

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
March 17, 2015

A **Special 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 Cathy Carlat; Vice Mayor Jon Edwards; Councilmembers Michael Finn, Vicki Hunt, Carlo Leone, Bill Patena and Ben Toma.

Council Youth Liaisons: Michael Helt.

Members Absent: Council Youth Liaison Ian Mullane.

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; and Julie Ayers, Human Resources Director.

Audience: Approximately five 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

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 Hunt, seconded by Councilmember Finn, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

1. **C - Canvass of March 10, 2015 Special General Election**

Adopted **RES. 2015-22** approving the official Canvass of Election for the March 10, 2015 City of Peoria Special General Election.

2. **C - Authorization to Hold an Executive Session**

Authorized the holding of an Executive Session for the purpose of discussion with legal counsel of the public body in order to consider its position and instruct its attorneys regarding: (a) the public body's position regarding contemplated litigation in the matter of City of Peoria v. Westover et al. pursuant to A.R.S. § 38-431.03.A.4; and (b) the public body's position regarding Westbrook Village Golf Club irrigation water service pursuant to A.R.S. § 38-431.03.A.3.

Mayor Carlat thanked Councilmember Toma for his service.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:01 p.m.

EXECUTIVE SESSION AGENDA

3. An Executive Session was convened immediately following the 5:00 p.m. Special Meeting for the purpose of discussion with legal counsel of the public body in order to consider its position and instruct its attorneys regarding: (a) the public body's position regarding contemplated litigation in the matter of City of Peoria v. Westover et al. pursuant to A.R.S. § 38-431.03.A.4; and (b) the public body's position regarding Westbrook Village Golf Club irrigation water service pursuant to A.R.S. § 38-431.03.A.3.

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 Leone led the Pledge of Allegiance.

Members Present: Mayor Cathy Carlat; Vice Mayor Jon Edwards; Councilmembers Bridget Binsbacher, Michael Finn, Vicki Hunt, Carlo Leone, and Bill Patena.

Council Youth Liaisons: Ian Mullane and Michael Helt.

Members Absent: None.

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; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; Chris Jacques, Planning and Community Development Director; Bill Mattingly, Public Works Director; Brent Mattingly, Finance and Budget Director; Roy Minter, Police Chief; John Sefton, Community Services Director; and Linda Blas, Deputy City Clerk.

Audience: Approximately 50 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.

SWEARING IN BY PRESIDING MUNICIPAL JUDGE GEORGE ANAGNOST AND SEATING OF NEW COUNCILMEMBER

Presiding Municipal Judge George Anagnost administered the Oath of Office to Councilmember Bridget Binsbacher.

Councilmember Binsbacher thanked her husband and their family and the constituents of the Mesquite District for their support.

A short recess was declared at 7:05 p.m., and the meeting was reconvened at 7:20 p.m.

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 Carlat asked if any Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Vice Mayor Edwards, seconded by Councilmember Patena, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

4. **C - Disposition of Absence**

Approved the absence of Council Youth Liaison Ian Mullane from the Study Session and Regular Meeting held on March 3, 2015.

5. **C - Minutes**

Approved the February 3, 2015 City Council Meeting minutes.

6. **C - Code Amendment, Chapter 14, Language Modification Regarding Gasoline Service Station Signs**

Concurred with the Planning and Zoning Commission's recommendation and adopt **ORD. 2015-07** amending Chapter 14 of the Peoria City Code (1977 Edition) by amending Article 14-34 to modify existing language regarding Gasoline Service Station Signs and increase the clarity of its content.

Upon vote, the motion carried unanimously 7 to 0.

7. **C - Real Property Acquisition and Litigation, 94th Avenue and Thunderbird Road**

Adopted **RES. 2015-23** authorizing the acquisition and the commencement of litigation to quiet title and acquire real property in the vicinity of 94th Avenue and Thunderbird Road.

8. **C - Grant, State of Arizona Department of Homeland Security, Various Police Department Programs**

- (a) Authorized the Police Department to accept two grant awards totaling \$21,650 from the Arizona Department of Homeland Security to be used to strengthen chemical, biological, radiological, nuclear or explosive weapon detection and decontamination capabilities; and sustain and enhance the Terrorism Liaison Officer program; and
- (b) Approved a budget amendment in the amount of \$21,650 from the Proposed Grants Contingency account to the Homeland Security Fund.

9. **C - Proposed Changes to Investment Policy**

Reviewed and accepted the proposed changes to the Investment Policy as presented.

10. **C - Deeds and Easements, Various Locations**

Adopted **RES. 2015-25** accepting Deeds and Easements for various real property interests acquired by the City.

11. **C - Larry & Jeff Limited Partnership, Release of Non-Vehicular Access Easement**

Adopted **RES. 2015-24** authorizing the release of a Non-Vehicular Access Easement to Larry & Jeff Limited Partnership, pertaining to the Third Amended Settlement Agreement between the City of Peoria v. Larry & Jeff Limited Partnership, et al.

12. **C - Final Plat, Saddlehorn Ranch, 95th Avenue and Happy Valley Road**

Approved the Final Plat of Saddlehorn Ranch, located at 95th Avenue and Happy Valley Road, subject to stipulations.

13. **C - Final Plat, Coyote Hills, 71st Avenue and Hatfield Road**

Approved the Final Plat of Coyote Hills, located at the 71st Avenue alignment and Hatfield Road, subject to stipulations.

REGULAR AGENDA

New Business:

14. **R - PUBLIC HEARING - Off-Track Wagering License Renewal, American Greyhound Racing Gallagher's of Peoria, 6750 West Peoria Avenue**

Staff Report:

Brent Mattingly, Finance and Budget Director, reported that all fees were paid and staff recommends approval to the Arizona Racing Commission for an Off-Track Wagering License Renewal for American Greyhound Racing to telecast at Gallagher's of Peoria, located at 6750 West Peoria Avenue.

