



MUNICIPAL OFFICE COMPLEX
8401 W. MONROE STREET
PEORIA, AZ 85345

**CITY COUNCIL REGULAR MEETING
NOTICE & AGENDA
Tuesday, July 6, 2010
7:00 PM
CITY COUNCIL CHAMBER**

CITY COUNCIL:

Mayor

Bob Barrett

Palo Verde District

Ron Aames, Vice Mayor

Acacia District

Vicki Hunt

Ironwood District

Dave Pearson

Mesquite District

Cathy Carlat

Pine District

Carlo Leone

Willow District

Joan Evans

City Manager

Carl Swenson

CONVENE:

PLEDGE:

ROLL CALL:

**FINAL CALL TO SUBMIT SPEAKER REQUEST
FORMS:**

PRESENTATION:

1. Certificates of election to the following Public Safety Retirement System Local Police and Fire Board members as ratified by Resolution at the June 15, 2010 City Council Meeting:

Luis Carrillo elected to the Public Safety Retirement System Local Board – Police; and

Anthony Neely elected to the Public Safety Retirement System Local Board – Fire.

CONSENT AGENDA

CONSENT AGENDA: All items listed with “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.

CONSENT – New Business:

1C Disposition of Absence

Discussion and possible action to excuse the absence of Councilmember Vicki Hunt from the Study Session held at 4:00 p.m., the Special Meeting held at 6:30 p.m. and the Regular City Council Meeting held at 7:00 p.m. on June 15, 2010.

2C Minutes

Discussion and possible action to approve the following minutes:

April 22, 2010 Budget Study Session
April 26, 2010 Budget Study Session
April 26, 2010 Special Meeting

3C Appointments, Boards and Commissions

Discussion and possible action to approve the recommendations from the Council Subcommittee on Boards and Commissions Appointments pertaining to the following appointments and adopt the Resolutions as presented:

Adopt **RES. 2010-42** appointing Jack Lytle, as a regular member, to the Arts Commission for a term to expire June 2014;

Adopt **RES. 2010-43** appointing Karen McDaniel, as a regular member, for a term to expire December 2013 and Shelby Duplessis, as an alternate member, for a term to expire December 2011 to the Board of Adjustment;

Adopt **RES. 2010-44** reappointing Keith Dines, as a regular member, and appointing Mark Hammons and Vonda Culp, as regular members, to the Economic Development Advisory Board for terms to expire June 2014;

Adopt **RES. 2010-45** reappointing Keith Dines, as a regular member, for a term to expire June 2016; reappointing Nancy Golden, as a regular member, for a term to expire June 2015; and reappointing Les Gin, as a regular member, for a term to expire December 2014 to the Employee Benefits Trust Board;

Adopt **RES. 2010-46** reappointing Gene Sweeney, as a regular member, to the Personnel Board for a term to expire June 2014;

Adopt **RES. 2010-47** reappointing Joe LaRue and Richard Coffinger, as regular members, to the Public Defender Contract Review Committee for terms to expire June 2014;

Adopt **RES. 2010-48** appointing Joya Kizer Clark, as a regular member, to the Sister Cities Board for a partial term to expire December 2012;

Adopt **RES. 2010-49** reappointing Henry Cota and Fernando Reyna, as regular members, to the Volunteer Firefighter Pension Board for terms to expire June 2014;

Adopt **RES. 2010-50** reappointing Tyler Ashcroft, Elizabeth Gonzales, Katherine Brown, Hunter Finn, Brooke Heisserman, Tyler Arkin, and Shelby Staley, as regular members, to the Youth Advisory Board for terms to expire June 2012; and

Adopt **RES. 2010-51** appointing Thomas Prior, as a regular member, to the Youth Advisory Board for a partial term to expire June 2011.

4C Code Amendment, Chapter 18, Parks

Discussion and possible action to adopt **ORD. 2010-13** amending various sections of Chapter 18 of the Peoria City Code (1992 Edition) pertaining to the management of the City of Peoria parks system in order to maintain a safe and hospitable atmosphere.

