



MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
January 16, 2024

An **Executive 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 4:02 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; 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.

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

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

Upon tabulation of votes, it showed:

AYES – Beck-Crawford-Dunn-Edwards-Finn-Patena-Shafer

NAYS – None

ABSENT – None

Motion carried unanimously by those present.

1 R. Authorization to Hold an Executive Session

Discussion and possible action to authorize the holding of an Executive Session 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) Discussion or consultation for legal advice concerning litigation entitled William Nailor v. City of Peoria pursuant to A.R.S. § 38-431.03(A)(3) and A.R.S. § 38-431.03(A)(4).

- (b) Discussion or consultation for legal advice concerning litigation entitled Johnny Lott v. City of Peoria pursuant to A.R.S. § 38-431.03(A)(3) and A.R.S. § 38-431.03(A)(4).
- (c) Discussion or consultation for legal advice concerning employment, assignment, appointment, promotion, or salaries of a public officer or appointee pertaining to the evaluation process and performance of the City Manager pursuant to A.R.S. § 38-431.03(A)(1), A.R.S. § 38-431.03(A)(2), A.R.S. § 38-431.03(A)(3).

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 4:29 p.m.

EXECUTIVE SESSION

2. Authorization to Hold an Executive Session

Discussion and possible action to authorize the holding of an Executive Session 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) Discussion or consultation for legal advice concerning litigation entitled William Nailor v. City of Peoria pursuant to A.R.S. § 38-431.03(A)(3) and A.R.S. § 38-431.03(A)(4).
- (b) Discussion or consultation for legal advice concerning litigation entitled Johnny Lott v. City of Peoria pursuant to A.R.S. § 38-431.03(A)(3) and A.R.S. § 38-431.03(A)(4).
- (c) Discussion or consultation for legal advice concerning employment, assignment, appointment, promotion, or salaries of a public officer or appointee pertaining to the evaluation process and performance of the City Manager pursuant to A.R.S. § 38-431.03(A)(1), A.R.S. § 38-431.03(A)(2), A.R.S. § 38-431.03(A)(3).

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 5:34 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. Review and Comparison of Park Conditions

Kevin Burke, Deputy City Manager provided background on previous discussion regarding parks in north Peoria vs. south Peoria.

Chris Calcaterra, Parks and Recreation Director presented the current status of city parks. Information included:

- Defining Park Comparison
- Community parks and attributes
- Neighborhood parks and attributes
- Neighborhood parks by district, acreage, and age

Mike Elliot, Deputy Parks and Recreation Director presented the following information:

- Neighborhood Park Work Orders
- Neighborhood Parks Condition Index
- Amenity Count
- Amenities by Park for Comparison
- Amenity age, aesthetic condition and lighting
- Considerations
- Neighborhood Parks Monitoring

Mr. Burke spoke to keeping parity and maintaining what we have through the Capital Improvement Plan. Information included:

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- Facility refurbishment
- Park Playground Improvements
- Parks and Recreation ADA Compliance
- Park Court Renovations
- Park Refresh Program
- Water Conservation Program
- Use of Bond Authority to accelerate refurbishment
- New neighborhood parks added by developers, maintained by parks staff

Discussion ensued regarding:

- Bond Authorization use for Paloma Phase II
- Estimate of Paloma Phase II
- Additional Amenities for Paloma Park
- Work Orders per park average time
- Real-time information for citizens
- Dollar amount spent on each park

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:59 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 6:10 p.m.

Invocation by Brian Beltramo, Sports Consultant and Character Coach from Liberty High School.

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; 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.

Presentation:

4. Liberty High School Proclamations

Councilmember Edwards and City Manager Darwin read aloud and presented proclamations acknowledging the accomplishments and proclaiming January 16, 2024, as:

- Peoria Liberty High School State Football Champion Day
- Liberty High School Adam Croix State Champion Day
- Liberty High School Ryan Denhoff State Champion Day
- Liberty High School Ezekiel Raybourn State Champion Day

5. City of Peoria Young Artist Showcase

Marylou Stephens, Arts, Culture and Library Services Director and Robert Panzer, Peoria Unified School District Director of Arts Education recognized and provided certificates to the students whose artwork was selected for the Peoria Young Artists Program on display in the Peoria City Hall.

