

City Council Meeting Notice & Agenda - RESULTS



Tuesday, December 10, 2013
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345

Special Meeting & Study Session

5:00 P.M. Convene

Roll Call

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**

Discussion with legal counsel and designated representatives of the public body for legal advice regarding issues pertaining to a pending litigation case: Peter See and Casey See v. Arturo Francisco Avina, Jr. and City of Peoria, Maricopa County, Superior Court CV2012-094670 pursuant to A.R.S. § 38-431.03.A.3.

Study Session Agenda

Subject(s) for Discussion Only

2. Economic Analysis, Revised Sports Complex Redevelopment Project – **DISCUSSION ONLY – NO ACTION TAKEN**

Adjournment

Mayor
Bob Barrett

Acacia
District
Tony Rivero,
Vice Mayor

Ironwood
District
Bill Patena

Mesquite
District
Cathy Carlat

Palo Verde
District
Ron Aames

Pine
District
Carlo Leone

Willow
District
Jon Edwards

Executive Session

**Convene immediately following Special City Council Meeting
Executive Room, City Council Chamber**

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

Executive Session Agenda

3. An Executive Session for the purpose of discussion with legal counsel and designated representatives of the public body for legal advice regarding issues pertaining to a pending litigation case: Peter See and Casey See v. Arturo Francisco Avina, Jr. and City of Peoria, Maricopa County, Superior Court CV2012-094670, 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.

Arizona Open Meeting Act:

Arizona law requires that persons who are present in an executive session receive instruction regarding the confidentiality requirements of the Arizona Open Meetings Act. Minutes and discussions made during executive sessions are confidential and may not be disclosed to any party, except:

- Members of the council,
- Appointees or employees who were subject of discussion under the personnel item subsection of the Open Meetings Act,
- County Attorney or Attorney General pursuant to an investigation of a violation of the Open Meetings Act, and
- Arizona Auditor General in connection with an audit authorized by law.

Any person who violates or who knowingly aids, agrees to aid, or attempts to aid another person in violating the Arizona Open Meetings Law may be punished by fine of up to \$500.00 per violation and/or by removal from public office.

Regular Meeting

7:00 P.M. Convene

Pledge of Allegiance

Roll Call

Final Call To Submit Speaker Request Forms

Presentation

4. Relay for Life Presentation - Katrina Eaton
5. Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the November 19, 2013 City Council meeting:
 - Brian Wiley to the Municipal Development Authority, and
 - Gloria Migal to the Personnel Board.

Consent Agenda

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Consent

- 6C. **General Plan Amendment, General Plan Circulation Element Text and Map Revisions - PASSED**

Discussion and possible action to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 2013-192** amending the General Plan Circulation Element, including the Circulation Plan Map and Street Classification Map pertaining to the City's transportation systems. (GPA 13-0005)

- 7C. **Intergovernmental Agreement, Maricopa County, HOME Investment Partnership Program - PASSED**

Discussion and possible action to approve an Intergovernmental Agreement with Maricopa County for the use of the City's annual program allocation as a member of the Maricopa County HOME Consortium.

8C. **Agreement, Drug Enforcement Administration, Organized Crime Drug Enforcement Task Force - PASSED**

Discussion and possible action to: (a) authorize the City Manager to enter into an Agreement with the Drug Enforcement Administration to allow the Peoria Police Department to participate in Organized Crime Drug Enforcement Task Force Investigations; and (b) approve a budget amendment in the amount of \$15,000 from the Proposed Grants Contingency account to the Federal Drug Enforcement Administration account for overtime.

9C. **Temporary Water Service Agreement, EPCOR Water Arizona Incorporated - PASSED**

Discussion and possible action to approve a Temporary Water Service Agreement with EPCOR Water Arizona Incorporated to enable the City to provide water in emergency situations in areas served by EPCOR Water Arizona Incorporated.

10C. **Fiscal Year 2013 Comprehensive Annual Financial Report, Single Audit, Management Letter, and SAS114 Letter - PASSED**

Discussion and possible action to receive and file the Comprehensive Annual Financial Report, Single Audit, Management Letter, and SAS114 Letter for the fiscal year ended June 30, 2013.

