



MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
December 12, 2023

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 Michael Finn, Bill Patena and Brad Shafer.

Members Absent: Councilmember Jennifer Crawford.

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.

Executive Session Agenda

Motion was made by Councilmember Finn, seconded by Councilmember Edwards, to authorize holding an Executive Session.

Upon tabulation of votes, it showed:

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

NAYS – None

ABSENT – Crawford

Motion carried unanimously by those present.

1C. Authorization to Hold an Executive Session

Authorized 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 Luis Duran 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 Agreement Negotiation - North Peoria pursuant to A.R.S. § 38-431.03(A)(3), A.R.S. § 38-431.03(A)(4), A.R.S. § 38-431.03(A)(7).
- (c) Discussion or consultation for legal advice concerning Economic Development Contract Negotiations pursuant to A.R.S. § 38-431.03(A)(3), A.R.S. § 38-431.03(A)(4), A.R.S. § 38-431.03(A)(7).

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:41 p.m.

EXECUTIVE SESSION

- 2** 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) Litigation entitled Luis Duran v. City of Peoria pursuant to A.R.S. § 38-431.03(A)(3) and A.R.S. § 38-431.03(A)(4).
 - (b) Legal advice concerning Agreement Negotiation - North Peoria pursuant to A.R.S. § 38-431.03(A)(3), A.R.S. § 38-431.03(A)(4), A.R.S. § 38-431.03(A)(7).
 - (c) Legal advice concerning Economic Development Contract Negotiations pursuant to A.R.S. § 38-431.03(A)(3), A.R.S. § 38-431.03(A)(4), A.R.S. § 38-431.03(A)(7).

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.

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 Pastor Stacey Wyllie, Worship and Word.

Pledge of Allegiance was led by Mayor Beck.

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

Council Youth Liaisons: Ana Shrivastava and Alliyz Whetstine (absent)

Members Absent: Councilmember Jennifer Crawford.

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:

3. Certificates of Appointment to Newly Appointed Board and Commission Members

Councilmember Patena presented Certificates of Appointment to the following Board and Commission members:

- Kellen Harris, Youth Advisory Board
- Thomas Konkowski, Planning and Zoning Commission
- Douglas Myers, Planning and Zoning Commission

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 timely notice of a request for removal, an item may be removed from the Consent Agenda for consideration on the Regular Agenda.

Mayor Beck announced the request for Agenda Item 15C be removed from the Consent and placed on the Regular agenda for separate discussion.

Motion was made by Councilmember Edwards, seconded by Councilmember Finn, to approve the Consent Agenda with the exception of Agenda Item 15C.

Upon tabulation of votes, it showed:

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

NAYS – None

ABSENT – Crawford

Motion carried unanimously by those present.

4 C. **Minutes**

Discussion and possible action to approve the minutes of November 14, 2023.

5 C. **Board and Commission Appointments**

Approved the recommendations from the Council Boards and Commissions Subcommittee and adopt **RES. 2023-129** to reappoint members to various Boards and Commissions.

6 C. **Appointment of Administrative Hearing Officers**

Adopted **RES. 2023-112** to appoint Administrative Hearing Officers for a two-year term.

7 C. **Recommendation of Hearing Officer, Code Compliance Appeals**

Upheld three Code Compliance Notices of Violation issued for violations of the Peoria City Code per the written recommendation of the City appointed Hearing Officer.

8 C. **Land Right Acquisitions, 67th Avenue from Pinnacle Peak Road to Happy Valley Road**

Adopted **RES. 2023-128** authorizing the second phase of acquisitions of property rights to accommodate road widening improvements for 67th Avenue from Pinnacle Peak Road to Happy Valley Road by donation, outright purchase or the exercise of the power of eminent domain, in accordance with budget authority previously approved by Council.

9 C. **Annexation, 83rd and Acoma Drive**

Adopted **ORD. 2023-21** approving the 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.

