

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
March 3, 2009

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 7:00 p.m.

Following a moment of silence, Councilmember Pearson led the Pledge of Allegiance.

Members Present: Mayor Bob Barrett; Vice Mayor Joan Evans; Councilmembers Ron Aames, Cathy Carlat, Vicki Hunt, Carlo Leone and Dave Pearson.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; John F. Wenderski, Deputy City Manager; Steve Kemp, City Attorney; Mary Jo Kief, City Clerk; J.P. de la Montaigne, Andy Granger, Bill Mattingly, Brent Mattingly, Grady Miller, Larry Ratcliff, Wynette Reed, John Schell, Thomas Solberg, Sandy Teetsel, Jeff Tyne, Glen Van Nimwegen and Rhonda Simmons.

Audience: Approximately 10 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 Barrett and Councilmember Carlat presented Certificates of Appointment to the following Board and Commission members:

Michael Worlton appointed to the Design Review Appeals Board;
Ralph Jedda appointed to the Industrial Development Authority; and
Kenneth Lambert appointed to the Veterans Memorial Board.

Clerk's Note: Michael Worlton and Ralph Jedda were not present to receive their certificates.

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:

Mayor Barrett asked if any Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Councilmember Aames, seconded by Councilmember Leone, to approve the Consent Agenda. Upon vote, the motion carried unanimously.

1C Appointments, Boards and Commissions

RESOLUTION 09-30

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING PATRICK SPONSEL TO THE PARKS AND RECREATION BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 09-31

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPTING THE RESIGNATION OF MICHAEL WORLTON AND APPOINTING LEIGH STRICKMAN TO THE PLANNING AND ZONING COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

Approved the recommendations from the Council Subcommittee on Boards and Commissions Appointments pertaining to the following appointments and adopted **RES. 09-30** and **RES. 09-31** as presented:

Adopted **RES. 09-30** appointing Patrick Sponsel, as a regular member, to the Parks and Recreation Board for a term to expire June 2012; filling the vacancy created by Gregory Jones; and

Adopted **RES. 09-31** appointing Leigh Strickman, as a regular member, to the Planning and Zoning Commission for a partial term to expire December 2011; filling the vacancy created by the resignation of Michael Worlton.

2C Correction of Board Appointment

RESOLUTION 08-81A

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, CORRECTING THE TERM OF APPOINTMENT FOR MICHAEL BELLARD TO THE INDUSTRIAL DEVELOPMENT AUTHORITY, AND RECONFIRMING HIS APPOINTMENT THERETO.

Adopted **RES. 08-81A** as presented correcting the term of appointment for Michael Bellard to the Industrial Development Authority and reconfirming his appointment thereto.

Adopted **RES. 08-81A** reconfirming the appointment of Michael Bellard, as a regular member, to the Industrial Development Authority for a term to expire June 2014.

3C Grant, WalMart, Public Library Teen Programs

- (a) Accepted a grant in the amount of \$1,000 from WalMart to provide funding to the Peoria Public Library for the purchase of incentives, program supplies, food and materials to help support teen programs; and
- (b) Approved a budget transfer in the amount of \$1,000 from the Proposed Grants Fund Contingency Account to the Main Library General Recreation Fund Account (LCON01409).

4C Grant, U.S. Department of Homeland Security, Self-Contained Breathing Apparatus

- (a) Accepted the 2008 Assistance to Firefighters Grant in the amount of \$493,500 with a pending amendment for an additional \$22,109 for sales and use tax; and
- (b) Authorized a budget transfer from the General Fund Capital Projects, Other Equipment Account to the Homeland Security Grant Fund Homeland Security Division, Other Equipment Account in the amount of \$394,800 and \$22,109 (upon award) in order to establish an appropriation and expend the funds (LCON01509).

5C Grant, Governor's Office of Highway Safety, Speed and Traffic Enforcement

RESOLUTION 09-33

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE ACCEPTANCE OF A \$25,000 FEDERAL 402-FUNDING GRANT FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY, FOCUSING ON OVERTIME TO CONDUCT SPEED AND TRAFFIC ENFORCEMENT DETAILS IN THE CITY OF PEORIA.

