



MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
September 5, 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 5:02 p.m.

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

Members Absent: None.

Other Municipal Officials Present: Henry Darwin, City Manager; Kevin Burke, Deputy City Manager; Travis Cutright, Deputy City Manager; Emily Jurmu, City Attorney; Agnes Goodwine, City Clerk and Jill Boltz, Deputy City Clerk.

Audience: Approximately 5 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 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 Mayor Pro Tem Edwards, seconded by Councilmember Crawford, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 6 to 0. Councilmember Finn was present but experiencing audio technical difficulties.

1C. Authorization to Hold an Executive Session

Authorize the holding of an Executive Session pursuant to A.R.S. 38-431.03(A)(3) and 38-431.03(A)(5) 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) Peoria Police Officers' Association Negotiations

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:04 p.m.

EXECUTIVE SESSION AGENDA

- 2. An Executive Session pursuant to A.R.S. section 38-431.03(A)(3) and 38-431.03(A)(5) 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) Peoria Police Officers' Association Negotiations

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 6:03 p.m.

Following an invocation, Mayor Pro Tem Edwards led the Pledge of Allegiance.

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

Council Youth Liaisons: Ana Shrivastava and Alliyz Whetstine

Members Absent: None.

Other Municipal Officials Present: Henry Darwin, City Manager; Rick Buss, Assistant City Manager; Kevin Burke, Deputy City Manager; Travis Cutright, Deputy City Manager; Mike Faust, Deputy City Manager; Emily Jurmu, City Attorney; Agnes Goodwine, City Clerk; Gary Bernard, Fire Chief; Chris Calcaterra, Parks and Recreation Director; Rhonda Humbles, Public Works Director; Chris Jacques, Planning and Community Development Director; Scott Kurish, Innovation Director; Christine Nickel, Human Resources Director; and Jill Boltz, Deputy City Clerk.

Audience: Approximately 75 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 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 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 Councilmember Shafer, seconded by Mayor Pro Tem Edwards, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

3 C. **Minutes**

Approved the August 15, 2023 City Council Meeting minutes.

4 C. **Grant, Soldier's Best Friend, Gila River Indian Community**

Adopted **RES. 2023-99** authorizing the City of Peoria to act as the pass-through municipality for local 501(c)(3) organizations seeking grant funding from Gila River Indian Community.

5 C. **Contract, Rosenbauer Minnesota LLC, Fire Department Ladder Truck Replacement**

Approved a contract with Rosenbauer Minnesota, LLC to purchase a ladder truck in the amount of \$1,626,534, in accordance with budget authority previously approved by Council.

6 C. **Budget Amendment, Fiscal Year 2023 Shortfall, City Attorney's Office**

Approved a budget amendment in the amount of \$152,150 from Contingency to the Risk Management Fund to pay insurance premiums and claim expenditures in excess of the Fiscal Year 2023 adopted budget.

7 C. **Quarterly Investment Report**

Received and filed the Quarterly Investment Report for April through June 2023.

8 C. **Maintenance Improvement District No. 1278, Cyrene at Mystic Foothills, Southeast of Westland Road and El Mirage Road**

Approved the Petition for Formation, to adopted **RES. 2023-100** intention and ordering the formation of proposed Maintenance Improvement District No. 1278,

Cyrene at Mystic Foothills, located Southeast of Westland Road and El Mirage Road; and adopted **RES. 2023-101** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

9 C. **Final Plat, 92nd Avenue and Jomax Place Lots 3A and 3B, Northwest Corner of Briles Road and 91st Avenue Alignment**

Approved a Final Plat for 92nd Avenue and Jomax Place Lots 3A and 3B, located at the Northwest Corner of Briles Road and 91st Avenue Alignment. Subject to stipulations.

10 C. **Final Plat, Honor Health Stadium Creek, 15000 North 83rd Avenue**

Approved a Final Plat for Honor Health Stadium Creek, located at 15000 North 83rd Avenue. Subject to stipulations.

11 C. **Final Plat, Stadium Pointe, 83rd Avenue and Mariners Way**

Approved a Final Plat of Stadium Pointe, located on 83rd Avenue and Mariners Way. Subject to stipulations.

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

Adopted **RES. 2023-102** accepting Deeds and Easements for various Real Property interests acquired by the City. The deeds and easements have been recorded by the Maricopa County Recorder's Office and this process will formally accept them into the system.

REGULAR AGENDA

New Business:

13 R. **Confirmation of City Clerk Appointment**

Motion was made by Mayor Pro Tem Edwards, seconded by Councilmember Crawford to confirm the City Manager appointment of Agnes Goodwine as City Clerk, effective August 21, 2023.

Upon vote, the motion passed unanimously 7 to 0.

14 R. **Contract Amendment, Axon Enterprise, Incorporated**

Art Miller, Police Chief reported on the contract amendment with Axon Enterprise, Incorporated. Information included:

- Set pricing for safety equipment and technology
- Outfitting of new law enforcement personnel with safety equipment

Motion was made by Councilmember Shafer, seconded by Councilmember Crawford to approve a contract amendment with Axon Enterprise, Incorporated for law enforcement safety equipment, software, and licensing for new Fiscal Year 2024 full-time employees in accordance with budget previously approved by Council.