10 C. **Intergovernmental Agreement, Arizona Department of Revenue, Providing for Uniform Administration of the City's Transaction Privilege Tax**

Adopted **RES. 2023-123** approving the revised Intergovernmental Agreement with the Arizona Department of Revenue for the uniform administration, licensing, collection, and auditing of transaction privilege tax, use tax, severance tax, jet fuel excise and use tax and rental occupancy taxes imposed by the State or cities or towns.

11 C. **Intergovernmental Agreement, Shared Joint Use Facilities, Peoria Unified School District**

Authorized the City Manager to execute an Amendment to the Intergovernmental Agreement for shared joint use of swimming pool facilities between the City of Peoria and the Peoria Unified School District to extend the Agreement to December 31, 2024.

12 C. **Tohono O'odham Nation Grants**

(a) Approved a Grant-In-Aid Agreement with the Tohono O'odham Nation; (b) Approved a budget amendment in the amount of \$136,939 from the Proposed Grant Contingency Fund to the Tohono O'odham Grant Fund; and (c) Authorized the City of Peoria to act as the pass-through municipality for the Arizona Broadway Theater, a local 501(c)(3) organization, awarded grant funding in the amount of \$49,039 from the Tohono O'odham Nation.

13 C. **Quarterly Investment Report**

Received and file the Quarterly Investment Report for July through September 2023.

14 C. **Code Amendment, Chapter 11, Massage Facilities**

Adopted **ORD. 2023-20** amending Chapter 11 of the Peoria City Code (1992 Edition) pertaining to Massage Facilities and Functionally Equivalent Bodywork Establishment Operations, by adding sections 11-162 through 11-183.

15 C. **Workforce Recognition**

Henry Darwin, City Manager provided information regarding the request for the 5% one-time lump sum payment including workload, turnover and retention.

Motion was made by Councilmember Shafer, seconded by Councilmember Edwards to approve a one-time lump sum payment to all eligible AFSCME employees.

Upon tabulation of votes, it showed:

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

NAYS – None

ABSENT – Crawford

Motion carried unanimously by those present.

16 C. **Abandonment of City Interest, Public Water and Sewer Easement, QuikTrip, 67th Avenue and Happy Valley Road**

Adopted **RES. 2023-124** to abandon City interest to a portion of a Public Water and Sewer Easement located within the QuikTrip at the southwest corner of 67th Avenue and Happy Valley Road.

17 C. **Abandonment of City Interest, Federal Patent Easements, Multiple Locations**

Adopted **RES. 2023-125** and **RES. 2023-126** to abandon City interest in portions of Federal Patent Easements in multiple locations within northern Peoria.

18 C. **Settlement Agreement, Luis Duran v. City of Peoria**

(a) Approved the settlement agreement in the amount of \$450,000 regarding Luis Duran v. City of Peoria and (b) Authorized the City Attorney to execute all necessary documents.

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

Adopted **RES. 2023-127** 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.

20 C. **Final Plat for Home2 Suites, Jomax Road and Lake Pleasant Parkway**

Approved a Final Plat for Home2 Suites located on Jomax Road and Lake Pleasant Parkway. Subject to stipulations.

21 C. **Final Plat, Peoria Shires, 9285 West Weeping Willow Road**

Approved a Final Plat of Peoria Shires, located at 9285 West Weeping Willow Road. Subject to stipulations.

22 C. **Replat, Peoria Sports Complex, South East Corner of Paradise Lane and Stadium Way**

Approved a Replat of Peoria Sports Complex, located on the southeast Corner of Paradise Lane and Stadium Way. Subject to stipulations.

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

Recommended approval to the State Liquor Board for:

A New On-Sale Beer and Wine (Series 07) Liquor License for Postino Peoria, located at 16165 North 83rd Avenue, Andrea D. Lewkowitz, Applicant, LL#23-011085.

A Location Transfer for an Off-Sale All (Series 09) Liquor License for Circle K #3367, located at 8327 West Thunderbird Road, Maria D. Burgess, Applicant, LL#10007688.

