MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
November 13, 2018

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 5:00 p.m.

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

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; Rhonda Geriminsky, City Clerk; and Rick Buss, Economic Development Services 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 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.

1C. Authorization to Hold an Executive Session

Motion was made by Councilmember Patena, seconded by Mayor Pro Tem Hunt, 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) Legal issues pertaining pending litigation case - Kathleen Taylor v. City of Peoria, et al., pursuant to A.R.S. § 38-431.03.A.4.; and

(b) Contract(s) for Project Tall that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation pursuant to A.R.S. 38-431.03.A.4.

Upon vote, the motion passed unanimously 7 to 0.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:01 p.m.

EXECUTIVE SESSION AGENDA

2. An Executive Session was convened immediately following the 5:00 p.m. Special Meeting for the purpose of discussions and consultations with designated representatives of the public body and/or legal counsel in order to consider its position and instruct its representatives regarding:

(a) Legal issues pertaining pending litigation case - Kathleen Taylor v. City of Peoria, et al., pursuant to A.R.S. § 38-431.03.A.4.; and

(b) Contract(s) for Project Tall that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation pursuant to A.R.S. 38-431.03.A.4.

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 5:58 p.m.

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

Council Youth Liaisons: Leah Gilbertson and Frank Johnson.

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; Rhonda Geriminsky, City Clerk; Thomas Adkins, Intergovernmental Affairs Director; Sonia Andrews, Finance Director; Kevin Burke, Public Works Director; Rick Buss, Economic Development Services Director; Chris Hallett, Neighborhood and Human Services Department Director; Chris Jacques, Planning and Community Development Director; Laura Ingegneri, Human Resources Director; Adina Lund, Development and Engineering Director; Art Miller, Police Chief; Stacy Irvine, Deputy Fire Chief; John Sefton, Parks, Recreation, and Community Facilities Director; David Burks, Water Services Deputy Director; Jennifer Stein, Office of Communications Director; and Natalie Gilstrap, Management Analyst.

Audience: Approximately five members of the public were present.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

3. Update on State Land Annexations

Jeff Tyne, City Manager, introduced the State Land Annexations Study Session item.

Chris Jacques, Planning and Community Development Director, presented regarding State Land annexations and major land ownerships in the northern portion of the City.

Vanessa Hickman, City Attorney, presented regarding the Arizona State Land Department including:

- Duties and mission
- Selection Board composition
- Annexation philosophy
- Initial zoning

Mr. Jacques, presented regarding:

- Peoria auctions and statuses
    - Camino A Lago South
    - The Meadows
    - Aloravita
- Background regarding prior annexation attempt, reconsideration and current status
- Annexation areas

Discussion ensued regarding why Peoria is not consolidating multiple annexations to present to the Selection Board at one time.

Ms. Hickman outlined the next steps for the City including:

- Pre-annexation agreement
- Zoning and final annexation

Mr. Jacques continued regarding zoning and final annexations that allow for flexibility.

Discussion ensued regarding:

- Land-banking considerations in the General Plan
- Master Plan zoning

- Auctioning of parcels
- Market and demands
- Auctioning land in smaller increments

Rick Buss, Economic Development Services Director, presented regarding the City's partnership with the Arizona State Land Department and the potential for economic development in the City.

4. <u>Shared Personal Transportation Devices</u>

Jeff Tyne, City Manager, introduced the Shared Personal Transportation Devices Study Session agenda item.

Jay Davies, Strategic Support Officer, presented regarding shared personal transportation devices including:

- Overview of the shared personal transportation device concept
- Considerations
  - Business operations
  - Initial approach
  - Potential injuries
- Communications with vendor

Vanessa Hickman, City Attorney, presented information regarding the proposed pilot program.

