

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
June 13, 2017

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 7:01 p.m.

Following a moment of silent reflection, Councilmember Hunt 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.

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; Andy Granger, Deputy City Manager, Steve Burg, City Attorney; Rhonda Geriminsky, City Clerk; Thomas Adkins, Intergovernmental Affairs Director; Adina Lund, 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 Ingegneri, Human Resources Director; Brent Mattingly, Finance and Budget Director; Roy Minter, Police Chief; Bobby Ruiz, Fire Chief; John Sefton, Community Services Director; Jennifer Stein, Office of Communications Director; Scott Whyte, Economic Development Services Director; Dawn Prince, Assistant to the City Manager; and Marcella Carrillo, City Clerk Specialist.

Audience: Approximately 80 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:

1. Mayor Carlat and Julie Arendall, Deputy City Manager, presented Certificates of Completion to the graduates of the 2017 Peoria Leadership Institute.
2. Mayor Carlat and Councilmember Finn presented Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the May 16, 2017 City Council Meeting
 - Mitchell Bolnick, Economic Development Advisory Board;
 - Anoop Kumar, Economic Development Advisory Board;
 - Katrina Romijn, Library Board;
 - Judith McHale, Parks and Recreation Board;

- Anthony VanGoethem, Parks and Recreation Board;
- James Hann, Public Defender Contract Review Committee;
- Zachary Mushkatel, Public Defender Contract Review Committee;
- Anthony VanGoethem, Veterans Memorial Board; and
- Madelyn Stuckey, Youth Advisory Board

Clerk's Note: Mitchell Bolnick, Anoop Kumar, and Zachary Mushkatel were not present to receive their certificates.

3. Mayor Carlat read aloud a Proclamation proclaiming appreciation and gratitude to Carl Swenson in recognition of his service to the City of Peoria during the past 11 years. Mayor Carlat presented the Proclamation and a dedicated brick for the Century Walk at Centennial Plaza Park.

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 Carlat announced that the Consent Agenda included a Public Hearing on liquor license applications. There were no requests from those present to address this agenda item.

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

Vice Mayor Edwards requested that Agenda Item 24C be removed for separate discussion.

Motion was made by Councilmember Hunt, seconded by Vice Mayor Edwards, to approve the Consent Agenda with the exception of Agenda Item 24C. Upon vote, the motion carried unanimously 7 to 0.

4C. **Minutes**

Approved the: (a) May 2, 2017 City Council Meeting minutes; (b) May 16, 2017 City Council Meeting minutes; and (c) June 1, 2017 City Council Meeting minutes.

5C. **Board and Commission Appointments**

Approved the recommendations from the Council Boards and Commissions Subcommittee pertaining to the following appointments and reappointments, and adopted the Resolutions as presented:

- Adopted **RES. 2017-60** appointing Glenna Hale as a regular member of Employee Benefits Trust Board for a partial term to expire June 2019;
- Adopted **RES. 2017-61** appointing Joanne Brooks as a regular member of the Personnel Board for a partial term to expire June 2018;
- Adopted **RES. 2017-62** appointing Clayton Allsop as a regular member of the Planning and Zoning Commission for a partial term to expire December 2020; and
- Adopted **RES. 2017-63** appointing Lana Mohamed, Allison Jasper and Matthew Billings as regular members, and Brandon Gonzales as an alternate member, of the Youth Advisory Board for terms to expire June 2019; and appointing Savana Rodriguez as an alternate member for partial term to expire June 2018.

6C. **Council Youth Liaison Appointments**

Approved the recommendation from the Council Boards and Commissions Subcommittee and adopted **RES. 2017-58** appointing Maylee Acosta and Cassidy Gatrost as Council Youth Liaisons for terms to expire May 30, 2018.

7C. **Code Amendment, Chapter 2, Administration; and amending various sections of the Peoria City Code**

Adopted **ORD. 2017-24**, amending Chapter 2 pertaining to Administration and amending various sections of the Peoria City Code.