A New Off-Sale All (Series 09) Liquor License for Dashmart, located at 14131 North Rio Vista Boulevard, Andrea D. Lewkowitz, Applicant, LL#22-010040.

A New Wine and Beer (Series 10) Liquor License for Turquoise Wine Bar Peoria, located at 9299 West Olive Avenue #101, Jennifer Sinconis, Applicant, LL#23-011005.

A Location and Person Transfer for an On-Sale Beer and Wine (Series 07) Liquor License for Turquoise Wine Bar Peoria, located at 9299 West Olive Avenue #101, Jennifer Sinconis, Applicant, LL#23-011005.

24 C. **Bingo License, Casa del Sol East, 10960 North 67th Avenue**

Recommended approval to the Arizona Department of Revenue for a Class A (Small Game) Bingo License for Casa del Sol East, located at 10960 N. 67th Avenue, Amelia McShane, Applicant, LL#23-011220.

Regular

New Business:

25 R. **Modification of a Designation of Assured Water Supply Application, Arizona Department of Water Resources**

David Burks, Water Services Director, introduced Brett Fleck, Water Resources Advisor and Jenna Norris, Water Resources Policy Analyst to present on the 100-year assured water supply application process.

Information included:

- Designation of Assured Water Supply
- Designation Components
 - Key Components
- Designation History
- Demand: Planning for Growth
- Considerations for 2035 application
- Investments needed prior to next application

Discussion ensued on measurements for determining groundwater level availability.

Motion was made by Councilmember Shafer, seconded by Councilmember Patena to adopt **RES. 2023-122** authorizing, and directing the City Manager to sign and file a Modification of a Designation of Assured Water Supply application with the Arizona Department of Water Resources, in accordance with budget authority previously approved by Council.

Upon tabulation of votes, it showed:

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

NAYS – None

ABSENT – Crawford

Motion carried unanimously by those present.

26 R. **Sale of City Property, 15814 North 83rd Avenue**

Jennifer Stein, Economic Development Director presented on the sale of city property at 15814 North 83rd Avenue, commonly known as Country Diesel, information included the purpose of the sale, previous actions, and background on the property.

Discussion ensued regarding original purchase price, potential future value upon completion of Stadium Point, and the status of the property since purchased in 2016.

Motion was made by Councilmember Finn, seconded by Councilmember Patena to: (a) authorize the sale of land located at 15814 North 83rd Avenue (APN# 200-53-629); and (b) approve a Development Agreement and an associated Real Estate Purchase Agreement with Dromedary CC, LLC.

Upon tabulation of votes, it showed:

AYES – Beck-Edwards-Finn-Patena

NAYS – Dunn-Shafer

ABSENT – Crawford

Motion carried unanimously by those present.

27 R. Purchase Approval, Bell Textron, Bell 505 Helicopter

Travis Cutright, Deputy City Manager, presented the Aviation Unit Team, Rudy Barellis, Consultant and Jeff Wojner, Project Manager.

Information included:

- Project Operations Timeline
- Staffing and Training
 - Use of current Police Department staff for pilot and mechanic
 - Technical Rescue Technicians within the Fire-Medical Department
- Helicopter operations main categories (e.g., preservation of life, firefighting, safety)
- Hangar Lease Agreement
- Budget highlights

Discussion ensued relating to the following:

- State funding
- Use of other agencies – priority and frequency of services
- Preservation of life
- Potential Intergovernmental Agreement opportunities with West Valley cities to offset costs.
- Pilot staffing
- Establishing standard operating procedures
- Helicopter maintenance
- Drone technology

Motion was made by Vice Mayor Dunn, seconded by Councilmember Shafer to move 27R to a future date in council meeting to properly inform members of Council of a cost benefits analysis, and ROI covering all areas of expenses to own and operate in the City of Peoria.

Mayor Beck declared a recess at 7:18 p.m.

The meeting reconvened at 7:25 p.m.