Discussion ensued regarding the pilot program baseline data including:

- Trip duration
- Start/Stop times
- Frequency of use
- Nesting locations
- Complaints
- User demographics

Ms. Hickman continued presenting regarding the elements of the pilot program agreement including:

- Temporary and exclusive pilot program
- Deployment parameters
- Allow for use on sidewalks
- Speed limits
- Posting of user requirements
- Maintenance

- Data collection and reporting
- Fees
- Indemnification and insurance
- Subject to termination

Mr. Davies presented information on the Pilot Program details including:

- Nesting locations
- Prohibitions
- Deployment/Redeployment Issues
- Rules of the Road

Discussion ensued regarding:

- Legality of using scooter devices
- Social media outreach
- Bird's business approach with the City
- Benefits of the personal transportation devices
- Enforcement of rules regarding scooter ridership
- Impounding scooters
- Blight associated with the scooters and limiting the number of scooters
- Geo-fencing to limit the location of the scooter usage
- City resources used to clean up the scooters
- Deployment hours
- Pilot program effective date
- Shared personal transportation devices – wave of the future
- Safety and enforcement concerns
- Education program
- User age requirements and enforcement
- Use of credit cards
- Using scooters on the sidewalks
- Returning the scooters
- Cost of using the scooters
- City's revenue from use of the scooters
- Need to regulate the concept
- Public outreach efforts to learn what the public wants

It was the consensus of City Council to move forward with the proposed pilot program and gather data related to the use of the personal transportation devices.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 6:58 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 7:02 p.m.

Following a moment of silent reflection, Vice Mayor Finn led the Pledge of Allegiance.

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

Council Youth Liaisons: Leah Gilbertson and Frank Johnson.

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; Rhonda Geriminsky, City Clerk; Thomas Adkins, Intergovernmental Affairs Director; Sonia Andrews, Finance Director; Kevin Burke, Public Works Director; Rick Buss, Economic Development Services Director; Chris Hallett, Neighborhood and Human Services Department Director; John Imig, Information Technology Director; Chris Jacques, Planning and Community Development Director; Laura Ingegneri, Human Resources Director; Adina Lund, Development and Engineering Director; Art Miller, Police Chief; Stacy Irvine, Deputy Fire Chief; John Sefton, Parks, Recreation, and Community Facilities Director; David Burks, Water Services Deputy Director; Jennifer Stein, Office of Communications Director; and Natalie Gilstrap, Management Analyst.

Audience: Approximately fifteen 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: 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 Public Hearings on liquor license applications for:

(a) Biscuits Café located at 24812 North 6th Avenue;
(b) Greek Palace located at 10006 West Happy Valley Parkway, Suite #1201;
(c) Valero located at 7473 West Thunderbird Road; and
(d) Cactus Taproom located at 20429 North Lake Pleasant Road, Suite #4.

There were no requests from those present to address these agendas 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 Edwards, seconded by Mayor Pro Tem Hunt, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

5C. Minutes

Approved the following minutes:

- October 2, 2018 City Council meeting minutes
- October 16, 2018 City Council meeting minutes

6C. Board and Commission Appointments

Approved recommendations from the Council Boards and Commissions Subcommittee and adopted **RES. 2018-118** appointing members to various Boards and Commissions as follows:

- Appointed Les Marquart as a regular member and Kathaleen Patterson as an alternate member of the Board of Adjustment;
- Reappointed David Demmer as a regular member of the Building Board of Appeals;
- Appointed Monika Masciangelo and Eryn Streeter as regular members of the Citizens Commission on Salaries for Elected City Officials;
- Reappointed Will Briggs as a regular member of the Employee Benefits Trust Board;
- Reappointed Karen Garbe and Mike Heath as regular members of the Historic Preservation Commission;
- Appointed George Johnson as a regular member of the Personnel Board;
- Reappointed Linda Grice and Jay Otlewski as regular members and Denette Dunn as an alternate member of the Planning and Zoning Commission;
- Reappointed Terry Brezina and Milan (Luke) Lukich as regular members of the Veterans Memorial Board;
- Appointed Brenda Rehnke as a regular member of the Volunteer Firefighter Pension Board; and
- Appointed Christopher Weddigen as a regular member and Saanvi Tiwary as an alternate member of the Youth Advisory Board.

