

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
December 6, 2016

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 Bridget Binsbacher; Councilmembers Jon Edwards, Vicki Hunt, Carlo Leone and Bill Patena.

Other Municipal Officials Present: Carl Swenson, City Manager; Julie Arendall, Deputy City Manager, Susan Daluddung, Deputy City Manager; Steve Burg, Acting City Attorney; Rhonda Geriminsky, City Clerk; Chris Jacques, Planning and Community Development Director; and Laura Krause, Human Resources 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 Binsbacher, to approve the consent agenda. Upon vote, the motion passed unanimously 6 to 0.

1 C. Authorization to Hold an Executive Session

Authorized the holding of an Executive Session for the purpose of discussions or consultations with designated representatives of the public body and/or legal counsel in order to consider its position and instruct its representatives regarding:

(a) The possible appointment of the City Attorney pursuant to A.R.S. § 38-431.03.1.

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 discussions and consultations with designated representatives of the public body and/or legal counsel in order to consider its position and instruct its representatives regarding:
 - (a) The possible appointment of the City Attorney pursuant to A.R.S. § 38-431.03.1.

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 5:47 p.m.

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

Members Absent: None.

Other Municipal Officials Present: Carl Swenson, City Manager; Julie Arendall, Deputy City Manager, Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Burg, Acting City Attorney; Rhonda Geriminsky, City Clerk; Chris Jacques, Planning and Community Development Director; Stuart Kent, Public Works/Utilities Director; John Sefton, Community Services Director; Jennifer Stein, Office of Communications Director; and Linda Blas, Deputy City Clerk.

Audience: Approximately five members of the public were present.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

3. Sign Code Modernization Project

Carl Swenson, City Manager, outlined the Study Session on modifying the City's sign code.

Chris Jacques, Planning and Community Development Director, introduced Melissa Sigmund, Principal Planner, and provided background regarding the purpose for the Sign Code Modernization Project.

Ms. Sigmund presented regarding:

- Implications of Reed v. Town of Gilbert
- Project overview

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- Background of the sign code
 - Signs have to be content-neutral
- Proposed sign code framework

Discussion ensued regarding illuminated signs and where they can be placed.

Ms. Sigmund continued regarding:

- Approach to modernizing the sign code
- Notable changes to the proposed sign code
 - Perpendicular signs
 - Creative installation methods
 - Allowance for up to 33 percent more building signage
 - Free-standing monument signs
- Stakeholder feedback/civic engagement

Discussion ensued regarding:

- Number of signs permitted in an area and the potential for visual cluttering
- Color consistency on signs
- Height restrictions on free-standing monument signs
- How stakeholders were invited to the stakeholder meetings
- Old Town Think Tank representation
- Mandatory changes due to Reed v. Town of Gilbert
- Content neutrality

Ms. Sigmund concluded with overall objectives to sign code modifications and further actions.

Discussion ensued regarding:

- Temporary sandwich board signs
- Advertising flags
- Enforcement on advertising flags
- Restrictions on temporary signs
- Impact on small businesses using small sidewalk signs
- Engagement with the real estate community
- Yard sale signs/resident right-of-way signs
- Civic engagement, sign code enforcement and education of the sign code
- Completion deadline

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 6:35 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 Bridget Binsbacher; Councilmembers Jon Edwards, Michael Finn, Vicki Hunt, Carlo Leone and Bill Patena.

Council Youth Liaisons: Kaitlyn Edwards and Sam Owen.

Members Absent: None.

Other Municipal Officials Present: Carl Swenson, City Manager; Julie Arendall, Deputy City Manager, Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Burg, Acting City Attorney; Rhonda Geriminsky, City Clerk; Thomas Adkins, Intergovernmental Affairs Director; Andy Granger, Development and Engineering Director; Katie Gregory, Management and Budget Director; John Imig, Information Technology Director; Chris Jacques, Planning and Community Development Director; Stuart Kent, Public Works/Utilities Director; Laura Krause, Human Resources Director; Roy Minter, Police Chief; Bobby Ruiz, Fire Chief; John Sefton, Community Services Director; Jennifer Stein, Office of Communications Director; and Linda Blas, Deputy City Clerk.

