

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
June 16, 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.

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; Linda Blas, Deputy City Clerk; Bo Larsen, Public Information Director; and Bill Mattingly, Public Works 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 Patena, 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 for the purpose of discussion with legal counsel of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding Westbrook Village Golf Club irrigation water service 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 legal counsel of the public body in order to consider its position and instruct its attorneys regarding 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 **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 6:12 p.m.

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

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; Thomas Adkins, Intergovernmental Affairs Director; Julie Ayers, Human Resources Director; Bo Larsen, Public Information Director; Roy Minter, Police Chief; John Sefton, Community Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately 25 members of the public were present.

STUDY SESSION AGENDA

Subject for Discussion Only

3. 2015 Peoria Leadership Institute Roundtable Discussion with Mayor and Council
Mayor Carlat introduced the Council and each Councilmember provided opening remarks.

Council requested feedback on the Peoria Leadership Institute (PLI) and entertained questions from the PLI graduates.

Discussion ensued regarding:

- Caliber of City staff
- Economic development
- Mid-decade census
- Councilmember involvement in the PLI
- Police Department presentation

City Council Meeting Minutes

June 16, 2015

Page 3 of 12

- Emergency management and the City's preparedness level
- Peoria's bond rating
- Peoria's school district
- Capital Improvement Plan
- Communicating to the public about the PLI class
- Board and Commission vacancies

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 6:44 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 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; Thomas Adkins, Intergovernmental Affairs Director; George Anagnost, Presiding Municipal Judge; Julie Ayers, Human Resources Director; Andy Granger, Development and Engineering Director; Katie Gregory, Deputy Finance and Budget Director; John Imig, Information Technology Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works 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 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.

Presentation:

4. Outgoing Youth Council Liaisons Ian Mullane and Michael Helt

Mayor Carlat and Vice Mayor Edwards presented plaques to outgoing Council Youth Liaisons Ian Mullane and Michael Helt in recognition of their service to the City.

5. Mayor Carlat and Councilmember Patena presented Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the June 2, 2015 City Council meeting:

- Ronald Friedman to the Judicial Selection Advisory Board; and
- Cassidy Gatrost, Caitlin King, Hailey Lekan, Destini Mohn, and Judith Patrick to the Youth Advisory Board

Clerk's Note: Wuxin Zeng and Kaitlyn Edwards were not present to receive their certificates.

6. Certificates of Completion for 2015 Peoria Leadership Institute Graduates

Mayor Carlat and Vice Mayor Edwards presented certificates to the graduates of the 2015 Peoria Leadership Institute.

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Mayor Carlat asked if any Councilmember wished to have an item removed from the Consent Agenda.

Councilmember Leone requested that Agenda Item 16C be removed for separate discussion.

Motion was made by Vice Mayor Edwards, seconded by Councilmember Patena, to approve the Consent Agenda with the exception of Agenda Item 16C. Upon vote, the motion carried unanimously 7 to 0.

7. **C - Minutes**

Approved the following minutes:

- April 21, 2015 Meeting Minutes
- May 5, 2015 Meeting Minutes
- May 18, 2015 Special Meeting Minutes

8. **C - Code Amendment, Policy and Administration Procedures**

Adopted **ORD. 2015-11** amending Section 2-163 of Chapter 2 of the Peoria City Code (1992 Edition) with changes to the Administrative Procedures review process.

9. **C - Code Amendment, Chapter 14, Moving Truck and Trailer Rental**

Concurred with the Planning and Zoning Commission's recommendation and adopted **ORD. 2015-12** amending Chapter 14 of the Peoria City Code (1977 Edition) by amending Article 14-9, modifying regulations for Moving Truck, Trailer and Equipment Rental (TA15-0001).

10. **C - Grant, Arizona Criminal Justice Commission, Crime Victim Assistance Program**

- (a) Accepted \$29,550 from the Arizona Criminal Justice Commission for Peoria's participation in the Fiscal Year 2016 Crime Victim Assistance Program; and
- (b) Approved a budget amendment in the amount of \$29,550 from the Proposed Grants Contingency account to the Arizona Criminal Justice Commission Grant account.

11. **C - Intergovernmental Agreement, Peoria Unified School District, School Resource Officers**

Authorized the City Manager to execute an Intergovernmental Agreement with the Peoria Unified School District to assign four Peoria Police Officers to the campuses of Peoria, Sunrise Mountain, Centennial and Liberty High Schools as School Resource Officers.

12. **C - Intergovernmental Agreement, Arizona Department of Revenue, Tax and License Administrative Functions**

Adopted **RES. 2015-65** authorizing an Intergovernmental Agreement with the State of Arizona Department of Revenue for tax and license administrative functions beginning July 1, 2015.

13. **C - Contract Amendment, Maxwell Technologies, Economic Development**

Authorized the City Manager to execute the Second Amendment to the Economic Development Agreement with Maxwell Technologies.

14. **C - Contract Amendment, Presiding Municipal Judge**

Approved an amendment to the contract with the Presiding Municipal Judge for Municipal Judge Services.