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.

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 Crawford, seconded by Councilmember Edwards, to approve the Consent Agenda.

Upon tabulation of votes, it showed:

AYES – Beck-Dunn-Edwards-Finn-Patena-Crawford-Shafer
NAYS – None
ABSENT – None

Motion carried unanimously by those present.

6 C. **Disposition of Absence**

Approve the absence of Councilmember Crawford from the City Council Meeting held on December 12, 2023.

7 C. **Minutes**

Approved the December 12, 2023, City Council meeting minutes.

8 C. **Call and Notice of Election**

(a) Called a nonpartisan candidate Primary Election on August 6, 2024, and if necessary, a nonpartisan candidate General Election on November 5, 2024; and
(b) Authorized staff to add additional issues to the ballot as directed by Council.

9 C. **Initial Zoning, Fresh Start Church, 83rd and Acoma Drive**

Concurred with the Planning and Zoning Commission's recommendation and adopt **ORD. 2024-01**, approving the Initial Zoning of approximately 2.9 acres of newly annexed area, as part of an overall expansion of the Fresh Start Church. The site is generally located at the southeast corner of 83rd Avenue and Acoma Drive. This action would supplant the current Maricopa County zoning of Rural-43 with the equivalent City of Peoria zoning district of Suburban Ranch.

10 C. **Grant, Arizona Department of Administration, Arizona 911 Program**

Approved a grant in the amount of \$286,797 from the Arizona Department of Administration for the Arizona 911 Next Generation Program implementation. And, to approve an associated Memorandum of Understanding, to the grant, with the Arizona Department of Administration, Geospatial Support Services.

11 C. **Budget Amendment, City Hall Roof Replacement, Peoria Municipal Complex at 84th Avenue and Monroe Street**

Approved a budget amendment and use of reserves for the amount of \$100,000 to advance the preconstruction planning and bidding efforts for the PW00150 Roof Replacement capital improvement project funded in the adopted Fiscal Year 2025 Capital Improvement Project. This final project phase will entail roof replacement and building envelope maintenance at City Hall located at the Peoria Municipal Complex at 84th Avenue and Monroe Street.

12 C. **Contract Amendment, Budget Amendment, Police Locker Room Improvements, Public Safety Administration Building, Peoria Municipal Complex at 83rd and Cinnabar Avenues**

Approved a contract amendment to Core Construction for a Not-To-Exceed Guaranteed Maximum Price amount of \$1,723,250 for the construction of new Police Locker Room Improvements in the Public Safety Administration Building located on the Peoria Municipal Complex at 83rd and Cinnabar Avenues. A budget adjustment of \$500,000 from the City's Fiscal Year 2024 contingency appropriation is necessary to fund this award.

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

Adopted **RES. 2024-02** 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.

14 C. **Abandonment of City Interest, Portion of Drainage and Slope & Drainage Easements, Master Final Plat for Mystic at Lake Pleasant Heights - Westland and El Mirage Roads**

Adopted **RES. 2024-03** to abandon City interest to a portion of a Drainage Easement and Slope and Drainage Easement dedicated as part of the Master Final Plat for Mystic at Lake Pleasant Heights in the vicinity of Westland and El Mirage Roads.

15 C. **Abandonment of City Interest, Federal Patent Easement, 26074 North 94th Avenue**

Adopted **RES. 2024-04** to abandon City interest in a portion of a Federal Patent Easement as recorded in Maricopa County Recorder Docket 2964 Page 280, located at 26074 North 94th Avenue.

16 C. **Final Plat, Village H at Vistancia, Parcel H-7/8/9, North and West of the Intersection of White Peak Drive and Sonoran View Drive (Project No. R230107)**

Approved a Final Plat of Village H at Vistancia, Parcel H-7/8/9, located north and west of the intersection of White Peak Drive and Sonoran View Drive. Subject to stipulations.

