

**MINUTES OF THE PEORIA CITY COUNCIL**  
CITY OF PEORIA, ARIZONA  
CITY COUNCIL CHAMBER  
March 21, 2023

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 5:01 p.m.

**Members Present:** Mayor Jason Beck; Vice Mayor Denette Dunn; Mayor Pro Tem Jon Edwards; Councilmembers Jennifer Crawford, Michael Finn, Bill Patena and Brad Shafer.

**Members Absent:** None.

**Other Municipal Officials Present:** Henry Darwin, City Manager; Chris Hallett, Acting Deputy City Manager; Art Miller, Acting Deputy City Manager; Emily Jurmu, Acting City Attorney and Lori Dyckman, City Clerk.

**Audience:** Approximately 2 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 on the Consent Agenda are considered to be routine or have been previously reviewed and/or discussed by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If the Presiding Officer receives a timely notice of a request for removal, an item may be removed from the Consent Agenda for consideration on the Regular Agenda.

Motion was made by Councilmember Shafer, seconded by Mayor Pro Tem Edwards, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

**1 C. Authorization to Hold an Executive Session**

Authorized the holding of an Executive Session pursuant to A.R.S. §§38-431.03(A)(3), 38-431.03(A)(4), 38-431.03(A)(5) and 38-431.03(A)(7) 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) Authorized the holding of an Executive Session pursuant to A.R.S. §§38-431.03(A)(1), and 38-431.03(A)(2) for the purpose of discussion or consideration of the employment of the City Attorney and related employment agreement.

**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 pursuant to A.R.S. §§ 38-431.03(A)(3), 38-431.03(A)(4), 38-431.03(A)(5) and 38-431.03(A)(7) 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) Authorized the holding of an Executive Session pursuant to A.R.S. §§38-431.03(A)(1), and 38-431.03(A)(2) for the purpose of discussion or consideration of the employment of the City Attorney and related employment agreement.

**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 **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 6:01 p.m.

Following an invocation, Councilmember Shafer led the Pledge of Allegiance.

**Members Present:** Mayor Jason Beck; Vice Mayor Denette Dunn; Mayor Pro Tem Jon Edwards; Councilmembers Jennifer Crawford, Michael Finn, Bill Patena and Brad Shafer.

**Council Youth Liaisons:** Avi Agarwal and Mikah Dyer.

**Members Absent:** None.

**Other Municipal Officials Present:** Henry Darwin, City Manager; Chris Hallett, Acting Deputy City Manager; Art Miller, Acting Deputy City Manager; Emily Jurmu, Acting City Attorney and Lori Dyckman, City Clerk; Thomas Adkins, Intergovernmental Affairs Director; Gary Bernard, Fire Chief; Kevin Burke, Finance and Budget Director; Rick Buss, Assistant City Manager; Chris Calcaterra, Parks and Recreation Director; Jay Davies, Public Works Director; Tim Eiden, Acting Office of Communications Director; Chris Jacques, Planning and Community Development Director; Adina Lund, Development and Engineering Director; Christine Nickel, Human Resources Director; Cape Powers, Water Services Director; Marcel Spaulding, Deputy Police Chief; Jennifer Stein, Economic Development Services Director; Marylou Stephens, Arts, Culture and Library Services Director and Jill Boltz, Deputy City Clerk.

**Audience:** Approximately 25 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:**

3. **Certificates of Appointment to Newly Appointed Board and Commission Members**

Vice Mayor Dunn presented Certificates of Appointment to the following Board and Commission members:

- Joshua Pina, Municipal Development Authority
- Richard Dobson, Veterans Memorial Board
- Kenneth Mwangi, Volunteer Firefighter Pension Board

4. **World Down Syndrome Day Proclamation**

Mayor Beck read aloud the Proclamation recognizing March 21, 2023 as World Down Syndrome Day.

**CONSENT AGENDA:** All items listed on the Consent Agenda are considered to be routine or have been previously reviewed and/or discussed by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If the Presiding Officer receives a timely notice of a request for removal, an item may be removed from the Consent Agenda for consideration on the Regular Agenda.

Mayor Beck 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 Dunn, seconded by Councilmember Shafer, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

5 C. **Minutes**

Approved the March 7, 2023.

6 C. **Intergovernmental Agreement, Acceptance and Use of Maricopa County American Rescue Plan Act Funds**

Approved entering into an Intergovernmental Agreement with Maricopa County for the acceptance of an American Rescue Plan Act grant for the general purposes of heat relief and homeless services.

