

City Council Meeting Notice & Agenda - RESULTS



Tuesday, April 22, 2014

City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345

Regular Meeting

7:00 P.M. Convene

Pledge of Allegiance

Roll Call

Final Call To Submit Speaker Request Forms

Presentation

1. Hero Award

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

2C. **Annexation, Maricopa County Right-of-Way, Williams Road - PASSED**

Discussion and possible action to adopt **ORD. 2014-14** annexing Maricopa County Right-of-Way regarding Williams Road.

3C. **Annexation, Maricopa County Right-of-Way, 89th Avenue - PASSED**

Discussion and possible action to adopt **ORD. 2014-15** annexing Maricopa County Right-of-Way regarding 89th Avenue.

Mayor
Bob Barrett

Palo Verde
District
Ron Aames,
Vice Mayor

Acacia
District
Tony Rivero

Ironwood
District
Bill Patena

Mesquite
District
Cathy Carlat

Pine
District
Carlo Leone

Willow
District
Jon Edwards

4C. **Code Amendment, Chapter 12, 2013 Model City Tax Code Changes - PASSED**

Discussion and possible action to adopt **ORD. 2014-17** amending Chapter 12 of the Peoria City Code (1992 Edition) pertaining to sales taxes to incorporate the 2013 Model City Tax Code changes.

5C. **Grants, Governor's Office of Highway Safety, Highway Safety Projects - PASSED**

Discussion and possible action to: (a) authorize the City Manager to accept \$54,500 from the Governor's Office of Highway Safety for participation in two highway safety projects; and (b) approve a budget amendment in the amount of \$54,500 from the Proposed Grants Contingency account to the Governor's Office of Highway Safety Grant account.

6C. **Intergovernmental Agreement, Arizona Sports and Tourism Authority - PASSED**

Discussion and possible action to approve an Intergovernmental Agreement with the Arizona Sports and Tourism Authority for partial reimbursement of the Peoria Sports Complex renovation costs.

7C. **Contract, Employee Assistance Program - PASSED**

Discussion and possible action to approve the term contract for Employee Assistance Program services to Managed Health Network.

8C. **Contract Amendment, Valley Rain Construction, Skunk Creek Trailhead, 83rd Avenue and Skunk Creek Bridge - PASSED**

Discussion and possible action to: (a) approve a Contract Amendment to Valley Rain Construction in an amount not to exceed \$1,130,500 for construction of the Skunk Creek Trailhead at 83rd Avenue; and (b) approve a budget amendment in the amount of \$205,000 from the General Fund Contingency account to the Proposed General Obligation Bond Fund, Skunk Creek Trailhead at 83rd Avenue, Park Improvements account.

9C. **Contract Amendment No. 2, Felix Construction Company, Well Head Water Quality Mitigation Project - PASSED**

Discussion and possible action to approve Contract Amendment No. 2, in the amount of \$1,149,785 for Felix Construction Company to provide construction for the Well Head Water Quality Mitigation project.

10C. **Contract Amendment, City Manager - PASSED**

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

11C. **Settlement Agreement, Youatt v. Parkey and City of Peoria - PASSED**

Discussion and possible action to: (a) approve a settlement agreement in the amount of \$375,000; and (b) authorize the City Attorney to execute all necessary documents in the matter of Christina Youatt v. Kyle Lewis Parkey and City of Peoria, CV2012-011304.

12C. **Call and Notice of Election - PASSED**

Discussion and possible action to: (a) direct the City Clerk to publish the Call and Notice of Election for a Citywide Primary Election on August 26, 2014 and if necessary, a General Election on November 4, 2014; and (b) authorize the City Clerk and the City Attorney to take all action necessary to conduct the elections.

13C. **Maintenance Improvement District No. 1154, Vistancia Village A, Parcel A16, 119th Avenue and Ridgeline Road - PASSED**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2014-37** intention and ordering the formation of proposed Maintenance Improvement District No. 1154, Vistancia Village A, Parcel A16, located at 119th Avenue and Ridgeline Road; and adopt **RES. 2014-38** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

14C. **Deeds and Easements, Various Locations - PASSED**

Discussion and possible action to adopt **RES. 2014-53** accepting Deeds and Easements for various Real Property interests acquired by the City.

