

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
September 20, 2011

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 Rivero led the Pledge of Allegiance.

Members Present: Mayor Bob Barrett; Vice Mayor Cathy Carlat; Councilmembers Ron Ames, Joan Evans, Carlo Leone, Dave Pearson and Tony Rivero.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Andy Granger, Engineering Director; Katie Gregory, Interim Management and Budget Director; Stacy Irvine, Interim Fire Chief; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Manager; Bill Mattingly, Public Works and Utilities Director; Brent Mattingly, Finance Director; Roy Minter, Police Chief; John Schell, Intergovernmental Affairs Director; Jeff Tyne, Interim Community Services Director; Scott Whyte, Economic Development Services Director; Claudia Luján, Assistant to the City Manager; Rhonda Geriminsky; Chief Deputy City Clerk.

Audience: Approximately 45 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: 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 Barrett asked if any Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Councilmember Leone, seconded by Councilmember Evans, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

PRESENTATION:

1. Mayor Barrett and Vice Mayor Carlat presented a Certificate of Appointment to Michael Evans who was appointed to the Library Board.

CONSENT AGENDA

CONSENT AGENDA: All items listed with "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 – New Business:

1C Minutes

Approved the minutes of:

September 6, 2011 Special and Study Session Meeting
September 6, 2011 Regular Meeting
September 9, 2011 Council Workshop Meeting
September 13, 2011 Special and Study Session Meeting

2C Contract, Greater Phoenix Economic Council, Economic Development Activities

Authorized the City Manager to renew the service contract with the Greater Phoenix Economic Council for Fiscal Year 2012.

3C Grant, Library Services and Technology Act, Main Library

- a) Accepted a Library Services and Technology Act Grant; and
- b) Approved a budget transfer from the Proposed Grant Contingency Account to the Office Equipment and Furniture Program Account in the amount of \$8,180.

4C Grant, Target, Craft Supplies, Sunrise Mountain Library

- a) Accepted a grant from Target for craft supplies to be used at Sunrise Mountain Library; and
- b) Approved a budget transfer from the Proposed Grant Contingency Account to the Recreation Supplies Account in the amount of \$2,000.

5C Agreement, Water Service Termination and Sharing of Information, Water Consumption with Arizona American Water Company

Approved an Agreement for Water Service Termination and Sharing of Information regarding Water Consumption with Arizona American Water Company.

6C Lease Agreement, Lighthouse Apostolic Ministries, City Owned Property, 83rd Avenue and Washington Avenue

Authorized the City Manager to sign a new lease agreement with Lighthouse Apostolic Ministries for city owned property on 83rd Avenue and Washington Avenue.

7C Intergovernmental Agreement, Arizona Department of Transportation, Federal Highway Administration Pilot Test Version of the Sustainable Highways Self-Evaluation Tool (INVEST)

Approved an Intergovernmental Agreement with the State of Arizona, Department of Transportation for the Federal Highway Administration INVEST Project.

8C Memorandum of Understanding, Maricopa County, United States Department of Justice Edward Byrne Memorial Justice Assistance Grant

- a) Entered into a Memorandum of Understanding with Maricopa County in order to accept a pass-through grant award from the United States Department of Justice's Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$27,193 for the purchase of tasers and holsters for use by the Police Department; and
- b) Approved a budget transfer in the amount of \$27,193 from the Proposed Grants Contingency Account to the Justice Assistance Grant Award Account for weapons and accessories.

