

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
November 10, 2020

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 4:00 p.m.

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

Members Absent: None.

Other Municipal Officials Present: Jeff Tyne, City Manager; Katie Gregory, Deputy City Manager; David Benton, Chief Assistant City Attorney; and Lori Dyckman, Deputy City Clerk.

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.

Motion was made by Councilmember Binsbacher, seconded by Councilmember 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 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 with legal counsel for legal advice to consider its position and instruct its staff and attorneys regarding the public body's position regarding contract(s) for Project Casper that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation and to give

direction regarding potential purchase of property pursuant to A.R.S. §§ 38-431.03.A.3 and 38-431.03.A.4 and 38-431.03.A.7.

- (b) Discussion with legal counsel and staff to consider its position, and give direction regarding potential purchase of real property at Parcel No. 142-41-001 and 142-41-002 pursuant to A.R.S. §§ 38-431.03.A.3, 38-431.03.A.4 and 38-431.03.A.7.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 4:01 p.m.

EXECUTIVE SESSION AGENDA

- 2. An Executive Session was convened immediately following the 4:00 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) Discussion with legal counsel for legal advice to consider its position and instruct its staff and attorneys regarding the public body's position regarding contract(s) for Project Casper that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation and to give direction regarding potential purchase of property pursuant to A.R.S. §§ 38-431.03.A.3 and 38-431.03.A.4 and 38-431.03.A.7.
 - (b) Discussion with legal counsel and staff to consider its position, and give direction regarding potential purchase of real property at Parcel No. 142-41-001 and 142-41-002 pursuant to A.R.S. §§ 38-431.03.A.3, 38-431.03.A.4 and 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.

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 4:56 p.m.

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

Council Youth Liaisons: Saanvi Tiwary and Dominique Van Winkle.

Members Absent: None.

Other Municipal Officials Present: Jeff Tyne, City Manager; Katie Gregory, Deputy City Manager; Erik Strunk, Deputy City Manager; Vanessa Hickman, City Attorney; Lori Dyckman, Deputy City Clerk; Kevin Burke, Public Works Director; Rick Buss, Economic Development Services Director; Chris Jacques, Planning and Community Development Director; Art Miller, Police Chief; Christine Nickel, Human Resources Director; and John Sefton, Parks, Recreation, and Community Facilities Director.

Audience: Approximately two members of the public were present.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

3. Prop 207 Marijuana Initiative and City Property

Chris Jacques, Planning and Community Development Director, presented on Prop 207 Marijuana Initiative and City Property, information included:

- Proposition 207 formerly known as the Smart and Safe Arizona Act was approved by voters at the November 2, 2020 general election
- Proposition 207 legalizes the sale, possession and use of non-medicinal recreational marijuana to adults over the age of 21 (A.R.S. §36-2852)
- Proposition 207 authorizes adults over the age of 21 to possess and/or grow limited amounts of marijuana for non-medicinal recreational use (A.R.S. §36-2852)
- Operating a vehicle while being impaired would remain illegal
- Dispensaries are now required to test their products for potency, contamination, heavy metals, pesticides, herbicides, fungicides, etc.
- Proposition 207 places a 16% tax on recreational marijuana sales
- Peoria currently has four operating dispensaries
- Zoning code revisions as a result of Proposition 207

Vanessa Hickman, City Attorney, presented regarding amendment recommendations to Chapter 17 – Nuisances of the City Code. Information included:

- Amending Chapter 17 definitions to adopt definitions consistent with those in the Proposition 207 legislation.
- Prohibiting the consumption, smoking or possession of marijuana or marijuana products on City property.

- Prohibiting smoking of marijuana in public places or open spaces in the City.
- Prohibiting smoking or consumption of marijuana where smoking is prohibited by City Code.
- Individuals smoking, consuming or possessing marijuana or marijuana products on City property is in violation of City Code and will be guilty of a class one misdemeanor.
- Smoking or consuming marijuana or marijuana products in a public place or open space is considered a petty offense.
- Smoking or consuming marijuana or marijuana products where smoking is prohibited per City Code will result in a class one misdemeanor.

Discussion ensued regarding:

- Who will manage violations
- Whether Peoria has a public intoxication rule or law
- Whether this proposition decriminalize marijuana smoking
- Where and how testing facilities would dispose of bad products
- The number of dispensaries that can be opened in Peoria
- When licensing will begin
- Whether Peoria can limit the number of dispensaries per district
- The type of security is in place at dispensaries

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:31 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, Councilmember Patena led the Pledge of Allegiance.