Audience: Approximately 100 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. 16th Annual Celebrate the Constitution Contest

Mayor Carlat, Council Youth Liaison Edwards and Council Youth Liaison Owen presented certificates to the Constitution Contest winners from local schools.

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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 Vice Mayor Binsbacher, seconded by Councilmember Edwards, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

5C. **Minutes**

Approved the November 1, 2016 Meeting minutes.

6C. **Board and Commission Appointments**

Approved the recommendations from the Council Boards and Commissions Subcommittee pertaining to the following appointments:

- (a) Adopted **RES. 2016-130** appointing Clayton Allsop as an alternate member of the Planning and Zoning Commission to a partial term to expire in December 2019; and
- (b) Adopted **RES. 2016-131** appointing Cailet Popelier and Tristan Marsitto as regular members of the Youth Advisory Board to partial terms to expire in June 2018 and Timothy Fritz as an alternate member of the Youth Advisory Board to a partial term to expire June 2017.

7C. **Intergovernmental Agreement, City of Phoenix, Tax Analysis and Reporting Functions**

Approved an Intergovernmental Agreement with the City of Phoenix for certain tax analysis and reporting functions.

8C. **Professional Services Contract, Matrix Design Group Inc., General Plan Update**

Authorized the City Manager to execute a professional service agreement with Matrix Design Group, Inc., in the amount not to exceed \$350,000 for consulting services for the General Plan Update.

9C. **Contract, MGC Contractors, Inc., Ventana Well Booster Rehabilitation**

Approved the contract with MGC Contractors, Inc., for a guaranteed maximum price of \$2,533,758 to construct the Ventana Well Booster Rehabilitation project.

10C. **Deeds and Easements, Various Locations**

Adopted **RES. 2016-134** accepting Deeds and Easements for various Real Property interests acquired by the City.

11C. **Final Plat, Peoria Mini Storage, 95th Avenue and 96th Avenue**

Approved the Final Plat for Peoria Mini Storage, located at 95th Avenue and 96th Avenue, subject to stipulations.

12C. **Replat, The Meadows – Parcel 12B, Lots 1 & 2, Williams Road and Lake Pleasant Parkway**

Approved the Replat of The Meadows – Parcel 12B, Lots 1 & 2, located at Williams Road and Lake Pleasant Parkway, subject to stipulations.

REGULAR AGENDA

New Business:

13R. **Appointment of City Attorney**

Mayor Carlat presented Stephen Burg as the selection for appointment as City Attorney. Mayor Carlat provided background on Mr. Burg's professional experience and qualifications.

Motion was made by Councilmember Hunt, seconded by Vice Mayor Binsbacher, to:

- (a) Adopt **RES. 2016-135** appointing Stephen Burg, as the City Attorney of the City of Peoria, Arizona, effective December 7, 2016; and
- (b) Approve the Terms and Conditions of Employment Agreement with Stephen Burg.

Upon vote, the motion carried unanimously 7 to 0.

Municipal Judge George Anagnost officiated the ceremonial swearing in and seating of Stephen Burg as the City of Peoria City Attorney.

Clerk's Note: Agenda Items 14R and 15R were presented together.

14R. **PUBLIC HEARING - Rezoning, Lake Pleasant Heights Major Planned Community District Amendment**

Staff Report:

Chris Jacques, Planning and Community Development Director, provided an overview of a request for a major amendment to the Lake Pleasant Heights Planned Community District (PCD) and modification of the land use plan to be consistent with the adopted Lake Pleasant Heights Specific Area Plan.

