

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
November 15, 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, Vice Mayor Carlat led the Pledge of Allegiance.

Members Present: Mayor Bob Barrett; Vice Mayor Cathy Carlat; Councilmembers Ron Aames, 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; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Katie Gregory, Interim Management and Budget Director; Stacey 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; Jeff Tyne, Interim Community Services Director; Scott Whyte, Economic Development Services Director; Rhonda Geriminsky; Chief Deputy City Clerk.

Audience: Approximately 15 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:

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.

CONSENT – New Business:

1C Disposition of Absence

Approved the absence of Vice Mayor Cathy Carlat from the City Council Workshop Meeting held at 8:00 a.m. on October 28, 2011.

2C Minutes

Approved the following minutes:

Special Meeting - May 25, 2010
Special Meeting and Study Session - October 18, 2011
Regular Meeting - October 18, 2011
Council Workshop - October 28, 2011
Special Meeting and Study Session - November 1, 2011
Regular Meeting - November 1, 2011

3C Grant, State of Arizona, Department of Homeland Security, Various Police and Fire Department Programs

- a) Authorized the Peoria Police and Fire Departments to accept three grants totaling \$158,000 from the Arizona Department of Homeland Security to be used to strengthen chemical, biological, radiological, nuclear or explosive (CBRNE) weapon detection, response and decontamination capabilities; and sustain and enhance the Terrorism Liaison Officer (TLO) program; and
- b) Approved a budget transfer in the amount of \$158,000 from the Proposed Grant Contingency account to the Homeland Security Grant Fund.

4C Grant Acceptance, United States Department of the Interior Bureau of Reclamation Assistance Agreement, Water Conservation Field Services Grant Program

- a) Approved the acceptance of a grant in the amount of \$30,000 from the United States Department of the Interior Bureau of Reclamation Assistance Agreement under the Water Conservation Field Services Grant Program - Phoenix Area Office: System Optimization Review Grant Program for Fiscal Year 2011; and
- b) Authorized a budget transfer in the amount of \$30,000 from the Proposed Grant Contingency Account to the Federal Department of Interior Bureau of Reclamation Butler Water Reclamation Facility Fund, Other Professional Services Account.

5C Programmatic Agreement, Neighborhood Stabilization Program, State Historical Preservation Office, Property Acquired

Approved the Neighborhood Stabilization Program Programmatic Agreement between the City of Peoria and the State Historical Preservation Office for properties acquired and rehabilitated in the Neighborhood Stabilization Program target area.

6C Deeds and Easements, Various Locations

RESOLUTION NO. 2011-112

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION FORMALLY ACCEPTING DEEDS AND EASEMENTS FOR PROPERTY RIGHTS CONVEYED TO THE CITY OF PEORIA.

Adopted **RES. 2011-112** accepting Deeds and Easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

7C Designate Roadways, Establish Rights-of-Way, Various Locations

RESOLUTION NO. 2011-113

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF PUBLIC STREETS, TO BE OPENED AND MAINTAINED BY THE CITY.

Adopted **RES. 2011-113** designating various real properties to be used as City roadways and authorized the establishment of public rights-of-way to be opened and maintained by the City as a public street.

8C Lock Box Program, Purchase 600 Lock Boxes, Emergency Access

- a) Approved the purchase of 600 lock boxes to allow police and fire departments access to homes in emergency situations; and
- b) Approved a budget amendment in the amount of \$23,400 from the General Fund Contingency Account to the Fire Prevention Operation Supplies Account.

9C Fiscal Year 2012 Carryovers and First Quarter Budget Amendments

Approved the Fiscal Year 2012 Carryovers and First Quarter Budget Amendments.

10C Investment Report, Quarter Ended September 30, 2011

Accepted the Investment Report for the Quarter Ended September 30, 2011

REGULAR AGENDA

NEW BUSINESS

11R Public Hearing-Liquor License, Quiktrip #472, Lake Pleasant Parkway and 83rd Avenue

Staff Report/Public Comment:

Brent Mattingly, Finance Director, reported 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 Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on requests for a New Wine and Beer Liquor License (Series 10) located at the Southeast corner of Lake Pleasant Parkway and 83rd Avenue, Troy C. Devos, Applicant, LL#20003856.

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 Evans to recommend approval to the State Liquor Board for a New Wine and Beer Liquor License (Series 10) located at the Southeast corner of Lake Pleasant Parkway and 83rd Avenue, Troy C. Devos, Applicant, LL#20003856.

Upon vote, the motion carried unanimously 7 to 0.

12R PUBLIC HEARING - Off-Track Wagering License Renewals, Turf Paradise, Various Locations

Staff Report:

Brent Mattingly, Finance Director, reported that all fees were paid and all reviewing Departments recommended approval.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on Off-Track Wagering License Renewals for Gallagher's of Peoria, 6750 West Peoria Avenue and Ramada Inn, 8955 Northwest Grand Avenue.

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

Council Action:

Motion was made by Councilmember Aames, seconded by Councilmember Leone to recommend approval to the Arizona Racing Commission for Off-Track Wagering License Renewals for Gallagher's of Peoria, 6750 West Peoria Avenue and Ramada Inn, 8955 Northwest Grand Avenue.

Upon vote, the motion carried unanimously 7 to 0.