9C Right-of-Way Acquisitions, Lake Pleasant Parkway - Westwing Parkway to Loop 303

RESOLUTION NO. 2011-91

A RESOLUTION OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DECLARING A PUBLIC NEED AND NECESSITY AND A PUBLIC USE; AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ACQUIRE ON BEHALF OF THE CITY OF PEORIA THROUGH DONATION, OUTRIGHT PURCHASE OR UNDER THE POWER OF EMINENT DOMAIN FOR PUBLIC PURPOSES OF ALL INTEREST IN CERTAIN DESCRIBED REAL PROPERTY IN THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, IN ORDER FOR THE CITY TO PROPERLY AND ADEQUATELY IMPROVE AND DEVELOP LAKE PLEASANT PARKWAY FROM WESTWING PARKWAY TO THE LOOP 303 AS A MATTER OF PUBLIC NEED AND NECESSITY; REFERENCING TITLE 12 OF STATE LAW CONCERNING THE EXERCISE OF EMINENT DOMAIN FOR PUBLIC ROADS, STREETS, AND PUBLIC SAFETY PURPOSES; STATING THE CONCLUSION OF THE PLANNING AND

COMMUNITY DEVELOPMENT DEPARTMENT THAT THE ACQUISITION IS IN CONFORMITY WITH THE ADOPTED GENERAL PLAN; AS A MATTER OF PUBLIC NEED AND NECESSITY AND DECLARING AN EMERGENCY.

Adopted **RES. 2011-91** authorizing the acquisition of property on Lake Pleasant Parkway from Westwing Parkway to Loop 303 to accommodate street widening improvements by donation, outright purchase or the exercise of the power of eminent domain and declaring an emergency.

10C Budget Amendments, Fiscal Year 2011

Approved Fiscal Year 2011 year end budget amendments.

REGULAR AGENDA

NEW BUSINESS

11R PUBLIC HEARING - Liquor License, Various Locations

Staff Report/Public Comment:

Brent Mattingly, Finance Director, reported 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 Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on requests for the following:

- a) A New Restaurant Liquor License (Series 12) for Johnny Fox's Public House, located at 16100 N. Arrowhead Fountain Center, Randy D. Nation, Applicant, LL#20002201;
- b) A New Restaurant Liquor License (Series 12) for Smashburger #07, located at 9918 W. Happy Valley Road #1030, Andrea D. Lewkowitz, Applicant, LL#20003190; and
- c) A Location and Person Transfer for an On-Sale Wine & Beer Liquor License (Series 07) located at 10299 W. Carefree Highway, Kevin Montgomery, Applicant, LL#20003389.

Having no requests from the public to address this item, Mayor Barrett declared the public hearing closed.

Council Action: Motion was made by Councilmember Leone, seconded by Councilmember Aames to recommend approval to the State Liquor Board for:

- a) A New Restaurant Liquor License (Series 12) for Johnny Fox's Public House, located at 16100 N. Arrowhead Fountain Center, Randy D. Nation, Applicant, LL#20002201;
- b) A New Restaurant Liquor License (Series 12) for Smashburger #07, located at 9918 W. Happy Valley Road #1030, Andrea D. Lewkowitz, Applicant, LL#20003190; and
- c) A Location and Person Transfer for an On-Sale Wine & Beer Liquor License (Series 07) located at 10299 W. Carefree Highway, Kevin Montgomery, Applicant, LL#20003389.

Upon vote, the motion carried unanimously 7 to 0.

12R PUBLIC HEARING - Annexation, Lake Pleasant Parkway and Mariposa Grande Drive

Staff Report/Public Comment:

Chris Jacques, Planning and Community Development Director, reported regarding the proposed annexation of approximately 1.23 acres of privately-owned property located west of the southwest corner of Lake Pleasant Parkway and Mariposa Grande Drive.

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the proposed annexation of approximately 1.23 acres of privately-owned property located west of the southwest corner of Lake Pleasant Parkway and Mariposa Grande Drive. (ANX11-0002)

Having no requests from the public to address this item, Mayor Barrett declared the public hearing closed.

COUNCIL ACTION:

No Council action taken.

13R PUBLIC HEARING - Annexation, 83rd Avenue and Banff Lane

Staff Report/Public Comment:

Chris Jacques, Planning and Community Development Director, reported regarding the proposed annexation of approximately 2.08 acres of privately-owned property located at the northeast corner of 83rd Avenue and Banff Lane.

