

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
April 19, 2022

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 4:33 p.m.

Members Present: Mayor Cathy Carlat; Vice Mayor Bill Patena; Councilmembers Denette Dunn, Jon Edwards, Michael Finn, and Vicki Hunt.

Council Youth Liaisons: None.

Members Absent: None.

Other Municipal Officials Present: Vanessa Hickman, City Attorney, and Lori Dyckman, Acting City Clerk.

Audience: None.

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 with a "C" are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Mayor Carlat asked if any Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Councilmember Hunt, seconded by Vice Mayor Patena, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 6 to 0.

1C. Authorization to Hold an Executive Session

Authorized the holding of an Executive Session for the purpose of discussion 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) Employment, assignment, appointment, promotion, or salaries of a public officer or appointee pertaining to the performance evaluation of the City Attorney pursuant to A.R.S. § 38-431.03.A.1.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 4:33 p.m.

EXECUTIVE SESSION AGENDA

- 2. An Executive Session was convened immediately following the 4:00 Special Meeting for the purpose of discussion and consideration 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) Employment, assignment, appointment, promotion, or salaries of a public officer or appointee pertaining to the performance evaluation of the City Attorney pursuant to A.R.S. § 38-431.03.A.1.

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 a moment of silent reflection, Councilmember Dunn led the Pledge of Allegiance.

Members Present: Mayor Cathy Carlat; Vice Mayor Bill Patena; Councilmembers, Denette Dunn, Jon Edwards, Michael Finn, and Vicki Hunt.

Council Youth Liaisons: Arizbeth Fierro and Savana Rodriguez.

Members Absent: None.

Other Municipal Officials Present: Jeff Tyne, City Manager; Andy Granger, Deputy City Manager; Katie Gregory, Deputy City Manager; Erik Strunk; Deputy City Manager; Vanessa Hickman, City Attorney; Lori Dyckman, Acting City Clerk; Gary Bernard, Deputy Fire Chief; Robert Brewster, Deputy Fire Chief; Kevin Burke, Finance and

Budget Director; Chris Calcaterra, Parks and Recreation Director; Jay Davies, Public Works Director; Chris Hallett, Neighborhood and Human Services Director; Chris Jacques, Planning and Community Development Director; Adina Lund, Development and Engineering Director; Art Miller, Police Chief; Billy Morris; Deputy Fire Chief; Christine Nickel, Human Resources Director; Cape Powers, Water Services Director; Sharon Roberson, Assistant to the City Manager; Jennifer Stein, Economic Development Director and Anne Thomson, City Clerk Specialist.

Audience: Approximately 150 members of the public were present in the Council Chamber and overflow in the Pine Room.

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. **Appreciation of Salt River Project “Right Tree, Right Place” Initiative in Peoria**

Chris Calcaterra, Parks and Recreation Director presented on the appreciation of Salt River Project “Right Tree, Right Place” Initiative in Peoria.

4. **Recognition of Public Safety Departments by the Peoria Chamber of Commerce**

David Tracey, the Director of the Peoria Chamber of Commerce presented a donation of for \$10,002.50 to Peoria Public Safety Departments from the Annual First Responders Golf Charity Event.

5. **Proclamation Recognizing Liberty High School Boys Individual State Wrestling Champions**

Mayor Carlat read aloud a Proclamation recognizing the Liberty High School Boys Individual State Wrestling Champions.

Mayor Carlat and Councilmember Edwards presented the Proclamation to the Liberty High School Girls Wrestling Team.

6. **Proclamation Recognizing the Liberty High School Girls Wrestling Team as State Champions**

Mayor Carlat read aloud a Proclamation recognizing the Liberty High School Girls Wrestling Team as State Champions.

Mayor Carlat and Councilmember Edwards presented the Proclamation to the Liberty High School Girls Wrestling Team.

CONSENT AGENDA: All items listed with a “C” are considered to be routine or have been previously reviewed 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 Carlat asked if any Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Councilmember Hunt, seconded by Councilmember Edwards, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 6 to 0.

7C. Disposition of Absence

Approved the absence of Mayor Pro Tem Hunt from the April 5, 2022 City Council meeting.

8C. Minutes

Approved the March 30, 2022, Budget Study Session meeting minutes.

9C. Land Right Acquisitions, Stadium Trail Phase 1, Skunk Creek from 73rd Avenue to 83rd Avenue

Adopted **RES. 2022-39** authorizing the acquisition of property rights to accommodate trail improvements for the Stadium Trail Multi-Use Path Phase 1 along the north side of Skunk Creek between 73rd Avenue and 83rd Avenue by donation, outright purchase or the exercise of the power of eminent domain.