8C. **Code Amendment, Chapter 3, Boards and Commissions; and amending various sections of the Peoria City Code**

Adopted **ORD. 2017-25**, amending Chapter 3 pertaining to Boards and Commissions and amending various sections of the Peoria City Code.

9C. **Code Amendment, Chapter 7, Parks and Recreation; and amending various sections of the Peoria City Code**

Adopted **ORD. 2017-26**, amending Chapter 7 pertaining to Parks and Recreation and amending various sections of the Peoria City Code.

10C. **Code Amendment Chapter 9, Fire Prevention and Protection; and amending various sections of the Peoria City Code**

Adopted **ORD. 2017-34**, amending Chapter 9 pertaining to Fire Prevention and Protection and amending various sections of the Peoria City Code.

11C. **Code Amendment, Chapter 11, Licenses, Taxation and Miscellaneous Business Regulations; and amending various sections of the Peoria City Code**

Adopted **ORD. 2017-27**, amending Chapter 11 pertaining to Licenses, Taxation and Miscellaneous Business Regulations and amending various sections of the Peoria City Code.

12C. **Code Amendment, Chapter 14, Motor Vehicles and Traffic; and amending various sections of the Peoria City Code**

Adopted **ORD. 2017-28**, amending Chapter 14 pertaining to Motor Vehicles and Traffic and amending various sections of the Peoria City Code.

13C. **Code Amendment, Renumber Chapter 21 to Chapter 15, Police; and amending various sections of the Peoria City Code**

Adopted **ORD. 2017-29**, amending City Code Chapter 21, Police by renumbering it as Chapter 15 and amending various sections of the Peoria City Code.

14C. **Code Amendment, Chapter 17, Nuisances; and amending various sections of the Peoria City Code**

Adopted **ORD. 2017-30**, amending Chapter 17 pertaining to Nuisances and amending various sections of the Peoria City Code.

15C. **Code Amendment, Chapter 18, Building and Building Regulations; and amending various sections of the Peoria City Code**

Adopted **ORD. 2017-31**, amending Chapter 18 pertaining to Building and Building Regulations and amending various sections of the Peoria City Code.

16C. **Code Amendment, Chapter 20, Planning and Development; and amending various sections of the Peoria City Code**

Adopted **ORD. 2017-32**, amending Chapter 20 pertaining to Planning and Development and amending various sections of the Peoria City Code.

17C. **Code Amendment, Renumber Peoria Zoning Ordinance to Chapter 21, Zoning; and amending various sections of the Peoria City Code**

Adopted **ORD. 2017-33**, amending Chapter 21 pertaining to Zoning and amending various sections of the Peoria City Code.

18C. **Code Amendment, Chapter 23, Streets, Sidewalks, and Public Improvements; and amending various sections of the Peoria City Code**

Adopted **ORD. 2017-35**, amending Chapter 23 pertaining to Streets, Sidewalks, and Public Improvements and amending various sections of the Peoria City Code.

19C. **Code Amendment, Chapter 25, Water, Sewer, Sewage Disposal; and amending various sections of the Peoria City Code**

Adopted **ORD. 2017-36**, amending Chapter 25 pertaining to Water, Sewer, Sewage Disposal and amending various sections of the Peoria City Code.

20C. **Code Amendment, Chapter 27, Fees; and amending various sections of the Peoria City Code**

Adopted **ORD. 2017-37**, amending Chapter 27 pertaining to Fees and amending various sections of the Peoria City Code.

21C. **Contract Renewal for Services, Greater Phoenix Economic Council**

- (a) Authorized the City Manager to renew the service contract with the Greater Phoenix Economic Council for Fiscal Year 2018; and
- (b) Authorized the use of funds in the amount of \$73,141 from the Half-Cent Fund City Participation-Outside Programs account.

22C. **Land Acquisitions, Old Town Peoria**

Approved two Real Estate Purchase Agreements authorizing the acquisition of two parcels located at 10450 and 10456 North 83rd Avenue.