Upon vote, the motion passed unanimously 7 to 0.

15 R. **Intergovernmental Agreement, Real-Time Crime Center**

Art Miller, Police Chief reported on the Real-Time Crime Center Intergovernmental Agreement. Information included:

- State funding
- Centralization of technology
- Real-time and community policing
- Budget Amendment

Motion was made by Mayor Pro Tem Edwards, seconded by Councilmember Shafer to: (a) approve an Intergovernmental Agreement Arizona Department of Public Safety to establish a Real-Time Crime Center in the City of Peoria; and (b) approve a budget amendment in the amount of \$2,600,000 from Contingency to the Miscellaneous Police Grants Fund.

Upon vote, the motion passed unanimously 7 to 0.

16 R. **Expenditure Authority, Capital Improvement Projects, Pavement Management Program, and Pavement Preservation**

Kurt Muehlemeyer, Public Works Operations Manager presented on the Expenditure Authority for Capital Improvement Projects, Pavement Management and Preservation. Information included:

- Pavement Preservation Treatments
- Roadways included identified as high-priority
- Cost effective treatments chosen to prolong pavement life

Discussion ensued regarding:

- Roadway conditions of Olive Avenue and Northern Avenue

Motion was made by Councilmember Crawford, seconded by Mayor Pro Tem

Edwards to approve expenditure in the total amount of \$4,909,316 to contractor, ViaSun Corporation, pursuant to On-Call Contract, ACON34520 for the application of Micro-Surfacing, Slurry Seal and Asphalt Seal Coat, in accordance with budget authority previously approved by Council.

Upon vote, the motion passed unanimously 7 to 0.

17 R. **PUBLIC HEARING - Rezone, Vistancia, El Mirage Road and Lone Mountain Parkway**

Chris Jacques, Planning and Community Development Director, presented on the Rezone for Vistancia, El Mirage and Lone Mountain Parkway. Information included:

- Site and Area Context
- Zoning History and Development
- Applicant Proposal “Five North at Vistancia”
- Rezoning Request
- Overview of Amendment
- Residential Unit Increase – Core Allocation
- Overview of Request
- Infrastructure
- “Five North at Vistancia” Concept
- Public Outreach
- Support and Opposition
- Planning and Zoning Recommended Approval
- Key Findings
- Recommended Action

Bill Lally, Tiffany & Bosco, P.A. representing the landowner provided additional information including:

- 1,500 additional residential units
- Community and Market Surveys
- Conceptual imagery

Discussion ensued regarding:

- Petitions received from residents versus non-residents
- School overcrowding
- Outreach
- Development densities
- Quality safeguards
- Retail, restaurant and medical amenities
- Future school(s)

Mayor Beck called the Public Hearing open to public comment.

Kristi Hunter, Peoria resident, spoke in favor of the Rezone.

Peggy Neely, Peoria resident, spoke in favor of the Rezone.

Suzanne Schadt, Peoria resident, spoke in favor of the Rezone.

Joe Clure, Peoria resident, spoke in favor of the Rezone.

Five additional members of the public were signed up to speak in favor of the Rezone.

Mayor Beck asked if there were any public comments in opposition of the Rezone. No comments in opposition were received.

Motion was made by Councilmember Shafer, seconded by Mayor Pro Tem Edwards to concur with the Planning and Zoning Commission recommendation and adopt **ORD. 2023-16**, amending the maximum dwelling units within the Vistancia Planned Community District from 10,500 to 12,000 and allocating those additional units to the Commercial Core, located South of the Southeast corner of El Mirage Road and Lone Mountain Parkway.

Upon vote, the motion passed unanimously 7 to 0.

Call To The Public (Non-Agenda Items)

Eva Osuna, Peoria resident spoke regarding the request for Vice Mayor Dunn's resignation, request for Pine District Citizen Advisory Meeting and ethics.

Natalie Gilstrap, Peoria resident, spoke regarding the request for Vice Mayor Dunn's resignation.

Jim Keller, Peoria resident spoke, regarding the request for Vice Mayor Dunn's resignation.

Jon Forsythe, Peoria resident spoke, regarding accountability and freedom of speech.

Vicki James, Peoria resident spoke, regarding the request for Vice Mayor Dunn's resignation.

Reports from City Manager:

City Manager Darwin reported on:

- Retirement of Art Miller, Police Chief and recruitment process

- Firefighter Training – 23 Recruits Completed Probation
- Cape Powers, Water Services Director departing the City of Peoria
- Application submittal for the new Well Field
- Welcome to Agnes Goodwine, City Clerk
- Above and Beyond Recognition – Nate Flores
- Recognition of Mayor Beck as a 2023 Leader of the Year

Reports from the Mayor:

Mayor Beck acknowledged:

- Retirement of Art Miller, Police Chief
- New Firefighters
- Vistancia – Five North Project
- Respectful nature of the public comments

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:31 p.m.

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 September 5, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of October, 2023.

(Seal)

Agnes Goodwine, City Clerk