7C. Development Agreement, Math and Science Success Academy, Inc., New School Construction, 79th Avenue and Peoria Avenue

Approved a Development Agreement with the Math and Science Success Academy, Inc. (MASSA) for the construction of approximately 18,000 square feet of classroom buildings and associated offsite improvements.

8C. Grants, State of Arizona Department of Homeland Security, Various Fire Department Programs

(a) Authorized the Fire-Medical Department to accept two grant awards in the total amount of $68,690 from the Arizona Department of Homeland Security to be used to strengthen chemical, biological, radiological, nuclear or explosive detection, response and decontamination capabilities; and sustain and enhance the Terrorism Liaison Officer program; and

(b) Approved a budget amendment in the amount of $68,690 from the Proposed Grants Contingency account to various Homeland Security Grant Fund accounts.

9C. Intergovernmental Agreement, City of Phoenix, Firefighter Physicals, Phoenix Fire Department Health Center

Approved an Intergovernmental Agreement with the City of Phoenix for annual firefighter physicals at the Phoenix Fire Department Health Center.

10C. Joint Use Agreement, Flood Control District of Maricopa County, Recreational Use of the New River Dam for Paloma Community Park, Lake Pleasant Parkway and Dixileta Drive

Authorized the City Manager to execute a Joint Use Agreement with the Flood Control District of Maricopa County for the recreational use of approximately 450 acres behind the New River Dam for Paloma Community Park, passive recreation, and hiking-biking trails.

11C. Contract Amendment, Felix Construction Company, Butler Well Rehabilitation

Approved a contract amendment for a guaranteed maximum price (GMP) of $280,202 to complete the rehabilitation of the Butler Well project.

12C. Fiscal Year 2018 Year-End and Fiscal Year 2019 First Quarter Budget Amendments

Approved the Fiscal Year 2018 Final and Fiscal Year 2019 First Quarter Budget Amendments and Carryovers.

13C. Citizens Commission on Salaries for Elected City Officials Report and Recommendation

Accepted the recommendation made by the Citizens Commission on Salaries for Elected City Officials to increase the Mayor and Council salaries by five percent, effective January 1, 2019.

14C. Investment Report, Quarter Ending September 30, 2018

Accepted the Investment Report as presented.

15C. Rezoning, Banner Physical Rehabilitation Hospital, 94th Drive and Plaza Del Rio Boulevard

Concurred with the Planning and Zoning Commission's unanimous recommendation and adopted **ORD. 2018-34** approving the rezoning of approximately 6.84 acres of property, located south of 94th Drive and Plaza Del Rio Boulevard by rezoning the existing site from Multi-Family Residential (RM-1) to Banner Physical Rehabilitation Hospital Planned Area Development (PAD) Zoning District.

16C. Maintenance Improvement District No. 1211, The Meadows Parcels 7 and 8 Phase I, 95th Avenue and Pinnacle Peak Road

Approved the Petition for Formation and adopted **RES. 2018-110** Intention and ordering the formation of proposed Maintenance Improvement District No. 1211, The Meadows Parcels 7 and 8 Phase I, located at 95th Avenue and Pinnacle Peak Road; and adopted **RES. 2018-111** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

17C. Maintenance Improvement District No. 1215, The Meadows Parcels 7 and 8 Phase 2, 99th Avenue and Pinnacle Peak Road

Approved the Petition for Formation and adopted **RES. 2018-112** Intention and ordering the formation of proposed Maintenance Improvement District No. 1215, The Meadows Parcels 7 and 8 Phase 2, located at 99th Avenue and Pinnacle Peak Road; and adopted **RES. 2018-113** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

18C. Street Light Improvement District No. 1127, The Meadows Parcels 7 and 8 Phase I, 95th Avenue and Pinnacle Peak Road

