

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
PINE ROOM
September 7, 2010

A **Special Meeting and Study Session** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 4:02 p.m.

Following a moment of silence, Councilmember Leone led the Pledge of Allegiance.

Members Present: Vice Mayor Ron Aames; Councilmembers Cathy Carlat, Joan Evans, Vicki Hunt, Carlo Leone and Dave Pearson.

Members Absent: Mayor Bob Barrett

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Simmons, Acting City Clerk; Andy Granger, Bill Mattingly, Brent Mattingly, Glen Van Nimwegen, J.P. de la Montaigne, Larry Ratcliff, Jeff Tyne and Claudia Luján.

Audience: Approximately 5 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.

Vice Mayor Aames asked if any Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Councilmember Evans, seconded by Councilmember Hunt, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 6 to 0.

1C Code Amendment, Chapter 12, Model City Tax Code Regulations

ORDINANCE NO. 2010-25

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REENACTING THE PRIVILEGE AND EXCISE TAX REGULATIONS 12-100.1. THROUGH 12-571.1. OF THE CITY TAX CODE OF THE CITY OF PEORIA WHICH WERE INADVERTENTLY LEFT OUT WHEN RENUMBERED IN 2003 AND AS SET FORTH IN THE ATTACHMENT.

Adopted **ORD. 2010-25** amending Chapter 12 of the Peoria City Code (1992 Edition) reenacting the Regulations - Privilege and Excise Taxes (Model City Tax Code) which were inadvertently omitted when the City Code was renumbered in 2003.

2C Grant, Target, Sunrise Mountain Library Children's Programming

- (a) Accepted a grant in the amount of \$2,000 from Target to assist with children's programming at Sunrise Mountain Library for the purchase of craft supplies, educational and learning resources and storytelling paraphernalia (LCON08910); and
- (b) Approved a budget transfer in the amount of \$2,000 from the Proposed Grants Fund Contingency Account to the Citizen Donations Recreational Supplies Account.

3C Grant, State Grants-in-Aid, Peoria Public Library System

- (a) Accepted a grant in the amount of \$7,606 from the State Grants-In-Aid, administered by the Arizona State Library, Archives and Public Records to provide funding to the Peoria Public Library for an Arizona Centennial project and for the purchase of youth materials in English and Spanish, learning tools, and craft supplies to promote Arizona history; and
- (b) Approved a budget transfer in the amount of \$7,606 from the Proposed Grants Fund Contingency Account to the Operational Supplies/Equipment Account in the amount of \$5,000; the Books, Periodicals and Subscriptions Account in the amount of \$1,600; and the Recreational Supplies Account in the amount of \$1,006. (LCON09010)

4C Authorize Expenditure, Shade' n Net, Playground Shade Systems

Authorized an expenditure in an amount not to exceed \$98,000 to Shade' n Net for playground shade systems at Roundtree Ranch Park, Ira Murphy Park, Sunrise Park, and Arrowhead Shores Park utilizing an existing Mohave Educational Services Job Order Contract.

5C Authorize Expenditure, Citywide Telecommunications Systems Upgrade Project

Authorized expenditures in the amount of \$250,000 for the Citywide Voice over Internet Protocol (VoIP) Telecommunications Systems upgrade project utilizing an existing City of Tempe purchasing contract with NEC for required hardware, software, and installation services.

6C Authorize Expenditure, Public Safety Administration Building Network Infrastructure Replacement

Authorized expenditures in the amount of \$245,000 for the Public Safety Administration Building (PSAB) network infrastructure replacement project utilizing an existing City of Tempe purchasing contract with NEC for required hardware, software, and implementation costs.

7C Fiscal Year 2010 Year-End Budget Amendments

Approved the Fiscal Year 2010 year-end budget amendments.

