

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
October 25, 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 4:30 p.m.

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

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, City Clerk and Christine Nickel, Human Resources Director.

Audience: No 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

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 a 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 Vice Mayor Patena, seconded by Mayor Pro Tem Hunt, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

1C. Authorization to Hold an Executive Session

Authorized the holding of an Executive Session pursuant to A.R.S. §§38-431.03(A)(3), 38-431.03(A)(4), 38-431.03(A)(5) and 38-431.03(A)(7) 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 scrivener's error was made on the agenda, identifying the United Phoenix Fire

Fighters Association Local as 492. The correct Local number is 493 as presented and reflected in the official minutes.

- (a) Labor Negotiations with the United Phoenix Fire Fighters Association (PFFA), Local 492 493 regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of employees of the public body pursuant to A.R.S. 38-431.03(A)(5).

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 4:31 p.m.

EXECUTIVE SESSION AGENDA

- 2** An Executive Session pursuant to A.R.S. §§ 38-431.03(A)(3), 38-431.03(A)(4), 38-431.03(A)(5) and 38-431.03(A)(7) 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) Labor Negotiations with the United Phoenix Fire Fighters Association (PFFA), Local 492 493 regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of employees of the public body pursuant to A.R.S. 38-431.03(A)(5).

A scrivener's error was made on the agenda, identifying the United Phoenix Fire Fighters Association Local as 492. The correct Local number is 493 as presented and reflected in the official minutes.

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 **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 5:16 p.m.

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

Members Absent: None.

Other Municipal Officials Present: Jeff Tyne, City Manager; Andy Granger, Deputy City Manager; Erik Strunk, Deputy City Manager; Lori Dyckman, City Clerk; Thomas Adkins, Intergovernmental Affairs Director; Kevin Burke, Finance and Budget Director; Chris Calcaterra, Parks and Recreation Director; Briana Cortinas, Office of Communications Director; Jay Davies, Public Works Director; Chris Hallett, Neighborhood and Human Services Director; Cape Powers, Water Services Director; Douglas Steele, Deputy Police Chief and Sharon Roberson, Assistant to the City Manager.

Audience: Approximately 4 members of the public were present.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

3. Central Arizona Project, Colorado River Shortage Preparedness

Cape Powers, Water Service Director presented on the Central Arizona Water Conservation District's (CAWCD) oversight, management and operation of the Central Arizona Project Canal to ensure the delivery of the Colorado River water to central Arizona. The CAWCD and Central Arizona Project (CAP) canal system is the City of Peoria's largest raw water supplier of water on a yearly basis.

Alexandra Arboleda, CAWCD Board Secretary presented on the Central Arizona Project, Colorado River Shortage Preparedness. Information included:

- Background
- Service Area
- Economic Impact of Colorado River
- Governance
- Colorado River Basin and Major Reservoirs – Lake Powell and Lake Mead
- Colorado River Water Supply Report
- Lower Basin Drought Contingency Plan Contributions to Lake Mead
- End of Calendar Year 2022 Projections
- 2022 and 2023 CAP Contributions in Shortage
- Long-term solutions

Discussion ensued regarding:

- Impact to agriculture
- Impact of Tier 3 reductions on Peoria
- Peoria Water Conservation programs and outreach
- Peoria's Water Policy

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:52 p.m.

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, Council Youth Liaison Mikah Dyer led the Pledge of Allegiance.

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

Council Youth Liaisons: Avi Agarwal and Mikah Dyer.

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, City Clerk; Thomas Adkins, Intergovernmental Affairs Director; Gary Bernard, Fire Chief; Kevin Burke, Finance and Budget Director; Chris Calcaterra, Parks and Recreation Director; Briana Cortinas, Office of Communications Director; Jay Davies, Public Works Director; Lorie Dever, Planning and Community Development Deputy Director; Chris Hallett, Neighborhood and Human Services Director; Christine Nickel, Human Resources Director; Cape Powers, Water Services Director; Douglas Steele, Deputy Police Chief; Jennifer Stein, Economic Development Services Director; Marylou Stephens, Arts, Culture and Library Services Director; and Sharon Roberson, Assistant to the City Manager and Jill Boltz, Deputy City Clerk.

Audience: Approximately 50+ 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.

Presentation:

4. Youth Advisory Board Update

Brian Carrico, Recreation Superintendent shared the structure and service provided by the Youth Advisory Board.