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

Council Youth Liaisons: Saanvi Tiwary and Dominique Van Winkle.

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, Deputy City Clerk; Thomas Adkins, Intergovernmental Affairs Director; Kevin Burke, Public Works Director; Rick Buss, Economic Development Services 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; Christine Nickel, Human Resources Director; Cape Powers, Water Services Director; John Sefton, Parks, Recreation, and Community Facilities Director; and Jennifer Stein, Office of Communications Director.

Audience: Approximately four 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. Parks, Recreation and Community Facilities Department, National Commission for Accreditation of Park and Recreation Agencies (CAPRA) Reaccreditation

John Sefton, Parks, Recreation, and Community Facilities Director, recognized the team involved with the reaccreditation and thanked them for their efforts.

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 Quik Trip #1425 located at 7455 West Peoria Avenue and Cross Eyed Cricket, located at 28615 North El Mirage Road. 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 Vice Mayor Finn, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

5 C. Minutes

Approved the October 20, 2020 City Council meeting minutes.

6 C. Contract, GEA Mechanical Equipment US, Inc., Butler Wastewater Reclamation Facility, Centrifuge Repair Parts and Services

Approved a single source contract with GEA Mechanical Equipment US, Inc., for an amount not to exceed \$180,000 to purchase centrifuge parts and repair services for the Butler Wastewater Reclamation Facility.

7 C. Grant, Governor's Office of Highway Safety, Click it or Ticket

- (a) Authorized the City Manager to accept \$7,500 from the Governor's Office of Highway Safety to be used by the Peoria Police Department for safety belt and child passenger law enforcement; and
- (b) Approved a budget amendment in the amount of \$7,500 from the Proposed Grants Contingency account to the Governor's Office of Highway Safety Grant Overtime account.

8 C. Intergovernmental Agreement, City of Phoenix, Reimbursement of Dial-A-Ride Vehicle Maintenance Expenses and Purchase of Two Dial-A-Ride Replacement Buses

Approved an Intergovernmental Agreement with the City of Phoenix, to provide federal funds in the amount of \$59,940 for reimbursement of Dial-A-Ride vehicle maintenance expenses and \$169,413 for two replacement Dial-A-Ride buses through a Federal Transit Authority grant.

9 C. Intergovernmental Agreement, Flood Control District of Maricopa County, 67th Avenue and Pinnacle Peak Road Regional Drainage Improvements

Approved an Intergovernmental Agreement with the Flood Control District of Maricopa County for the design, rights-of-way and land acquisition, and utility relocations for the 67th Avenue and Pinnacle Peak Regional Drainage Improvements.

10 C. Single Source Purchase, Environmental Systems Research Institute, Inc., 3 Year Enterprise License Agreement GIS Systems

Approved a single source purchase with Environmental Systems Research Institute, Inc. in the amount of \$436,590 in three (3) annual payments of \$145,530 to purchase a three (3) year Enterprise License Agreement for the City's Geographic Information Systems.

11 C. Joint Use Agreement, Flood Control District of Maricopa County, Passive Recreational Use at New River Dam, Lake Pleasant Parkway & 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 2100 acres behind the New River Dam for passive recreation and hiking-biking trails.

12 C. Contract Amendment, PCL Construction, Inc., Jomax Booster Station Upgrades and Terramar Booster Pump Station Rehabilitation

Approved a construction contract amendment in the amount of \$1,897,127 with PCL Construction, Inc. to procure long lead items for the Jomax Booster Station Upgrades and Terramar Booster Pump Station Rehabilitation projects.

13 C. Lease Agreement Amendment, Cellular Site, Peoria Sports Complex Property

Approved the Fifth Amendment to the Cellular Site Lease Agreement, and Memorandum of Fifth Amendment to Cellular Site Lease Agreement with Crown Atlantic Company, LLC, the current lessee of property located at the Peoria Sports Complex utilized for a cell tower structure.

14 C. Citizens Commission on Salaries for Elected City Officials

Accepted the recommendation made by the Citizens Commission on Salaries for Elected City Officials to increase the Mayor and Council salaries by five percent (5%) effective January 1, 2021.

15 C. Exemption Request, Requirement to Post Security for Self Insured Workers' Compensation Claims

Authorized the execution of documents necessary to certify the City of Peoria exemption from the Industrial Commission of Arizona requirements to post security for self-insured Workers' Compensation claims.