5C Initial Zoning, 139th Avenue (Litchfield Road) and Dixileta Drive

Discussion and possible action to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2010-14** establishing initial zoning on a recently annexed 640-acre property, generally located at the southeast corner of 139th Avenue (Litchfield Road) and Dixileta Drive, from Maricopa County Rural-43 to City of Peoria SR-43. (Z09-04)

6C Rezoning, Terramar Boulevard and Happy Valley Road

Discussion and possible action to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2010-15** rezoning approximately 25.56 gross acres of property, generally located north of the northwest corner of Terramar Boulevard and Happy Valley Road, from R1-10, Single-Family Residential (10,000 square foot minimum lot) to R1-6, Single-Family Residential (6,000 square foot minimum lot). (Z 09-02247)

7C Grant, Arizona Department of Public Safety, Victims of Crime Act, Crime Victim Assistance Grant Program

Discussion and possible action to (a) adopt **RES. 2010-52** authorizing the City of Peoria Police Department to accept \$46,068 from the Arizona Department of Public Safety, Victims of Crime Act (VOCA), for Peoria's participation in the Crime Victim Assistance Grant Program (LCON07110) and (b) approve a budget transfer in the amount of \$46,068 from the Proposed Grants Contingency Account to the Victims of Crime Act Grant Account for salary and wages.

8C Grant, Arizona Criminal Justice Commission, Crime Victim Assistance Program

Discussion and possible action to (a) adopt **RES. 2010-53** authorizing the City of Peoria Police Department to accept \$10,800 from the Arizona Criminal Justice Commission (ACJC) for Peoria's participation in the Crime Victim Assistance Program (LCON07210) and (b) approve a budget transfer in the amount of \$10,800 from the Proposed Grants Contingency Account to the Arizona Criminal Justice Commission Grant Account for salary and wages.

9C Intergovernmental Agreement, Peoria Unified School District, School Resource Officers

Discussion and possible action to authorize the City Manager to execute an Intergovernmental Agreement with the Peoria Unified School District to assign two Peoria Police Officers to the campuses of the Peoria and Sunrise Mountain High Schools as School Resource Officers (SRO). (LCON07310)

10C Intergovernmental Agreement, State of Arizona, Installation of Pedestrian Countdown Signal Heads, Various Locations

Discussion and possible action to adopt **RES. 2010-54** approving an Intergovernmental Agreement with the State of Arizona for the installation of pedestrian countdown signal heads at various locations. (LCON07410)

11C Intergovernmental Agreement Amendment, State of Arizona, 84th Avenue Pedestrian Improvement Project, Monroe Avenue to Peoria Avenue

Discussion and possible action to adopt **RES. 2010-55** approving Amendment No. 1 to the revised Intergovernmental Agreement with the State of Arizona for construction of the 84th Avenue Pedestrian Improvement Project from Monroe Avenue to Peoria Avenue. (LCON05809B)

12C Intergovernmental Agreement Amendment, State of Arizona, Roadway Widening Improvements, 91st Avenue and Olive Avenue

Discussion and possible action to adopt **RES. 2010-56** approving Intergovernmental Agreement Amendment No. 2 with the State of Arizona for the construction of the roadway widening improvements at 91st Avenue and Olive Avenue. (LCON20008B)

13C Contract, RBF Consulting, Resurvey Benchmarks of the Horizontal and Vertical Control Network

Discussion and possible action to (a) award a design services contract in the amount of \$223,384 to RBF Consulting for the Resurvey Benchmarks of the City's horizontal and vertical control network (LCON07510); (b) approve the carryover of \$20,000 in project funds from Fiscal Year 2010 to Fiscal Year 2011; and (c) approve a budget transfer in the amount of \$20,000 from the General Fund Contingency Account to the Resurvey Benchmarks Project, General Fund Other Professional Services Account.

14C Contract Amendment, Brown and Caldwell, Wastewater Pipeline Inspection Program

Discussion and possible action to award Contract Amendment No. 1 in an amount not-to-exceed \$287,440 to Brown and Caldwell for consulting services related to a Wastewater Pipeline Inspection Program. (LCON04010A)

15C Contract Amendment, Felix Construction, Rehabilitation of Terramar Potable Water Reservoir

Discussion and possible action to approve Contract Amendment No. 1 in an amount not-to-exceed \$50,000 to an Individual Job Order Contract with Felix Construction for the Rehabilitation of the Terramar Potable Water Reservoir. (ACON23908P16A)

16C Contract Amendment, Pierson Construction Corporation, Edwards Tract 8-inch Waterline

Discussion and possible action to (a) approve Contract Amendment No. 1 for a Guaranteed Maximum Price (GMP) of \$137,761 to Pierson Construction Corporation for construction services associated with the Edwards Tract 8-inch waterline (ACON46008P3A); (b) approve the carryover of \$137,761 in projects funds from Fiscal Year 2010 to Fiscal Year 2011; and (c) approve a budget transfer in the amount of \$137,761 from the Water Utility Fund Contingency Account to the Edwards Tract 8-inch Waterline Project, Water Utility Fund Water System Account.