23C. **Settlement of Claims and Purchase of P83 Pylon Signs**

- (a) Authorized the City Manager to enter into a Settlement Agreement for the purchase of two pylon signs located along Loop 101 in the P83 District in the amount of \$200,000;
- (b) Approved a budget adjustment from the Half-Cent Sales Tax Fund Contingency account to the P83 Entertainment District Improvements Project Improvements Other Than Buildings account; and
- (c) Approved an Amended and Restated License Agreement.

24C. Ground Lease Amendment, KLOS Enterprises, Arizona Broadway Theatre

Clerk's Note: Agenda Item 24C was presented at the end of the Consent Agenda.

At the request of Vice Mayor Edwards, Agenda Item 24C was pulled from the Consent Agenda for separate discussion.

Scott Whyte, Economic Development Services Director; provided a brief overview of the request for approval to enter into a Fifth Amendment to and Restatement of Lease Agreement with KLOS Enterprises, LLC for the operations of a dinner theater under the trade name Arizona Broadway Theatre (ABT).

Discussion ensued regarding previous negotiations and difference in appraisals.

Motion was made by Vice Mayor Edwards, seconded by Councilmember Finn, to authorize the City Manager to enter into a Fifth Amendment to and Restatement of Lease Agreement with KLOS Enterprises, LLC.

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

25C. Budget Amendment, Specialized Police Vehicle Replacement

Approved a budget transfer in the amount of \$214,459 from the Proposed Grants Contingency Fund account to the Police Department State Anti-Racketeering Fund account for the purpose of replacing the current armored vehicle.

26C. Fiscal Year 2018 Property Tax Levy

Approved **RES. 2017-67** and **ORD. 2017-20** adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for the Fiscal Year 2018.

27C. Fiscal Year 2018 SLID/MID Levies

Adopted **ORD. 2017-21** and **ORD. 2017-22** approving the Street Light and Maintenance Improvement District Levies for Fiscal Year 2018 and declaring an emergency.

28C. Award of General Liability Insurance Package Fiscal Year 2018

Awarded the Fiscal Year 2018 general liability insurance package as recommended by the City Attorney's Office and the City's insurance broker, Willis of Arizona, Public Entity Services.

29C. **Deeds and Easements, Various Locations**

Adopted **RES. 2017-64** accepting Deeds and Easements for various Real Property interests acquired by the City.

30C. **Designate Roadways, Establish Rights-of-Way, Various Locations**

Adopted **RES. 2017-65** 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.

31C. **Final Plat, Axiom Church, 83rd Avenue and Jefferson Street**

Approved the Final Plat of Axiom Church located at 83rd Avenue and Jefferson Street, subject to stipulations.

32C. **Final Plat, Sparrow Ranch, 77th Avenue and Tierra Buena**

Approved the Final Plat of Sparrow Ranch, located at 77th Avenue and Tierra Buena, subject to stipulations.

33C. **PUBLIC HEARING - Liquor Licenses, Various Locations**

Recommended approval to the State Liquor Board for:

- (a) A New Restaurant (Series 12) Liquor License for Lucidi Distilling Co., located at 8307 West Washington Street, Christopher Q. Lucidi, Applicant, LL#20012962;
- (b) A New Restaurant (Series 12) Liquor License for Nagoya, located at 7557 West Greenway Road Suite #103, Young H. Kim, Applicant, LL#20017819;
- (c) A New Restaurant (Series 12) Liquor License for Serra Gaucha Brazillian Steakhouse, located at 16160 North 83rd Avenue, Milton R. Kerber, Applicant, LL#20016658; and
- (d) A Person and Location Transfer for an On-Sale All Liquor License (Series 06) for Harkins Arrowhead Fountains, located at 16046 North Arrowhead Fountain Center Drive, Andrea D. Lewkowitz, Applicant, LL#16432.

Agenda Item 38R was taken out of order and presented immediately following the Consent Agenda items. Mayor Carlat excused herself for the remainder of the meeting after the completion of Agenda Item 38R.

