MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
October 17, 2023

SPECIAL MEETING

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 4:01 p.m.

Members Present: Mayor Jason Beck; Vice Mayor Denette Dunn (telephonically); 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; Rick Buss, Assistant City Manager; Kevin Burke, Deputy City Manager; Travis Cutright, Deputy City Manager; Mike Faust, Deputy City Manager Brad Keogh, Chief Assistant City Attorney; Agnes Goodwine, City Clerk.

Motion was made by Councilmember Patena, seconded by Councilmember Edwards, to approve the Consent Agenda.

Upon vote, the motion passed unanimously 7 to 0.

1R. 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)(4) 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) Potential Litigation

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 4:02 p.m.

EXECUTIVE SESSION

2. Authorize the holding of an Executive Session pursuant to A.R.S. 38-431.03(A)(3) and 38-431.03(A)(4) 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) Potential Litigation

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.

STUDY SESSION

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 5:15 p.m.

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

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.

Subject(s) for Discussion Only

3. Sales Tax and Audit - Option H

Kevin Burke, Deputy City Manager, Sean Kindell, Chief Financial Officer, and Norma Sohal, Tax, Licensing and Collections Supervisor addressed the Council relative to this agenda item.

Mr. Kindell displayed a PowerPoint presentation that outlined the following information:

- Arizona Transaction Privilege Tax (TPT)
- Transaction Privilege Tax Audit process, background, and audit types
- Option H: Amusement description, background, and exemption

Discussion ensued regarding:

- Audit scope,

- Business self-classification/change
- Businesses type versus tax specific
- Number of businesses paying amusement tax
- Penalty reduction and payment options

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:56 p.m.

REGULAR MEETING

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 6:15 p.m.

Invocation by Jared Pottle, President from Peoria North Stake.

Pledge of Allegiance was led by Mayor Beck.

Members Present: Mayor Jason Beck; Vice Mayor Denette Dunn (telephonically); Mayor Pro Tem Jon Edwards; Councilmembers Jennifer Crawford, Michael Finn, 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 and Jill Boltz, Deputy City Clerk

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

REGULAR MEETING

Consent

All items listed on the Consent Agenda are considered 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 Councilmember Shafer, seconded by Mayor Pro Tem Edwards, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

4C. Grants, State of Arizona Department of Homeland Security, Various Fire Department Programs

(a) Authorized the Fire-Medical Department to accept two grant awards in the total amount of $58,950 from the Arizona Department of Homeland Security to be used to strengthen chemical, biological, radiological, nuclear or explosive detection, response and decontamination capabilities; and sustain and enhance the Terrorism Liaison Officer program through the 2023 Urban Areas Security Initiative Sustainment project; and (b) Approved a budget amendment in the amount of $58,950 from the Proposed Grants Contingency account to various Homeland Security Grant Fund accounts.

5C. Intergovernmental Agreement, Water Infrastructure Finance Authority, Grant Funding, Central Arizona Project and Lake Pleasant Parkway Wellfield

(a) Entered into an Intergovernmental Agreement between City of Peoria and the Water Infrastructure Finance Authority, substantially in the form as presented, (b) Accepted $10,000,000 in grant funding to help pay for the Central Arizona Project and Lake Pleasant Parkway Wellfield.

6C. Intergovernmental Agreement, City of Phoenix, Firefighter Physicals, Phoenix Fire Department Health Center

Approved an Intergovernmental Agreement with the City of Phoenix for annual firefighter physicals at the Phoenix Fire Department Health Center.

7C. Property Acquisition, 8866 West Thunderbird Road, APN 200-61-018K

(a) Authorized the acquisition of a 2,324 square foot commercial building located on city-owned property at 8866 West Thunderbird Road - APN 200-61-018K; and (b) approved a budget adjustment in the amount of $275,000 from the General Fund Contingency account to 1000-0352-540000.

8C. Temporary Occupancy Permit, BNSF Railway Company, Grand Avenue between 83rd Avenue and 88th Avenue

Approved a Temporary Occupancy Permit with the BNSF Railway Company for construction of improvements associated with the City's Grand Avenue Wrought

Iron Fence Capital Improvement Program project, in accordance with budget authority previously approved by Council.

9C. Maintenance Improvement District No. 1274, Mystic A-4, Forest Pleasant Place and El Mirage Road

Approved the Petition for Formation, adopt **RES. 2023-107** Intention and ordering the formation of proposed Maintenance Improvement District No. 1274, Mystic A-4, located at Forest Pleasant Place and El Mirage Road; and adopt **RES. 2023-108** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

10C. Street Light Improvement District No. 1176, Mystic A-4, Forest Pleasant Place and El Mirage Road

Approved the Petition for Formation and adopted **RES. 2023-109** intention and ordering the formation of proposed Street Light Improvement District No. 1176, Mystic A-4, located at Forest Pleasant Place and El Mirage Road; and adopt **RES. 2023-110** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

11C. Final Plat, The Trailhead, Happy Valley Road and 83rd Avenue

Approved a Final Plat of The Trailhead located on Happy Valley Road and 83rd Avenue. Subject to stipulations.

