



MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
November 14, 2023

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 5:05 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; Brad Keogh, Chief Assistant City Attorney; Agnes Goodwine, City Clerk.

Subject(s) for Discussion Only

1. Mid-Year Financial Review

Kevin Burke, Deputy City Manager, introduced Sean Kindell, Chief Financial Officer, and Peter Christensen, Deputy Finance Director and displayed a PowerPoint presentation regarding the Mid-Year Financial Review.

Sean Kindell, Chief Financial Officer provided an economic and financial forecast update.

Peter Christensen, Deputy Finance Director, highlighted the general fund revenue composition, including General Fund Revenues, Local Sales Tax Revenues, State Shared Sales Tax, and Urban Revenue Sharing (Income Tax), and Utility Enterprise Funds. Mr. Burke highlighted key takeaways and emphasized the importance of maintaining cautions when mapping out financial goals even if the economy appears to be doing well.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:28 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 6:01 p.m.

Invocation by Deacon Jeff Klarich, Life in Christ Lutheran Church.

Pledge of Allegiance was led by Mayor Beck.

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: 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; Brad Keogh, Chief Assistant 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.

Consent

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.

A motion was made by Councilmember Crawford, seconded by Vice Mayor Edwards, to approve the Consent Agenda.

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

2 C. **Minutes**

Discussion and possible action to approve the minutes of:

- October 10, 2023
- October 17, 2023

3 C. **Board and Commission Appointments**

Approved the recommendations from the Council Boards and Commissions Subcommittee and adopt **RES. 2023-111** to appoint/reappoint members to various Boards and Commissions.

4 C. **Workers' Compensation Exemption Request**

Authorized the execution of documents necessary to certify the City of Peoria exemption from the Industrial Commission of Arizona requirements to post security for self-insured Workers' Compensation claims.

5 C. **Right of Way Annexation, East Side of 83rd Avenue South of Acoma Drive**

Adopted **ORD. 2023-18** approving the annexation of a segment of unincorporated 83rd Avenue right of way South of Acoma Drive.

6 C. **Grant, State of Arizona Department of Public Safety, Victims of Crime Act, Victim Assistance Grant Program**

(a) Authorized the Peoria Police Department to accept a grant in the amount of \$191,515 from the Arizona Department of Public Safety, Victims of Crime Act, Victim Assistance Grant Program to fund personnel, a victim assistance software program renewal, and emergency victim assistance supplies and services for the Victim Assistance Program; (b) Approved a budget amendment in the amount of \$191,515 from the Proposed Grants Contingency Fund to the Victims of Crime Act Grant Fund.

7 C. **Grants, Governor's Office of Highway Safety, Highway Safety Projects**

(a) Authorized the City Manager to accept five grants totaling \$189,721 from the Governor's Office of Highway Safety for various enforcement and education efforts; and (b) Approved a budget amendment in the amount of \$189,721 from the Contingency Fund to various Governor's Office of Highway Safety Fund accounts.

8 C. **Grant, Department of Economic Security, Child Care Assistance**

(a) Accepted grant funding awarded to the City of Peoria from the Department of Economic Security for child care personnel related costs; and (b) Authorized a budget amendment for an amount not to exceed \$1.5 million dollars from the Proposed Grant Contingency account to the AM/PM Program.

9 C. **Agreement, Hanger Sublease, Hanger 12, LLC**

Authorized the City Manager to enter into a five year triple net lease agreement in the amount of \$7,500 per month with options to extend with Hanger 12, LLC for hanger space located at 6575 North Glen Harbor Boulevard, Glendale.

10 C. **Arizona Mutual Aid Compact, State of Arizona, Disaster Response**

Approved the acceptance of the Arizona Mutual Aid Compact with the State of Arizona as part of the statewide disaster response system.

11 C. **Memorandum of Understanding, City of Glendale Police Department, National Integrated Ballistic Information Network Program Participation**

Authorized a renewal of the Memorandum of Understanding with the City of Glendale Police Department to utilize the National Integrated Ballistic Information Network Program.

12 C. **First Renewal, Telecommunications License Agreement, MCImetro Access Transmission Services, LLC dba Verizon Access Transmission Services**

Approved the First Renewal to the Telecommunications License Agreement issued to MCImetro Access Transmission Services, LLC doing business as Verizon Access Transmission Services for the purpose of granting permission to construct, install, operate, maintain, and use public highways, public rights-of-way, public streets, and public utility easements within the City of Peoria to provide telecommunications services.

13 C. **Single Source Purchase, Environmental Systems Research Institute, Inc., 3 Year Enterprise License Agreement Geographic Information Systems**

Approved a single source purchase with Environmental Systems Research Institute, Inc. in the amount of \$535,095 in three annual payments of \$178,365 to purchase a three year Enterprise License Agreement for the City's Geographic Information Systems.