Information included:

- Area context
- History of Lake Pleasant Heights
- Lake Pleasant Heights Specific Area Plan and proposed PCD
- Proposed PCD Land Use Map

- Land use alterations
- Community amenities
- Public outreach
- Key findings
- Background and purpose of the Amended and Restated Development Agreement
- Recreation and Amenities Master Plan
- Open space, parks and trails
- Transportation infrastructure
- Water/wastewater infrastructure
- Public safety
- Development impact fees

Discussion ensued regarding:

- Developer's responsibility regarding elementary school facilities and future school sites
- Impact fee credits
- Distance between a residential home in the surrounding community and a residential home in the new community
- Building height restriction on all structures to be located on lots within 250 feet of the eastern boundary of the Blackstone community

Public Hearing:

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the proposed amendment to the Lake Pleasant Heights Planned Community District and modification of the land use plan.

Kris Hanson and Kathleen Richards addressed Council to request a 200-foot open space buffer between the Blackstone community and Lake Pleasant Heights and a single-story home restriction on the subsequent 1,000 feet.

Tim Connors, representing Iota Purple, informed the Council his client is amenable to increasing the single-story restriction to 500 feet.

Robin Bowens and Nate Martinez expressed their concern regarding the impact to the Blackstone community from future development along the southern boundary.

Discussion ensued regarding a reasonable open space buffer and single-story restriction.

Mr. Connors advised that a 100-foot open space buffer with an additional 150-foot single-story restriction along the eastern boundary of the Blackstone community would be a feasible compromise. Mr. Connors requested the ability to utilize the open space area as a subsurface utility corridor in order to mitigate the impact of the 100-foot buffer.

Councilmember Hunt stated for the record that she opposes allowing additional growth in the area when the citizens did not vote in favor of funding that would allow both the City and the School District to do their jobs.

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 Binsbacher, to concur with the Planning and Zoning Commission's recommendation to adopt **ORD. 2016-34** for a major amendment to the Lake Pleasant Heights Planned Community District (PCD) to allow an increase in the maximum number of residential dwelling units from 5,970 to 6,561 and modification of the land use plan to be consistent with the adopted Lake Pleasant Heights Specific Area Plan (Z03-05A.1).

Councilmember Patena amended the motion to include a revision to Stipulation 25 outlined in **ORD. 2016-34**, stating the developer shall:

- a. Dedicate a one hundred (100) foot no-build easement (or buffer) to the satisfaction of City staff. Structures within the no-build easement are prohibited; however, the Developer may use the buffer for utilitarian purposes such as, but not limited to underground infrastructure improvements, open space, community amenities, etc.;
- b. Restrict all structures on lots located between one hundred and two hundred fifty (250) feet of the boundary to a maximum one-story in height; and
- c. Denote both of these restrictions on the final plat.

The amended motion was seconded by Vice Mayor Binsbacher. Upon vote, the amended motion carried unanimously 7 to 0.

Upon vote, the main motion to concur with the Planning and Zoning Commission's recommendation to adopt **ORD. 2016-34** for a major amendment to the Lake Pleasant Heights Planned Community District (PCD) to allow an increase in the maximum number of residential dwelling units from 5,970 to 6,561 and modification of the land use plan to be consistent with the adopted Lake Pleasant Heights Specific Area Plan carried unanimously 7 to 0.

15R. Development Agreement, Lake Pleasant Heights

Motion was made by Vice Mayor Binsbacher, seconded by Councilmember Finn, to approve a Development Agreement, including revised Exhibit D, with Iota Purple, Group Three Properties, Noranda Properties and other specified beneficiaries pertaining to the proposed Major Amendment to the Lake Pleasant Heights Planned Community District.

Upon vote, the motion carried unanimously 7 to 0.

16R. **Memorandum of Understanding, United Phoenix Fire Fighters Association Local 493**

Laura Krause, Human Resources Director, presented regarding the request to approve a Memorandum of Understanding (MOU) with the United Phoenix Fire Fighters Association Local 493, representing Peoria Fire Fighters (PFFA).

