

**MINUTES OF THE PEORIA CITY COUNCIL**  
**CITY OF PEORIA, ARIZONA**  
**COUNCIL CHAMBER**  
February 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 Hunt 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; Stephen Bontrager, J.P. de la Montaigne, Andy Granger, Bill Mattingly, Brent Mattingly, Larry Ratcliff, Thomas Solberg, Jeff Tyne, Glen Van Nimwegen, James Mason and Rhonda Simmons.

**Audience:** Approximately 20 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:**

Mayor Barrett introduced Ervin Cutwright, Chairman of the Northwest Black History Committee. The Northwest Black History Committee promotes the contributions and accomplishments of African Americans, continues to develop strong community partnerships and regularly hosts local events that celebrate the diversity of our community.

Mr. Cutwright stated the Black History Celebration held in the City of Peoria is the largest in the State of Arizona. Mr. Cutwright expressed his appreciation to the City of Peoria for allowing the Black History Committee to bring culture into the City.

Vicki Hunt recognized the other members of the Northwest Black History Committee: Sherman Galloway, Aubrey Morris, Robert Patterson and Shawn Sanders.

**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.

**CONSENT – New Business:**

Mayor Barrett asked if any Councilmember wished to have an item removed from the Consent Agenda.

Having no requests, motion was made by Vice Mayor Evans, seconded by Councilmember Aames, to approve the Consent Agenda. Upon vote, the motion carried unanimously.

**1C Disposition of Absence**

Approved the absence of Councilmember Cathy Carlat from the Special City Council Meeting held at 4:00 p.m. on January 20, 2009.

**2C Minutes**

Special Meeting - December 19, 2008

**3C Grant, Target Corporation, Organized Retail Crime Surveillance Equipment**

- (a) Accepted funding from the Target Corporation's Assets Protection Law Enforcement Program in the amount of \$2,160 for the purchase of equipment for organized retail crime surveillance; and
- (b) Approved a budget transfer in the amount of \$2,160 from the Proposed Grants Contingency Account to the Police Department's Citizen's Donation Fund, Photographic Equipment/Supplies Account (LCON01109).

**4C Contract Amendment, Felix Construction, Chemical Storage Tank Installation, Greenway Water Treatment Facility**

Approved Contract Amendment No. 2 for the Guaranteed Maximum Price (GMP) of \$404,880.66 with Felix Construction under an existing Job Order Contract for the installation of new chemical storage tanks at the Greenway Water Treatment Facility (ACON23908P4B).

**5C Maintenance Improvement District No. 1103, Vistancia Parcel C23, 128th Drive and Claret Cup Road**

RESOLUTION NO. 09-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1103, VISTANCIA PARCEL C23, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 09-22

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1103, VISTANCIA PARCEL C23; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

Approved the Petition of Formation; adopted **RES. 09-21** intention and ordering formation of proposed Maintenance Improvement District No. 1103, Vistancia Parcel C23, located at 128th Drive and Claret Cup Road; and adopted **RES. 09-22** ordering the work within the proposed Maintenance Improvement District.

**6C Irrigation Easements, Salt River Project Agricultural Improvement and Power District, 67th Avenue between Cactus and Thunderbird Roads**

RESOLUTION NO. 09-24

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF IRRIGATION EASEMENTS TO THE SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT FOR IRRIGATION FACILITIES.

Adopted **RES. 09-24** authorizing the City Manager to execute seven Irrigation Easements for Salt River Project Agricultural Improvement and Power District (SRP) for underground irrigation pipe and related irrigation structures to be reconstructed or relocated as part of roadway improvements on 67th Avenue between Cactus and Thunderbird Roads.