14 C. **Contract Approval, Felix Construction Company, Pleasant Valley Reservoir and Booster Pump Station Reclaimed Conversion Project**

Approved a contract with Felix Construction Company for construction of the Pleasant Valley Reservoir and Booster Pump Station Reclaimed Conversion Project, for a guaranteed maximum price of \$3,938,182.

15 C. **Intergovernmental Agreement Amendment, New River and Agua Fria Underground Storage Project I, Salt River Project and Municipal Facility Owners, Update Facility Ownership Shares, Glendale, Arizona**

Approved Amendment No. 2 to the New River and Agua Fria Underground Storage Project Intergovernmental Agreement Among Salt River Valley Water Users' Association, Salt River Agricultural Improvement and Power District and the Municipal Corporations of Avondale, Chandler, Peoria, and Glendale to revise Exhibit C reflecting conveyance of 18 percent of the City of Chandler's Storage Entitlement to the City of Avondale.

16 C. **Intergovernmental Agreement Amendment, City of Phoenix, Budget Authority for a Grant Funded Dial-A-Ride Vehicle**

Approved an amendment to the Intergovernmental Agreement with the City of Phoenix to secure the purchase of a Dial-A-Ride vehicle funded through a Federal Transit Administration grant. This request is for budget authority to receive reimbursement of a grant-funded Transit vehicle.

17 C. **Intergovernmental Agreement, Maricopa County, Construction and Maintenance of Sidewalks Within Maricopa County Right-of-Way, East Side of 99th Avenue, Della Avenue to Peoria Avenue**

Adopted **RES. 2023-114** approving an Intergovernmental Agreement with Maricopa County for the construction and maintenance of sidewalks within Maricopa County right-of-way along the East Side of 99th Avenue from Della Avenue to Peoria Avenue.

18 C. **Contract Amendment, B&F Contracting, Inc., Happy Valley Road and 98th Avenue Alignment Median Modifications**

Approved a contract amendment to B&F Contracting, Inc. for a Guaranteed Maximum Price amount of \$1,303,139 for the construction of a traffic signal and median improvements at Happy Valley Road and 98th Avenue alignment, in accordance with budget authority previously approved by Council.

19 C. **Peoria Public Transportation Agency Safety Plan**

Approved the Peoria Public Transportation Agency Safety Plan Revision 2 to accommodate changes in the agency's hierarchy as mandated by federal regulations. Recent changes in Peoria staffing require this routine administrative update brought to City Council.

20 C. **Fiscal Year 2024 1st Quarter Budget Amendments and Fiscal Year 2024 1st Quarter Chargebacks**

Approved the Fiscal Year 2024 First Quarter Budget Amendments and Fiscal Year 2024 First Quarter Chargebacks.

21 C. **Maintenance Improvement District No. 1279, Buckskin Estates, 71st Avenue and Celestine Drive**

Approved the Petition for Formation, adopt **RES. 2023-115** Intention and ordering the formation of proposed Maintenance Improvement District No. 1279, Buckskin Estates, located at 71st Avenue and Celestine Drive; and adopt **RES. 2023-116** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

22 C. **Street Light Improvement District No. 1180, Buckskin Estates, 71st Avenue and Celestine Drive**

Approved the Petition for Formation and adopt **RES. 2023-117** intention and ordering the formation of proposed Street Light Improvement District No. 1180, Buckskin Estates, located at 71st Avenue and Celestine Drive; and adopt **RES. 2023-118** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

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

Adopted **RES. 2023-119** 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.

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

Adopted **RES. 2023-120** 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. The deeds and easements have been recorded by the Maricopa County Recorder's Office and this process will formally incorporate them into the system.

25 C. **Final Plat, Corrective Final Plat of 99th Avenue EZ Stor, Southeast Corner of 99th Avenue and Washington Street**

Approved the Corrective Final Plat of 99th Ave EZ Stor, located at the Southeast Corner of 99th Avenue and Washington Street.

26 C. **Liquor License Application Various Locations**

Recommend approval to the State Liquor Board for a new Wine and Beer (Series 10) Liquor License for Super Carniceria La Pradera Ranch, located at 6811 West Peoria Avenue #103, Simon M. Chavira, Applicant, LL#23-011079.

27 C. **Budget Amendment and Contract Change Order, Capital Improvement Projects, Pavement Management Program, Rehabilitation and Pavement Preservation**

Approved a budget amendment and change order for \$250,000 with contractor, ViaSun Corporation, for additional expenses related to On-Call Contract, ACON34520 for the application of Asphalt Seal Coat and Slurry Seal in the Springer Ranch and Morlen Estates communities.

