopt **RES. 2013-50** opposing the proposed annexation of "Area A" by the Sun City West Fire District; and (b) authorize staff to take any legal steps deemed appropriate to contest the annexation.

Upon vote, the motion carried unanimously 7 to 0.

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

None.

**Reports from City Manager**

24. **Council Calendar**

25. **Reports with Presentation**

None.

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, informed Council that their packets contain information related to the following item:

- A. Council Subcommittee Update

John Sefton, Community Services Director, provided information to Council related to the following item:

- B. Summer Splash Tour

**Reports from City Council:**

Councilmember Leone reported on the various City of Peoria activities he attended.

Councilmember Patena reported on his attendance at an open house ceremony for Faith House, a shelter for victims of domestic violence.

**Reports from the Mayor:**

Mayor Barrett thanked Joe McCord and the Ventana Lakes Property Owners Association for inviting him to be the keynote speaker at their Memorial Day ceremony and plaque dedication.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 9:31 p.m.

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Bob Barrett, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

City Council Meeting Minutes

June 4, 2013

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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 June, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20<sup>th</sup> day of August, 2013.

(Seal)

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Rhonda Geriminsky, City Clerk