- (a) Adopted **RES. 09-33** authorizing the City of Peoria Police Department to accept \$25,000 from the Governor's Office of Highway Safety for participation in speed and traffic enforcement; and
- (b) Approved a budget amendment of \$25,000 from the Proposed Grants Contingency Account to the Occupant Protection Enforcement Program Grant, Overtime Account to establish the appropriation to expend the funds (LCON01909).

6C Intergovernmental Agreement, Flood Control District of Maricopa County and Maricopa County Department of Transportation, Pinnacle Peak Road Channel Improvements, 99th Avenue to Agua Fria River

Authorized the City Manager to execute an Intergovernmental Agreement with the Flood Control District of Maricopa County and Maricopa County Department of Transportation for the design, rights-of-way acquisition, and utility relocations for the Pinnacle Peak Road Channel and roadway improvements from 99th Avenue to the Agua Fria River (LCON01609).

7C Intergovernmental Agreement, Maricopa County Board of Supervisors, Jail Incarceration Services

Authorized the City Manager to execute an Intergovernmental Agreement with the Maricopa County Board of Supervisors for jail incarceration services (LCON01709).

8C Intergovernmental Agreement, Drug Enforcement Administration, DEA Tactical Diversion Squad Task Force

Authorized the City Manager to:

- (a) Execute an Intergovernmental Agreement with the Drug Enforcement Administration to assign one officer to the DEA Tactical Diversion Squad Task Force (LCON01809); and
- (b) Approve a budget amendment of \$16,329 from the Proposed Grants Contingency Account to the Federal DA Fund providing expenditure authority.

9C Intergovernmental Agreement Amendment, City of Phoenix, Intergovernmental Telecommunications Facilities Sharing

Authorized the City Manager to execute Supplements 3 through 8 to the existing Intergovernmental Agreement with the City of Phoenix for Intergovernmental Telecommunications Facilities Sharing (LCON18701A-F).

10C Contract Amendment, ICMA 457 Plan and Nationwide Plan, Loan Provision

RESOLUTION NO. 09-34

A RESOLUTION OF THE COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AUTHORIZING AMENDMENT TO THE 457 PLAN (ICMA PLAN #30-1719 AND NATIONWIDE PLAN #0396UF) TO PERMIT ADOPTION OF A LOAN PROVISION.

Adopted RES. 09-34 approving an amendment to the ICMA 457 Plan (#301719) (ACON29105B) and Nationwide Plan (#0396UF) (LCON12403A) to allow for a loan provision.

11C Contract Amendment, Hunter Contracting Company, Park and Trail Improvements, Westwing Neighborhood Park, Westwing Parkway and High Desert Drive

- (a) Approved Contract Amendment 4 with Hunter Contracting Company for a Guaranteed Maximum Price amount not to exceed \$547,732 for the construction of park and trail improvements at Westwing Neighborhood Park located at Westwing Parkway and High Desert Drive (LCON15108D);
- (b) Approved the use of reserves; and
- (c) Authorized a contingency transfer in the amount of \$437,000 from the Neighborhood Park Zone 1 and 2 Impact Fee Contingency Accounts to the Fiscal Year 2009 Capital Project Westwing Neighborhood Park Account.

12C Budget Transfer, City Attorney's Office, Litigation Expenses

- (a) Authorized the use of General Fund Reserves; and
- (b) Approved a budget transfer in the amount of \$105,600 from the General Fund Contingency to the City Attorney Civil Division Operating Fund – Legal Services in the amount of \$23,100; to the Litigation Expense in the amount of \$20,000; and to the Administrative Hearing Costs in the amount of \$62,500 for Fiscal Year 2009.