Youth Advisory Board members presented the FY2022 Youth Advisory Report. Information included:

- Youth Action Plan
- FY21-22 Board Goals
 - Provide opportunities for youth to engage in the community through outreach, service, and advocacy
 - Survey youth and the youth workforce to identify concerns they are facing
 - Promote healthy neighborhoods by leading awareness campaigns
 - Visit with youth groups, schools, and community leaders to advocate for youth
 - Evaluate and assess the impact of the Youth Action Plan over the past ten years

5. Library Card Contest Winners and New Library Programs

Mary Lou Stephens, Culture and Library Services Director presented on new Library programs. A short video was displayed. Information included:

- Storywalk
- Book Bike
- Amplify Studio – podcast room
- Certified Safe Autism Site

Heather Sorden, Library Services Coordinator presented the Library Card Contest Winners:

- Youth Winner – Izabella Herzog
- Teen Winner – Danica Dworshak

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Mayor Carlat announced that the Consent Agenda included a Public Hearing on a liquor license application for La Crab Shack Peoria, 6750 W. Peoria Avenue #128. There were no requests from those present to address this agenda item.

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 Mayor Pro Tem Hunt, seconded by Councilmember Finn, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

6 C. Disposition of Absence

Approved the absence of Mayor Pro Tem Hunt from the Regular City Council meeting held on October 11, 2022.

7 C. Minutes

Approved the October 11, 2022 City Council meeting minutes.

8 C. Intergovernmental Agreement, Arizona Water Banking Authority and Peoria for Municipal and Industrial Firming

Approved entering into an agreement with the Arizona Water Banking Authority to establish an annual process to implement and direct transfer of long-term water storage credits for “firming” Central Arizona Project Municipal and Industrial priority water.

9 C. Agreement, United States Department of Justice, Drug Enforcement Administration and the City of Peoria Police Department

(a) Approved renewal of an Agreement between the Peoria Police Department and the Drug Enforcement Administration (DEA) and assign an officer to the DEA Task Force for a period of not less than two years, and

(b) Approved a budget amendment in the amount of \$19,840 from the Proposed Grants Contingency Account to the Federal DEA Intergovernmental Agreement Fund Account to provide expenditure authority for overtime.

10 C. Contract Amendment, Point Engineers, 67th Avenue Corridor Improvement Project

Approved a Contract Amendment in the amount of \$1,692,908 with Point Engineers pursuant to Contract ACON20821, to provide final design services for the 67th Avenue Corridor Improvement Project, in accordance with budget authority previously approved by Council.

11 C. Contract Amendment, FPS Civil, LLC, 75th Avenue Water Line; Cholla Street to Thunderbird Road

Approved a Contract Amendment in the amount of \$151,315 with FPS Civil, LLC, pursuant to Contract LCON04021, to provide water line construction services for the 75th Avenue Water Line, Cholla Street to Thunderbird Road project, in accordance with budget authority previously approved by Council.

12 C. Development Agreement, 77th Lane, Aloravita South

Approved a Development Agreement with Ashton Woods Arizona, LLC and Lt Aloravita, LLC for the construction of the west half of 77th Lane north of Happy Valley Road and adjacent to parcels 9 and 11 located within the Aloravita South development.

13 C. Budget Adjustment, State Tax System Modernization Project

Approved a budget amendment in the amount of \$129,289 to pay the mandatory fee assessed by the Arizona Department of Revenue for the integrated tax system modernization project.

14 C. Peoria Public Transportation Agency Safety Plan

Approved the Peoria Public Transportation Agency Safety Plan (PTASP) Revision 1.

15 C. Replat for Bella Pasa Lots 19 & 20, 76th Avenue and Gelding Drive

Approved a Replat of Bella Pasa Lots 19 and 20, located on 76th Avenue and Gelding Drive, subject to stipulations.

16 C. Final Plat, Aloravita South Parcel 6A, Jomax Road and 77th Lane

Approved a Final Plat for Aloravita South Parcel 6A, located at the southeast corner of Jomax Road and 77th Lane intersection, subject to stipulations.

17C. Final Plat for Aloravita South Parcel 6B, Jomax Road and 77th Lane

Approved a Final Plat for Aloravita South Parcel 6B, located at the southeast corner of Jomax Road and 77th Lane intersection, subject to stipulations.

18 C. A Replat of Varney Tract, 80th Drive South of Kirby Street

Approved a Replat for a Replat of Varney Tract Assessor's Parcel Numbers 142-06-034A and 142-06-034B, located at 80th Drive South of Kirby Street, subject to stipulations.