8C Maintenance Improvement District No. 1103, Vistancia Parcel C23, 128th Drive and Claret Cup Road

RESOLUTION NO. 09-21A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1103, VISTANCIA PARCEL C23, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 09-22A

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1103, VISTANCIA PARCEL C23; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

- (a) Re-approved Maintenance Improvement District No. 1103, Vistancia Parcel C23, located on 128th Drive and Claret Cup Road;
- (b) Adopted **RES.09-21A** intention to create the proposed Maintenance Improvement District; and
- (c) Adopted **RES.09-22A** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

9C Deeds and Easements, Various Locations

RESOLUTION NO. 2010-72

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. 2010-72** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder.

10C Designated Roadways, Establish Rights-of-Way, Various Locations

RESOLUTION NO. 2010-73

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. 2010-73** 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.

11C Street Repayment Zone, 95th Avenue, Speckled Gecko Drive to Pinnacle Peak Road

- (a) Approved the 95th Avenue, Speckled Gecko Drive to Pinnacle Peak Road Street Repayment Zone RZST-1001; and
- (b) Authorized staff to collect the designated assessments as parcels adjacent to Tracts P and S are developed. (Project No. EN00318)

12C Final Plat, TWD, 92nd Drive and Grand Avenue

Approved the Final Plat of TWD, located on Grand Avenue east of 92nd Drive, subject to stipulations.

13C Final Plat, Sunset Ranch IIB, Williams Road and Lake Pleasant Parkway

Approved the Final Plat of Sunset Ranch IIB, located on Williams Road east of Lake Pleasant Parkway, subject to stipulations.

14C Canvass of August 24, 2010 Primary Election

RESOLUTION NO 2010-74

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE REGULAR PRIMARY ELECTION HELD ON AUGUST 24, 2010; AND ORDERING THE RECORDING OF SUCH RESOLUTION AND CERTIFICATE.

ORDINANCE NO. 2010- 26

AN ORDINANCE GRANTING TO ARIZONA-AMERICAN WATER COMPANY, AN ARIZONA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE UPON, OVER, ALONG, ACROSS AND UNDER THE STREETS, AVENUES, ALLEYS, HIGHWAYS, BRIDGES AND OTHER PUBLIC PLACES IN THE CITY OF PEORIA, ARIZONA, AND FUTURE ADDITIONS THERETO, WATER DISTRIBUTION AND TRANSMISSION SYSTEMS AND WASTEWATER COLLECTION AND TREATMENT SYSTEMS AND LINES, TOGETHER WITH ALL NECESSARY OR DESIRABLE APPURTENANCES, FOR THE PURPOSE OF SUPPLYING DOMESTIC WATER TO AND DISPOSING OF WASTEWATER FROM DESIGNATED PORTIONS OF SAID CITY, ITS SUCCESSORS, THE INHABITANTS THEREOF, AND PERSONS AND CORPORATIONS WITHIN THE LIMITS THEREOF, FOR ALL PURPOSES, PRESCRIBING CERTAIN RIGHTS, DUTIES, TERMS AND CONDITIONS IN RESPECT THERETO; REPEALING CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

- (a) Adopted **RES. 2010-74** accepting and approving the official canvass of election for the August 24, 2010 City of Peoria Primary Election; and
- (b) Adopted **ORD. 2010-26** granting a franchise for a period of fifteen (15) years to the Arizona-American Water Company as approved by the qualified electors of the City of Peoria, Arizona.

Certificates of Election were presented to Vice Mayor Ron Aames and Councilmember Carlo Leone.

15C Authorization to Hold an Executive Session

Authorized the holding of an Executive Session for the purpose of:

- (a) Discussion with Legal Counsel for legal advice on eligibility for participation in the Arizona State Retirement System and the Public Safety Personnel Retirement System. (Pursuant to A.R.S. § 38-431.03.A.3);
- (b) Discussion and consultation with designated representatives of the public body pertaining to contract negotiations with the City of Peoria Police Supervisors Association (COPPS). (Pursuant to A.R.S. § 38-431.03.A.5); and
- (c) Discussion with Legal Counsel for legal advice regarding negotiations with Salty Senorita for the lease of real property.(Pursuant to A.R.S. § 38-431.03.A.7)

Note: Executive Session was held after the adjournment of the 4:00 p.m. City Council Special Meeting and Study Session.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

ADJOURNMENT:

Being no further business to come before Council on the Consent Agenda, Vice Mayor Aames adjourned the Special Meeting at 4:05 p.m.