REGULAR AGENDA

New Business:

34R. **Lease and Development Agreement, NOVO Development, LLC, 15814 North 83rd Avenue**

Scott Whyte, Economic Development Services Director, presented regarding the development and lease agreements with Novo Development, LLC.

Information included:

- Building purchase objectives
- Background of property
- Development agreement
- Triple net lease terms
- Purchase options
- Public benefit

Motion was made by Councilmember Hunt, seconded by Councilmember Binsbacher, to: (a) authorize the City Manager to enter into a Development Agreement and Lease and Purchase Option Agreement with NOVO Development, LLC., to repurpose the vacant building into an employment generating use, and (b) authorize a budget adjustment in the amount of \$425,000 for the TI reimbursement plus the cost of Priority Track Processing of the building plans associated with tenant improvements to the building from the Half-Cent Sales Tax fund.

Upon vote, the motion carried unanimously 6 to 0.

35R. **Ground Lease and License Agreements, Plaza Companies, Loop 101 and Peoria Avenue**

Scott Whyte, Economic Development Services Director, presented regarding the ground lease and license agreement with Plaza Del Rio Management, LLC.

Information included:

- Project objectives
- Site plan
- Background of ground lease and lease agreements
- Ground lease terms

Motion was made by Councilmember Patena, seconded by Councilmember Hunt, to authorize the City Manager to enter into: (a) a Ground Lease; and (b) a License Agreement with Plaza Del Rio Management, LLC. for property located at the Loop 101 and Peoria Avenue.

Upon vote, the motion carried unanimously 6 to 0.

Clerk's Note: Agenda Items 36R and 37R were presented together.

36R. Contract, Ameresco, Energy Efficiency Projects at Various City Facilities

Susan Daluddung, Deputy City Manager and Lisa Estrada, Economic Efficiency and Sustainability Manager, provided a brief overview of the energy efficient LED lighting retrofits and solar energy projects.

Information included:

- Project goals
- Process
- Overview of selected projects
 - Photovoltaic systems
 - Interior and Exterior LED Lighting Retrofits
- Solar site examples
- Financial benefits for the city

Brent Mattingly, Finance and Budget Director, provided a brief overview of the financing of the projects.

Discussion ensued regarding:

- Guaranteed energy savings
- Life expectancy of solar equipment
- Aesthetics of the solar panels

Motion was made by Councilmember Hunt, seconded by Councilmember Binsbacher, to approve a budget amendment in the amount of \$6,307,700 authorizing a contract with Ameresco for a not-to-exceed price of \$5,892,000 to implement energy efficient LED lighting retrofits and solar energy projects at the following city facilities and campuses: City Hall, the Technology Center, Rio Vista Recreation Center, the Performing Arts Center, the Development and Community Services Building, Sunrise Library, Fire Station 191, Fire Station 192, Fire Station 193, Fire Station 194, Fire Station 195, Fire Station 196, Fire Station 197, Fire Fleet Services, Pinnacle Peak Patrol Services Building and Beardsley Waste Water Reclamation Facility.

Upon vote, the motion carried unanimously 6 to 0.

37R. **Resolution Authorizing Application and Financing for Energy Efficiency Projects**

Motion was made by Councilmember Finn, seconded by Councilmember Hunt, to adopt **RES. 2017-66** authorizing the Chief Financial Officer to make application for an allocation of New Clean Renewable Energy Bonds Volume Cap from the Internal Revenue Service.

Upon vote, the motion carried unanimously 6 to 0.

38R. **Appointment of New City Manager**

Carl Swenson, City Manager, presented Jeff Tyne as the selection for appointment as City Manager. Mr. Swenson provided background on Mr. Tyne's professional experience and qualifications.

Motion was made by Vice Mayor Edwards, seconded by Councilmember Finn, to: (a) adopt **RES. 2017-68** appointing Jeff Tyne as the City Manager of the City of Peoria, Arizona, effective July 6, 2017; and (b) approve the Terms and Conditions of Employment Agreement with Jeff Tyne.