12C. Re-plat, "Replat of Lot 2, Alro Plat", Per Book 619 of maps 38 MCR, Southeast corner of 75th Avenue and Peoria Avenue

Approved a Re-Plat for "Re-Plat of Lot 2, Alro Plat" per Book 619 of maps 38 MCR, Southeast corner of 75th Avenue and Peoria Avenue. Subject to stipulations.

New Business

13R. Code Amendment, Credit Card Service Fee

Sean Kindell, Finance and Budget Director introduced Peter Christensen, Deputy Finance Director, and Raymond Nelson, Revenue Manager presented the Credit Card Service Fee code amendment.

Highlights of the presentation were as follows:

- Credit/debit card transaction Fees
- Most card fees absorbed by the City

- Average cost of card fees
- Recommendation

Discussion ensued regarding the limited implementation and notification window, and the service charge versus surcharge.

Motion was made by Councilmember Patena, seconded by Councilmember Crawford to approve an **ORD. 2023-17** amending Section 2-217 of the Peoria City Code and authorizing the City to impose a service fee of 2.80 percent per transaction ($1.95 minimum) on debit and credit card payments for certain City services.

Upon vote, the motion passed 6 to 1. Vice Mayor Dunn, voting no.

14R. <u>Budget Amendment, Parks and Recreation, Trail Improvements at Westwing Mountain Preserve</u>

Kevin Burke, Deputy City Manager and Chris Calcaterra, Parks and Recreation Director, presented on the Budget Amendment, Parks and Recreation, Trail Improvements at Westwing Mountain Preserve.

- Trail development process and how open space becomes usable trails
- Overview of trails system, connectivity, and construction
- Key trail considerations (safety, sustainability, topography, and usability)
- Projected costs of trail options
- Recommended action

Discussion ensued regarding:

- Trail Option C
- Community Meeting attendance and support
- Definition of a “Loop” trail

Ed McKelvey, Peoria resident, spoke in favor of the Budget Amendment.

Arrah-Wonoh Nester, Peoria resident, spoke in favor of the Budget Amendment and only trail Option C, but requested the trail be moved to minimize the impact on his home.

Jerry Johnson, Peoria resident, spoke in favor of the Budget Amendment.

James Barlow, Peoria resident, spoke in favor of the Budget Amendment, with only trail Option C.

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

Edwards to amend the language of the agenda item to approve a budget amendment from $100,000 to $75,000 from contingency to the Mountain Trail capital improvement plan project. These funds would design and construct two new trail segments on Westwing Mountain Preserve.

Upon vote, the motion passed 6 to 1. Mayor Beck, voting no.

Motion was made by Councilmember Shafer, seconded by Mayor Pro Tem Edwards to approve a budget amendment for $75,000 from contingency to the Mountain Trail capital improvement plan project. These funds would design and construct two new trail segments on Westwing Mountain Preserve.

Upon vote, the motion passed 5 to 2. Mayor Beck and Vice Mayor Dunn, voting no.

Call To The Public (Non-Agenda Items)

Howard Munding, Peoria resident, spoke regarding the Amusement Tax.

Vicki James, Peoria resident, spoke regarding the Police Chief recruitment process.

Nona Delfino, Peoria resident, spoke regarding a hydraulic leak from a City solid waste vehicle.

Kat Gatrost, Peoria resident, spoke regarding a non-discrimination ordinance.

Rhonda Carlson, Peoria Chamber of Commerce President, spoke regarding the Amusement Tax.

Cory Perreault, spoke regarding the Park Rental Rate for sports tournaments.

Lora Wood, Peoria business owner, spoke regarding the Amusement Tax.

Eva Osuna, Peoria resident, spoke regarding leadership and a policy to address customer service follow-up.

Reports from City Manager

Henry Darwin, City Manager reported on:

- City Hall fountain demolition
- Napa building demolition
- New barbeque restaurant coming soon to Downtown Peoria
- CBRE hired for marketing Downtown Peoria
- Adina Lund, Development and Engineering Director retirement
- Salter Well, Reservoir and Pump Station Rehabilitation project

Reports from Council Youth Liaisons

Council Youth Liaison Whetstine reported on:

- Youth Advisory Board Participation at Peoria Unified School District stakeholders meeting

Council Youth Liaison Shrivastava reported on:

- Youth Advisory Board Events
- Volunteer opportunities

Reports from the Mayor

Mayor Beck reported on:

- Proclamation for Hindu Heritage Month

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:37 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 17th day of October, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of November, 2023.

(Seal)

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Agnes Goodwine, City Clerk