15. **C - Contract Amendment, City Attorney**

Approved an amendment to the Terms and Conditions of Employment Agreement with the City Attorney.

16. **C - Contract Amendment, City Manager**

Clerk's Note: This item was heard separately at the end of the Consent Agenda.

At the request of Councilmember Leone, Agenda Item 16C was pulled from the Consent Agenda for a separate vote.

Motion was made by Councilmember Hunt, seconded by Vice Mayor Edwards, to approve an amendment to the Terms and Conditions of Employment Agreement with the City Manager.

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

17. **C - Land Acquisition, Peoria Avenue and Loop 101**

- (a) Adopted **RES. 2015-66** authorizing the acquisition of property located at the southwest corner of Peoria Avenue and Loop 101; and
- (b) Approved the use of reserves and a budget adjustment in the amount of \$1,448,500 from the Half-Cent Sales Tax Fund to the Land Assembly Opportunity Fund project in the Half-Cent Sales Tax Fund.

18. **C - Fiscal Year 2016 Insurance Package**

Awarded the Fiscal Year 2016 insurance package as recommended by the City's insurance broker, Willis of Arizona, Public Entity Services with the Self-Insured Retention to maintain the \$1,000,000 per occurrence, and maintain the aggregate limit of all claims at \$4,000,000.

19. **C - Repurposing of Funds for Economic Development Activities**

- (a) Authorized the repurposing of an existing \$109,000 in one-time operational funds in order to supplement new economic development activities; and
- (b) Approved a budget adjustment in the amount of \$26,700 from the Community Promotions account to the Other Professional Services account.

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

Adopted **RES. 2015-67** accepting Deeds and Easements for various Real Property interests acquired by the City.

21. **C - Condominium Replat, 1500 Riverwalk Professional Center North, 77th Avenue and Deer Valley Road**

Approved the Condominium Replat of 1500 Riverwalk Professional Center North, located at 77th Avenue south of Deer Valley Road, subject to stipulations.

REGULAR AGENDA

New Business:

22. **R - PUBLIC HEARING - Liquor License, Good China, Located at 9180 West Union Hills Drive.**

Staff Report:

Katie Gregory, Deputy Finance and Budget Director, reported on staff's recommendation to recommend approval to the State Liquor Board for a New Restaurant Liquor License (Series 12) for Good China, located at 9180 West Union Hills Drive, Julie Z. Situ, Applicant, LL#20012812.

Ms. Gregory advised that the property was 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 a New Restaurant Liquor License (Series 12) for Good China, located at 9180 West Union Hills Drive, Julie Z. Situ, Applicant, LL#20012812.

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 Finn, to recommend approval to the State Liquor Board for a New Restaurant Liquor License (Series 12) for Good China, located at 9180 West Union Hills Drive, Julie Z. Situ, Applicant, LL#20012812.

Upon vote, the motion carried unanimously 7 to 0.

23. **R - PUBLIC HEARING - Truth in Taxation, Primary Property Tax Levy Fiscal Year 2016**

Staff Report:

Barry Houg, Budget Manager, presented a report on Truth in Taxation requirements and explained that final adoption of the property tax levy is scheduled for July 7, 2015.

Public Hearing:

Mayor Carlat opened the Public Hearing and asked if anyone would like to comment on the request to adopt **RES. 2015-69** by a roll call vote approving their intent to increase the total primary tax levy as required by State Statutes on Truth in Taxation.

There being no comments from those present to address this item, Mayor Carlat declared the Public Hearing closed.

Council Action:

Motion was made by Vice Mayor Edwards, seconded by Councilmember Patena, to adopt **RES. 2015-69** by a roll call vote to increase the total primary tax levy as required by State Statutes on Truth in Taxation.

Upon roll call vote, the motion was carried unanimously 7 to 0.

24. **R - PUBLIC HEARING - Fiscal Year 2016 Final Budget Adoption**

Staff Report:

Katie Gregory, Deputy Finance and Budget Director, reviewed the budget adoption process and schedule. Ms. Gregory outlined the components of the Operating Budget and the Capital Budget. Ms. Gregory provided a historical review of the City's budget over the past ten years. Ms. Gregory reported that the tentative budget adopted by Council on June 2, 2015 set the maximum appropriation at \$511 million for Fiscal Year 2015.

Public Hearing:

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request to adopt **RES. 2015-70** approving the Final Annual Budget for Fiscal Year 2016.

Councilmember Leone voiced his objection to the increased water rates and widening of Northern Avenue included in the Fiscal Year 2016 Budget.

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 Hunt, seconded by Councilmember Finn, to adopt **RES. 2015-70** approving the Final Annual Budget in the amount of \$511,000,000 for Fiscal Year 2016.

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

25. **R - PUBLIC HEARING - Fiscal Year 2016 Property Tax Levy**

Staff Report:

Katie Gregory, Deputy Finance and Budget Director, presented a comparison of the City's property tax rate relative to neighboring jurisdictions.