Vice Mayor Aames convened the **Study Session Meeting** of the City Council of the City of Peoria, Arizona at 8401 West Monroe Street in open and public session at 4:05 p.m.

Members Present: Vice Mayor Ron Aames; Councilmembers Cathy Carlat, Joan Evans, Vicki Hunt, Carlo Leone and Dave Pearson.

Members Absent: Mayor Bob Barrett

STUDY SESSION AGENDA

Subjects for Discussion Only:

1. Sustainability Update

Glen Van Nimwegen, Planning and Community Development Director, outlined sustainability and what it means to Peoria. Mr. Van Nimwegen related sustainability to the City Council Policy Goals which includes:

- Community building by revitalizing our older neighborhoods;
- Enhancing our current services and streamlining processes;
- Preserving our natural environment;
- Total planning throughout all departments;
- Economic development by means of trying to create jobs and transportation systems; and
- Leadership and Image as a result of locating new technology.

Mr. Van Nimwegen outlined the four main Sustainability Action Plan Steps as planning for sustainability, implementation/accomplishment, measuring results and communicating the progress.

Mr. Van Nimwegen explained that the sustainability action plan priorities are sustainable planning, sustainable practices, green building construction, education and outreach.

Mr. Van Nimwegen informed Council that the City of Peoria has received \$1,308,500 in grant funds from the Energy Efficiency and Conservation Block Grant Program.

Bill Mattingly, Public Works Director, outlined sustainability accomplishments as they relate to energy and water. Discussion ensued regarding the specific actions taken to reduce energy costs. Mr. Mattingly explained the rebates received by the City of Peoria due to their energy reduction efforts. Mr. Mattingly identified projects undertaken by the City of Peoria to reduce energy which includes motor fuel reduction, using solar energy, pilot wind turbine and plastic bag recycling.

Mr. Mattingly discussed sustainability as it relates to water conservation measures and the rebate programs offered by the City of Peoria.

Mr. Mattingly described energy efficiency projects which included LED lighting conversions and desktop power management software and informed Council of desert restoration efforts in the Trilogy development.

Mr. Mattingly stated performance measures have been developed to track sustainability. Some performance measures include:

- Building and facilities energy use;
- Fleet energy use;
- Street light and traffic signal energy use;
- Water production volume;
- Wastewater treatment volume; and
- Solid Waste collection and recycling

Mr. Van Nimwegen outlined projects the City of Peoria has completed to show leadership in sustainability and informed Council of the various awards the City of Peoria has received for its sustainability efforts.

Mr. Mattingly explained the next steps in the City of Peoria's sustainability efforts. Upcoming projects include:

- Reclaimed water use at Community Park number 2 and Centennial Plaza;
- Commercial recycling;
- Multi-Modal transportation plan;
- Explore sustainable CIP criteria;
- Continued partnerships;
 - Sustainable Cities Network meeting in Peoria – October 20, 2010
- Training of staff in energy efficiency standards;
- Explore “green roads” standard; and
- Electric vehicle charging stations
 - Partnership with ECOtality/US Department of Energy

Discussion ensued regarding electric car charging stations.

2. Presentation on Effects of House Bill 2450

Vicki Rios, Revenue Manager, provided an overview of water bills relative to rental property.

Ms. Rios outlined water bill collection practices prior to the adoption of HB 2450 as:

- City Code requires a \$200 deposit on residential rentals;
- Deposit is applied to tenant's final bill;
- Any remaining balance is refunded to tenant;
- Any remaining amount due had to be paid before service is connected for landlord's next tenant;
- Landlord could sign a deposit waiver; and
- Deposits not required for property owners

Ms. Rios explained foreclosures and landlords as reasons why adopting HB 2450 was necessary.