16 C. Expenditure Authority, Capital Improvement Projects, Pavement Management Program, Lake Pleasant Parkway Rehabilitation and Pavement Preservation

Approved an individual job order contract with Nesbitt Contracting Co. for Lake Pleasant Parkway Mill and Overlay; Beardsley Road north to 95th Avenue for the total amount of \$1,890,500 pursuant to Job Order Contract, ACON01717 for Pavement Maintenance and Repair Services.

17 C. Budget Expenditure, Roof Replacement, Peoria Center for the Performing Arts

Approved a budget expenditure in the amount of \$141,000 from the Roof Replacement project for the replacement of the deteriorated single ply flat roof portion of the Peoria Center for the Performing Arts building.

18 C. Property Acquisition, 8314 West Jefferson Street

- (a) Authorized the acquisition of a 7,000 square foot property located in Old Town at 8314 West Jefferson Street; and
- (b) Approved a budget expenditure in the amount of \$77,200 from the Old Town Parcel Assembly & Tenant Improvements project.

19 C. Deeds and Easements, Various Locations

Adopted **RES. 2020-75** accepting Deeds and Easements for various Real Property interests acquired by the City.

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

Adopted **RES. 2020-76** designating various Real Properties to be used as City roadways and authorize the establishment of Public Rights-of-Way to be opened and maintained by the City as a Public Street.

21 C. VOID

22 C. Replat, a Portion of Tract G, as Recorded in the Master Final Plat for Mystic at Lake Pleasant Heights

Approved a Replat of a portion of Tract G, as recorded in the Master Final Plat for "Mystic at Lake Pleasant Heights", subject to stipulations.

23 C. PUBLIC HEARING - Liquor Licenses, Various Locations

Recommended approval to the State Liquor Board for:

- (a) A New Wine and Beer (Series 10) Liquor License for QuikTrip #1425, located at 7455 West Peoria Avenue, Perry C. Huellmantel, Applicant, LL#20-000898; and
- (b) A New Restaurant (Series 12) Liquor License for Cross Eyed Cricket, located at 28615 North El Mirage Road, Mark H. Gaydosz, Applicant, LL#20019128.

REGULAR AGENDA

New Business:

24 R. Code Amendment, Chapter 17, Ban Smoking and Consuming Marijuana on City Owned or Operated Property

Vanessa Hickman, City Attorney, presented regarding amendment recommendations to Chapter 17 – Nuisances of the City Code. Information included:

- Recommended Amendments
 - o Section 17-2 Public Nuisances; update definitions
 - o Section 17-71 Recreational marijuana prohibition on City property
- Violations and penalties

Discussion ensued regarding posting this information on the City's website.

Motion was made by Vice Mayor Finn, seconded by Councilmember Binsbacher to adopt **ORD. 2020-14** amending Chapter 17 of the Peoria City Code adopting regulations that prohibit smoking and possession of Recreational Marijuana on property occupied, owned, controlled or operated by the City of Peoria.

Upon vote, the motion carried unanimously 7 to 0.

Clerk's Note: Agenda Items 25R and 26R were presented together.

25 R. Specific Area Plan Amendment, Grand Commons, Grand Avenue and 85th Avenue

Motion was made by Councilmember Hunt, seconded by Councilmember Edwards to continue item 25R (Discussion and possible action to concur with the Planning and Zoning Commission's unanimous (7-0) recommendation to adopt **RES. 2020-78**, approving an amendment to the Old Town Specific Area Plan Land Use Map for a 7.5 acre site located at 8455 NW Grand Avenue, from Flex Mixed-Use to Old Town Commercial Mixed Use land use category) to the January 19, 2021 City Council Meeting.

Upon vote, the motion carried unanimously 7 to 0.

26 R. Rezone, Grand Commons, Grand Avenue and 85th Avenue

Motion was made by Councilmember Edwards, seconded by Councilmember Binsbacher to continue item 26R (Discussion and possible action to concur with the Planning and Zoning Commission's unanimous (7-0) recommendation to adopt **ORD. 2020-15**, approving the rezoning of a 7.5 acre site located at 8455 NW Grand Avenue, from Central Commercial (C-3) to the Grand Commons Planned Area Development (PAD)) to the January 19, 2021 City Council Meeting.

