

**MINUTES OF THE PEORIA CITY COUNCIL**  
CITY OF PEORIA, ARIZONA  
CITY COUNCIL CHAMBER  
April 7, 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 Bridget Binsbacher, Michael Finn, Vicki Hunt, Carlo Leone and Bill Patena.

**Other Municipal Officials Present:** Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Rhonda Geriminsky, City Clerk; Andy Granger, Engineering Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Brent Mattingly, Finance and Budget Director; Bobby Ruiz, Fire Chief; and Scott Whyte, Economic Development Services Director.

**Audience:** No 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 Finn, seconded by Vice Mayor Edwards, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

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

Authorized the holding of an Executive Session with representatives of the public body to consider its position and instruct its representatives regarding: (a) the potential acquisition of New River Water Utility pursuant to A.R.S. § 38-431.03.(A)3.; (b) the purchase, sale, or lease of real property located in the vicinity of 83rd Avenue and Peoria Avenue pursuant to A.R.S. §38-431.03.A.7.; (c) the purchase, sale, or lease of real property located in the vicinity of Peoria Avenue and State Route 101 pursuant to A.R.S. §38-431.03.A.7.; and (d) the purchase, sale, or lease of real property located in the vicinity of Olive Avenue and Grand Avenue pursuant to A.R.S. §38-431.03.

**ADJOURNMENT:**

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

**EXECUTIVE SESSION AGENDA**

2. An Executive Session was convened immediately following the 5:00 p.m. Special Meeting for the purpose of discussion with representatives of the public body in order to consider its position and instruct its representatives regarding: (a) the potential acquisition of New River Water Utility pursuant to A.R.S. § 38-431.03.(A)3; (b) the purchase, sale, or lease of real property located in the vicinity of 83rd Avenue and Peoria Avenue pursuant to A.R.S. §38-431.03.A.7.; (c) the purchase, sale, or lease of real property located in the vicinity of Peoria Avenue and State Route 101 pursuant to A.R.S. §38-431.03.A.7.; and (d) the purchase, sale, or lease of real property located in the vicinity of Olive Avenue and Grand Avenue pursuant to A.R.S. §38-431.03.A.7.

**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 Patena 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:** 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; Julie Ayers, Human Resources Director; 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; 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.**

**Presentation:**

3. Fiscal Year 2016 Recommended Budget Books

Carl Swenson, City Manager, introduced the recommended Fiscal Year 2016 Budget and presented regarding the following:

- Budget/financial direction
- Council's policy goals
- Financial foundations of the Budget
- Recommended Fiscal Year 2016 Budget themes and objectives
- Major enhancements contained in the Budget
- Organizational changes
- Fiscal Year 2016 Budget summary

Katie Gregory, Deputy Finance and Budget Director, outlined:

- Principles of Sound Financial Management
- Fiscal Year 2016 Budget process
- Budget history
- Financial overview
  - General Fund
  - Half-Cent Sales Tax Fund
  - Transportation Funds
  - Enterprise Funds
- Citywide full-time equivalent changes
- Capital Improvement Program
- Schedule of upcoming Budget Work Sessions

**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 Councilmember Patena, seconded by Councilmember Hunt, 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 Special Meeting held on March 17, 2015 at 5:00 p.m.

5. **C - Minutes**

Approved the following minutes:

- February 17, 2015 Meeting Minutes
- March 3, 2015 Meeting Minutes

6. **C - Reappointments, Boards and Commissions**

Approved the recommendations from the Council Boards and Commissions Subcommittee pertaining to the following reappointments, and adopt the Resolutions as presented:

- Adopted **RES. 2015-26** reappointing MarleeJean Johnson and Pamela Potter as regular members to the Arts Commission,
- Adopted **RES. 2015-27** reappointing Shelley Bade and William Schindler as regular members to the Industrial Development Authority,
- Adopted **RES. 2015-28** reappointing Harold Gribow as a regular member to the Building Board of Appeals,
- Adopted **RES. 2015-29** reappointing Nancy Golden as a regular member to the Employee Benefits Trust Board,
- Adopted **RES. 2015-30** reappointing Katy O'Grady as a regular member to the Parks and Recreation Board,
- Adopted **RES. 2015-31** reappointing William Schindler as a regular member to the Public Defender Contract Review Committee,
- Adopted **RES. 2015-32** reappointing Alexander Obis as a regular member to the Public Safety Personnel Retirement Board - Fire,
- Adopted **RES. 2015-33** reappointing Alexander Obis as a regular member to the Public Safety Personnel Retirement Board - Police.

7. **C - Intergovernmental Agreement Amendment, Arizona Department of Transportation, Lake Pleasant Parkway Shoulder Pavement**

Adopted **RES. 2015-34** to approve Amendment No. 1 to the Intergovernmental Agreement with the Arizona Department of Transportation for the design and construction of the project to pave the shoulders along Lake Pleasant Parkway from Loop 303 to State Route 74.