15C. **Final Plat, Fry's No. 45 Fuel Center, 75th Avenue and Cactus Road - PASSED**

Discussion and possible action to approve the Final Plat of Fry's No. 45 Fuel Center, located at 75th Avenue and Cactus Road, subject to stipulations.

16C. **Final Plat, Cibola Vista Condominiums Phase One, Lake Pleasant Parkway and Cibola Vista Drive - PASSED**

Discussion and possible action to approve the Final Plat of Cibola Vista Condominiums Phase One, Lake Pleasant Parkway and Cibola Vista Drive, subject to stipulations.

17C. **Replat, Tierra Del Rio Parcels 20A & 21A, 99th Avenue and Jomax Road - PASSED**

Discussion and possible action to approve the Replat of Tierra Del Rio Parcels 20A & 21A, located at 99th Avenue and Jomax Road, subject to stipulations.

Regular Agenda

Unfinished Business

18R. **PUBLIC HEARING - Rezoning, Happy Valley 40, 83rd Avenue and Happy Valley Road - PASSED**

PUBLIC HEARING: RE: A request to rezone approximately 45.7 gross acres from Single Family Residential, R1-35 to the Happy Valley 40 Planned Area Development. (Case Z13-0006)

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. 2014-13**, rezoning approximately 45.7 gross acres located west of the southwest corner of 83rd Avenue and Happy Valley Road from Single Family Residential, R1-35 to the Happy Valley 40 Planned Area Development. (Z13-0006)

New Business

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

PUBLIC HEARING: RE: (a) A Person to Person Transfer for an On-Sale All Liquor License (Series 06) for Trilogy Golf Club At Vistancia, located at 12575 West Golf Club Drive, Andrea D. Lewkowitz, Applicant, LL#20010043; (b) A New Restaurant Liquor License (Series 12) for Smashburger #1398, located at 9918 West Happy Valley Road Suite #1030, Andrea D. Lewkowitz, Applicant, LL#20010109; (c) A New Restaurant Liquor License (Series 12) for Osaka Teppanyaki Sushi & Bar, located at 16049 North Arrowhead Fountain Drive #B, Wen Zhu, Applicant, LL#20009737; and (d) Sampling privileges to be added to Fry's Food & Drug's existing Off-Sale All Liquor License (Series 09), located at 9245 West Union Hills Drive, 9043 West Olive Avenue, 8375 West Deer Valley Road and 7455 West Cactus Road, Robert J. Nelson, Applicant, LL#14144, LL#14780, LL#19439 and LL#14779.

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 Person to Person Transfer for an On-Sale All Liquor License (Series 06) for Trilogy Golf Club At Vistancia, located at 12575 West Golf Club Drive, Andrea D. Lewkowitz, Applicant, LL#20010043; (b) A New Restaurant Liquor License (Series 12) for Smashburger #1398, located at 9918 West Happy Valley Road Suite #1030, Andrea D. Lewkowitz, Applicant, LL#20010109; (c) A New Restaurant Liquor License (Series 12) for Osaka Teppanyaki Sushi & Bar, located at 16049 North Arrowhead Fountain Drive #B, Wen Zhu, Applicant, LL#20009737; and (d) Sampling privileges to be added to Fry's Food & Drug's existing Off-Sale All Liquor License (Series 09), located at 9245 West Union Hills Drive, 9043 West Olive Avenue, 8375 West Deer Valley Road and 7455 West Cactus Road, Robert J. Nelson, Applicant, LL#14144, LL#14780, LL#19439 and LL#14779.