Upon vote, the motion carried unanimously 7 to 0.

27 R. Rezone, Prescott at Park West, Planned Area Development

Chris Jacques, Planning and Community Development Director, presented regarding Prescott at Park West planned area development. Information included:

- Site and area context
- Conceptual site plan
- Project highlights
- Site elements
- Amenities
- Site access and connectivity
- Design theme
- Staff analysis
- Public outreach
- Findings and recommendation

Applicant, Taylor Earl with Earl & Curley, PC., addressed council to express his appreciation to City staff.

Discussion ensued regarding when groundbreaking will occur.

Motion was made by Councilmember Binsbacher, seconded by Councilmember Dunn to concur with the Planning and Zoning Commission's unanimous recommendation to adopt **ORD. 2020-16** approving the rezoning of a 5.4 acre site, located at 8128 North 99th Avenue from Intermediate Commercial (C-2) to Planned Area Development (PAD) to facilitate a ninety-five (95) unit townhome-style rental community.

Upon vote, the motion carried unanimously 7 to 0.

28 R. Budget Amendment and Contract Approval, Economic Development Consulting Services

Katie Gregory, Deputy City Manager, presented regarding a Budget Amendment for Economic Development consulting services. Information included:

- Budget request for funding to assist with three major Economic Development projects in Peoria
 - o Stadium Point
 - o Old Town Redevelopment
 - o Vistancia Commercial Core
- Sole-Source contract with Paslay

Discussion ensued regarding deliverable and timeframe for the Old Town Redevelopment.

Motion was made by Councilmember Edwards, seconded by Councilmember Hunt to:

- (a) Approve a budget amendment in the amount of \$331,000 from the Half Cent Sales Tax Fund Contingency to the Economic Development Services - Other Professional Services account to fund studies, appraisals and consulting services to support the city's Economic Development Goals for stadium Point, Old Town and Vistancia Commercial Core; and
- (b) To authorize a single source procurement to enter into a contract with Paslay Management Group.

Upon vote, the motion carried unanimously 7 to 0.

29 R. Resolution, Extension of Premises for Outdoor Patios

Chris Jacques, Planning and Community Development Director, presented regarding the extension of premises for outdoor patios in Peoria. Information included:

- Patios permitted on all commercial zones
- Temporary Use Permit (TUP) timeframe limitations
- Special Temporary Use Permit – Extension of Premises (TUP-EP)
- Allows a 60-day grace period upon lift of State of Local Emergency
- TUP-EP parameters
- Staff recommendation

Motion was made by Councilmember Binsbacher, seconded by Councilmember Edwards to adopt **RES. 2020-79** authorizing the City Manager to establish and

implement through the Planning & Community Development Department, an expedited, no-fee Temporary Use Permit – Extension of Premise (TUP-EP) process to enable restaurants and bars to temporarily extend their premises for services in alignment with the Mayor’s Proclamation declaring a State of Local Emergency.

Upon vote, the motion carried unanimously 7 to 0.

30 R. Pop-up Peoria at Park West

Erik Strunk, Deputy City Manager, presented on Pop-up Peoria at Park West.

- Jennifer Stein, Office of Communications Director, presented regarding the Pop-up Peoria at Park West concept

Mr. Strunk continued regarding the budget request for the Pop-up Peoria at Park West event.

Discussion ensued regarding the long-term vision for Pop-up Peoria events.

Motion was made by Councilmember Dunn, seconded by Councilmember Hunt to approve a one-time budget appropriation in the amount of \$30,000 from the General Fund contingency account to the Office of Communication – Other Professional Services account for a “Pop Up Peoria” public/private storefront collaboration at the Park West Mall, located at 9744 West Northern Avenue, Suite #1750, Building E.

Upon vote, the motion carried unanimously 7 to 0.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager:

31. Reports

A. Code Compliance, American Association of Code Enforcement Award

Chris Hallett, Neighborhood and Human Services Director, presented the award to Code Enforcement staff. Mr. Hallett introduced staff and thanked them for their service.

Reports from City Council:

Council Youth Liaison Tiwary reported on attending the upcoming National League of Cities virtual conference the week of November 16th.

Council Youth Liaison Van Winkle reported on his participation in the drive-through Halloween event at the Vistancia Community Center on October 30, 2020.

Reports from the Mayor:

None.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:29 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 10th day of November, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of January, 2021.

(Seal)

Rhonda Geriminsky, City Clerk