Upon vote, the motion carried unanimously 7 to 0.

Councilmember Leone excused himself for the remainder of the meeting.

Call To The Public (Non-Agenda Items)

Sam Owen, outgoing Council Youth Liaison, addressed the Council to extend his farewell. Mr. Owen expressed his appreciation for the various opportunities available to the youth in the City of Peoria.

Reports from City Manager:

39. **Council Calendar**

40. **Reports**

A. **General Plan Update – PlanPeoriaAZ**

Chris Jacques, Planning and Community Development Director, provided a brief update on the General Plan project.

Information included:

- Project timeline
- Outreach methods and results

- Community workshops
- Online surveys
- Project updates to various Boards and Commissions
- Pop-up events
- Advisory committee meetings
- Middle school questionnaire
- E-Newsletter and print media
- Digital media
- Outreach themes
- Youth outreach
- 2017 community profile book
- Infographics

Discussion ensued regarding the online survey and website information.

B. Wellness Program Awards

Laura Ingegneri, Human Resources Director, provided a brief presentation on key wellness initiatives. Ms. Ingegneri announced that the City of Peoria is the recipient of a Platinum Level Healthy Arizona Worksite award from the Arizona Department of Health Services and the Maricopa County Department of Public Health. Ms. Ingegneri reported that the City has also been recognized as one of the valley's "Healthiest Employers" by the Phoenix Business Journal.

C. Upcoming City Events Video

A video presentation showcasing City events was displayed.

Reports from City Council:

Councilmember Patena reported on the various City of Peoria activities he attended, including the Peoria Fire-Medical awards ceremony, Peoria Firefighters Charities 2017 Fire It Up Car Show, viewing of the Take Me Home Huey documentary, Westbrook Village Veteran's Club Memorial Day Flag ceremony, and the Luke Air Force Base Change-of-Command ceremony. Councilmember Patena expressed his gratitude to City Clerk's Office staff. Councilmember Patena delivered a farewell speech to outgoing City Manager, Carl Swenson.

Councilmember Binsbacher expressed her gratitude to outgoing City Manager, Carl Swenson. Councilmember Binsbacher congratulated the graduates of the Peoria Leadership Institute and Peoria Police Citizen's Academy. Councilmember Binsbacher expressed her gratitude to outgoing Council Youth Liaison, Sam Owen.

Councilmember Finn congratulated the graduates of the Peoria Leadership Institute and expressed his appreciation to city staff for their contributions to the program.

Councilmember Finn recognized outgoing City Manager, Carl Swenson and wished him well. Councilmember Finn congratulated Jeff Tyne on his new appointment as City Manager.

Councilmember Hunt expressed her gratitude to outgoing Council Youth Liaison, Sam Owen. Councilmember Hunt congratulated Maylee Acosta on being selected as a delegate to the 70th session of the American Legion Auxiliary Arizona Girls State. Councilmember Hunt reported on the Coffee with a Cop event she attended and expressed her gratitude to McDonalds for hosting the event. Councilmember Hunt reported on the Peoria Firefighters Charities 2017 Fire It Up Car Show she attended. Councilmember Hunt raised awareness on various programs available to the youth, including the West Valley Explorer Academy program, the Hunts Garden Main Library Reading event, the summer meal program and the Theater Works summer camp. Councilmember Hunt reported on the Peoria Fire-Medical awards ceremony she attended and recognized Captain Hunter Clare, recipient of the John Valentine Award.

Vice Mayor Edwards congratulated the graduates of the Peoria Leadership Institute, the newly appointed Board and Commission members, and Council Youth Liaisons, Maylee Acosta and Cassidy Gatrost. Vice Mayor Edwards recognized outgoing City Manager, Carl Swenson and wished him well.

Reports from the Mayor:

None.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:08 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 13th day of June, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 27th day of June, 2017.

(Seal)

Rhonda Geriminsky, City Clerk