13C Authorize Expenditure, Fighter Country Partnership, Luke Air Force Base Community Support

- (a) Authorized the expenditure of \$32,500 to provide assistance to Fighter Country Partnership in their continued efforts to ensure the long-term viability of Luke Air Force Base for Fiscal Year 2009-10;
- (b) Authorized the use of reserves of \$32,500 from the General Fund; and
- (c) Authorized a budget transfer from the Mayor/Council Contingency Account to the Non-Departmental – City Participation Outside Programs Account.

14C Void

REGULAR AGENDA

NEW BUSINESS

15R PUBLIC HEARING - Liquor License, #1 Brothers Pizza, 9815 W. Happy Valley Road

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on requests for a New Restaurant Liquor License (Series 12) for #1 Brothers Pizza, located at 9815 W. Happy Valley Road. Applicant: Serik Qalliaj. LL#10013759.

Staff Report/Public Comment:

Mary Jo Kief, City Clerk, reported that the property was posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval, and no comments were received from the public.

Having no requests from the public to address this item, Mayor Barrett declared the public hearing closed.

Council Action: Motion was made by Councilmember Carlat, seconded by Councilmember Pearson to recommend approval to the State Liquor Board for a New Restaurant Liquor License (Series 12) for #1 Brothers Pizza, located at 9815 W. Happy Valley Road. Applicant: Serik Qalliaj. LL#10013759.

Upon vote, the motion carried unanimously.

16R PUBLIC HEARING - Designate Historic Landmark, Peoria Women's Club

ORDINANCE NO. 09-05

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DESIGNATING THE PEORIA WOMAN'S CLUB AS A LOCAL HISTORIC LANDMARK TO BE LISTED ON THE CITY OF PEORIA REGISTER OF HISTORIC PLACES AND PROVIDING HISTORIC PRESERVATION OVERLAY ZONING FOR SAID PROPERTY; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report/Public Comment:

Glen Van Nimwegen, Community Development Director, stated this request is to designate the Peoria Women's Club as a Peoria Local Historic Landmark to be listed on the Peoria Register of Historic Places. Further, this request will provide for Historic Preservation Overlay Zoning for the Peoria *Woman's Club*. Mr. Van Nimwegen outlined the process for getting a location listed in the Peoria Register of Historic Places. Mr. Van Nimwegen explained that placing a historic preservation overlay zoning on the Peoria Women's Club will mean that future changes to the exterior of the building must go before the Historic Preservation Commission prior to going to Council for consideration.

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request to designate the Peoria Women's Club as a Peoria Local Historic Landmark to be listed on the Peoria Register of Historic Places and having Historic Preservation Overlay Zoning with the official spelling of Peoria *Woman's Club*.

Having no requests from the public to address this item, Mayor Barrett declared the public hearing closed.

Councilmember Leone stated he does not support this move for the historic designation.

Council Action: Motion was made by Councilmember Hunt, seconded by Councilmember Aames, to concur with the Historic Preservation Commission's and the Planning and Zoning Commission's recommendations and adopt **ORD. 09-05** designating the Peoria Woman's Club as a Peoria Local Historic Landmark to be listed on the Peoria Register of Historic Places and having Historic Preservation Overlay Zoning.

Upon vote, the motion carried 6 to 1, with Councilmember Leone voting "no".

17R Contract, Industrial Commission of Arizona, Self-Insured Workers' Compensation

RESOLUTION NO. 09-32

A RESOLUTION OF THE COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AUTHORIZING APPLICATION TO THE DIRECTOR OF THE INDUSTRIAL COMMISSION OF ARIZONA FOR A CERTIFICATE OF CONSENT TO SELF-INSURE WORKERS' COMPENSATION LIABILITY.

Wynette Reed, Human Resources Director, provided an overview of the request for approval to file an initial application with the Industrial Commission of Arizona for authority to self-insure Workers' Compensation at the City of Peoria and to adopt a resolution stating that the City provides sufficient funding to cover liability for Workers' Compensation. Ms. Reed stated the City currently has a full Workers' Compensation Program through the State Compensation Fund of Arizona. A feasibility study recommends that the City move to a self-funded environment. Ms. Reed outlined the reasons for going to a self-funded environment. Self-funding is a pay-as-you-go system where the City can maximize the cash flow and earn interest on the money instead of sending it to the State.