Ms. Rios outlined the new water bill collection practices after HB 2450 as:

- Still requiring a \$200 deposit from tenant;
- Deposit is applied to tenant's final bill;
- Any remaining balance is refunded to tenant;
- Any remaining amount due is referred to collections in the tenant's name; and
- No landlord deposit waivers

Discussion ensued regarding collection agency usages, collection techniques and payment arrangement plans.

Ms. Rios outlined the three new collection options as:

- Contract with owner;
 - Ties the service to the property and its owner
 - Mitigates losses
 - Loss of information regarding rental properties for sales tax
 - Likelihood for City to be caught in the middle of landlord/tenant disputes
- Contract with tenant and owner;
 - Tenant would contract for service
 - Landlord would sign a separate contract to guarantee payment
 - No service without a landlord contract
 - Notification provided to landlord when tenant is past due
 - Increase tenant deposit to protect landlord

- Benefits
 - Additional revenue recovery \$5,000
 - Continue to gather lease information for sales tax compliance
 - Allow deposit waivers by landlord
- Potential issues
 - Landlords may not want to contract
 - Landlords do not want to pay
 - Administratively burdensome
- Contract with tenant
 - All balances due collected from tenant
 - Potential annual losses about \$5,000
 - Increase tenant deposit to mitigate losses
 - Allow landlord waivers with guarantee of payment
 - Easy to administer
 - Stays with the intent of HB2450

Ms. Rios recommended that the City contract with only the tenant and explained this will require changes to the code.

Ms. Rios discussed options for collection in private water service areas.

Vice Mayor Aames declared a short recess at 5:35p.m. and resumed the meeting at 5:42p.m.

3. Home Detention

Steve Kemp, City Attorney, stated Home Detention is an alternative to incarceration. Mr. Kemp explained home detention would be appropriate for misdemeanors, which are non-violent, non-serious, non-repetitive offenses. Home detention will alleviate on-going case management.

Mr. Kemp outlined factors for recommending home detention as an alternative to jail. Some factors include:

- County jail “turn-a ways” because court orders may not satisfy detention officer at any particular time. Unclear standards as to form and style that court cannot control;
- Health Clearance Forms vary depending on type or stay and are confusing to defendants;
- Medical rejects due to high pulse rate, medications, doctor’s clearance cannot be known in advance and add costs to redo. Home Detention has not medical rejects;
- Normally involves short detention periods, one or two days perhaps up to ten days

- Entire system is based on self surrender so public safety is inherently open ended. Defendant will usually choose a future date to appear at jail and control when jail sentence will commence;
- Even when in jail defendants are allowed 12 hours a day to leave facility for work or school, undermining incarceration as protection to community;
- Increasing jail per diem cost \$192 first day, \$72 each day there after, HD is \$50 set up, \$20 per day. Defendants pay HD costs up front;
- Peoria must pay county jail net 30 but some defendants put on multi year pay plans to recoup outlay.

Mr. Kemp explained that annual booking and housing fees for incarcerations are approximately \$700,000 for fiscal year 2010.

Mr. Kemp outlined some benefits of home detention which includes:

- Allowing more control for the prosecutor and court;
- Glendale has realized a \$732,000 reduction in jail costs;
- Goodyear has realized a \$1000,000 reduction in jail costs;
- Protects citizens and victims.

Discussion ensued regarding home detention and the perception that home detention is letting criminals go free without consequences.

Discussion ensued regarding the cost of home detention versus incarceration. Council requested additional information related to cost of home detention, potential savings and statistics related to "turn-a ways" from Maricopa County jail and case studies from other cities regarding monitoring companies and the success of the program.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 6:36p.m.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, Acting City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Special Meeting and Study Session of the City Council of Peoria, Arizona held on the 7th day of September, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of December, 2010.

(Seal)

Rhonda Geriminsky, Acting City Clerk