Public Hearing:

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on an Off-Track Wagering License Renewal for American Greyhound Racing to telecast at Gallagher's of Peoria, located at 6750 West Peoria Avenue.

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

Council Action:

Motion was made by Councilmember Patena, seconded by Vice Mayor Edwards, to recommend approval to the Arizona Racing Commission for an Off-Track Wagering License Renewal for American Greyhound Racing to telecast at Gallagher's of Peoria, 6750 West Peoria Avenue.

Upon vote, the motion carried unanimously 7 to 0.

15. **R - Contract and Expenditure Authority, Jokake Construction, Peoria Sports Complex Improvements Phase III, 83rd Avenue and Stadium Way**

Andy Granger, Engineering Director, summarized the request for approval of a contract for Phase III of the Peoria Sports Complex Improvements project. Mr. Granger provided information on the completed Phase I Clubhouse Improvements and Phase II Stadium Improvements.

Motion was made by Vice Mayor Edwards, seconded by Councilmember Finn, to:

- (a) Approve an individual job order with Jokake Construction in an amount estimated not to exceed \$2,500,000 for Phase III of the stadium improvements at the Peoria Sports Complex;
- (b) Authorize the expenditure of an additional \$1,100,000 for future improvement job orders and city-incurred expenses; and
- (c) Authorize the City Manager to execute any applicable agreement documents for the project funding previously approved by Council on November 25, 2014.

Upon vote, the motion carried unanimously 7 to 0.

16. **R - 2015 Mid-Decennial Special Census**

Susan Daluddung, Deputy City Manager, presented regarding the request to participate in a mid-decennial census during the fall of 2015. Ms. Daluddung explained that population figures from the census are used to calculate the City's share of state-shared revenue.

Ms. Daluddung outlined the following:

- Overview of state-shared revenue
- Other special census participants
- Projected population growth since the 2010 census
- Pros and cons of participating in the special census
- Estimated costs and estimated increase in revenue associated with the census

Ms. Daluddung advised that the projected population was based on information obtained from the State Demographer's Office.

In response to questions from Council, Ms. Daluddung confirmed the City would lose approximately \$290,000 per year in state-shared revenue over a five-year period if Council did not approve of participating in the mid-decennial census.

Motion was made by Councilmember Finn, seconded by Councilmember Leone, to:

- (a) Authorize the City to take part in a mid-decennial special census;
- (b) Approve the Memorandum of Agreement outlining terms and conditions with the U.S. Census Bureau; and
- (c) Approve a budget amendment and the use of reserves in amount of \$2,923,643 from the General Fund Contingency account to the Non-Departmental Other Professional Services account.

Upon vote, the motion carried unanimously 7 to 0.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager:

17. **Council Calendar**

18. **Reports**

John Sefton, Community Services Director, provided information on the following events:

- A. 2015 Arizona Chinese Lantern Festival
- B. 39th Annual Dolly Sanchez Memorial Easter Egg Hunts
- C. P83 Party

Bill Mattingly, Public Works Director, provided information on the following event:

- D. One for Water 4 Miler, Race and Family Event

Reports from City Council:

Council Youth Liaison Helt welcomed Councilmember Binsbacher. Mr. Helt reported on his attendance at the National League of Cities Congressional City Conference held in Washington, DC.

Councilmember Leone congratulated Councilmember Binsbacher on a successful campaign. Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone invited residents to a community event to be held at Scotland Yard Park on March 28, 2015 beginning at 6:00 p.m.

Councilmember Hunt welcomed Councilmember Binsbacher to the Peoria City Council. Councilmember Hunt reported on the Parkfest! Event held in Varney Park on March 14, 2015. Councilmember Hunt announced that a Habitat for Humanity house would be dedicated in the Acacia District on Saturday, March 21, 2015.

Councilmember Finn extended his congratulations to Councilmember Binsbacher. Councilmember Finn reminded Palo Verde District residents to check the bulk trash program schedule for their collection dates. Councilmember Finn commended the Peoria Police Department for their commitment to protect the citizens of Peoria.

Council Youth Liaison Mullane congratulated Councilmember Binsbacher. Mr. Mullane reported on his attendance at the Peoria Unified School District Board Meeting regarding a four-day school week.

Councilmember Binsbacher expressed her gratitude to all of her supporters. Councilmember Binsbacher noted that she is looking forward to a bright future in growing Peoria.

Councilmember Patena announced that Theater Works was named the 2015 Champion of the Arts by the West Valley Arts Council. Councilmember Patena reported on the various City of Peoria activities he attended. Councilmember Patena encouraged residents to attend the Dolly Sanchez Easter Egg Hunt. Councilmember Patena congratulated Councilmember Binsbacher.

Vice Mayor Edwards welcomed Councilmember Binsbacher to the Peoria City Council. Vice Mayor Edwards reported on the various City of Peoria activities he attended. Vice Mayor Edwards reminded Willow District residents to attend a Glendale public meeting at Arrowhead Elementary School on March 18 to voice their concerns regarding a new proposal to erect billboards at Bell Road and the Loop 101. Vice Mayor Edwards invited the community to attend the P83 Party, to be held along 83rd Avenue between Stadium Way and Mariners Way, on Saturday, March 21, 2015 beginning at 3:00 p.m.

Reports from the Mayor:

Mayor Carlat congratulated Councilmember Binsbacher, the residents of the Mesquite District and the citizens of Peoria.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:18 p.m.

Cathy Carlat, 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 17th day of March, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of May, 2015.

(Seal)

Rhonda Geriminsky, City Clerk