In response to question from Council, Ms. Reed explained that the self-funded system will provide for an appeal process similar to what is provided through the State. Further, the new system is more 'employee centered' and will allow for impartial decisions. Ms. Reed stated that at any time the City wishes to return to the State Program, the City may do so.

Motion was made by Vice Mayor Evans, seconded by Councilmember Carlat to:

- (a) Adopt **RES. 09-32** stating that the City provides sufficient funding to cover liabilities for Workers' Compensation claims; and
- (b) Authorize filing an application with the Industrial Commission of Arizona for Authority to Self-Insure Workers' Compensation (LCON02009).

Upon vote, the motion carried unanimously.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

Reports from the City Manager:

1. Council Calendar

2. Reports with Presentation

a. Donation of Police Command Vehicle to Long Beach, Mississippi.

Susan Thorpe, Deputy City Manager, and Larry Ratcliff, Police Chief, provided an overview of the Police Command Vehicle that will be donated by the Peoria Police Department to Long Beach, Mississippi.

b. Government Finance Officers Association Distinguished Budget Presentation Award.

Jeff Tyne, Budget Director, stated that annually the City of Peoria submits its budget documents to the Government Finance Officers' Association for its consideration in the Distinguished Budget Presentation Award. Mr. Tyne explained the criteria for awarding the Distinguished Budget Presentation Award. The City of Peoria has received this award 16 years, and has also received a special recognition for efforts in performance management.

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.)

a. Community Works Wall Enhancements.

Carl Swenson, City Manager, informed Council of some of the City's community works projects. The City began painting rights-of-way for the Right-of-Way Enhancement Program.

b. Peoria Festival of the Arts Update.

Carl Swenson, City Manager, informed Council that on March 13th through the 15th, the Peoria City Hall Complex will host the Peoria Festival of the Arts, which will feature one hundred artists. The program is expanding due to a partnership with the Arizona Arts Alliance

c. Grand Opening of the Sunrise Mountain Branch Library.

Carl Swenson, City Manager, informed Council about the grand opening of the Sunrise Mountain Library on March 7th at 21109 North 98th Avenue beginning at 9:00 a.m.

d. Peoria's Arbor Day Celebration.

Carl Swenson, City Manager, informed Council of Peoria's Arbor Day Celebration to be held on March 21st, hosted at the Peoria City Hall Complex. The Arbor Day Celebration is an important step in the City becoming recognized as Tree City U.S.A.

e. Luke Air Force Base Open House Celebration.

Carl Swenson, City Manager, informed Council of the upcoming celebration of Luke Air Force open house on March 21st and 22nd.

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended.

Councilmember Hunt reported on the various City of Peoria activities she attended.

Councilmember Aames complimented Community Services for their work on painting and stuccoing walls along the City's main rights-of-way.

Councilmember Carlat thanked the individuals who were present at the Arizona Corporation Commission supporting the City's recommended placement of the APS power lines. Councilmember Carlat also thanked the Friends of Peoria Archaeological Heritage Group for volunteering their time as site stewards and assisting with maintaining archaeological ruins. Councilmember Carlat reminded that the grand opening of the Sunrise Mountain Library will be held on March 7th.

Vice Mayor Evans encouraged people to attend Spring Training baseball games.

Reports from the Mayor:

Mayor Barrett stated that Spring Training started on Thursday, February 26th and the first game of the year is one that is donated by the teams. The Diamond Club is the recipient of all of the funds raised during the first game and the money goes to charity. Mayor Barrett encouraged people to attend Spring Training games if the opportunity arises.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:44 p.m.

Bob Barrett, Mayor

ATTEST:

Mary Jo Kief, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of Peoria, Arizona held on the 3rd day of March, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of April, 2009.

(Seal)

Mary Jo Kief, City Clerk