## REGULAR AGENDA

### UNFINISHED BUSINESS

**7R PUBLIC HEARING - General Plan Amendment, Land Use Plan, 135th Avenue and Dixileta Drive (Item 29R, May 16, 2006 and Item 16R, December 16, 2008)**

RESOLUTION NO. 08-169A

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE LAND USE PLAN OF THE LAND USE ELEMENT OF THE GENERAL PLAN FOR THE CITY OF PEORIA, ARIZONA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

### Staff Report:

Glen Van Nimwegen, Community Development Director, stated this is a request for a major General Plan amendment to change the land use designation from Residential Estate (0-2 du/ac) to Residential Low (2-5 du/ac). Mr. Van Nimwegen provided background information regarding the request and the location of the land relative to this request.

**PUBLIC HEARING:**

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on Agenda-Item 7R.

Sondra Fox addressed the Council stating she was not notified that action may be taken regarding the zoning of this property. Ms. Fox requested she be provided a detailed map of the property. Ms. Fox inquired about sewers and whether the developer would be responsible for putting them in.

Mr. Van Nimwegen stated sewers will be the responsibility of the developer.

Michael Curley addressed Council and stated he will talk to Ms. Fox about her questions related to the rezoning of this property.

**Close Public Hearing:**

There being no further comments from the public related to Agenda Item 7R, Mayor Barrett closed the Public Hearing.

**Council Action:**

Motion was made by Councilmember Carlat, seconded by Councilmember Aames, to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 08-169A** amending the Land Use Plan of the Peoria General Plan for a portion of a 640-acre site located at 135th Avenue, south of Dixileta Drive from Residential Estate (0-2 du/ac) to Residential Low (2-5 du/ac) (GPA05-01). Upon vote, the motion carried unanimously.

**NEW BUSINESS**

**8R Contract Amendment, MGC Contractors, Inc., Beardsley Water Reclamation Facility Improvements**

Stephen Bontrager, Utilities Director, introduced Shawn Kreuzwiesner, Engineering Manager, who provided a presentation on the contract amendment with MGC Contractors, Inc. for improvements to the Beardsley Water Reclamation Facility. This contract amendment will address operational issues and continue design on the rest of the enhancements at the site.

Motion was made by Councilmember Leone, seconded by Councilmember Carlat, to approve Contract Amendment No. 3 for the Guaranteed Maximum Price (GMP) of \$1,824,314 with MGC Contractors, Inc. for improvements to the Beardsley Water Reclamation Facility (LCON03608C). Upon vote, the motion carried unanimously.

**9R     Sale of City of Peoria, Arizona, General Obligation Bonds**

RESOLUTION NO. 09-23

RESOLUTION AUTHORIZING THE SALE AND ISSUANCE OF CITY OF PEORIA, ARIZONA GENERAL OBLIGATION BONDS (PROJECTS OF 2000 AND 2005), SERIES A (2009), IN THE PRINCIPAL AMOUNT OF \$68,440,000; PROVIDING FOR THE ANNUAL LEVY OF A TAX ON ALL THE TAXABLE PROPERTY WITHIN THE CITY OF PEORIA, ARIZONA, TO PROVIDE FOR THE PAYMENT OF INTEREST ON AND PRINCIPAL OF SAID BONDS; APPOINTING A BOND REGISTRAR AND PAYING AGENT AND AUTHORIZING EXECUTION OF A CONTRACT IN CONNECTION THEREWITH; APPROVING A CONTINUING DISCLOSURE UNDERTAKING PERTAINING TO PROVIDING ONGOING DISCLOSURE WITH RESPECT TO SAID BONDS AND AUTHORIZING EXECUTION OF SUCH UNDERTAKING; RATIFYING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT WITH RESPECT TO SAID BONDS AND APPROVING AN OFFICIAL STATEMENT WITH RESPECT TO SAID BONDS; AWARDED A CONTRACT FOR THE PURCHASE OF SAID BONDS AND DECLARING AN EMERGENCY.

Brent Mattingly, Chief Financial Officer, stated City staff provided the City's financial information to three bond rating agencies. Telephone conference calls were conducted with each agency individually. Mr. Mattingly outlined the offers from the agencies.