20R. **PUBLIC HEARING - Minor Amendment Camino a Lago Specific Area Plan - PASSED**

PUBLIC HEARING: RE: A request for a minor amendment to the Camino a Lago Specific Area Plan to modify the land use designations for 259 of the 1,352 acres in the plan area from Estate-Low Density Residential (0-1.1 du/ac) to Estate-High Density Residential (1.1-2 du/ac) and Low-Medium Density Residential (2.0-3.59 du/ac) and amend the maximum number of residential lots in the total Specific Area Plan from 3,665 to 4,031.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to concur with the Planing and Zoning Commission's recommendation for case GPA13-0009 and adopt **RES. 2014-54**, approving an amendment to the Camino a Lago Specific Area Plan to modify the land use designations for 259 of the 1,352 acres in the plan area from Estate-Low Density Residential (0-1.1 du/ac) to Estate-High Density Residential (1.1-2 du/ac) and Low-Medium Density Residential (2.0-3.59 du/ac) and amend the maximum number of residential lots in the total Specific Area Plan from 3,665 to 4,031.

21R. **PUBLIC HEARING - Major Amendment to The Meadows Planned Community District, 91st Avenue and Deer Valley Road - PASSED**

PUBLIC HEARING: RE: A request for a major amendment to The Meadows Planned Community District (PCD), modifying approximately 259 acres of the 694 acre PCD to increase the maximum number of lots from 1,508 to 1,874 and modifying the minimum lot size in this portion of the PCD from 24,000 square feet to 18,000, 10,000, and 7,000 square feet respectively. (Zoning Case Z07-10A.3)

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. 2014-16**, approving a major amendment to The Meadows Planned Community District (PCD), modifying approximately 259 acres of the 694 acre PCD to increase the maximum number of lots from 1,508 to 1,874 and modifying the minimum lot size in this portion of the PCD from 24,000 square feet to 18,000, 10,000, and 7,000 square feet respectively. (Zoning case Z07-10A.3)

22R. **Contracts, Dental Insurance** - **PASSED**

Discussion and possible action to: (a) move the dental insurance to the Employee Benefits Trust Board; (b) award term contracts for Dental Insurance benefits; and (c) approve a Fiscal Year budget amendment in the amount of \$771,029 from the General Fund Contingency account to the Employee Benefits Trust Claims account in the amount of \$730,919 and the Employee Benefits Trust Other Professional Services account in the amount of \$40,110.

23R. **Adoption of Tentative Budget for Fiscal Year 2015** - **PASSED**

Discussion and possible action to adopt **RES. 2014-55** approving the Tentative Annual Budget in the amount of \$470,000,000 for Fiscal Year 2015.

24R. **Fiscal Years 2015-2024 Capital Improvement Program** - **PASSED**

Discussion and possible action to adopt **RES. 2014-56** approving the Fiscal Years 2015-2024 Capital Improvement Program.

25R. **Reconsideration of Council Action, Adoption of Resolution 2014-44, Agenda Item 20R April 1, 2014** – Motion to reconsider Council action approving Agenda Item 20R on April 1, 2014 – passed; Motion to adopt RES. 2014-44 – failed.

Discussion and possible action to:

- (a) reconsider council action in adopting agenda item 20R and approving **RES. 2014-44** on April 1, 2014, and if "a" is approved;
- (b) adopt **RES. 2014-44** providing for submission of an amendment of the Peoria City Charter to the Qualified Electors of the City pertaining to Article II, Sections 14 and 15 pertaining to Council, Boards, Commissions and Committees of the City and Special Meetings.

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

26. **Council Calendar**

27. **Reports**

- A. Party for the Planet & Family Movie Under the Stars
- B. ParkFest! @ Terramar
- C. City of Peoria "Clean Air Champion" Recognition
- D. Tamara Shreeve - Arizona Board of Psychologist Examiners Appointment

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.

28C. **Minutes - PASSED**

Discussion and possible action to approve the February 18, 2014 Special Meeting minutes.

VCFD Regular Agenda

29R. **Proposed Budget and Tax Levy Estimates, Fiscal Year 2015, Establish Public Hearing**
- PASSED

Discussion and possible action for to adopt **RES. VCFD 2014-01** approving Proposed Budget and Tax Levy Estimates for Fiscal Year 2015 for the Vistancia Community Facilities District and establish the public hearing date of May 20, 2014 for discussion on the proposed budget and tax levy information.

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>.