11C. **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.

12C. **Termination, Nationwide Retirement Solutions Retiree Health Savings Plan, Peoria Police Officers Association - PASSED**

Discussion and possible action to: (a) adopt **RES. 2013-193** approving the termination of the Peoria Police Officers Association's Retiree Health Savings Plan with Nationwide Retirement Solutions; and (b) authorize the City Manager to execute documentation for the distribution of funds to the International City Management Association Retirement Corporation, Retiree Health Savings Plan.

13C. **Budget Amendment, Fleet Reserve Fund, Fiscal Year 2014 Proposed Budget - PASSED**

Discussion and possible action to approve a budget amendment in the amount of \$133,000 from the General Fund Contingency account to the Fleet Reserve Fund, Trucks and Vans account for the purchase of one Ford F-250 4x4 for the North Peoria Battalion and one Ford F-550 4x4 chassis and related equipment to replace the existing Brush Truck.

14C. **Maintenance Improvement District No. 1110, The Meadows Parcel 11, 97th Avenue and Deer Valley Road - PASSED**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2013-188** intention and ordering the formation of proposed Maintenance Improvement District No. 1110, The Meadows Parcel 11, located at 97th Avenue and Deer Valley Road; and adopt **RES. 2013-189** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

15C. **Street Light Improvement District No. 1053, The Meadows Parcel 11, 97th Avenue and Deer Valley Road - PASSED**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2013-190** intention and ordering the formation of proposed Street Light Improvement District No. 1053, The Meadows Parcel 11, located at 97th Avenue and Deer Valley Road; and adopt **RES. 2013-191** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

16C. **Final Plat, Habitat for Humanity on 86th Avenue, 86th Avenue and Monroe Street - PASSED**

Discussion and possible action to approve the Final Plat of Habitat for Humanity on 86th Avenue, located at 86th Avenue and Monroe Street, subject to stipulations.

17C. **Final Plat, Vistancia Parcel A18, Ridgeline and El Mirage Road - PASSED**

Discussion and possible action to approve the Final Plat of Vistancia Parcel A18, located at Ridgeline and El Mirage Road, subject to stipulations.

18C. **Final Plat, Vistancia Parcels A21 and A22, Westward Skies Drive and El Mirage Road - PASSED**

Discussion and possible action to approve the Final Plat of Vistancia Parcels A21 and A22, located at Westward Skies Drive and El Mirage Road, subject to stipulations.

Regular Agenda

New Business

19R. **PUBLIC HEARING - Liquor Licenses, Various locations - PASSED**

PUBLIC HEARING: RE: (a) A New Restaurant Liquor License (Series 12) for Sushi Doraku, located at 9940 West Happy Valley Road #1060, Eunjung Kim, Applicant, LL#20008355; (b) a Person to Person Transfer for an On-Sale All Liquor License (Series 06) for Pleasant Harbor Marina/Waterfront Grill, located at 40202 North 87th Avenue, Andrea Lewkowitz, Applicant, LL#20009425;(c) a New Wine and Beer Liquor License (Series 10) for Pleasant Harbor located at 8708 W. Harbor Blvd, Andrea Lewkowitz, Applicant, LL#20009425; and (d) a Person to Person Transfer for an On-Sale All Liquor License (Series 06) for Funugyz Sports Grill, located at 8378 West Thunderbird Road #B101-B104, Raymond A. Shelley, Applicant, LL#20009425.

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 Restaurant Liquor License (Series 12) for Sushi Doraku, located at 9940 West Happy Valley Road #1060, Eunjung Kim, Applicant, LL#20008355; (b) a Person to Person Transfer for an On-Sale All Liquor License (Series 06) for Pleasant Harbor Marina/Waterfront Grill, located at 40202 North 87th Avenue, Andrea Lewkowitz, Applicant, LL#20009425;(c) a New Wine and Beer Liquor License (Series 10) for Pleasant Harbor located at 8708 W. Harbor Blvd, Andrea Lewkowitz, Applicant, LL#20009425; and (d) a Person to Person Transfer for an On-Sale All Liquor License (Series 06) for Funugyz Sports Grill, located at 8378 West Thunderbird Road #B101-B104, Raymond A. Shelley, Applicant, LL#20009425.

