

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
October 4, 2016

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 7:01 p.m.

Following a moment of silent reflection, Council Youth Liaison Owen led the Pledge of Allegiance.

Members Present: Mayor Cathy Carlat; Vice Mayor Bridget Binsbacher; Councilmembers Jon Edwards, Michael Finn, Vicki Hunt, Carlo Leone and Bill Patena.

Council Youth Liaisons: Kaitlyn Edwards and Sam Owen.

Members Absent: None.

Other Municipal Officials Present: Carl Swenson, City Manager; Julie Ayers, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Burg, Acting City Attorney; Rhonda Geriminsky, City Clerk; Thomas Adkins, Intergovernmental Affairs Director; George Anagnost, Presiding Municipal Judge; Andy Granger, Development and Engineering Director; Rhonda Humbles, Deputy Public Works Director; John Imig, Information Technology Director; Chris Jacques, Planning and Community Development Director; Laura Krause, Human Resources Director; Brent Mattingly, Finance and Budget Director; Roy Minter, Police Chief; Bobby Ruiz, Fire Chief; Jennifer Stein, Office of Communications Director; Dawn Prince, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately 60 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:

1. Mayor and Council's Young Artists Program

Mayor Carlat provided information on the Young Artists Program which was instituted to engage Peoria students interested in the arts and showcase their artwork at Peoria City Hall.

Council Youth Liaison Edwards and Council Youth Liaison Owen presented certificates to the youth whose art was selected to be on display at City Hall from June to December 2016.

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 announced that the Consent Agenda included a Public Hearing on a liquor license application for Fry’s Fuel Center #657, located at 25371 North Lake Pleasant Parkway. 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 Councilmember Hunt, seconded by Councilmember Edwards, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

2C. **Disposition of Absence**

Approved the absence of Council Youth Liaison Sam Owen from the Regular City Council Meeting held on September 20, 2016.

3C. **Minutes**

Approved the following minutes:

- September 6, 2016 Regular Meeting Minutes
- September 13, 2016 Special Meeting Minutes

4C. **Board and Commission Appointment**

Approved the recommendation from the Council Boards and Commissions Subcommittee pertaining to the following appointment and adopted **RES. 2016-108** appointing Will Briggs as regular member to the Employee Benefits Trust Board with a partial term to expire December 2018.

5C. **Grant, Arizona Department of Homeland Security**

- (a) Authorized the Peoria Police Department to accept two grants from the Arizona Department of Homeland Security to provide training to chemical, biological, radiological, nuclear or explosive (CBRNE) operators and to support Terrorism Liaison Officer operations; and
- (b) Approved a budget adjustment in the amount of \$62,075 from the Proposed Grants Contingency account to various Homeland Security Grant Fund accounts thus providing expenditure authority.

6C. **Intergovernmental Agreement, City of Glendale, Detention and Weekend Court Services**

Approved an Intergovernmental Agreement with the City of Glendale for detention and weekend court services and authorize the City Manager to execute the necessary documents.

7C. **Intergovernmental Agreement Amendment, Maricopa County Sheriff's Office, AZLink Program, Intelligence Data Sharing**

Approved an Intergovernmental Agreement amendment with the Maricopa County Sheriff's Office to share intelligence data through the AZLink program.

8C. **Contract, Combs Construction Company, Inc., Pinnacle Peak Road from 99th Avenue to 102nd Avenue Improvements**

Approved the contract in the amount of \$1,207,181 to Combs Construction Company, Inc. for roadway, waterline, and signal improvements on Pinnacle Peak Road from 99th Avenue to 102nd Avenue, and a 10% contingency in the amount of \$120,718.

9C. **Cable Television License Agreement, Use of City Right-of-Way, Qwest Broadband Services, Inc. dba CenturyLink**

Approved the Cable Television License Agreement with Qwest Broadband Services, Inc. dba CenturyLink for use of City Right-of-Way and authorized the Mayor or City Manager to execute the necessary documents.

10C. **Telecommunication Service License Agreement, Accipiter Communications, Inc. d/b/a Zona Communications, a Nevada Corporation**

Approved the License Agreement for equipment within the right-of-way with Accipiter Communications, Inc. d/b/a Zona Communications and authorized the City Manager execute the necessary documents.