10C. Contract, Brightview Landscape Services, 67th Avenue, Olive Avenue to Redfield Road

- (a) Awarded a contract in the amount of \$720,786 to Brightview Landscape Services to construct the 67th Avenue, Olive Avenue to Redfield Road landscape enhancements; and
- (b) Approved a budget amendment in the amount of \$100,000 from the Transportation Sales Tax Fund Contingency account to the 67th Avenue, Olive Avenue to Redfield Road landscape enhancements account, in accordance with budget authority previously approved by Council.

11C. Contract, Capital Improvement Projects, Pavement Management Program, Rehabilitation and Pavement Preservation

Awarded an individual job order in the total amount of \$1,646,707 to contractor, Nesbitt Contracting Co., Inc., pursuant to the master job order contract, ACON01717 for Pavement Maintenance and Repair.

12C. Felix Construction Company, Sonoran Mountain Ranch West Tank Rehabilitation

Approved a contract in an amount not to exceed \$1,842,208 with Felix Construction Company to provide construction services for the rehabilitation of the 1.4 million gallon Sonoran Mountain Ranch West Tank, in accordance with budget authority previously approved by Council.

13C. Intergovernmental Agreement, Maricopa County, Waive Traffic Control Plan Review and Permit Fees

Adopted **RES. 2022-40** approving an Intergovernmental Agreement with Maricopa County to implement a cooperative agreement to waive traffic control plan review and permit fees in certain circumstances.

14C. Intergovernmental Agreement, City of Glendale, Emergency Backup Water Service

Approved an Intergovernmental Agreement with the City of Glendale to allow for an interconnect between the Peoria and Glendale water systems for emergency backup water supply.

15C. Call and Notice of Election

- (a) Directed the City Clerk to post the Call and Notice of Election for a Special Primary Election on November 8, 2022 and if necessary, a Special Runoff General Election on March 14, 2023; and
- (b) Authorized the City Clerk and the City Attorney to take all action necessary to conduct the elections.

16C. Public Transit 2022-2025 Title VI Plan Update

Approved the Federal Transit Administration required 2022 - 2025 Title VI Plan update for the City of Peoria Transit Division.

17C. Budget Amendment, Contract Plan Review Services

Approved a budget amendment in the amount of \$100,000 from the General Fund Contingency account to the Building Development Division's operational budget account for Contract Plan Review Services.

18C. Deeds and Easements, Various Locations

Adopted **RES. 2022-41** accepting Deeds and Easements for various Real Property interests acquired by the City.

19C. Easement, Arizona Public Service, Jomax Water Reclamation Facility, 12483 West Jomax Road

Adopted **RES. 2022-42** authorizing the City Manager to execute an easement to Arizona Public Service for the installation and maintenance of electrical facilities associated with the Jomax Water Reclamation operations building at 12483 West Jomax Road.

20C. Final Plat, Lake Pleasant Convenience Store, Lake Pleasant Parkway and Carefree Highway

Approved a Final Plat of Lake Pleasant Convenience Store located approximately 900-ft south of the intersection of Lake Pleasant Parkway and Carefree Highway, subject to stipulations.

REGULAR AGENDA

New Business:

Clerk's Note: Agenda items 21R, 22R and 23R were presented together.

21R. PUBLIC HEARING - Planned Community District Amendment, Aloravita, 83rd Avenue and Happy Valley Road

Chris Jacques, Planning and Community Development Director, presented on the Planned Community District Amendment, Aloravita, located at 83rd Avenue and Happy Valley Road. Information included:

- Site and Area Context
- General Plan 2040
- Current zoning
- Proposed 45-acre Planned Area Development
- Development plan - The Trailhead

- Three Components
 - Commercial
 - Church
 - Multi-Family Residential
- Vehicular Improvements
- Public Outreach
- Planning and Zoning Commission Public Hearing
 - Notification process
 - Public Hearing
- Support and Opposition of project
- Peoria Unified School District report of no significant net change in students as a result of rezoning
- Public Safety Review
- Community Design Standards
- Key Findings

Prior to calling the Public Hearing open to public comment, Mayor Carlat invited Paul Gilbert, Legal Counsel of the project to speak.