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the proposed annexation of approximately 2.08 of privately-owned property located at the northeast corner of 83rd Avenue and Banff Lane.

Jim Salem addressed Council regarding the proposed annexation and requested that Council deny the proposed annexation.

Drew Bradley addressed Council and requested the Council deny the proposed annexation stating the Montessori school does not care about the citizens.

Lynnae Cisco addressed Council requesting the Council approve the proposed annexation. Ms. Cisco stated there are no plans to expand the Montessori school in the future.

Michael Hatch addressed Council and requested the Council deny the proposed annexation stating the property does not have a fence as promised and there are privacy and security issues.

Ellis Adrain addressed Council and requested the Council deny the proposed annexation stating he is against the request.

Discussion ensued regarding issues that need to be corrected first with Maricopa County before a determination can be made by the City on the proposed annexation.

Mayor Barrett declared the public hearing closed.

COUNCIL ACTION: No Council action required.

14R Annexation, Pinnacle Peak Road and Lake Pleasant Parkway

ORDINANCE NO. 2011-18

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF PEORIA OF MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF PEORIA, AND PROVIDING FOR SEVERABILITY.

Chris Jacques, Planning and Community Development Director, provided information regarding the proposed annexation of approximately 2.49 acres located north of the intersection of Pinnacle Peak Road and Lake Pleasant Parkway. Mr. Jacques provided information regarding the annexation process.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Aames, to adopt **ORD. 2011-18** approving the annexation of approximately 2.49 acres located north of the intersection of Pinnacle Peak Road and Lake Pleasant Parkway. (ANX10-0270)

Upon vote, the motion carried unanimously 7 to 0.

15R Rezoning, 75th Avenue and Jomax Road

ORDINANCE NO 2011-19

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING CERTAIN PROPERTY FROM GENERAL AGRICULTURAL (AG) TO PLANNED COMMUNITY DISTRICT (PCD); AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Barrett announced that Agenda Item 15R was pulled from the Agenda at staff request.

The discussion and possible action to concur with the Planning & Zoning Commission to adopt **ORD. 2011-19** rezoning approximately 1,262 gross acres of property, generally located at the northeast and southwest corners of Jomax Road and 75th Avenue (alignment), from General Agricultural (AG) to Planned Community District (PCD) was pulled from the agenda. (Z 08-02)

No Council action taken.

16R Local Historic Landmark Designation, Palo Verde Ruin Historic Landmark Designation

ORDINANCE NO 2011-20

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DESIGNATING A PORTION OF THE PALO VERDE RUIN AS A LOCAL HISTORIC LANDMARK TO BE LISTED ON THE CITY OF PEORIA REGISTER OF HISTORIC PLACES AND PROVIDING HISTORIC PRESERVATION OVERLAY ZONING FOR SAID PROPERTY; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Melissa Sigmund, Planner, provided an overview of the request to concur with the Historic Preservation Commission and the Planning and Zoning Commission to adopt **ORD. 2011-20** designating the described portion of the Palo Verde Ruin as a Peoria Local Historic Landmark having Historic Preservation Overlay Zoning and placing it on the Peoria Register of Historic Places. Ms. Sigmund provided background regarding the Local Historic Landmark Designation.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Evans, to concur with the Historic Preservation Commission and the Planning and Zoning Commission to adopt **ORD. 2011-20** designating the described portion of the Palo Verde Ruin as a Peoria Local Historic Landmark having Historic Preservation Overlay Zoning and placing it on the Peoria Register of Historic Places.

Upon vote, the motion carried unanimously 7 to 0.

17R Budget Amendment, Economic Development Job Fair

Scott Whyte, Economic Development Director, provided an overview of the request for a budget amendment for a job fair on October 12, 2011.