17 C. **Replat, Lot 1 of the Replat of Peoria Place, Northwest Corner of Cotton Crossing and Whitney Drive (Project No. R230062)**

Approved a Replat of Lot 1 of the Replat of Peoria Place, located at the northwest corner of Cotton Crossing and Whitney Drive. Subject to stipulations.

18 C. **Replat, Lot 2 of the Replat of Peoria Place, Northeast Corner of Mountain View Road and 83rd Avenue (Project No. R230076)**

Approved a Replat of Lot 2 of the Replat of Peoria Place, located at the northeast corner of Mountain View Road & 83rd Avenue. Subject to stipulations.

19 C. **Replat, Village H, I, and J at Vistancia Parcels H, I/J, and WTP Master Final Plat, North of Vistancia Boulevard and White Peak Drive (Project No. R230063)**

Approved a Replat of Village H, I, and J at Vistancia Parcels H, I/J, and WTP Master Final Plat, located north of Vistancia Boulevard and White Peak Drive. Subject to stipulations.

20 C. **Settlement Agreement, William Nailor v. City of Peoria**

(a) Approved the settlement agreement in the amount of \$237,500 regarding William Nailor v. City of Peoria; and (b) Authorized the City Attorney to execute all necessary documents.

21 C. **Settlement Agreement, Johnny Lott v. City of Peoria**

(a) Approved the settlement agreement in the amount of \$480,000 regarding Johnny Lott v. City of Peoria; and (b) Authorized the City Attorney to execute all necessary documents.

22 C. **Liquor License Application, Postino Peoria, 16165 North 83rd Avenue**

Recommended approval to the State Liquor Board for:

A New Restaurant (Series 12) Liquor License for Postino Peoria, located at 16165 North 83rd Avenue, Andrea D. Lewkowitz, Applicant, LL#23-011085.

REGULAR AGENDA

New Business:

23 R. Election of Vice Mayor

Councilmember Patena nominated Councilmember Edwards to serve as Vice Mayor, seconded by Councilmember Finn.

Upon tabulation of votes, it showed:

AYES – Beck-Dunn-Edwards-Finn-Patena-Crawford-Shafer

NAYS – None

ABSENT – None

Motion carried unanimously by those present.

24 R. Election of Mayor Pro Tem

Councilmember Finn nominated Councilmember Crawford to serve as Mayor Pro Tem, seconded by Councilmember Edwards.

Upon tabulation of votes, it showed:

AYES – Beck-Edwards-Finn-Patena-Crawford-Shafer

NAYS – Dunn

ABSENT – None

Motion carried by those present.

25 R. First Amendment, 83rd Avenue and Happy Valley Road Development Agreement and Addendum No. 1 Including a Sales Tax Reimbursement for Public Infrastructure

Mike Faust, Deputy City Manager reminded the Council of Step 1 of the process brought to them at the December 12, 2023, meeting and presented the project background. Information included:

- Economic Development needs
- Project specific economic impact
- Current Situation – Problem and Solution
- Multi-step Council action process
- Staff recommendation

Discussion ensued regarding:

- Current construction progress at the site
- Preapplication submittals
- City's risk mitigation

Motion was made by Councilmember Edwards, seconded by Vice Mayor Patena to adopt **RES. 2024-05** authorizing the City Manager to execute a First Amendment to the Trailhead Development Agreement and Addendum No. 1 containing a retail development sales tax incentive to reimburse construction of public infrastructure for property located at 83rd Ave and Happy Valley Road, pursuant to ARS 9-500.11, Version 2.

Upon tabulation of votes, it showed:

AYES – Beck-Dunn-Edwards-Finn-Patena-Crawford-Shafer

NAYS – None

ABSENT – None

Motion carried unanimously by those present.

26 R. **Authorize Water Infrastructure Finance Authority Loan to Construct Reservoir/Booster Pump Station**

Jennifer Somes, Engineering Supervisor and Project Manager provided a project overview. Information included:

- Project Overview
- “Sunset Vista Reservoir and Booster Pump Station”
- Phase I – Predesign/Preconstruction
- Phase 2A and 2B – Detailed Design, Long Lead Procurement, and Early Construction

Sean Kindall, Finance Director presented the details of the Water Infrastructure Finance Authority (WIFA) Loan and project financing structure and provided staff's recommendation.