Mr. Mattingly stated **RES. 09-23** approves the issuance of bonds, authorizes the appointment of a bond registrar and paying agent, approves the contract and continuing disclosure to the purchasers of the bonds, ratifies the initial statement, approves the formal statement and awards a contract for the bonds to Merrill-Lynch & Company. The bond is scheduled to close February 19th.

Motion was made by Councilmember Hunt, seconded by Councilmember Aames, to adopt **RES. 09-23** authorizing the sale and issuance of City of Peoria, Arizona General Obligation Bonds (Projects of 2000 and 2005), Series A (2009), in the principal amount of \$68,440,000; providing for the annual levy of a tax on all the taxable property within the City of Peoria, Arizona, to provide for the payment of interest on and principal of said bonds; appointing a Bond Registrar and Paying Agent and authorizing execution of a contract in connection therewith; approving a Continuing Disclosure Undertaking pertaining to providing ongoing disclosure with respect to said bonds and authorizing execution of such Undertaking; ratifying the distribution of a Preliminary Official Statement with respect to said bonds and approving an Official Statement with respect to said bonds; awarding a contract for the purchase of said bonds and declaring an emergency. 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. Peoria Sports Complex Area Urban Design Plan Status Update

Glen Van Nimwegen, Community Development Director, introduced Chris Jacques, Planning Manager, who provided a status update on the Peoria Sports Complex Area Urban Design Plan.

- b. Curbside Recycling Program Status Update

Jesse Duarte, Solid Waste Manager, provided a status update on the Curbside Recycling Program.

Steve Kemp, City Attorney, reported that the Arizona Supreme Court issued its opinion in the Special Action filed by the League of Arizona Cities and Towns, against the State of Arizona over the State's charge to individual Cities that was included in last year's budget. The Supreme Court found that the inclusion of that charge in an appropriations bill violated the Arizona Constitution and therefore the charges are unconstitutional.

**Reports from City Council:**

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone asked that residents be patient regarding the traffic at Olive and 91st Avenues and 103<sup>rd</sup> and Northern Avenues.

Councilmember Hunt reported that the attendance at the "First Tuesday Meeting" doubled and that good issues were discussed. Councilmember Hunt reminded that every first Tuesday from 8:00 a.m. to 10:00 a.m., and from 7:15 p.m. to 9:15 p.m. on February 23<sup>rd</sup>, she will meet with Acacia residents at the Women's Club to discuss issues.

Councilmember Hunt expressed her condolences to the family of Ray Alcantar, a long time Peoria resident who passed away this morning. Councilmember Hunt stated on February 10, in the Council Chamber and February 11 at Sunrise Mountain High School there will be a meeting to discuss the Arts Master Plan.

Councilmember Carlat also reminded citizens about the meetings to discuss the Arts Master Plan. Councilmember Carlat encouraged citizens to show up and make their voices heard.

Vice Mayor Evans discussed the construction on 67<sup>th</sup> Avenue and acknowledges that there are curbs, gutters and sidewalks now. Vice Mayor Evans stated the flags in the dirt indicate where plants will be planted. Vice Mayor Evans encouraged citizens to walk it, see it and enjoy it.

**Reports from the Mayor:**

Mayor Barrett clarified regarding the Arizona Supreme Court's decision and how that decision will affect the City of Peoria. Mayor Barrett stated the Supreme Court's decision is a big victory for the City.

Mayor Barrett thanked Theater Works for the fundraiser held at the Peoria Center for the Performing Arts.

Mayor Barrett expressed his condolences to the family of Karla Stovall, who was a Deputy City Clerk with the City of Peoria.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 8:22 p.m.

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Bob Barrett, Mayor

ATTEST:

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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 3<sup>rd</sup> day of February, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of February, 2009.

(Seal)

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Mary Jo Kief, City Clerk