

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
February 4, 2014

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 5:00 p.m.

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

Council Youth Liaisons: Jacob Jelinek and Thomas Prior.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Brent Mattingly, Finance and Budget Director; Roy Minter, Police Chief; John Sefton, Community Services Director; and Corina Russo, Assistant to the City Manager.

Audience: Approximately five members of the public were present.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

1. Development Impact Fee Update

Carl Swenson, City Manager, introduced the Study Session items.

Katie Gregory, Deputy Finance and Budget Department Director, provided an overview of the Development Impact fees, including:

- Implementation timeline
- Impact fee study
 - Land use assumptions
 - Infrastructure improvement plans
 - Growth projections by land use
 - Capital needs
 - Service area boundaries
 - Fee levels
- Key stakeholders
 - Real estate developers
 - Home builders
 - Arizona State Land Department

- Home Builder Association
- Valley Partnership
- Multi-family Association

Discussion ensued regarding:

- Changes to land use assumptions and growth projections
- Non-residential park fees
- Restrictions on park sizes

Ms. Gregory continued the presentation regarding:

- Transportation service areas
- Water service areas
- Wastewater service areas
- Public safety service areas
- Parks service areas
- Non-residential park fees
- Fees for single-family detached home development in northern Peoria, central Peoria and southern Peoria
- Next steps
 - Adopt land use assumptions and infrastructure improvement plans
 - Finalize a fee ordinance

Discussion ensued regarding public safety fees.

2. Rules of Procedure for City Council Ethics Proceedings

Steve Kemp, City Attorney, outlined the Ethics Process including:

- Rules of procedure
- Changes in the City Attorney's Office regarding conflicts of interest
- Standard form for ethics matters
- Role of the Ethics Subcommittee
- Proposed formal Ethics Process
- Discipline

Discussion ensued regarding:

- Andrew Thomas case finalized in 2012
- Role of the Ethics Subcommittee
- Whether meetings of the Ethics Subcommittee will be open to the public or conducted in Executive Session
- When the Subcommittee is required to meet after an ethics complaint is filed
- Role of staff

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- Definitions in the Rules of Procedure
 - Formal and informal
 - Jurisdiction
- Possible disciplines
- Reasons for conducting a meeting in Executive Session
- Respondent's counsel and who is fiscally responsible
- Documentation provided to Council at the time of a recommended censure
- Timeframes to hold an Ethics Subcommittee meeting

It was the consensus of Council to incorporate all of the items discussed into a formal Rules of Procedure for Ethics Matters to be presented to Council for adoption at a future City Council meeting.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 6:02 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 Rivero led the Pledge of Allegiance.

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

Council Youth Liaisons: Jacob Jelinek and Thomas Prior.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, 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; Roy Minter, Police Chief; Bobby Ruiz, Fire Chief; John Sefton, Community Services Director; Scott Whyte, Economic Development Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately 20 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: 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. Having no requests from Council, motion was made by Councilmember Carlat, seconded by Councilmember Leone, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

3C. **Disposition of Absence**

- (a) Approved the absence of Councilmember Jon Edwards from the City Council meetings held on January 21, 2014 and the Special Meeting held on January 28, 2014; and
- (b) Approved the absence of Council Youth Liaison Jacob Jelinek from the Special Meeting and Study Session held on January 28, 2014.

4C. **Replat, Westwing Mountain, Andrea Drive and 86th Lane**

Approved the Replat of Lots 33 and 34 Westwing Mountain Parcel 6, located at Andrea Drive west of 86th Lane, subject to stipulations.

REGULAR AGENDA

Unfinished Business:

5R. **PUBLIC HEARING - Liquor License, Quiktrip #490, Thunderbird Road and Rio Vista Boulevard**

Clerk’s Note: The agenda item was not heard as the applicant withdrew his liquor license application with the State Liquor Board.

PUBLIC HEARING: RE: A New Wine and Beer Liquor License (Series 10) for Quiktrip #490, located at the northeast corner of West Thunderbird Road and North Rio Vista Boulevard, Troy C. DeVos, Applicant, LL#20009381.

COUNCIL ACTION: No Council action.

New Business:

6R. **PUBLIC HEARING - Minor General Plan Amendment, Land Use Map, Querencia, Yearling Road and Lake Pleasant Parkway**

Clerk's Note: Agenda Items 6R and 7R were presented together.