8. **C - Intergovernmental Agreement, Arizona Department of Transportation, 75th Avenue Traffic Signal Communication Deployment**

Adopted **RES. 2015-35** to approve an Intergovernmental Agreement with the State of Arizona to execute the 75th Avenue Traffic Signal Communication Deployment.

9. **C - Intergovernmental Agreement Amendment, Maricopa County Library District, Library Assistance Program**

Approved Amendment No. 1 to the Intergovernmental Agreement with the Maricopa County Library District for the purpose of maintaining the Library Assistance Program, to facilitate the purchase of library materials for Peoria's Library system.

10. **C - Contract, Sun Life, Short-Term Disability**

- (a) Awarded a term contract with Sun Life for short-term disability insurance effective July 1, 2015; and
- (b) Approved the expansion of the short-term disability coverage to all full-time, benefitted employees.

11. **C - Contract, SightCare, Vision Insurance**

- (a) Awarded a term contract with SightCare for vision insurance effective July 1, 2015; and
- (b) Approved the transfer of the vision benefits to the Employee Benefits Trust Board.

12. **C - Contract, Minnesota Life, Life Insurance**

- (a) Awarded a term contract with Minnesota Life for basic life insurance, voluntary life insurance and accidental death and dismemberment insurance effective July 1, 2015; and
- (b) Approved the expansion of basic life insurance coverage to two times the annual base rate of pay for all full-time, benefitted employees.

13. **C - Budget Amendment, Consulting Services, Intergovernmental Affairs Department**

- (a) Approved a budget amendment in the amount of \$41,500 to fund contracts with consultants to assist with community outreach activities; and
- (b) Authorized a budget transfer in the amount of \$41,500 from the General Fund Contingency account to the Governmental Affairs Department - Other Professional Services account.

14. **C - Budget Amendment, New River Trail, Northern Avenue to Olive Avenue Trail and Underpass**

- (a) Allocated additional funding in the amount of \$295,000 for the construction of the multi-use trail path from Northern Avenue to Olive Avenue located along the west bank of the New River and an underpass at the Northern Avenue Bridge at New River; and

- (b) Authorized a budget transfer in the amount of \$295,000 from the Transportation Sales Tax Street Systems account to the Transportation Sales Tax Park and Right-of-Way Improvements account.

15. **C - Notice of Intention, Water, Wastewater, and Reclaimed Water Rates Adjustment**

- (a) Adopted the Notice of Intention to adjust the City's water, wastewater, and reclaimed water rates; and
- (b) Established May 19, 2015 as the date for the public hearing to consider adoption of the recommended rates.

16. **C - Updated Emergency Operations Plan, Maricopa County Department of Emergency Management**

Approved the updated Emergency Operations Plan to provide direction on how the City would function during times of disaster and extreme emergencies.

17. **C - Resolution Amendment, Authorization to Acquire Land Rights, Beardsley Road and Loop 101 Connector Project**

Adopted **RES. 08-04A** amending RES. 08-04 by removing the authorization to acquire land rights from the parcel identified as the site for construction of a trailhead.

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

Adopted **RES. 2015-36** accepting Deeds and Easements for Various Real Property interests acquired by the City.

19. **C - Designate Roadways, Establish Rights-of-Way, Various Locations**

Adopted **RES. 2015-37** designating various Real Properties to be used as City roadways and authorize the establishment of Public Rights-of-Way to be opened and maintained by the City as a Public Street.

20. **C - Abandonment of City Interest, Non-Vehicular Access Easement, 91st Avenue and Greenbrian Drive**

Adopted **RES. 2015-38** authorizing the release of a portion of the Non-Vehicular Access Easement located within Lot 3B of the Big Feat Ventures, LLC Subdivision Final Plat in the vicinity of 91st Avenue and Greenbrian Drive.

## REGULAR AGENDA

### **New Business:**

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

##### **Staff Report:**

Brent Mattingly, Finance and Budget Director, reported on staff's recommendation to recommend approval to the State Liquor Board for:

- (a) A new Off-Sale All Liquor License (Series 09) for Target #2227, located at 24890 North Lake Pleasant Parkway, Nicholas C. Guttilla, Applicant, LL#10007686;
- (b) A new Restaurant Liquor License (Series 12) for Angry Crab Shack Restaurant, located at 7608 West Cactus Road #110, Ronald W. Lou, Applicant, LL#20012248; and
- (c) Sampling Privileges (Series 09S) to be added to the existing Off-Sale All Liquor License (Series 09) for Wal-Mart Supercenter #3896, located at 21655 North Lake Pleasant Parkway, Clare H. Abel, Applicant, LL#10010934.