19C. PUBLIC HEARING – Liquor License, La Crab Shack Peoria, 6750 W. Peoria Avenue #128

Recommended approval to the State Liquor Board for: a New Restaurant (Series 12) Liquor License for La Crab Shack Peoria, located at 6750 W. Peoria Avenue #128, Tin Thanh Vo, Application, LL#22-010950.

REGULAR AGENDA

New Business:

20 R. 2022 Peoria Community Design Guidelines

Katie Gregory, Deputy City Manager introduced the 2022 Peoria Community Design Guidelines. Information included:

- 2040 General Plan voter approved
- Smart and sustainable growth
- Focus on clarifying expectations and objectives

Lori Dever, Planning Manager presented on the 2022 Peoria Community Design Guidelines. Information included:

- Overview
- Development Process
- Relationship to 2040 General Plan
- Evolution of Design Guidelines – Design Review Manual
- Summary of Key Changes
- Overview of Process
- Single-Family Residential Standards
- Multi-Family Residential Standards
- Commercial & Mixed-Use Standards
- Old Town Core Standards
- Findings
- Recommended Actions

Discussion ensued regarding landscaping guidelines in relationship to the drought situation.

Motion was made by Councilmember Edwards, seconded by Mayor Pro Tem Hunt, to concur with the Design Review Board's recommendation to adopt **RES 2022-111**, approving the 2022 Peoria Community Design Guidelines.

Upon vote, the motion carried unanimously 7 to 0.

21 R. Development Agreement, Old Town Redevelopment

Katie Gregory, Deputy City Manager presented on the Development Agreement for the Old Town Redevelopment. Information included:

- Key Investments

- Project Overview
- City Interest/Approach
- Request for Proposals
 - Selected Developer - Arizona Partners in Real Estate (AZPRE)
- Development Terms
 - Leased and Purchased Properties
- Public Private Partnership Agreement
- Reimbursement Provisions for Public Infrastructure
- Lease Agreement for Historic School Sites
- Schedule of Performance
- Staff Recommendation

Discussion ensued:

- Public Outreach
- Reimbursement of Public Infrastructure
- Gift Clause

Motion was made by Councilmember Dunn to table the development agreement for 60-days. Motion died for lack of second.

Discussion ensued regarding:

- Purpose of 60-day delay
- Public Input
- Zoning process
- Renderings
- History of community involvement
- Specific Area Plan with Old Town Overlay
- 120-days to provide a conceptual plan
- Request for Proposals
- Information provide at September 13, 2022 Meeting
- Gift Clause, not applicable
- Reeducation of the public from past meetings
- Developer willingness to hear from the neighbors
- Phased development
- Financial impact – no risk to the City

Mayor Carlat called for public comment on Agenda Item 21 R:

Jim Keller, a Peoria resident, addressed Council to voice his opinion to postpone the decision on the Old Town Development Agreement.

Brian Morris, a Peoria resident, addressed Council to voice his opinion to postpone the decision on the Old Town Development Agreement.

Lori Bango, a Peoria resident, addressed Council to voice her opinion to postpone the decision on the Old Town Development Agreement.

Vicki James, a Peoria resident, addressed Council to voice her opinion to postpone the decision on the Old Town Development Agreement.

Diane Douglas, a Peoria resident, addressed Council to voice her opinion to postpone the decision on the Old Town Development Agreement.

Eva Osuna, a Peoria resident, addressed Council to voice her opinion to postpone the decision on the Old Town Development Agreement.

Jennifer Crawford, a Peoria resident, addressed Council to voice her opinion to postpone the decision on the Old Town Development Agreement.

Betty Osborne, a Peoria resident, addressed Council to voice her opinion to postpone the decision on the Old Town Development Agreement.

Corine Haynes, a Peoria resident, addressed Council to voice her opinion to postpone the decision on the Old Town Development Agreement.

Shani Olexa, a Peoria resident, addressed Council to voice her opinion to postpone the decision on the Old Town Development Agreement.

Traci Kinney, a Peoria resident, addressed Council to voice her opinion to postpone the decision on the Old Town Development Agreement.

Edward Molina, a Peoria resident, addressed Council to voice his opinion to postpone the decision on the Old Town Development Agreement.

Lawrene Bottorf, a Peoria resident, addressed Council to voice her opinion to postpone the decision on the Old Town Development Agreement.

Janice Cascino, a Peoria resident, addressed Council to voice her opinion to postpone the decision on the Old Town Development Agreement.