Information included:

- Negotiations process
- PFFA and City negotiators
- Summary of the negotiations
- Major components of the MOU

Hunter Clare, Vice President of PFFA, thanked the Council for their consideration of the proposed Memorandum of Understanding.

Motion was made by Councilmember Edwards, seconded by Councilmember Hunt, to approve the United Phoenix Fire Fighters Association Local 493 Memorandum of Understanding in total for the period July 2017 through June 2020.

Upon vote, the motion carried unanimously 7 to 0.

17R. **Adoption of Elected and Appointed Official Ethics Policy**

Jeff Tyne, Deputy City Manager, provided an overview of proposed City Council Policy, CP1-18, Elected and Appointed Official Ethics Policy.

Motion was made by Councilmember Hunt, seconded by Vice Mayor Binsbacher, to repeal the existing Council Policy 1-15 (Rules of Procedure for City Council Ethics Proceedings), and adopt the new Elected and Appointed Official Ethics Policy as Council Policy 1-18.

Upon vote, the motion passed 6 to 1, with Councilmember Leone voting “no”.

18R. **Citizens Commission on Salaries for Elected City Officials**

Laura Krause, Human Resources Director, outlined the discussions and the basis for the recommendation from the Citizens Commission on Salaries for Elected City Officials to increase the Mayor and City Council salaries by five percent effective January 1, 2017.

In response to questions from the Council, Ms. Krause clarified that pursuant to City Charter, the City Council may either accept or reject the Commission’s recommendation.

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Motion was made by Councilmember Hunt, seconded by Councilmember Finn, to accept the recommendation of the Citizens Commission on Salaries for Elected City Officials to increase the Mayor and Council salaries by five percent (5.0%).

Upon vote, the motion carried 4 to 3, with Councilmember Edwards, Councilmember Leone and Councilmember Patena voting “no”.

19R. Contract Agreement, Peoria Diamond Club

Vice Mayor Binsbacher recused herself from the discussion and vote on the proposed contract with the Peoria Diamond Club due to a conflict of interest.

Chris Calcaterra, Deputy Community Services Director, presented an overview of the proposed contract with the Peoria Diamond Club to provide services for Spring Training baseball and non-spring training events through 2023.

Information included:

- Peoria Diamond Club and City negotiators
- History of the Peoria Diamond Club
- Contract summary

Erin Shreenan, General Manager of the Peoria Diamond Club, highlighted the Peoria Diamond Club’s positive community impact.

Motion was made by Councilmember Edwards, seconded by Councilmember Hunt, to authorize a new contract agreement with the Peoria Diamond Club through 2023 to provide services for Spring Training baseball and non-spring training events.

Upon vote, the motion carried 6 to 0. Vice Mayor Binsbacher was absent for the vote due to a declared conflict of interest.

Call To The Public (Non-Agenda Items)

Michael Goto and Jessica de la Cruz, representing Ombudsman Charter Northwest, presented a plaque to Mayor Carlat on behalf of the students and faculty of the alternative Charter School.

Joe Puckett addressed Council citing his concerns regarding residential City Code standards.

Reports from City Manager:

20. Council Calendar

21. Reports

A. Sustainability Update Year End Report

Lisa Estrada, Economic Efficiency and Sustainability Manager, reported on sustainability-related activities, accomplishments and awards received in 2016 recognizing the City as a leader in sustainability.

B. Christmas for the Troops

John Imig, Information Technology Director, reported on the success of the Christmas for the Troops collection drive. All City departments participated in the drive and contributed over 23,000 individual items to be sent to the troops overseas.

C. Cyber Security Month and World GIS Day

John Imig, Information Technology Director, reported on the events hosted by the Information Technology Department to raise awareness about cyber security and showcase the uses of geographic information systems (GIS).