Paul Gilbert, Legal Counsel for the project, spoke on the complexity of the project involving industrial and residential areas and working with six different property owners. Mr. Gilbert praised Mr. Jacques and city staff for their work on the project. Mr. Gilbert thanked the City and Council for their support. Mr. Gilbert stated the project must include multi-family units otherwise, it would not be considered mixed-use. Mr. Gilbert discussed that apartments were an integral part of the project and addressed the shortfall in Arizona regarding apartments. Mr. Gilbert explained the height of the apartments, the entry and exit access, the traffic impacts based on Peoria's traffic study, the amenities and community trails. Mr. Gilbert discussed the commercial portion by explaining that there will be a minimum of four high-end restaurants.

Discussion ensued regarding:

- Three-story apartments being equivalent to two-story houses in the area
- Drainage issues

Mayor Carlat called the Public Hearing open to public comment

Barbara Wyllie, a Sun City West resident, addressed the Council voicing her opinion to postpone the decision of the Trailhead Project.

Shawn Hutchinson, a Peoria resident and member of the Planning and Zoning Commission, addressed the Council voicing his support of the Trailhead Project.

Jeff DeWit, a Peoria resident, addressed the Council voicing his opposition to the Trailhead Project.

Nicki Hulstine, a Peoria resident, addressed the Council voicing her opinion to postpone the decision of the Trailhead Project.

Megan Staub, a Peoria resident, addressed the Council voicing her support of the Trailhead Project.

Jodi Silva, a Peoria resident, addressed the Council voicing her support of the Trailhead Project.

Kristi Hunter, a Peoria resident, addressed the Council voicing her support of the Trailhead Project.

Diane Douglas, a Peoria resident, addressed the Council voicing her opposition to the Trailhead Project.

Michelle Tennyson, a Peoria resident, addressed the Council voicing her opposition to the Trailhead Project.

Matthew Roe, a Peoria resident, addressed the Council voicing his support of the Trailhead Project.

Michael Stewart, a Peoria resident, addressed the Council voicing his opposition to the Trailhead Project.

Justin Davis, a Peoria resident, addressed the Council voicing his support of the Trailhead Project.

Laura Basey, a Peoria resident, addressed the Council voicing her opposition to the Trailhead Project.

Chris Jivan, a Peoria resident, addressed the Council voicing his opposition to the Trailhead Project.

Amy Malloy, a Peoria resident, addressed the Council voicing her support of the Trailhead Project.

Michele Kemper, a Peoria resident, addressed the Council voicing her support of the Trailhead Project.

Lori Bango, a Peoria resident, addressed the Council voicing her opinion to postpone the decision of the Trailhead Project.

Jennifer Sinconis, a Peoria resident, addressed the Council voicing her support of the Trailhead Project.

Joel Junokas, a Peoria resident, addressed the Council voicing his opposition to the Trailhead Project.

Linda Busary, a Peoria resident, addressed the Council voicing her opposition to the Trailhead Project.

Susan Nicholson, a realtor throughout the West Valley, voicing her support of the Trailhead Project.

Rachel Gularte, a Peoria resident, addressed the Council voicing her support of the Trailhead Project.

Janella Dobson, a Peoria resident, addressed the Council voicing her opposition to the Trailhead Project.

Joel Kirkpatrick, a Peoria resident, addressed the Council voicing his opposition to the Trailhead Project.

Walter Hirsch, a Peoria resident, addressed the Council voicing his opposition to the Trailhead Project.

Corrine Haynes, a Peoria resident, addressed the Council voicing her postpone the decision of the Trailhead Project.

Krista Stone, a Peoria resident, addressed the Council voicing her opposition to the Trailhead Project.

Clair Van Steenwyke, a Peoria resident, addressed the Council voicing his opposition to the Trailhead Project.

Diane Bovana, a Peoria resident, addressed the Council voicing her opposition to the Trailhead Project.

Kathleen Roe, a Peoria resident, addressed the Council voicing her support of the Trailhead Project.

Jeff Dykes, a Peoria resident, addressed the Council voicing his opposition to the Trailhead Project.

Jim Bovana, a Peoria resident, addressed the Council voicing his opposition to the Trailhead Project.

Tony Dudzinski, a Peoria resident, addressed the Council voicing his opposition to the Trailhead Project.

Alaina Dykes, a Peoria resident, addressed the Council voicing her opposition to the Trailhead Project.

Susan Black, a Sun City resident, addressed the Council voicing her opposition to the Trailhead Project.

Julie LaCroix, a Peoria resident, addressed the Council voicing her support of the Trailhead Project.

Bridget MacDonald, a Peoria resident, addressed the Council voicing her support of the Trailhead Project.

David Creighton, the Pastor at Life Path Church, addressed the Council voicing his support of the Trailhead Project.