11C. **Maintenance Improvement District No. 1195, Vistancia Village A Parcel A5, Lone Mountain Road and Vistancia Boulevard**

Approved the Petition for Formation and adopted **RES. 2016-100** intention and ordering the formation of proposed Maintenance Improvement District No. 1195, Vistancia Village A Parcel A5, Lone Mountain Road and Vistancia Boulevard; and adopted **RES. 2016-101** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

12C. **Street Light Improvement District No. 1117, Vistancia Village A Parcel A5, Lone Mountain Road and Vistancia Boulevard**

Approved the Petition for Formation and adopted **RES. 2016-102** intention and ordering the formation of proposed Street Light Improvement District No. 1117, Vistancia Village A Parcel A5, Lone Mountain Road and Vistancia Boulevard; and adopted **RES. 2016-103** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

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

Adopted **RES. 2016-109** accepting Deeds and Easements for various Real Property interests acquired by the City.

14C. **Final Plat, CST - Peoria, Vistancia Boulevard and El Mirage Road**

Approved the Final Plat of CST - Peoria, located at Vistancia Boulevard and El Mirage Road, subject to stipulations.

15C. **Final Plat, Westwing Mountain – Parcel 24 - Escena, Lake Pleasant Parkway and Westwing Parkway**

Approved the Final Plat of Westwing Mountain – Parcel 24 - Escena, located at Lake Pleasant Parkway and Westwing Parkway, subject to stipulations.

16C. **Final Plat, Westwing Mountain – Parcel 27 - Pradera, Lake Pleasant Parkway and Westwing Parkway**

Approved the Final Plat of Westwing Mountain – Parcel 27 - Pradera, located at Lake Pleasant Parkway and Westwing Parkway, subject to stipulations.

17C. **Replat, Lot 2 of 83rd and Olive Promenade, 83rd Avenue and Olive Avenue**

Approved the Replat of Lot 2 of 83rd and Olive Promenade, located at 83rd Avenue and Olive Avenue, subject to stipulations.

18C. **Replat, Lot 2505 & 2506 of Trilogy West Phase 1 – Parcel C41, Vistancia Boulevard and Lone Mountain Road**

Approved the Replat of Lot 2505 & 2506 of Trilogy West Phase 1 – Parcel C41, located at Vistancia Boulevard South of Lone Mountain Road, subject to stipulations.

19C. **Replat of Lot 2 of a Replat of Vistancia Marketplace II - Parcel A-24, Vistancia Boulevard and El Mirage Road**

Approved the Replat of Lot 2 of a Replat of Vistancia Marketplace II - Parcel A-24, located at Vistancia Boulevard and El Mirage Road, subject to stipulations.

20C. **Condominium Replat, The Northwest Portion of Building E of Union Hills Office Park, Union Hills Drive and 91st Avenue**

Approved the Condominium Replat of the Northwest Portion of Building E of Union Hills Office Park, located at Union Hills Drive and West of 91st Avenue, subject to stipulations.

21C. **PUBLIC HEARING - Liquor License, Fry's Fuel Center #657, 25371 North Lake Pleasant Parkway**

Recommended approval to the State Liquor Board for a New Wine and Beer (Series 10) Liquor License for Fry's Fuel Center #657, located at 25371 North Lake Pleasant Parkway, Lauren K. Merrett, Applicant, LL#20015882.

REGULAR AGENDA

New Business:

22R. **Code Amendment, Chapter 13, Section 13-107, Home Detention Alternative Program**

Steve Burg, Acting City Attorney, reported on the Home Detention Alternative Program. Information included:

- Description of the program
 - Authorized by State law
 - Alternative incarceration program for adults convicted of limited category misdemeanors who are not repeat offenders
 - Individuals are electronically monitored by a private company and serve their sentence at home
 - Individuals not eligible for the program:
 - Past history of violent behavior
 - Found by the City to constitute a risk to the community
 - Sentencing judge determines offenders to be ineligible
- Benefits of the program
 - Accurate and timely tracking of offenders to ensure compliance
 - Better use of Court and Police Department resources
 - Transfers costs to offenders instead of the City
- Program adoption in 2012

George Anagnost, Presiding Municipal Judge, discussed the outcomes of a review of the Home Detention Program conducted in 2016. Information included:

- Program assessed after approximately three full years of experience
- Approximately 120 in the program with a 90 percent completion rate
- Majority of defendants not Peoria residents
- Jail cost savings of approximately \$75,000
- Overall determination – Home Detention meets the goals of enforcement of State statute and local community interests

Judge Anagnost outlined the following recommended changes to the Home Detention Alternative Program:

- Remove mandatory doubling of home detention days to allow a more accurate fit to individual case facts and still be able to impose extended number of days
- Clarify that eligibility for home detention begins after mandatory imprisonment is completed
- Provide consistent wording regarding the computation for a partial day of imprisonment

In response to questions from Council, Judge Anagnost clarified the following:

- The statutory number of days for imprisonment would be 20 percent of the sentence imposed if the mandatory doubling of home detention days is removed
- Offenders are responsible for all costs associated with the electronic-monitoring program
- Participation in an alcohol or drug treatment program is determined on a case-by-case basis and is an option available when warranted
- Types of offenses in addition to driving under the influence (DUI) that qualify for home detention
 - Assault or domestic violence offenses
 - Other alcohol-related offenses
 - Criminal speeding
 - Shoplifting
- Consequences for violating the terms and conditions of the Home Detention Alternative Program
- No hard data on recidivism

Mr. Burg further explained that the prosecutor would strongly recommend incarceration instead of home detention to the sentencing judge when violent behavior is a factor.

