

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
May 5, 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, Carlo Leone and Bill Patena.

Members Absent: Councilmember Vicki Hunt.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Steve Burg, Chief Assistant City Attorney; Rhonda Geriminsky, City Clerk; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; and Scott Whyte, Economic Development Services Director.

Audience: There were no members of the public 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 Vice Mayor Edwards, seconded by Councilmember Patena, to approve the Consent Agenda. Upon vote, the motion carried unanimously 6 to 0.

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

Authorized the holding of an Executive Session with representatives of the public body to: (a) consider its position and instruct its representatives regarding negotiations for the purchase, sale, or lease of real property located in the vicinity of Loop 101 and Northern Avenue pursuant to A.R.S. § 38-431.03.A.7; (b) consider its position and instruct its attorneys regarding the public body’s position regarding a development agreement with Huntington University for the establishment of a branch campus in Peoria pursuant to A.R.S. § 38-431.03.A.4; (c) consider its position and instruct its attorneys regarding the public body’s position regarding a development agreement for a mixed-use corporate facility in the vicinity of El Mirage Road and Loop 303 pursuant to A.R.S. § 38-431.03.A.4.; and (d) discussion and consultation with legal counsel for legal advice on pending litigation in Adrian v. City of Peoria, U.S. District Court pursuant to A.R.S. § 38-431.03.A.3.

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 to: (a) consider its position and instruct its representatives regarding negotiations for the purchase, sale, or lease of real property located in the vicinity of Loop 101 and Northern Avenue pursuant to A.R.S. § 38-431.03.A.7; (b) consider its position and instruct its attorneys regarding the public body's position regarding a development agreement with Huntington University for the establishment of a branch campus in Peoria pursuant to A.R.S. § 38-431.03.A.4; (c) consider its position and instruct its attorneys regarding the public body's position regarding a development agreement for a mixed-use corporate facility in the vicinity of El Mirage Road and Loop 303 pursuant to A.R.S. § 38-431.03.A.4.; and (d) discussion and consultation with legal counsel for legal advice on pending litigation in Adrian v. City of Peoria, U.S. District Court 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, Council Youth Liaison Helt 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 Burg, Chief Assistant City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; Bob Goodhue, Deputy Economic Development Services Director; Andy Granger, Development and Engineering Director; John Imig, Information Technology Director; Shawn Kreuzwiesner, Deputy Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Brent Mattingly, Finance and Budget Director; Benny Peña, Deputy 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. City Manager's Excellence Awards

Carl Swenson, City Manager, presented the Community Involvement Award to Danny Comella on behalf of the Peoria Firefighters Charities for the 2014 "Fill the Boot with Books Reading Program".

Julie Ayers, Human Resources Director, presented the Diversity Award to Walter Crenshaw for his leadership, dedication and commitment of diversity and inclusion among his peers and throughout the organization.

Jeff Tyne, Deputy City Manager, presented the Efficiency Award to Ben Arroyo, Ron Beene, William Beloit, Debbie Gibbs, Bob Goodhue, David Griego, Karrie Lawlor, Cheryl Mullis, Ned Newcomer, Mickey Piper, Melissa Sigmund, Tim Smothers and Traci Varland for the development and implementation of the Accela Citizen Access and Electronic Document Review pilot project.

Clerk's Note: Michele Morice accepted the award on behalf of Tim Smothers.

Lisa Estrada, Sustainability and Economic Efficiency Manager, presented the Sustainability Award to Andy Granger, Ed Striffler, Chris Calcaterra, Kathy Sponsel, and Susan Daluddung for contributing to the successful outcome of the Sports Complex stadium improvements.

Susan Daluddung, Deputy City Manager, presented the Distinguished Service Award to Domingo Cadeña for continuously reducing expenditures for the Sweeper Operations Fleet through the application of a diligent maintenance program.

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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 Finn, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

4. **C - Disposition of Absence**

Approved the absence of Councilmember Binsbacher from the Budget Study Session held on April 15, 2015.

5. **C - Minutes**

Approved the following minutes:

- March 17, 2015 Meeting Minutes
- March 28, 2015 Workshop Minutes
- April 7, 2015 Meeting Minutes
- April 13, 2015 Budget Study Session Minutes
- April 15, 2015 Budget Study Session Minutes

6. **C - Intergovernmental Agreement Amendment, Maricopa County HOME Consortium, Additional HOME Program Grant Funding**

- (a) Approved an amendment to the Intergovernmental Agreement with Maricopa County for the City's HOME Program grant to increase funding in the amount of \$200,000;
- (b) Approved a budget amendment in the amount of \$200,000 from the Proposed Grants Contingency account to the Home Program Grant Fund Other Professional Services and City Participation in Outside Programs accounts; and
- (c) Authorized staff to execute the amendment.

7. **C - Intergovernmental Agreement Amendment, Maricopa County Parks and Recreation Department, Maricopa Trail Alignment**

Approved the First Amendment to an Intergovernmental Agreement with the Maricopa County Parks and Recreation Department to support construction of a multi-modal trail section of the Maricopa Regional Trail.

8. **C - Grant Application, Staffing for Adequate Fire and Emergency Response, Firefighters**

Approved a Staffing for Adequate Fire and Emergency Response grant application in the amount of \$1,021,560 to hire six new firefighters for the Lake Pleasant Fire Station.

9. **C - Third Quarter Budget Amendments**

Approved the Third Quarter Budget Amendments.