Discussion ensued regarding approval and coming back to the Council if the loan rate exceeds seven percent.

Motion was made by Councilmember Finn, seconded by Councilmember Shafer to adopt **RES. 2024-06** authorizing a Water Infrastructure Financing Authority loan in an amount not to exceed \$13,500,000 to construct the Zone 6E Reservoir and Booster Pump Station project located next to the Central Arizona Project canal and Lake Pleasant Parkway.

Upon tabulation of votes, it showed:

AYES – Beck-Dunn-Edwards-Finn-Patena-Crawford-Shafer

NAYS – None

ABSENT – None

Motion carried unanimously by those present.

27 R. **Budget Amendment, Lake Pleasant Parkway, Loop 303 to State Route 74**

Dan Nissen, Acting Development and Engineering Director explained the project is currently included in the fiscal year 2025-2027 Capital Improvement Program and the request is to move some of the FY2025 funding to FY2024. Information included:

- Purpose
- Project overview
- Eight options developed in 2010 are no longer viable
- Project Elements
- Roadway project funding and schedule
- Staff recommendation

Motion was made by Councilmember Shafer, seconded by Councilmember Edwards to approve a budget amendment in the amount of \$2,200,000 from contingency to allow for the initiation of a Design Concept Report update for the Lake Pleasant Parkway, Loop 303 to State Route 74 Capital Improvement Program project funded in the adopted Fiscal Year 2025 Capital Improvement Program.

Upon tabulation of votes, it showed:

AYES – Beck-Dunn-Edwards-Finn-Patena-Crawford-Shafer

NAYS – None

ABSENT – None

Motion carried unanimously by those present.

28 R. **Purchase of Property, 8795 North 83rd Avenue**

Rick Buss, Assistant City Manager provided a summary of the property's current use, purchase price and recommended action.

Discussion ensued regarding:

- Size of the property
- Opportunity
- Contingency funding

Motion was made by Mayor Pro Tem Crawford, seconded by Councilmember Vice Mayor Patena to approve a purchase and sale agreement and a post-closing possession agreement for property located at 8795 North 83rd Avenue (APN# 142-21-002G).

Upon tabulation of votes, it showed:

AYES – Beck-Dunn-Edwards-Finn-Patena-Crawford-Shafer

NAYS – None

ABSENT – None

Motion carried unanimously by those present.

Call To The Public (Non-Agenda Items)

Shannon Ceimo, Peoria resident, spoke regarding pollution and water usage related to Taiwan Semiconductor Manufacturing Company and AMKOR.

Eva Osuna, Peoria resident, spoke regarding Peoria's incorporation in 1954 and the agreement and funding for a proposed park near the new Charter school.

Phyllis Gerner, Peoria resident, spoke regarding water conservation.

Jon Forsyth, Peoria resident, spoke regarding the December City Council meeting and purchase of the helicopter.

Ron [last name not provided], spoke regarding transparency and commended Councilmember Dunn.

Reports from City Manager

Henry Darwin, City Manager, reported on the following:

- Citizen commendation – Officer Brady Cox
- Specialty Training – Technical Rescue Team and Hazardous Materials Team
- Economic Development – Leads to Locates
- Bartlett Dam Expansion Project
- PSPRS Progress – updated fully funded by 2031

A video of the time-lapsed demolition of the City Hall water fountain was shown.

Reports from Council Youth Liaisons

Council Youth Liaison Whetstine reported on the Youth Advisory meeting discussion on Committee and Board goals and 2nd Annual Debate Night

Council Youth Liaison Shrivastava reported on the Martin Luther King, Jr. Day event and Youth Government Day.

Reports from the Mayor:

Mayor Beck reported on the following:

- Day of Giving
- National Law Enforcement Appreciation Day
- Martin Luther King, Jr. Day
- Upcoming 2024 year

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:47 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 the 16th day of January 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of February 2024.

(Seal)

Agnes Goodwine, City Clerk