Approved the Petition for Formation and adopted **RES. 2018-114** intention and ordering the formation of proposed Street Light Improvement District No. 1127, The Meadows Parcels 7 and 8 Phase I, located at 95th Avenue and Pinnacle Peak Road; and adopted **RES. 2018-115** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

19C. Street Light Improvement District No. 1128, The Meadows Parcels 7 and 8 Phase 2, 99th Avenue and Pinnacle Peak Road

Approved the Petition for Formation and adopted **RES. 2018-116** intention and ordering the formation of proposed Street Light Improvement District No. 1128, The Meadows Parcels 7 and 8 Phase 2, located at 99th Avenue and Pinnacle Peak Road; and adopted **RES. 2018-117** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

20C. Deeds and Easements, Various Locations

Adopted **RES. 2018-119** accepting Deeds and Easements for various Real Property interests acquired by the City.

21C. Designate Roadways, Establish Rights-of-Way, Various Locations

Adopted **RES. 2018-120** designating various Real Properties to be used as City roadways and authorized the establishment of Public Rights of Way to be opened and maintained by the City as a Public Street.

22C. Final Plat, 99th Avenue Estates, 99th Avenue and Jomax

Approved a Final Plat of 99th Avenue Estates, located on 99th Avenue and Jomax Road, subject to stipulations.

23C. PUBLIC HEARING - Liquor Licenses, Various Locations

Recommended approval to the State Liquor Board for:

(a) A New Restaurant (Series 12) Liquor License for Biscuits Cafe, located at 24812 North 67th Avenue, Kyle E. Preston, Applicant, LL#20020793;

(b) A New Restaurant (Series 12) Liquor License for Greek Palace, located at 10006 West Happy Valley Parkway #1201, Benjamin N. Esho, Applicant, LL#20020714;

(c) A New Wine and Beer (Series 10) Liquor License for Valero, located at 7473 West Thunderbird Road, Yasin Safdary, Applicant, LL#20020794; and

(d) A Person and Location Transfer for an On-Sale Beer and Wine (Series 07) Liquor License for Cactus Taproom, located at 20429 North Lake Pleasant Road #4, Andrea D. Lewkowitz, Applicant, LL#20020789.

REGULAR AGENDA

New Business:

24R <u>PUBLIC HEARING - Code Amendment, Chapter 21, Outdoor Dining Patios and Seating Areas</u>

Chris Jacques, Planning and Community Development Director, provided an overview of the proposed amendments to City Code, Section 21-505.B.3 ("Limitations on Uses") pertaining to outdoor dining patios and seating areas. Information included:

- Current requirements for a Conditional Use Permit
- Zoning Code amendment and purpose
- Background that lead to the initial Conditional Use Permit requirements adopted in 2006
- Existing standards for outdoor dining and seating patios and proposed amendments to the existing standards
- Planning and Zoning Commission public hearing findings

<u>Public Hearing:</u>

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the proposed code amendments.

Having no requests from those present to address this item, Mayor Carlat declared the Public Hearing closed.

<u>Council Action:</u>

Motion was made by Councilmember Binsbacher, seconded by Councilmember Edwards, to adopt **ORD. 2018-35** amending Chapter 21 of the Peoria City Code, pertaining to Outdoor Dining Patios and Seating Areas.

Upon vote, the motion carried unanimously <u>7</u> to <u>0</u>.

25R. <u>Contract Amendment, J.R. Filanc Construction Company, Inc., Agua Fria Booster Station</u>

Daniel Kiel, Engineering Supervisor, provided an overview of the proposed contract amendment with J.R. Filanc Construction Company, Inc. to cover cost increases to the Agua Fria Booster Station project, including escalations in water industry and a revision to the project’s original scope. Information included:

- Project background
- Planned improvements

- Project delivery and bid process
- Construction schedule

Discussion ensued regarding:

- Primary driver of cost increases attributed to labor and materials
- Savings from another project

Motion was made by Vice Mayor Finn, seconded by Mayor Pro Tem Hunt, to:

(a) Approve a contract amendment with J.R. Filanc Construction Company, Inc. for a guaranteed maximum price of $5,065,000 to construct the Agua Fria Booster Station project; and

(b) Approve a budget transfer in the amount of $914,000 from the Thunderbird Road Watermain Replacement project to the Agua Fria Booster Station/PRV project.