**REGULAR AGENDA**

**New Business:**

7 R. **Appointment of City Attorney**

Henry Darwin, City Manager, presented the appointment and recommendation to appoint Emily Jurmu as City Attorney.

Discussion ensued regarding:

- Commended quality of work
- Commended dedication to the City
- Lack of competitive recruitment

Motion was made by Vice Mayor Dunn, seconded by Councilmember Crawford to:

- (a) Adopt RES. 2023-45 appointing Emily Jurmu, as the City Attorney of the City of Peoria, AZ, effective March 22, 2023 and;
- (b) Approve the Terms and Conditions of Employment Agreement with Emily Jurmu.

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

8 R. **Contract, HDR, Reclaimed Water Transmission Main – Project 2**

Adina Lund, Engineering Director, presented on the contract for Reclaimed Water Transmission Main – Project 2. Information included:

- Project 2 Overview
- Proposed contract
- Staff Recommendation

Motion was made by Councilmember Shafer, seconded by Councilmember Finn to approve a contract in the amount of \$1,296,468 with HDR to provide engineering design and construction administration services for Project 2 of the Reclaimed Water Transmission Main, in accordance with budget authority previously approved by Council.

Upon vote, motion passed unanimously 7 to 0.

9 R. **Contract, J.R. Filanc Construction Company, 112<sup>th</sup> Avenue and Northern Avenue Wastewater Lift Station Improvements**

Adina Lund, Engineering Director, presented on the contract for 112<sup>th</sup> Avenue and Northern Avenue Wastewater Lift Station Improvements. Information included:

- Lift Station 102 Overview
- Project Site Improvements
- Contractor and Project Schedule
- Staff Recommendation

Discussion ensued regarding:

- Congestion on Northern Avenue
- Construction staging on 112<sup>th</sup> Avenue
- Notification to neighbors

Motion was made by Councilmember Patena, seconded by Councilmember Crawford to approve a contract in the amount of \$1,940,627 with Filanc Construction Company to provide construction services for the 112<sup>th</sup> Avenue and Northern Avenue Wastewater Lift Station Improvements, in accordance with budget authority previously approved by Council.

Upon vote, motion passed unanimously 7 to 0.

10 R **Expenditure Authority, Capital Improvement Projects, Pavement Management Program, Rehabilitation and Reconstruction**

Jay Davies, Public Works Director, presented on the Olive Park Pavement Rehabilitation and Reconstruction project. Information included:

- Private development
- Peoria's assumption of maintenance responsibility
- Not in compliance with current City standards

Kurt Muehlemeyer, Streets Operations Manager, presented on the pavement management program and pavement conditions in the Olive Park community.

Information included:

- Pavement condition index
- Treatment options
- Soil sampling
- Areas of distress
- New pavement design
- Inflationary costs

Mr. Davies presented regarding:

- Budget implications
- Inflationary costs
- Request for Proposal process
- Contract terms
- Staff recommendation

Discussion ensued regarding:

- Additional expense
- Shifting of funds within the Capital Improvement Plan without impact
- Proactively identifying other neighborhoods with failed subgrade
- Other developments in Peoria built by this same contractor

Motion was made by Councilmember Crawford, seconded by Councilmember Finn to approve expenditures in the total amount of \$1,348,592 to contractor, Nesbitt Contracting Co., Inc. pursuant to Job Order Contract ACON09322P2 for Rehabilitation/Reconstruction Pavement and Sidewalk – Olive Park.

Upon vote, motion passed unanimously 7 to 0.

### **Call To The Public (Non-Agenda Items)**

Steven Sidlovsky, spoke regarding “Personhood.”

### **Reports from City Manager**

Henry Darwin, City Manager reminded everyone of the budget development season.

### **Reports from the Mayor**

Mayor Beck reported on his attendance at Youth Government Day and the upcoming Savannah Banana’s Baseball game in Peoria.

**Reports from Council Youth Liaisons:**

Council Youth Liaison Dyer reported on:

- Youth Government Day

Council Youth Liaison Agarwal

- College Readiness Workshops

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 6:35 p.m.

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Jason Beck, Mayor

**CERTIFICATION AND ATTESTATION**

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 21<sup>st</sup> day of March, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of April, 2023.

(Seal)

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Lori Dyckman, City Clerk