20R. **PUBLIC HEARING - Annexation, 83rd Avenue and Pinnacle Peak Road – No Council Action Required**

PUBLIC HEARING: RE: Proposed annexation of approximately 7.22 acres of City owned property located at the northwest corner of 83rd Avenue and Pinnacle Peak Road(ANX13-0004).

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: No Council action required.

21R. **PUBLIC HEARING - Rezoning, Trilogy West, Vistancia Boulevard and Dixileta Parkway**
- PASSED

PUBLIC HEARING: RE: A request to rezone approximately 360 gross acres located west of the northwest corner of Vistancia Boulevard and Dixileta Parkway from Single Family Planned Area Developments (Z02-26, Z04-23, Z04-10) and Suburban Ranch SR-43, to the Trilogy West Planned Area Development.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2013-26** rezoning approximately 360 gross acres located west of the northwest corner of Vistancia Boulevard and Dixileta Parkway from Single Family Planned Area Developments (Z02-26, Z04-23, Z04-10) and Suburban Ranch SR-43, to the Trilogy West Planned Area Development (Z13-0007).

22R. **Fiscal Year 2014 Mid-Year Budget Request, Development Services Departments** -
PASSED

Discussion and possible action to: a) authorize and appropriate the use of one-time General Fund reserves, not to exceed \$327,370, to fund various specified staffing and resource requests pertaining to the steady increase in development-related activities; b) approve a budget transfer in the amount of \$11,232, from the General Fund Contingency account to the Planning and Community Development Services Contract Labor account; c) approve a budget transfer in the amount of \$100,438, from the General Fund Contingency account to the Planning and Community Development Services Other Professional Services account; d) approve a budget transfer in the amount of \$1,285, from the General Fund Contingency account to the Planning and Community Development Services Computer Hardware account and an amount of \$630 to the Planning and Community Development Services Computer Software account; e) approve a budget transfer in the amount of \$83,200, from the General Fund Contingency account to the Economic Development Services Building Development Division Other Professional Services account; f) approve a budget transfer in the amount of \$22,500, from the General Fund Contingency account to the Economic Development Services Contract Labor account; g) approve a budget transfer in the amount of \$60,000, from the General Fund Contingency account to the Economic Development Services Administrative Division Other Professional Services account; and h) approve a budget transfer in the amount of \$50,000 from the General Fund Contingency account to the Economic Development Services Building Development Division Bank Services Charges account.

23R. **City Council Policy 1-3, Procedure for Consideration of Candidates when Vacancies Occur on the City Council - PASSED**

Discussion and possible action to review City Council Policy 1-3; Procedure for Consideration of Candidates when Vacancies occur on the City Council and if, it meets with Council approval, adopt proposed amendments to the policy.

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.

Reports from City Manager

24. **Council Calendar**

25. **Reports with Presentation**

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. Council Subcommittee Update
- B. 2014 Winter Water Safety Day and Polar Plunge
- C. Sustainability Update

**Reports from City Council
Reports from the Mayor**

Adjournment

Vistancia Community Facilities District Board Meeting

Convene immediately following Regular City Council Meeting

Roll Call Final Call To Submit Speaker Request Forms

VCFD Consent Agenda

CONSENT AGENDA: All items listed with a “C” are considered to be routine or have been previously reviewed by the District Board, and will be enacted by one motion. There will be no separate discussion of these items unless a Board Member 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.

27C. **Minutes - PASSED**

Discussion and possible action to approve the November 19, 2013 Special Meeting minutes.

28C. **Fiscal Year 2013 Annual Financial Report - PASSED**

Staff recommends that the Board accept and file the Vistancia Community Facilities District Annual Financial Report for the fiscal year ended June 30, 2013.

Call To The Public (Non-Agenda Items)

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

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>.