10. **C - Budget Amendment, City Attorney's Office, Civil Legal Services and Administrative Hearing Costs**

Approved a budget amendment in the amount of \$115,000 from the General Fund Contingency account to the Civil Legal Services account for outside legal counsel pertaining to the Sports Complex Parking, Bioinspire, and elections matters, and \$20,000 from the General Fund Contingency account to the Administrative Hearings account for costs related to personnel matters.

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

Adopted **Res. 2015-40** accepting Deeds and Easements for various Real Property interests acquired by the City.

12. **C - Final Plat, 87th Avenue and Continental Drive**

Approved the Final Plat of 87th Avenue and Continental Drive, located at the northwest corner of 87th Avenue and Continental Drive, subject to stipulations.

13. **C - Final Plat, The Meadows Parcel 12B, Lake Pleasant Parkway and Williams Road**

Approved the Final Plat of The Meadows Parcel 12B, located at Lake Pleasant Parkway and Williams Road, subject to stipulations.

14. **C - Replat, Lot 13 of Blackstone at Vistancia, Parcel B2, Lone Mountain Road and Blackstone Drive**

Approved the Replat of Lot 13 of Blackstone at Vistancia, located at Lone Mountain Road and Blackstone Drive, subject to stipulations.

15. **C - Replat, Tierra Del Rio Parcel 20B, 99th Avenue and Jomax Road**

Approved the Replat of Tierra Del Rio Parcel 20B, located at 99th Avenue and Jomax Road, subject to stipulations.

16. **C - Replat, Tierra Del Rio Parcel 21B, 99th Avenue and Jomax Road**

Approved the Replat of Tierra Del Rio Parcel 21B, located at 99th Avenue and Jomax Road, subject to stipulations.

REGULAR AGENDA

New Business:

17. **R - PUBLIC HEARING - Liquor License, Albertsons #971, located at 8950 West Bell Road**

Staff Report:

Brent Mattingly, Finance and Budget Director, reported on staff's recommendation to recommend approval to the State Liquor Board for Sampling Privileges (Series 09S) to

be added to the existing Off-Sale All Liquor License (Series 09) for Albertsons #971, located at 8950 West Bell Road, Nicholas C. Guttilla, Applicant, LL#10006698.

Mr. Mattingly advised that the properties were posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval and no comments were received from the public.

Public Hearing:

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on Sampling Privileges (Series 09S) to be added to the existing Off-Sale All Liquor License (Series 09) for Albertsons #971, located at 8950 West Bell Road, Nicholas C. Guttilla, Applicant, LL#10006698.

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 Councilmember Binsbacher, to recommend approval to the State Liquor Board for Sampling Privileges (Series 09S) to be added to the existing Off-Sale All Liquor License (Series 09) for Albertsons #971, located at 8950 West Bell Road, Nicholas C. Guttilla, Applicant, LL#10006698.

Upon vote, the motion carried unanimously 7 to 0.

18. **R - PUBLIC HEARING - Commercial Solid Waste License, Auerbach Waste LLC**

Staff Report:

Brent Mattingly, Finance and Budget Director, presented an overview of the request for approval of a Commercial Solid Waste License to Auerbach Waste LLC in accordance with Chapter 22 of the Peoria City Code.

Mr. Mattingly provided a summary of the City Code addressing solid waste and outlined the licensing process regarding commercial solid waste collection. Mr. Mattingly advised that Auerbach Waste has submitted a license application, paid the application and licensing fees and has a current business license.

Public Hearing:

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a Commercial Solid Waste License for Auerbach Waste LLC, 12001 West Peoria Avenue, El Mirage, in accordance with Chapter 22 of the City Code.

In response to questions from Council, Mr. Mattingly reported on the City's efforts to recover licensing fees from commercial solid waste companies since 2007.

Discussion ensued regarding the City's negotiated settlement with Auerbach Waste LLC for fees due prior to 2013.

Having no additional 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 of a Commercial Solid Waste License to Auerbach Waste LLC, 12001 West Peoria Avenue, El Mirage, AZ 85335 in accordance with Chapter 22 of the City Code.

Upon vote, the motion carried 6 to 1, with Councilmember Leone voting "no".

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager:

19. **Council Calendar**

20. **Reports**

A. Earth Day Update

Lisa Estrada, Sustainability and Economic Efficiency Manager, and John Sefton, Community Services Director, provided information on the activities held during the month of April 2015 in recognition of Earth Day.

Reports from City Council:

Council Youth Liaison Helt congratulated Council Youth Liaison Mullane on his acceptance to Harvard University.

Councilmember Leone reported on the various City of Peoria activities he attended.

Councilmember Hunt reported on her attendance at the Cinco de Mayo Book Sale sponsored by the Friends of the Peoria Public Library.

Councilmember Finn reported on the Parkfest! event held at Sweetwater Park. Councilmember Finn recognized City staff for the success of the event.

Council Youth Liaison Mullane reported on his attendance at the Sun City Elks Lodge Youth Appreciation Awards Dinner. Mr. Mullane reported that Peoria high schools will provide voter registration information to seniors prior to graduation.

Councilmember Patena congratulated the recipients of the City Manager's Excellence Awards.

Reports from the Mayor:

Mayor Carlat reported on her attendance at the Youth Appreciation Awards Dinner sponsored by the Sun City Elks Lodge. Mayor Carlat applauded Youth Council Liaison Mullane for receiving scholarships from the Elks Lodge and the State of Arizona. Mayor Carlat extended her congratulations to the recipients of the City Manager's Excellence Awards.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:40 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 5th day of May, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 16th day of June, 2015.

(Seal)

Rhonda Geriminsky, City Clerk