Discussion ensued regarding:

- Mixed-use approval in 2020 General Plan
- Residential versus commercial traffic patterns in Peoria's traffic review study
- Peoria Unified School District approval of mixed-use
- Resident perception with lack of Mesquite District representation although the project falls in the Willow District

Motion made by Councilmember Dunn to postpone approval of the Trailhead Project, seconded by Councilmember Edwards.

Motion failed 2-4 to postpone with the Mayor, Vice Mayor Patena, Mayor Pro Tem Hunt and Councilmember Finn voting 'no'.

Discussion ensued regarding:

- Opportunities for citizens to learn more about Peoria
- Traffic improvements as a result of project
- Number of homes in the site area as a whole between Westwing, Rock Springs, Terramar and Aloravita North and South

Motion was made by Councilmember Edwards, seconded by Mayor Pro Tem Hunt, to adopt **ORD. 2022-04** approving an amendment to the Planned Community District of Aloravita, located at 83rd Avenue and Happy Valley Road.

Upon vote, the motion passed with a vote of 5 to 1, with Councilmember Edwards voting “no”.

22R. PUBLIC HEARING – Minor General Plan Amendment, The Trailhead, 83rd Avenue and Happy Valley Road

Motion was made by Mayor Pro Tem Hunt, seconded by Councilmember Finn, to adopt **RES. 2022-43** approving an amendment to the General Plan Land Use Map for a 26-acre area generally located north of the northeast corner of 83rd Avenue and Happy Valley Road, from Traditional Residential (2-5 du/ac) to Mixed-Use Main Street.

Upon vote, the motion passed with a vote of 4 to 2, with Councilmembers Dunn and Edwards voting “no”.

23R. PUBLIC HEARING – Rezone, The Trailhead, 83rd Avenue and Happy Valley Road

Motion was made by Mayor Pro Tem Hunt, seconded by Vice Mayor Patena, to adopt **ORD. 2022-05**, approving the rezoning of approximately 45 acres generally located at the northeast corner of 83rd Avenue and Happy Valley Road, from General Agricultural (AG), Suburban Ranch (SR-43), and Aloravita Planned Community District (PCD) to Planned Area Development (PAD) Zoning District.

Upon vote, the motion passed with a vote of 5 to 1, with Councilmember Edwards voting “no”.

24R. Trailhead Development Agreement

Katie Gregory, Deputy City Manager, presented on the Trailhead Development Agreement. Information included:

- Project overview
- Infrastructure Improvements
- Agreement Terms
- Items eligible for reimbursement
- Performance requirements
- Impact Fee credits
- Summary

Discussion ensued regarding:

- Reimbursement requirements of the Pederson Group
- Objective fair market value for reimbursement
- Peoria's egal analysis on gift clause
- Property involved in reimbursement

Jeff DeWit, a Peoria resident, addressed the Council voicing his opposition to tax rebates and gift clauses.

Motion was made by Mayor Pro Tem Hunt, seconded by Councilmember Finn, to approve a Development Agreement with Pederson Group, Inc., pursuant to Arizona Revised Statutes §9-500.05 and authorize the City Manager to execute associated instruments and approve such additional terms and conditions, deemed necessary to carry out the intent of the agreement.

Upon vote, the motion passed with a vote of 5 to 1, with Councilmember Dunn voting "no".

25R. PUBLIC HEARING – Annexation, Arizona State Land Department Parcel B, 109th Avenue and Rose Garden Lane

Chris Jacques, Planning and Community Development Director, presented on the Annexation, Arizona State Land Department Parcel B, 109th and Rose Garden Lane. Information included:

- Proposal
- Related Cases
- Background
- Parcel B Annexation Summary and Process

Discussion ensued regarding:

- Police enforcement issues in the area
- Debris along the roadway

Mayor Carlat called the Public Hearing open to public comment.

Emerald Englert, a County island resident, addressed the Council expressing concern on school capacity.

No Council action may be taken at this time regarding the Annexation, Arizona State Land Department Parcel B, 109th and Rose Garden Lane.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager:

None.

Reports from City Council:

Council Youth Liaison Rodriguez reported on:

- Youth Advisory Board Chair and Vice Chair elections scheduled for May
- Youth Advisory Board researching community assistance organizations for collaboration efforts

Council Youth Liaison Fierro reported on:

- Newly appointed Youth Advisory Board members
- Youth Advisory Board volunteer service at the Dolly Sanchez festival booth

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 10:06 p.m.

Cathy Carlat, 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 19th day of April, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 3rd day of May, 2022.

(Seal)

Lori Dyckman, Acting City Clerk