Motion was made by Councilmember Rivero, seconded by Councilmember Aames, to approve a budget amendment in amount of \$1,370 from the Economic Development Fund Contingency Account to the Economic Development Fund Community Promotions Account to be used for the job fair on October 12, 2011.

Upon vote, the motion carried unanimously 7 to 0.

18R Adoption, City Council Policy 1-10, Council Subcommittees

Councilmember Evans stated the process used to adopt the proposed Council Subcommittee policy was disappointing and she had hoped there would be more give and take in the process.

Richard Feyrer addressed the Council stating the Council Subcommittee meetings should not take place unless there is a quorum and requested the Council take into consideration that some citizens work and cannot attend meetings during work hours.

Vice Mayor Carlat stated Subcommittees are a good forum for vetting issues and citizens should be incorporated into the vetting process.

Discussion ensued regarding the proposed policy regarding Council Subcommittees.

Councilmember Leone reminded that the proposed policy will be readdressed in one year.

Motion was made by Councilmember Pearson, seconded by Councilmember Aames, to adopt the City Council Policy pertaining to Council Subcommittees.

Upon vote, the motion carried 4 to 3, with Mayor Barrett, Vice Mayor Carlat and Councilmember Evans voting "no".

19R Amendment, City Council Policy 1-8, Evaluation Format, Charter Officers

Steve Kemp, City Attorney, outlined the proposed revisions to the Council Policy 1-8.

Motion was made by Councilmember Evans, seconded by Councilmember Rivero, to amend Council Policy 1-8 pertaining to the Evaluation Format for Charter Officers.

Upon vote, the motion carried unanimously 7 to 0.

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 the City Manager:

1. Council Calendar
2. Reports with Presentation
 - a. City of Peoria Partner Agency Assistance Policy

Carl Swenson, City Manager, stated the presentation regarding the City of Peoria Partner Agency Assistance Policy will be deferred to a Council Subcommittee.

- b. Legislative Update

John Schell, Intergovernmental Affairs Director, provided an update on the legislative session. Mr. Schell provided information regarding:

- Development Impact Fees
- Regulator reform
- Municipal taxes; auditors and collectors
- Managed competition
- Firearms
- Urban Revenue Sharing
- Grant Certificate of Necessity
- Revenue Allocation Authority

3. Informational (The following items are included for informational purposes only. There will be no separate discussion of these items unless a Councilmember so requests.)

Carl Swenson, City Manager, informed Council that their Agenda packet contains information related to the following item:

- a. Energy Efficiency and Conservation Block Grant Program

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended and encouraged residents to go to the Peoria Community Center. Councilmember Leone encouraged residents to attend the Organic Market at Park West on the third Saturday of each month.

Councilmember Rivero reported on an event he attended at Barney Park hosted by the Boys and Girls Club and thanked everyone who attended the event.

Councilmember Pearson congratulated Chief Minter for his North Peoria “Coffee with the Chief” on Saturday, which was a forum for information exchange between the residents and the Police Chief. Councilmember Pearson thanked City staff for their participation in drafting the new Council Subcommittee policy and stated that he looks forward to the new Council Subcommittees.

Councilmember Evans reported on the various City of Peoria activities she attended and reminded that Centennial Plaza is finishing up and will be dedicated on February 4th, 2012.

Vice Mayor Carlat encouraged citizens to get involved in the preservation and management of the ruins area at the Palo Verde Park.

Reports from the Mayor:

Mayor Barrett reported that he attended the Air Force ball on Saturday and discussed the acquisition of the F-35 with Luke Air Force Base Commander, General Harris –. Mayor Barrett explained the next steps in the process to acquiring the F-35 at Luke Air Force Base and encouraged residents to attend the upcoming public meeting and show their support for Luke Air Force Base.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:21 p.m.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Regular Meeting of the City Council of Peoria, Arizona held on the 20th day of September, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of October, 2011.

(Seal)

Wanda Nelson, City Clerk