Upon vote, the motion carried unanimously 7 to 0.

Call To The Public (Non-Agenda Items)

Audrina Rosales, a Peoria resident, addressed City Council regarding her Girl Scout Bronze Award flag project.

Reports from City Manager:

26. **Reports**

A. 2019 Council Meeting Calendar

B. Upcoming City Events Video

Jeff Tyne, City Manager, introduced a video showcasing the City's recent homeless outreach event and a video highlighting upcoming City events.

Reports from City Council:

Council Youth Liaison Frank Johnson reported on his attendance at the National League of Cities "City Summit" Conference held in Los Angeles, California from November 7, 2018 through November 10, 2018.

Councilmember Patena reported on the numerous events he attended since the last City Council meeting. Councilmember Patena congratulated Audrina Rosales on her efforts to attain her Bronze Girl Scout Award and commended the City for addressing the homeless population.

Councilmember Binsbacher thanked the City's veterans for their military service and expressed her appreciation of the City's Veterans Celebration event and homeless outreach efforts. Councilmember Binsbacher expressed how proud she is of the Trilogy Veteran's Club and reported on her meeting with the Vistancia Pack 129 Webelos who are trying to attain the Build a Better World Cub Scout badge. Councilmember Binsbacher congratulated Audrina Rosales on her presentation to City Council and her efforts to attain the Bronze Girl Scout Award.

Vice Mayor Finn expressed how proud he was of Audrina Rosales and her presentation to City Council and conveyed his willingness to support her mission. Vice Mayor Finn thanked the veterans for their service and City staff for the outstanding Veterans Day Celebration event.

Councilmember Edwards congratulated Audrina Rosales on her presentation to City Council and conveyed his willingness to support her mission. Councilmember Edwards reported on events he attended including: Coffee with the Mayor, Lunch with a Councilmember at Centennial High School, Desert Harbor Flag Dedication, National League of Cities "City Summit" Conference in Los Angeles, California and the Veterans Day Celebration at Rio Vista Recreation Center.

Mayor Pro Tem Hunt recognized that voting turnout increased for the General Election and thanked everyone for voting. Mayor Pro Tem Hunt thanked Chris Hallett, Neighborhood and Human Services Director, for assisting with the wall painting on 69th Avenue and encouraged residents to attend the various upcoming events to be held in Old Town including Music on the Plaza and Axiom Church's free Thanksgiving dinner. Mayor Pro Tem Hunt reported on events she attended including Roundtree Ranch ParkFest! and the car show and golf tournament sponsored by the Peoria Firefighter Charities held in support of breast cancer awareness. Mayor Pro Tem Hunt conveyed her support of Audrina Rosales' mission.

Councilmember Leone reported on the events he attended since the last City Council meeting including the grand opening of The Mission at Agua Fria, Peoria Film Fest, a Shred event held at Country Meadows, the Fall Festival held at the Community Center, the Halloween Monster Bash held at the Peoria Sports Complex, the Oktoberfest Luncheon, 100th Anniversary celebration for Peoria Nazareth Church, Veterans Day Celebration event held at Rio Vista Recreation Center and the Marine Corp 253 Birthday Ball.

Council Youth Liaison Gilbertson reported on her attendance at the National League of Cities "City Summit" Conference held in Los Angeles, California and thanked the City for the opportunity to attend.

Reports from the Mayor:

Mayor Carlat expressed her appreciation for the Veterans Day Celebration event held at the Rio Vista Recreation Center and praised Veterans Memorial Board Chairman Tad Snidecor's speech about his ancestors serving in the military dating back to the Revolutionary War.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:51 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 13th day of November, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of December, 2018.

(Seal)

Rhonda Geriminsky, City Clerk