Ms. Gregory advised the recommended property tax levy for Fiscal Year 2016 remains at \$1.44 per \$100 of assessed valuation and is based on a primary property tax rate of \$.19 and a secondary tax rate of \$1.25.

Ms. Gregory noted the proposed rate is expected to generate approximately \$16.9 million in Fiscal Year 2016.

Public Hearing:

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the City of Peoria property tax levy for Fiscal Year 2016.

There being no comments from those present to address this item, Mayor Carlat declared the Public Hearing closed.

Council Action: No Council action required.

26. **R - Resolution, Palm Canyon Planned Area Development (PAD) Amendment (Becker Boards)**

Chris Jacques, Planning and Community Development Director, provided background on a proposal to place digital billboards within the Palm Canyon Planned Area Development site, located at the Loop 101 and Bell Road in the City of Glendale, and the residential concerns regarding the proposal.

Mr. Jacques advised that the Glendale Planning Commission has unanimously recommended denial of the proposal, and final action by the Glendale City Council is scheduled for June 23, 2015.

Motion was made by Vice Mayor Edwards, seconded by Councilmember Finn, to adopt **RES. 2015-71** opposing the Becker Boards proposal seeking a PAD Amendment (zoning change) on the Palm Canyon site in Glendale to enable the erection of two digital billboards.

Upon vote, the motion carried unanimously 7 to 0.

27. **R - Partial Amendment, Lake Pleasant Heights Development Agreement**

Clerk's Note: Agenda Items 27R and 28R were presented together.

Chris Jacques, Planning and Community Development Director, provided an overview of the request to approve a Partial Amendment to the Lake Pleasant Heights Development Agreement and the Lone Mountain Waterline Joint Development Agreement to construct a 36-inch waterline across the Agua Fria River.

Bill Mattingly, Public Works Director, outlined the agreements and presented information regarding:

- Purpose of the project
- Project scope
- Public/private partnerships
- Proportional cost share estimates

Motion was made by Councilmember Binsbacher, seconded by Vice Mayor Edwards, to approve the Partial Amendment to the Lake Pleasant Heights Development Agreement, which outlines the financial participation of IOTA Purple in completing the Lone Mountain 36-inch waterline.

Upon vote, the motion carried unanimously 7 to 0.

28. **R - Joint Development Agreement, Lone Mountain Water Distribution Project**

Motion was made by Councilmember Binsbacher, seconded by Councilmember Hunt, to approve the Lone Mountain Waterline Joint Development Agreement, a public/private partnership which outlines the City's and the developer's participation in the design and construction of the Lone Mountain 36-inch waterline.

Upon vote, the motion carried unanimously 7 to 0.

Call To The Public (Non-Agenda Items)

James Deibler, an Arizona State University West student, addressed Council in support of small businesses in downtown Peoria. Mr. Deibler voiced his opinion in favor of the West Valley Resort and Casino in order to bring prosperity to the region.

Connie Hupperts addressed Council to advocate for an anti-discrimination law based on sexual orientation.

Reports from City Manager:

29. **Council Calendar**

30. **Reports**

A. Economic Development Services Department Sales, Marketing, and Business Retention and Expansion 2014-2015 Report

Scott Whyte, Economic Development Services Director, summarized the department's sales, marketing and business retention and expansion activities.

B. Annual All-American July 4th Festival

John Sefton, Community Services Director, provided information on the All-American July 4th Festival to be held at the Peoria Sports Complex on Saturday, July 4, 2015 beginning at 5:00 p.m.

C. National Park and Recreation Month

John Sefton, Community Services Director, gave a brief presentation on National Park and Recreation Month in celebration of the importance of parks and recreation in the economic and environmental well-being of communities.

Reports from City Council:

Council Youth Liaison Helt thanked the Council for the experience provided to him as a Council Youth Liaison.

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

Councilmember Hunt extended her appreciation to the residents who attended the informational sessions regarding the Community Gardens Program. Councilmember Hunt invited Acacia District residents to a community meeting to be held on June 24, 2015 at Fire Station 191, located at 8066 West Peoria Avenue.

Councilmember Finn offered his best wishes to Council Youth Liaisons Mullane and Helt. Councilmember Finn thanked the Council for approving the Intergovernmental Agreement with the Peoria Unified School District for the School Resource Officers Program.

Council Youth Liaison Mullane thanked the Council and City staff for the opportunity to serve as a Council Youth Liaison.

Councilmember Binsbacher recognized Council Youth Liaisons Mullane and Helt for representing the youth in Peoria. Councilmember Binsbacher thanked the 2015 Peoria Leadership Institute graduates for their commitment to increase their knowledge of City government.

Councilmember Patena thanked Council Youth Liaisons Mullane and Helt for their service to the Council and the City of Peoria.

Reports from the Mayor:

Mayor Carlat offered her congratulations to Council Youth Liaisons Mullane and Helt. Mayor Carlat thanked Mr. Mullane and Mr. Helt for representing the youth of the community.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:30 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 16th day of June, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26th day of August, 2015.

(Seal)

Rhonda Geriminsky, City Clerk