James Miller, a Peoria resident, addressed Council to voice his opinion to postpone the decision on the Old Town Development Agreement.

Bruce Shapiro, Developer with Principal Arizona Partners Retail Investment Group addressed Council. Information included:

- Success of redeveloping the downtown area will promote community pride
- Appreciates the comments and passion of the residents

- Explained the agreement does not approve a specific development plan but provides the 120 days to come up with plan
- The agreement for will not be approved for 60-days to allow for a public comment period
- Site plans to be developed for each project, each to include public outreach
- Emphasized that without public input the project will not succeed

Discussion ensued:

- Clarification on the 60-day public comment period on the development plan provided to the City.
- The terms of the agreement would move forward if the development plan is acceptable.
- Net positive fiscal impact with a short return on investment including sales tax and commercial rates.

City Manager, Jeff Tyne recommended including Council approval of the development plan at the end of the 60-day public input period.

Motion was made by Councilmember Finn, seconded by Vice Mayor Patena to approve the Development Agreement with a stipulation allowing for a 60-day public input period prior to Council approval of the Development Plan and to:

- (a) Adopt **RES 2022-112** approving a Development Agreement with ZONAPART, LLC for the sale and/or lease of certain City owned property in Old Town Peoria, and authorize the City Manager to complete all transactions contemplated within the agreements subject to such additional terms and conditions deemed necessary; and
- (b) Approve the use of reserves and a budget amendment in the amount of \$1,500 from the Half Cent Sales Tax Contingency account 1210-0350-570000 to the Economic Development Agreement Project account 1210-0350-522070-CIPOT-ED00031.

Upon vote, the motion carried 6 to 1, with Councilmember Dunn voting “no.”

Call To The Public (Non-Agenda Items)

Tracy Kinney, Peoria resident spoke regarding:

- Election integrity
- Sign removal / theft
- FOIA request
- Election interference complaint

Nefertiti Van der Riese, Buckeye resident spoke regarding:

- City of Peoria Victim Advocate Assistance Program
- Requested City of Peoria reconsider agreement with Legal Services for Crime Victims in Arizona

Eva Osuna, Peoria resident spoke regarding:

- Safety issues at Windrose Park
- Restroom facilities at Murphy Park
- Murphy Park project

Lori Bango, Peoria resident spoke regarding:

- Legislative District 28 Chairperson

James Miller, Peoria resident spoke regarding:

- Utility billing insert
- Electioneering

Tom Bottorf, Peoria resident spoke regarding:

- Pickleball
- Approved use of Paloma Park for the upcoming season
- 40-acre, Phase 2 of Paloma Park

Reports from City Manager:

22. Reports

City Manager Jeff Tyne reported on the Murphy Park refresh improvements and spoke to the importance of campaign requirements.

A. 2023 Council Meeting Calendar

Jeff Tyne, City Manager informed Council that the 2023 Council Meeting Calendar is available in their packet for informational purposes.

B. Public Works/Solid Waste Service Enhancements

Jay Davies, Public Works Director presented the Public Works/Solid Waste Enhancements. Information included:

- Route Adjustment to a 5-day collection schedule
- On-demand bulk collection
- Schedule change will reduce equipment wear and tear
- Implementation expected in February
- Leverage existing resources and enhance responsiveness

C. Baseball Updates

Chris Calcaterra, Parks and Recreation Director presented the Baseball Update included:

- Seattle Mariners and San Diego Padres were both in the playoffs.
- Preparing for 2023 Spring Training Season, which is the 30th Anniversary.
- Peoria will be hosting the Savannah Bananas on April 1, 2023.

D. Peoria Unified School District Cooperative Use of Community Parks

Chris Calcaterra, Parks and Recreation Director, presented the Peoria Unified School District Cooperative Use of Community Parks. Information included:

- Peoria Elementary School students are playing ball at all three City community parks.
- Sixteen of the community park softball fields will be used for the 6-week season, plus end of year tournaments.
- District College Annual Fair for junior and senior high school students and their families. Includes 67 colleges from around the United States and will be held at the Peoria Sports Complex.

Reports from Council Youth Liaisons:

Council Youth Liaison Dyer thanked the Mayor and Council for the opportunity to serve on the Youth Advisory Board and for their support.

Council Youth Liaison Agarwal reported on:

- Youth Advisory Board Monster Bash attendance
- Pumpkin contest judging

Reports from the Mayor:

None.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:36 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 25th day of October, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 15th day of November, 2022.

(Seal)

Lori Dyckman, City Clerk