13R PUBLIC HEARING - Code Amendment, Chapter 12, Tax Code Updates

ORDINANCE NO. 2011-24

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA RELATING TO THE PRIVILEGE LICENSE TAX, ADOPTING THE 2011 AMENDMENTS TO THE TAX CODE OF THE CITY OF PEORIA AMENDING CHAPTER 12 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 12-100 PERTAINING TO GENERAL DEFINITIONS; AMENDING SECTION 12-415 PERTAINING TO CONSTRUCTION CONTRACTING: PRIME CONTRACTORS; AMENDING SECTION 12-416 PERTAINING TO CONSTRUCTION CONTRACTING: SPECULATIVE BUILDERS; AMENDING SECTION 12-417 PERTAINING TO CONSTRUCTION CONTRACTING: OWNER-BUILDERS WHO ARE NOT SPECULATIVE BUILDERS; AMENDING SECTION 12-445 PERTAINING TO RENTAL, LEASING AND LICENSING FOR USE OF REAL PROPERTY; AMENDING SECTION 12-595 PERTAINING TO COLLECTION OF TAXES WHEN THERE IS SUCCESSION IN AND/OR CESSATION OF BUSINESS; AMENDING SECTION 12-660 PERTAINING TO USE TAX: EXEMPTIONS AND PROVIDING PENALTIES FOR VIOLATIONS AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report:

Tom Johnson, Sales Tax Supervisor, provided an overview of the proposed code amendments pertaining to Chapter 12 regarding tax code updates as approved by the Municipal Tax Code Commission.

Discussion ensued regarding fiscal impact.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on amendments to Chapter 12 of the Peoria City Code (1992 Edition) amending various sections of the tax code for items approved by the Municipal Tax Code Commission.

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

Council Action:

Motion was made by Vice Mayor Carlat, seconded by Councilmember Aames to adopt **ORD. 2011-24** amending Chapter 12 of the Peoria City Code (1992 Edition) amending various sections of the tax code for items approved by the Municipal Tax Code Commission.

Upon vote, the motion carried unanimously 7 to 0.

14R Intergovernmental Agreement, Maricopa County, Economic Development, Lake Pleasant Regional Park

Scott Whyte, Economic Development Services Director, presented regarding the proposed intergovernmental agreement with Maricopa County authorizing joint economic development efforts at the Lake Pleasant Regional Park to allow the City to work cooperatively and collaboratively on economic development projects inside Lake Pleasant Regional Park.

Discussion ensued regarding marketing strategies for potential developers.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Evans, to authorize the City Manager to sign an intergovernmental agreement authorizing joint economic development efforts at the Lake Pleasant Regional Park to allow the City to work cooperatively and collaboratively on economic development projects inside Lake Pleasant Regional Park.

Upon vote, the motion carried unanimously 7 to 0.

15R Lease Agreement, Plaza del Rio Properties, LLC, Peoria Incucelerator, 13660 North 94th Drive

Clerk's Note: The staff report for Agenda Item 15R was presented in conjunction with Agenda Item 16R.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Leone, to authorize the City Manager to execute a lease agreement with Plaza del Rio Properties, LLC to allow tenant improvements on the leased facility for Peoria Incucelerator and enable a projected opening date of February 1, 2012.

Upon vote, the motion carried unanimously 7 to 0.

16R Operating Agreement, BioAccel, Peoria Incucelerator, Recruitment Efforts

Scott Whyte, Economic Development Services Director, outlined the proposed operating agreement with BioAccel, which will allow BioAccel to actively recruit Incucelerator candidates and manage and operate the Peoria facility according to the business plan.

Discussion ensued regarding:

- The proposed Management and Oversight Board
- Termination agreements
- Marketing strategies/Partnerships
- Project Budget
- Other Biomedical Device Incubators within Arizona
- Job creation within the City of Peoria
- Signature developments – a change in pursuing economic development within the City

Motion was made by Councilmember Aames, seconded by Councilmember Evans, to authorize the City Manager to sign an operating agreement which will allow BioAccel to actively recruit Incucelerator candidates and manage and operate the Peoria facility according to the business plan.

Upon vote, the motion carried unanimously 7 to 0.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation
 - a. United Way Campaign Update

Bill Mattingly, Public Works and Utilities Director, presented on the recent United Way Campaign.

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 packets contain information related to the following items:

- a. Regional Job Fair, October 12, 2011
- b. 4 Day - 10 Hour Workweek Schedule Update

Bill Mattingly, Public Works and Utilities Director, provided an overview of the 4 Day – 10 Hour workweek schedule.

Mr. Swenson informed Council regarding a door hanger that will be distributed by the Solid Waste Department regarding trash collection schedules.

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone encouraged residents to attend the Organic Market on Saturday, November 19th at Park West.

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

Councilmember Rivero encouraged attendance at the neighborhood meeting to be held at 6:30 p.m. on November 16th at Cotton Boll Elementary in the Library. Councilmember Rivero reported that the City will be hosting its second annual PACE Conference at the Arizona Broadway Theatre on November 17th and encouraged residents to attend. Councilmember Rivero encouraged residents to attend the 25th Annual Old Town Holiday Festival on Friday, December 2nd, 2011.

Councilmember Pearson reminded residents that the City of Peoria will be holding a public meeting on November 16th at Rio Vista regarding P83 and the impact of digital billboards.

Councilmember Evans reported that the Council approved the Lock Box Program for residents who live at home alone. The Lock Box Program gives residents the opportunity to purchase a lock box that can be placed outside of their home for fire and police crews to use in the event of an emergency to access the home without damaging the door or window. Councilmember Evans reminded that groups and organizations are encouraged to present items to be placed in the Centennial Time Capsule.

Vice Mayor Carlat expressed gratitude to the Economic Development Services Department for their work related to the recent Job Fair, and the work with Maxwell Technology, BioAccel and the Medical Device industry.

Reports from the Mayor:

Mayor Barrett welcomed BioAccel to the City of Peoria and expressed his desire to work with them.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:01 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 15th day of November, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of December, 2011.

(Seal)

Wanda Nelson, City Clerk