17C Contract Amendment, Entellus, Inc., Westbrook Village Storm Drain Improvements

Discussion and possible action to approve Contract Amendment No. 6 in the amount of \$29,725 to Entellus, Inc. for additional construction administration services associated with the construction of the Westbrook Village Storm Drain Improvements and the 24-inch waterlines in 91st Avenue from Union Hills Drive to Beardsley Road and in Beardsley Road from 87th Avenue to Lake Pleasant Road. (LCON08506F)

18C Contract Amendment, Presiding Municipal Judge

Discussion and possible action to (a) adopt **RES. 2010-62** reappointing the Honorable George T. Anagnost to a new four-year term as the Presiding Municipal Judge and (b) approve Contract Amendment No. 9 for Municipal Judge services. (LCON05696K)

19C Partnership, Translational Genomics Research Institute (TGen), International Bioscience Commercialization Consortium

Discussion and possible action to (a) authorize the City Manager to enter into a partnership with the Translational Genomics Research Institute (TGen) to both establish the International Bioscience Commercialization Consortium (IBCC) with global headquarters in Peoria and to pledge a financial commitment of \$200,000 to the IBCC; (b) authorize the use of reserves; and (c) approve a budget transfer in the amount of \$200,000 from the Half-Cent Sales Tax Fund Contingency Account to the Half-Cent Sales Tax Other Professional Services Account.

20C Cable Television License Agreement Renewal, CoxCom, Inc.

Discussion and possible action to adopt a new license agreement with CoxCom, Inc., a Delaware corporation, to provide cable services within the City of Peoria. The prior license expired on June 30, 2010, but CoxCom, Inc., has continued to provide cable television services pending approval of this renewal. (LCON07610)

21C Re-Allocation of Bonds to the Department of Commerce

Discussion and possible action to adopt **RES. 2010-57** releasing Peoria's allocation of Qualified Energy Conservation Bonds and Recovery Zone Economic Development Bonds to the State of Arizona Department of Commerce.

22C Authorize Expenditure, Federal Legislative Representation, Luke Air Force Base

Discussion and possible action to (a) authorize an expenditure in the amount of \$52,124 for the City of Peoria's continued share of Federal Legislative Representation for service beginning July 1, 2010 and ending June 30, 2011 for the protection of the mission of Luke Air Force Base and (b) approve a budget transfer in the amount of \$52,124 from the General Fund Contingency Account to the Non-Departmental "Other Professional Services" Account.

23C Authorize Expenditure, Henry Brothers Electronics Inc, City Hall Security

Discussion and possible action to authorize an expenditure in an amount not-to-exceed \$75,173 utilizing an existing contract with Henry Brothers Electronics Inc. for the purchase, installation and extended warranty for a City Hall video surveillance system; the purchase of a badge printer; and modifications to the current card access system. (LCON02607C)

24C Map of Dedication, Edgewater Park at Westbrook Village, Edgewater Road and Westbrook Parkway

Discussion and possible action to approve a Map of Dedication of Edgewater Park at Westbrook Village, located on Edgewater Road west of Westbrook Parkway, subject to stipulations.

25C Dedications of Public Roadways, 83rd Avenue from Williams Road to Calle Lejos and 83rd Avenue from Butler Drive to Hatcher Road

Discussion and possible action to adopt **RES. 2010-58** authorizing the City Manager to execute three (3) Dedications of Public Roadways for street improvements associated with two Capital Improvement Projects located at 83rd Avenue from Williams Road to Calle Lejos and 83rd Avenue from Butler Drive to Hatcher Road.