Upon tabulation of votes, it showed:

AYES –Dunn-Shafer

NAYS – Beck-Edwards-Finn-Patena

ABSENT – Crawford

Motion failed 2 to 4.

Kevin Burke, Deputy City Manager, highlighted the budget authorization approved by Council for one-time and ongoing expenditures for the purchase of the helicopter.

Discussion ensued relating to staffing and the benefits of having a helicopter.

Vicki James, Peoria resident, spoke regarding police staffing and the need to have questions answered.

Hunter Claire, International Association of Firefighters (IAFF) Local 493, spoke in support of the helicopter purchase.

Norm Bacon, Peoria Police Officers Association (PPOA), spoke in favor of the helicopter purchase.

Mayor Beck spoke about the history of the helicopter, the vision for the program over the next twenty years, the inclusion of the drone program in the Real-Time Crime Center, and the potential for intergovernmental agreements with other West Valley agencies.

Motion was made by Councilmember Finn, seconded by Mayor Pro Tem Edwards to approve a contract with Bell Textron, Inc to purchase a helicopter in the amount of \$3,342,102, with designated state funding in accordance with budget authority previously approved by Council.

Upon tabulation of votes, it showed:

AYES – Beck-Edwards-Finn-Patena

NAYS – Dunn-Shafer

ABSENT – Crawford

Motion carried unanimously by those present.

28 R. Sales Tax Reimbursement for Public Infrastructure - Notice of Intent

Mike Faust, Deputy City Manager, provided an overview of the Sales Tax Reimbursement for Public Infrastructure which is commonly known as The Trailhead – 83rd Avenue and Happy Valley.

Information included:

- Background
- Economic Development Needs
- Project Specific Economic Impact
- Current Situation
- Council Action and Process
- Staff Recommendation

Discussion included the benefits of reimbursement of public infrastructure using sales tax.

Motion was made by Councilmember Edwards, seconded by Councilmember Finn to enter into a retail development tax incentive for property located at 83rd Ave and Happy Valley Rd. Pursuant to ARS 9-500.11, the City Council must give 14-day public notice of intent to enter into a retail sale tax reimbursement to construct public infrastructure.

Upon tabulation of votes, it showed:

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

NAYS – None

ABSENT – Crawford

Motion carried unanimously by those present.

Call To The Public (Non-Agenda Items)

Vaibhavji Navghare, Hindu Swayamsevak Sangh, spoke about the Sewa Diwali Food donation drive and the contributions from participating organizations.

Teri Wright, Peoria resident, spoke on the proposed ordinance amendment regarding trailers, recreational vehicles, and boats.

Lawrene Bottorf, Peoria resident, thanked the Mayor and Council for their accomplishments this past year.

Jim Keller, Peoria resident, spoke about Mayor Beck's accomplishments this past year.

Lori Bango, Peoria resident, thanked the Mayor and Council for a job well done this past year.

Reports from City Manager

Henry Darwin, City Manager, reported on the following:

- Fire-Medical Citizens Academy
- Innovation Night 2023
- City of Peoria's Neighborhood and Human Services Department – 2023 Hero of Education Award
- Jennifer Stein, Economic Development Director – Capital Times Women Achievers of Arizona Award
- Susan Trasente, Economic Development Project Manager – Capital Times Rising Stars and Timeless Icons Award
- Demolition of the City Hall fountain
- Upcoming Special Events video

Reports from Council Youth Liaisons

Council Youth Liaison Shrivastava reported on the Youth Government Day Presentation at the Peoria Unified School District Elementary schools and volunteering events.

Reports from the Mayor

Mayor Beck reported on:

- Downtown Holiday Festival
- Shop with a Cop Event
- Amkor Technology
- Day of Giving
- 2023 Accomplishments
- Downtown Redevelopment
- K-12 School in North Peoria

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:31 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 December 12, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 16th day of January 2024.

(Seal)

Agnes Goodwine, City Clerk