D. Firefighters Holiday Toy Drive and Delivery

Bobby Ruiz, Fire Chief, invited the Mayor and Council to participate in delivering toys collected by the Peoria Firefighters Charities during their annual Holiday Toy Drive. The toys will be delivered to selected families on December 24, 2016.

Rick Pickard, Deputy Fire Chief, reported on the Peoria Firefighters Charities Bike Night and Toy Drive charity event to be held at 8307 West Washington Street on December 15, 2016 beginning at 5:00 p.m.

E. Upcoming City Events Video

A video presentation showcasing upcoming City events was displayed.

Carl Swenson, City Manager, recognized the Mayor and Council for their leadership.

Reports from City Council:

Council Youth Liaison Edwards reported on the Youth Advisory Board's participation in Peoria's Old Town Holiday Festival held on December 2, 2016. Ms. Edwards wished everyone a Happy Holiday season.

Councilmember Patena congratulated Steve Burg on his appointment as City Attorney.

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Councilmember Edwards congratulated the Constitution Contest winners and Steve Burg on his appointment as City Attorney. Councilmember Edwards reported on the various City of Peoria activities he attended including the Police Department 2016 Community Partnership Awards Ceremony and the Old Town Holiday Festival. Councilmember Edwards announced that a mobile youth resource center, operated by the Tumbleweed Center for Youth Development, will be available to provide services to homeless youth in Peoria. The mobile unit will be available on Tuesdays from 1:00 p.m. to 4:00 p.m. in the park-and-ride lot located at the intersection of 84th Avenue and Jefferson Street. Councilmember Edwards expressed his gratitude to City staff for their support during the past year. Councilmember Edwards wished everyone a Happy Holiday season.

Vice Mayor Binsbacher extended her congratulations to Steve Burg on his appointment as City Attorney. Vice Mayor Binsbacher reminded residents to communicate with the Council so they can better serve the public. Vice Mayor Binsbacher reported on her attendance at a Peoria Unified School District Board meeting. Vice Mayor Binsbacher encouraged citizens to attend future School Board meetings in order to understand the issues and help to build a strong community. Vice Mayor Binsbacher wished everyone a Merry Christmas and Happy New Year.

Councilmember Finn thanked the PFFA and City negotiating teams. Councilmember Finn congratulated Jeff Tyne on his appointment to the Appeals Committee for the Arizona State Retirement System and Steve Burg on his appointment as City Attorney. Councilmember Finn wished everyone Happy Holidays.

Councilmember Hunt extended her congratulations to Steve Burg on his appointment as City Attorney. Councilmember Hunt reported on her attendance at the Old Town Holiday Festival and the Police Department 2016 Community Partnership Awards Ceremony. Councilmember Hunt invited the public to attend a charity dodgeball tournament and chili cook-off hosted by the Peoria Firefighters Charities to be held at 8307 West Washington Street on Saturday, December 10, 2016. Councilmember Hunt encouraged the public to attend the Domestic Violence Awareness and Prevention Summit hosted by the GFWC Peoria-West Valley Woman's Club. The summit will be held at the Peoria Community Center located at 8335 West Jefferson Street on January 21, 2017 beginning at 8:00 a.m.

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone stated he judged the entries for the 25th Annual Gingerbread House Contest held at the Community Center. Councilmember Leone congratulated the winners of the gingerbread house competition and the Police Department 2016 Community Partnership award recipients. Councilmember Leone congratulated Steve Burg on his appointment as City Attorney. Councilmember Leone extended his wishes to City staff for a Happy Holiday season.

Council Youth Liaison Owen reported on his attendance at the Old Town Holiday Festival. Mr. Owen expressed pride in the City's sustainability efforts. Mr. Owen wished everyone a Merry Christmas.

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Reports from the Mayor:

Mayor Carlat thanked the City Council and City staff for their efforts on behalf of Peoria residents during the past year. Mayor Carlat wished everyone a Happy New Year.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:56 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 6th day of December, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of February, 2017.

(Seal)

Rhonda Geriminsky, City Clerk