26C Deeds and Easements, Various Locations

Discussion and possible action to adopt **RES. 2010-59** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

REGULAR AGENDA

UNFINISHED BUSINESS

27R Development Agreement Amendment, HE Peoria Place Property, LLC (June 15, 2010 4C)

Discussion and possible action to approve the First Amendment to the Development Agreement with HE Peoria Place Property, LLC to accelerate the City's repayment by one year at a 10 percent cost reduction to the City. (LCON12906A)

NEW BUSINESS

28R PUBLIC HEARING - Liquor Licenses, Various Locations

PUBLIC HEARING: RE: (a) A Location Transfer for an Off-Sale All Liquor License (Series 09) for Circle K Store #1785, located at 7420 W. Cactus Road. Applicant: Kim Kwiatkowski, LL#4439; (b) A New Restaurant Liquor License (Series 12) for Barro's Pizza, located at 24762 N. Lake Pleasant Parkway Suite 105. Applicant: Michael J. Barro, LL#10017692; (c) A New Restaurant Liquor License (Series 12) for Skye, located at 16844 N. Arrowhead Fountain Center Drive. Applicant: Terence A. Davies, LL#10006148; and (d) A New Restaurant Liquor License (Series 12) for Grande Pizza, located at 8996 W. Union Hills Drive Suite 105. Applicant: Fatmir Kodra, LL#10005951.

Staff Report:
Open Public Hearing:
Public Comment:
Close Public Hearing:

Council Action: Discussion and possible action to (a) recommend approval to the State Liquor Board for a Location Transfer for an Off-Sale All Liquor License (Series 09) for Circle K Store #1785, located at 7420 W. Cactus Road. Applicant: Kim Kwiatkowski, LL#4439; (b) recommend approval to the State Liquor Board for a New Restaurant Liquor License (Series 12) for Barro's Pizza, located at 24762 N. Lake Pleasant Parkway Suite 105. Applicant: Michael J. Barro, LL#10017692; (c) recommend approval to the State Liquor Board for a New Restaurant Liquor License (Series 12) for Skye, located at 16844 N. Arrowhead Fountain Center Drive. Applicant: Terence A. Davies, LL#10006148; and (d) recommend approval to the State Liquor Board for a New Restaurant Liquor License (Series 12) for Grande Pizza, located at 8996 W. Union Hills Drive Suite 105. Applicant: Fatmir Kodra, LL#10005951.

29R PUBLIC HEARING - Off-Track Wagering License Renewal, American Greyhound Racing Inc., 6750 W. Peoria Avenue

PUBLIC HEARING: RE: An Off-Track Wagering License Renewal for Gallaghers Food and Fun, 6750 W. Peoria Avenue.

Staff Report:
Open Public Hearing:
Public Comment:
Close Public Hearing:

Council Action: Discussion and possible action to recommend approval to the Arizona Racing Commission for an Off-Track Wagering License Renewal for Gallaghers Food and Fun, 6750 W. Peoria Avenue.

30R Primary and Secondary Property Tax Levies, Fiscal Year 2011

Discussion and possible action to adopt **RES. 2010-60** and **ORD. 2010-16** adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for Fiscal Year 2011.

31R Street Light Improvement District and Maintenance Improvement District Tax Levies, Fiscal Year 2011

Discussion and possible action to adopt **ORD. 2010-17** and **ORD. 2010-18** adopting Street Light and Maintenance Improvement District Tax Levies for Fiscal Year 2011.

32R Peoria Sports Complex Area Urban Design Plan

Discussion and possible action to adopt **RES. 2010-61** establishing the Peoria Sports Complex Area Urban Design Plan as the City's guiding document for redevelopment of the 570 acre area centered around the Peoria Sports Complex.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Your comments pertaining to City Council business are welcome. However, if you wish to address the City Council, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. The City Council is not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation
 - a. Positive Action through Civic Engagement Conference on Civic Engagement
3. Informational (The following items are included for informational purposes only. There will be no separate discussion of these items unless a Councilmember so requests.)

**Reports from City Council:
Reports from the Mayor:**

ADJOURNMENT

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

Accommodations for Individuals with Disabilities. Alternative format materials, sign language interpretation, assistive listening devices or interpretation in languages other than English are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Room 150, Peoria, Arizona 85345 (623)773-7340, TDD (623)773-7221, or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.