##### **Public Hearing:**

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on:

- (a) A new Off-Sale All Liquor License (Series 09) for Target #2227, located at 24890 North Lake Pleasant Parkway, Nicholas C. Guttilla, Applicant, LL#10007686;
- (b) A new Restaurant Liquor License (Series 12) for Angry Crab Shack Restaurant, located at 7608 West Cactus Road #110, Ronald W. Lou, Applicant, LL#20012248; and
- (c) Sampling Privileges (Series 09S) to be added to the existing Off-Sale All Liquor License (Series 09) for Wal-Mart Supercenter #3896, located at 21655 North Lake Pleasant Parkway, Clare H. Abel, Applicant, LL#10010934.

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

##### **Council Action:**

Motion was made by Councilmember Leone, seconded by Vice Mayor Edwards, to recommend approval to the State Liquor Board for:

- (a) A new Off-Sale All Liquor License (Series 09) for Target #2227, located at 24890 North Lake Pleasant Parkway, Nicholas C. Guttilla, Applicant, LL#10007686;

- (b) A new Restaurant Liquor License (Series 12) for Angry Crab Shack Restaurant, located at 7608 West Cactus Road #110, Ronald W. Lou, Applicant, LL#20012248; and
- (c) Sampling Privileges (Series 09S) to be added to the existing Off-Sale All Liquor License (Series 09) for Wal-Mart Supercenter #3896, located at 21655 North Lake Pleasant Parkway, Clare H. Abel, Applicant, LL#10010934.

Upon vote, the motion carried unanimously 7 to 0.

22. **R - PUBLIC HEARING - Code Amendment, Chapter 14, Establishing Regulatory Standards Governing Donation/Recycling Drop-Off Boxes**

**Staff Report:**

Chris Jacques, Planning and Community Development Director, presented regarding a City-initiated request to adopt an Ordinance establishing regulatory standards governing Donation/Recycling Drop-Off Boxes within the City of Peoria.

Mr. Jacques noted that the current Zoning Code is silent and has contributed to a multitude of concerns including proliferation of bins, dumping, box placement, site aesthetics and accountability.

Mr. Jacques outlined the following:

- Definition of a donation bin
- Objectives
- Components of the proposed Ordinance
  - Permitted locations
  - Number of boxes permitted
  - Site restrictions
  - Box identification
  - Pickup and maintenance
  - Performance standards
- Temporary Use Permitting process related to bins
- Enforcement

Mr. Jacques summarized the Planning and Zoning Commission's recommended approval of a proposed amendment, subject to the following changes:

- Owner/representative authorization be notarized on the application for a temporary use permit
- Adjust language so that individual site non-compliance *may* result in revocation of the Business License rather than *shall* result in revocation of the Business License

Mr. Jacques provided information related to notarizations, including:

- Current land use applications
- What notarizations provide
- Support/opposition to notarization

Mr. Jacques reviewed additional modifications identified by staff, subsequent to the Planning and Zoning Commission's recommendation, that would further clarify and strengthen the provisions of the Zoning Ordinance.

Mr. Jacques provided information related to notarizations, including:

- Current land use applications
- What notarizations provide
- Support/opposition to notarization

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the City-initiated request to adopt an Ordinance establishing regulatory standards governing Donation/Recycling Drop-Off Boxes within the City of Peoria.

Discussion ensued regarding:

- Removal of bins due to non-compliance
- Notarization
- Temporary Use Permit application fees
- Donations to Not-for-Profit organizations
- Site restrictions
- Box identification
- Property owners' rights to remove bins
- Dumping
- Enforcement

Susanne Stacy, representing Bosom Buddies of Arizona, thanked the Council for their consideration to adopt regulations regarding donation bins. Ms. Stacy voiced her concern regarding the issue of notarization of owner authorization forms with the application for a Temporary Use Permit. Ms. Stacy advised it would be a daunting task for small organizations to obtain notarized signatures.

Kristin Greene, representing American Textile Recycling Services, spoke in support of the proposed Ordinance. Ms. Greene voiced her concern regarding notarized signatures. Ms. Greene requested Council not impose the additional stipulation that is not required of other use permit applicants.

Robert Hasty, representing Community Works of Arizona, addressed Council in support of the regulations, including staff's modifications to include large-capacity containers.

Jim Mapstead, representing Stop Donation Bin Blight, urged the Council to adopt the proposed regulations regarding donation drop boxes, with the protection of owners' property rights included.