REGULAR AGENDA

New Business

28 R. **Declaring an Effective Date Regarding Transaction Privilege Tax on Dance, Martial Arts, and Gymnastics Studios and the Related Instructions**

Kevin Burke, Deputy City Manager displayed a PowerPoint presentation highlighting the Amusement Transaction Privilege Tax. Information included:

- History
 - Adoption of Model City Tax Code and adoption of amusement category known as Local Option H.
 - In 1995, Municipal Tax Code Commission amended Local Option H language and added dance studios, which the city incorporated the language.
 - Canvass of businesses and investigation found 18 businesses not in compliance.
- Limitations
 - Treat as Education
 - Significant Misunderstanding Clause
 - Green Sheets
 - Just Tax Prospectively
- Proposal
 - Effective date, January 1, 2024
 - Specified Class – dance, gymnastics or martial arts studios engaged in instruction
 - Retail sales remain subject to back taxes
 - Previous payments to be refunded

- Existing audits to be settled

Discussion ensued regarding:

- The collaborative resolution between government and business
- Effective date of January 1, 2024
- All retail remains subject to retroactive payments
- Communication plan
 - Direct communication with identified businesses by phone call or notified by letter with conditions moving forward
- Working with Chamber of Commerce to identify and educate other businesses
- Support from the Chamber of Commerce and businesses
- Consultation with organizations outside the City

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

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

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

Motion was made by Mayor Pro Tem Edwards, seconded by Councilmember Shafer to adopt **ORD. 2023-19**, establishing an effective date for Transaction Privilege Tax (TPT) on dance, martial arts, and gymnastics studios in the City of Peoria that charge for related instruction.

Upon vote, the motion passed unanimously 7 to 0.

29 R. **PUBLIC HEARING - Annexation, 83rd and Acoma Drive**

Chris Jacques, Planning Director, provided an introduction and presentation of the proposed annexation for 2.9 acres owned by Fresh Start Church Assemblies of God located at 8rd and Acoma Drive.

Information included:

- Phase 1 - Threshold Determination
- Phase 2 – 30-Day Waiting Period
- Phase 3 – Annexation
- Staff Recommendation

Mayor Beck opened the public hearing for public comment.

No public comments were received.

Mayor Beck closed the public hearing.

A Public Hearing was held pursuant to A.R.S. §9-471 on the proposed annexation of approximately 2.9 acres of privately-owned land as part of the expansion of the Fresh Start Church, generally located at the southeast corner of 83rd Avenue and Acoma Drive.

No Council action was taken at this time.

30 R. **Memorandum of Understanding, Peoria Police Officers' Association**

Christine Nickel, Human Resources Director, introduced Breanne Nelson, Human Resources Manager and Norm Bacon, PPOA President, to present on the negotiations for a successor Memorandum of Understanding between the City and PPOA.

Information included:

- Bargaining Overview
- Staff & Labor Presentation
 - Process overview
 - Negotiated Items
 - Meet & Confer Team Members
- Recommendation

Motion was made by Councilmember Crawford, seconded by Councilmember Finn to approve a successor Memorandum of Understanding with the Peoria Police Officers' Association.

Upon vote, the motion passed unanimously 7 to 0.

31 R. **Council Confirmation of Police Chief Appointment**

Travis Cutright, Deputy City Manager, and Breane Nelson, Human Resources Manager provided the Council with an overview of the interview and hiring process for the new Police Chief. Information included:

- Nationwide recruitment
- Interview panels
- Candidates
- Forced Ranking
- Finalist sessions and feedback including Mayor, Council, City Manager, labor groups and a community meet and greet.

Discussion ensued regarding:

- Process compared to previous processes
- Candidate qualifications
- Recruitment process

- Public participation and input

Motion was made by Mayor Pro Tem Edwards, seconded by Councilmember Crawford to confirm the City Manager appointment of Thomas Intrieri as the new Police Chief for the City of Peoria Police Department, effective November 15, 2023.

Upon vote, the motion passed unanimously 7 to 0.

SWEARING IN OF NEW POLICE CHIEF, THOMAS INTRIERI

Presiding Municipal Judge George Anagnost administered the Oath of Office to Police Chief Thomas Intrieri.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager

Henry Darwin, City Manager acknowledged and thanked all veterans and their families for their service.

Mr. Darwin reported on:

- Business Concierge Program
- Salty Senorita demolition
- New K-12 School
- City of Peoria voted "Best Place to Work"
- Neighborhood Pride Day
- 2024 Annual City Council Calendar

A video highlighting upcoming Special Events was presented.

Reports from Council Youth Liaisons

Council Youth Liaison Shrivastava reported on:

- Youth Government Day
- Volunteer Event Participation

Council Youth Liaison Whetstine reported on:

- Civic engagement of Peoria 8th grade students

Reports from the Mayor

Mayor Beck reported on:

- Veterans Day Event
- Visit to Isreal
- Public Safety, Economic Development, Water
- Real-time Crime center
- Aviation Unit

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 7:12 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 November 14, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of December, 2023.

(Seal)

Agnes Goodwine, City Clerk