Staff Report:

Rob Gubser, Principal Planner, provided an overview of the request for a minor General Plan Amendment to re-designate approximately 31 acres of a 44-acre site from Estate Residential to Low Density Residential and the request to rezone the Querencia Planned Area Development to increase the number of allowable lots from 54 to 72.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request for a minor amendment to the General Plan Land Use Map for approximately 31 acres (of a 44 acre total site) located at the northeast corner of Yearling Road and Lake Pleasant Parkway from Residential Estate (0-2 du/ac, target - 1 du/ac) to Residential Low (2-5 du/ac, target - 3 du/ac.)

Justin Davis, representing La Strada del Lago Homeowners Association, addressed Council to endorse the proposed development.

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

Council Action:

Motion was made by Vice Mayor Aames, seconded by Councilmember Carlat, to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 2014-16** approving an amendment to the General Plan Land Use Map for approximately 31 acres (of a 44-acre total site) located at the northeast corner of Yearling Road and Lake Pleasant Parkway from Residential Estate (0-2 du/ac, target - 1 du/ac) to Residential Low (2-5 du/ac, target - 3 du/ac.) (GPA13-0007).

Upon vote, the motion carried unanimously 7 to 0.

7R. **PUBLIC HEARING - Rezoning, Querencia, Yearling Road and Lake Pleasant Parkway**

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request to rezone the Querencia Planned Area Development

modifying the minimum lot sizes from 12,000 square feet to 9,000 square feet and increasing the total allowable single-family residential lots from 54 to 72.

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 Vice Mayor Aames, to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2014-09** rezoning the Querencia Planned Area Development by modifying the minimum lot sizes from 12,000 square feet to 9,000 square feet and increasing the total allowable single-family residential lots from 54 to 72 as proposed under zoning case Z05-08A.1.

Upon vote, the motion carried unanimously 7 to 0.

8R. **Reimbursement Agreement, Terramar Cove, L.L.C., Access Road Improvements, 71st Avenue and Buckskin Trail**

Clerk's Note: Agenda Items 8R and 9R were presented together.

Chris Jacques, Planning and Community Development Director, summarized a request to approve a Reimbursement Agreement with Terramar Cove, L.L.C. for access road improvements associated with the proposed Terramar Cove residential development project and a request to rezone approximately 4.99 gross acres from Suburban Ranch to Planned Area Development to allow a detached single-family residential development of 16 lots.

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

- (a) Approve a Reimbursement Agreement with Terramar Cove, L.L.C. authorizing the City to financially participate with the construction of the 71st Avenue and Buckskin Trail roadway improvements in association with the proposed Terramar Cove residential development project; and
- (b) Approve a budget amendment in the amount of \$85,000 from the Transportation Sales Tax Contingency account to the Transportation Sales Tax Street Improvements account to support this project.

Upon vote, the motion carried unanimously 7 to 0.

9R. **PUBLIC HEARING - Rezoning, Terramar Cove, Happy Valley Parkway and 68th Lane**

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request to rezone approximately 4.99 gross acres located

north of Happy Valley Parkway at the 68th Lane alignment, from Suburban Ranch (SR-43) to Planned Area Development (PAD) to allow for a 16-lot single-family residential development.

Randy Winland addressed Council in support of the rezoning. Mr. Winland expressed his appreciation to the developer regarding the revised access from Happy Valley Road via 71st Avenue.

Having no additional 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 Vice Mayor Aames, to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2014-10** rezoning approximately 4.99 gross acres located north of Happy Valley Parkway at the 68th Lane alignment, from Suburban Ranch (SR-43) to Planned Area Development (PAD) to allow for a 16-lot single-family residential development. (Z13-0002)

Upon vote, the motion carried unanimously 7 to 0.

10R. **Amendment, Vistancia Land Holdings, LLC, Amended and Restated Vistancia Development Agreement**

Clerk's Note: Agenda Items 10R and 11R were presented together.

Scott Whyte, Economic Development Services Director, provided background on the Development Agreement with Vistancia Holdings, LLC. Mr. Whyte outlined the provisions included in the amendment to the existing agreement in order to:

- Build infrastructure to attract targeted industry user for the commercial core
- Clarify the type of user to attract and the quality of investment
- Establish performance timelines for constructing
- Clarify the Vistancia land donation process
- Clarify the security to the City for the land and El Mirage Road extension

Discussion ensued regarding:

- Quality of investment
 - Minimum of \$20 million in capital investment by the user
 - End user expected to created 100 jobs, including professional and management positions, within three years
- Vistancia to transfer 50 acres of land to the City once the targeted end-user provisions are met
- Reimbursement to Vistancia up to \$6.7 million for the El Mirage Road extension project only

- A public/private cost share of \$170,000 each to pursue the Vistancia Commercial Core Mixed-Use Project
- Contingency funding for Economic Development

Steve Kemp, City Attorney, advised that approval of the amendment to the existing development agreement would not commit the Council to the approval of Agenda Items 11R and 12R.