Benjamin Graff, an attorney with Withey Morris, representing Goodwill of Arizona and multiple commercial property owners throughout the Valley, spoke in favor of the text amendment to regulate drop boxes. Mr. Graff outlined the following requirements his organization believes should be included when regulating drop boxes:

- Requirement for written and notarized property owner authorization
- Clearly defined property owner protections and rights to remove unwanted bins
- A permitting system that identifies permitted and unpermitted drop boxes
- Regulations
  - On size, location, placement and spacing of boxes
  - To protect neighborhoods and property owners from blight
  - To protect required parking spaces, landscaping, visibility triangles and public right-of-way
- Fee structure to provide Code Enforcement with the means to enforce the Ordinance

Mr. Graff suggested the following language to replace Section 15 of the proposed Ordinance:

This Ordinance authorizes the City to immediately remove and dispose of any drop-off box, including its contents, which is unauthorized, unpermitted or does not display a permit number. Any donation/recycling/drop-off box, including its contents, which is determined to be in violation of this Ordinance shall be deemed a public nuisance as defined in Chapter 17, Nuisances, of the Peoria City Code and may be removed pursuant to those provisions.

Joel Moyes, a commercial property owner, spoke in support of the regulations. Mr. Moyes noted that shopping centers, while open to the public, are private property; and the bins are abusing his property rights. Mr. Moyes recommended the following additions to the proposed Ordinance:

- Include the notarization clause
- Provide property owners the right to revoke a permit

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

### **Council Action:**

Motion was made by Vice Mayor Edwards, seconded by Councilmember Hunt, to concur with the Planning and Zoning Commission's recommendation with staff modifications and adopt **ORD. 2015-08** amending Chapter 14 of the Peoria City Code (1977 Edition) by amending Article 14-2, Definitions; 14-3, "General Provisions"; 14-9, "Non-Residential Districts"; and Article 14-39, "Administrative Procedures" establishing

regulatory standards governing Donation/Recycling Drop-Off Boxes within the City of Peoria with the following amendments:

- Add verbiage to Paragraph 1 under Section 14-3-14 that an authorized agent must provide written evidence he/she has the authority to approve and locate a drop-off box on the parcel.
- Add as Paragraph 16 to Section 14-3 that the property owner shall control the Temporary Use Permit. The permittee or drop box operator does not control the Temporary Use Permit unless he/she is also the property owner. As such, the property owner or authorized agent may rescind his/her authorization for the donation/drop-off box at any time and the permit shall be revoked. Nothing in this Ordinance prohibits a property owner from removing a donation/drop-off box regardless of whether said box is permitted or not permitted. A property owner retains the right to remove and dispose of an unwanted donation/drop-off box at any time.

Discussion ensued regarding the additional language.

In response to questions from Council, Steve Kemp, City Attorney, explained that the City Code currently contains provisions allowing the City to revoke permits.

Upon vote, the motion carried 6 to 1, with Councilmember Binsbacher voting “no”.

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

None.

### **Reports from City Manager:**

#### **23. Council Calendar**

#### **24. Reports**

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

- A. Peoria Arts and Cultural Festival
- B. Party for the Planet - River and Trail Clean Up

### **Reports from City Council:**

Council Youth Liaison Helt reported that he had the honor of leading the Pledge of Allegiance at Mayor Carlat's State of the City address.

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone invited residents to participate in a Shred-a-Thon event to be held on Saturday, May 30, 2015 at Cheyenne Elementary School, located at 11806 North 87<sup>th</sup> Avenue, beginning at 10:00 a.m.

Councilmember Hunt welcomed the Vail family who received a home in the Acacia District dedicated by Habitat for Humanity. Councilmember Hunt reported on her attendance at the 2015 National Main Streets Conference held in Atlanta, Georgia.

Councilmember Finn reported on the various City of Peoria activities he attended. Councilmember Finn congratulated Mayor Carlat on the State of the City address.

Councilmember Binsbacher informed the Council she is excited to be working with them.

Councilmember Patena reported on the various City of Peoria activities he attended. Councilmember Patena commended Mayor Carlat on the State of the City address and her vision for the City of Peoria.

Vice Mayor Edwards highlighted the various City of Peoria activities he attended. Vice Mayor Edwards noted that he met with City of Buckeye officials who are interested in replicating Peoria's Youth Advisory Board Council Liaison program. Vice Mayor Edwards extended his appreciation to staff for their participation in making the 2015 P83 party a successful event.

**Reports from the Mayor:**

Mayor Carlat announced that Council Youth Liaison Mullane was a featured speaker at the Peoria Education Enrichment Foundation event held on March 30, 2015. Mayor Carlat thanked Council Youth Liaison Helt for leading the audience in the Pledge of Allegiance at the State of the City address.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 9:32 p.m.

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Cathy Carlat, Mayor

ATTEST:

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Rhonda Geriminsky, City Clerk

City Council Meeting Minutes

April 7, 2015

Page 13 of 13

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 7<sup>th</sup> day of April, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5<sup>th</sup> day of May, 2015.

(Seal)

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Rhonda Geriminsky, City Clerk