Motion was made by Councilmember Patena, seconded by Councilmember Edwards, to adopt **ORD. 2016-30**, amending Chapter 13 of the Peoria City Code (1992 Edition), by amending Section 13-107 pertaining to the Home Detention Alternative Program, clarifying how jail time should be imposed and served, and by requiring at least the statutory minimum number of home detention days be imposed while allowing discretionary increases by the prosecutors or judges.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager:

23. Council Calendar

24. Reports

A. Employee Awards from the Arizona Chapter of Association of Public-Safety Communications Officials and National Emergency Number Association

Roy Minter, Police Chief, and John Imig, Information Technology Director, recognized three City staff members for awards they received recently. Fabiola Johnson was the recipient of the Telecommunicator of the Year award; Mike Folia received the Director/Manager of the Year award; and Dave Collette was the recipient of the Technician of the Year award from the Arizona Chapter of Association of Public Safety Communications Officials and National Emergency Number Association.

B. Upcoming City Events Video

A video presentation showcasing upcoming City events was displayed.

C. Fire Prevention Week

Bobby Ruiz, Fire Chief, provided statistics on casualties resulting from residential fires. Rick Pickard, Deputy Fire Chief, presented a brief history of fire prevention. Chief Pickard reported on the events scheduled during the month to promote fire safety. Chief Pickard announced there will be an open house at each fire station on October 29, 2016, from 9:00 a.m. to noon.

Reports from City Council:

Councilmember Edwards reported on his attendance at an event hosted by a local Wal-Mart store in appreciation of the Fire Department. Councilmember Edwards thanked attendees of the P83 Party held at the Peoria Sports Complex on Sunday, October 2, 2016. Councilmember Edwards recognized the Boy Scout Troop in attendance at the Council meeting.

Vice Mayor Binsbacher welcomed the Boy Scouts to the City Council meeting. Vice Mayor Binsbacher acknowledged that purple lights are being used to light City Hall at night throughout the month of October in observance of Domestic Violence Awareness Month. Vice Mayor Binsbacher announced that the City of Peoria is committed to other causes being observed during the month of October, including Breast Cancer Awareness and Fire Prevention. Vice Mayor Binsbacher reported on her attendance at the National Night Out event in the Terramar Subdivision on Sunday, October 2, 2016. Vice Mayor Binsbacher presented a Proclamation to the Terramar Homeowner's Association at the event for assisting the Peoria Police Department through joint crime prevention efforts.

Councilmember Finn reported on his attendance at the P83 Party. Councilmember Finn extended his appreciation to City staff for their participation in making the P83 Party a successful event. Councilmember Finn congratulated the youth who were recognized for their artwork. Councilmember Finn encouraged citizens to be informed voters before casting their votes in the upcoming November General Election.

Councilmember Hunt extended her appreciation to staff for their service to the City. Councilmember Hunt reported on the Parkfest! event held at Sunnyslope Park on Saturday, October 1, 2016. Councilmember Hunt reminded citizens to attend the Explore the Library event and book sale hosted by the Friends of the Peoria AZ Public Library to be held on October 7 and 8, 2016. Councilmember Hunt invited residents to participate in a Shred-a-Thon event to be held in the State Trailer Supply parking lot on Saturday, October 22, 2016 beginning at 9:00 a.m. Councilmember Hunt announced that Peoria Firefighters Charities will kickoff their Holiday Toy Drive at the Shred-a-Thon.

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone reminded citizens to attend the weekly Food Truck Friday event.

Council Youth Liaison Owen expressed his appreciation for promoting culture by displaying artwork in City Hall.

Reports from the Mayor:

Mayor Carlat thanked Council Youth Liaison Edwards and Council Youth Liaison Owen for their assistance with the presentation to the artists.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:08 p.m.

Cathy Carlat, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

CERTIFICATION

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 4th day of October, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of November, 2016.

(Seal)

Rhonda Geriminsky, City Clerk