Motion was made by Councilmember Carlat, seconded by Councilmember Edwards, to authorize the City Manager to execute Amendment No. 1 to the Amended and Restated Development Agreement with Vistancia Land Holdings, LLC.

Upon vote, the motion carried unanimously 7 to 0.

11R. Budget Amendment, Vistancia Mixed-Use Project Pre-Development

Motion was made by Councilmember Carlat, seconded by Councilmember Patena, to approve a budget amendment in an amount not-to-exceed \$170,000 from the Economic Development Opportunity Fund Contingency account to the Economic Development Opportunity Fund account for pre-development consulting services needed to pursue the Vistancia Commercial Core Mixed-Use Project.

Upon vote, the motion carried 5 to 2 with Vice Mayor Aames and Councilmember Rivero voting “no”.

12R. Budget Amendment, City Attorney's Office, Civil Legal Services, Vistancia Commercial Core Project

Steve Kemp, City Attorney presented an overview of the request for a budget amendment to fund the cost for outside legal counsel related to the Vistancia Commercial Core Project.

Motion was made by Councilmember Carlat, seconded by Councilmember Patena, to approve a budget amendment in the amount of \$100,000 from the Half-Cent Sales Tax Fund account to the Civil Legal Services account for outside legal counsel pertaining to the Vistancia Commercial Core Project.

Upon vote, the motion carried 5 to 2 with Vice Mayor Aames and Councilmember Rivero voting “no”.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager

13. **Council Calendar**

14. **Reports**

Carl Swenson, City Manager, provided information to Council related to the following item:

A. Council Subcommittee Update

Shawn Kreuzwiesner, Engineering Planning Manager, reported on the following item:

B. APS Transmission Line - Status Update

Mr. Kreuzwiesner discussed:

- Scope of the overhead transmission line project
- Project timeline
- Record of Decision

Carl Swenson, City Manager, provided information to Council related to the following item:

C. City Hall Café Update

Mike Hyland, Sports Complex Operations Coordinator, provided information on:

D. Phoenix FC Wolves - Peoria Sports Complex

Mr. Hyland reported that the Phoenix FC professional soccer team has a one-year facility use agreement to play their 2014 season at the Peoria Sports Complex. The stadium field will be converted to a soccer field following the final Major League Baseball Spring Training game. The Sports Complex will host a 14-game regular season with the potential of three additional playoff games. The first soccer game will commence at 7:00 p.m. on April 12, 2014.

Reports from City Council:

Council Youth Liaison Prior reported on the first meeting of the Youth Partner Network held on January 23, 2014.

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone reminded residents that FreshStart Church, located at 14185 North 83rd Avenue, distributes produce on the first Thursday of each month beginning at 8:00 a.m. Councilmember Leone reminded citizens to attend the Organic Market held each Saturday from 9:00 a.m. to 2:00 p.m. at Park West.

Councilmember Carlat reported on her attendance at a reception sponsored by BioAccel to celebrate entrepreneurs, investors, sponsors and other stakeholders. Councilmember Carlat invited citizens to attend the Lovin' Literacy event sponsored by the Friends of the Peoria Public Library to be held at the Sunrise Mountain Library on Thursday, February 6, 2014.

Councilmember Edwards reported on his attendance at the Future Freshman Night held recently at Liberty High School and Centennial High School. Councilmember Edwards announced that the Glendale Planning Commission will be conducting a public hearing on February 6, 2014 regarding static billboards. Councilmember Edwards encouraged constituents to voice their opposition to the billboards being proposed at the exit of the Loop 101 and Bell Road.

Council Youth Liaison Jelinek recognized Abel Cherian, a student from Marshall Ranch Elementary School, who was the winner of the Annual District Spelling Bee. Mr. Jelinek reported that Courtney Lowman, Peoria High School Choir Director, was the recipient of a \$1,000 donation awarded by 94.5 KOOL FM and Fulton Homes for the school's performance of the national anthem. Mr. Jelinek announced that the Peoria Unified School District will be conducting the 2014 Patriotic Speech Contest on February 27, 2014.

Vice Mayor Aames reported on his attendance at the reception sponsored by BioAccel.

Reports from the Mayor:

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:49 p.m.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, 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 4th day of February, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of April, 2014.

(Seal)

Rhonda Geriminsky, City Clerk