

**MINUTES OF PEORIA CITY COUNCIL**  
**CITY OF PEORIA, ARIZONA**  
**COUNCIL CHAMBER**  
June 16, 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.

Mayor Barrett announced that former City Council Member, Wayne Bradshaw, passed away on June 10, 2009. Former Councilmember Bradshaw served on the Peoria City Council from May 1983 to May 1987. Mayor Barrett requested a moment of silence for former Councilmember Bradshaw. Following a moment of silence, Councilmember Leone 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, Brent Mattingly, Bill Mattingly, Wynette Reed, John Schell, Rocky Smith, Thomas Solberg, Sandy Teetsel, Jeff Tyne, Glen Van Nimwegen, Claudia Luján and Rhonda Simmons.

**Audience:** Approximately 8 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. Presentation regarding Prescription Drug Discount Card Program.

Wynette Reed, Human Resources Director, presented an overview of the Prescription Drug Discount Card Program, which helps residents save money on prescriptions not covered by insurance. The Prescription Drug Discount Card Program is at no cost to the City of Peoria to offer to the residents, is not an insurance program and anyone can use it. The card is free; there are no enrollment fees; there is no waiting period and no forms to complete. Ms. Reed provided that additional information about the Prescription Drug Discount Card can be obtained from [www.caremark.com/nlc](http://www.caremark.com/nlc).

## **CONSENT AGENDA**

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

Vice Mayor Evans requested that Agenda Items 10C and 11C be removed for separate discussion.

Motion was made by Councilmember Leone, seconded by Councilmember Hunt, to approve the Consent Agenda with the exception of Agenda Items 10C and 11C. Upon vote, the motion carried unanimously 7 to 0.

### **1C Disposition of Absence**

Approved the absence of Mayor Barrett from the Special Meeting and Special Study Session held at 4:00 p.m. on June 2, 2009.

### **2C Minutes**

Approved the following minutes:

April 21, 2009 Study Session  
April 21, 2009 Regular Meeting  
May 5, 2009 Regular Meeting  
May 19, 2009 Regular Meeting

### **3C Appointments, Boards and Commissions**

#### RESOLUTION 09-80

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING VICTORIA GARCIA, CALLIE HARTSON, AND AUSTIN HATFIELD TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERMS OF OFFICE.

#### RESOLUTION 09-81

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING GLORIA MUNOZ, LES GIN, KEITH DINES AND NANCY GOLDEN TO THE EMPLOYEE BENEFITS TRUST BOARD AND ESTABLISHING THE TERMS OF OFFICE.

Approved the recommendations from the Council Subcommittee on Boards and Commissions Appointments pertaining to the following appointments and adopted:

**RES. 09-80** appointing Victoria Garcia, Callie Hartson and Austin Hatfield, as regular members, to the Youth Advisory Board for terms to expire June 2011; filling the vacancies created by the term expirations of Jessica Hewitt, Julia Grose and Samantha Eriquez; and

**RES. 09-81** appointing four regular public members to the Employee Benefits Trust Board for initial terms to commence on July 1, 2009 and expire July 1, 2010.

**4C Appointment, Council Not-For-Profit Review and Housing Sub-Committee**

RESOLUTION NO. 09-78

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING WILLIAM PATENA TO THE COUNCIL NOT-FOR-PROFIT REVIEW AND HOUSING SUB-COMMITTEE.

Adopted **RES. 09-78** approving the Mayoral recommendation to appoint William L. Patena as a Citizen Member to the Council Not-For-Profit Review and Housing Sub-Committee.

**5C Code Amendment, Chapter 2, Fees, Community Services Department Resident and Non-Resident Fee Ranges**

ORDINANCE NO. 09-17

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY AMENDING TABLE 2-207 PERTAINING TO FEES CHARGED BY THE COMMUNITY SERVICES DEPARTMENT AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 09-17** amending Chapter 2 of the Peoria City Code (1992 Edition) by amending Section 2-207 pertaining to Community Services Department resident and non-resident fee ranges.

**6C Multiparty Agreement, West Valley Central Arizona Project Subcontractors, Joint Funding**

Authorized the City Manager to execute a Multiparty Agreement with the West Valley Central Arizona Project Subcontractors (WESTCAPS) to formalize the procedures for joint funding (LCON05209).

**7C Grant, Arizona Automobile Theft Authority, 2009/2010 Public Awareness Grant Program Participation**

- (a) Authorized the City of Peoria Police Department to accept \$4,544 from the Arizona Automobile Theft Authority for the participation in the 2009/2010 Public Awareness Grant Program (LCON04809); and
- (b) Approved a budget amendment of \$4,544 from the Proposed Grants Contingency Account to the Arizona Automobile Theft Authority Grant Account providing expenditure authority for the grant funds.

**8C Grant, Arizona Automobile Theft Authority, 2009/2010 Law Enforcement Grant Program Participation**

- (a) Authorized the City of Peoria Police Department to accept \$5,683 from the Arizona Automobile Theft Authority for the participation in the 2009/2010 Law Enforcement Grant Program (LCON04909); and
- (b) Approved a budget amendment of \$5,683 from the Proposed Grants Contingency Account to the Arizona Automobile Theft Authority Grant Account providing expenditure authority for the grant funds.

**9C Memorandum of Understanding, American Federation of State, County and Municipal Employees**

Approved a Memorandum of Understanding (MOU) with the American Federation of State, County and Municipal Employees (AFSCME), Local 3282, for a term of one year for Fiscal Year 2010 beginning July 1, 2009 through June 30, 2010 (LCON05309).

**10C Memorandum of Understanding Amendment, United Phoenix Firefighters Association**

RESOLUTION NO. 09-83

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA INCLUDING ADDITIONAL LANGUAGE IN THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED PHOENIX FIRE FIGHTERS, LOCAL 493 AND THE CITY PURSUANT TO RESOLUTION 09-45 DECLARING A FISCAL CRISIS AND ESTABLISHING POLICIES AND PROCEDURES GOVERNING WAGES, HOURS AND CONDITIONS OF WORK FOR FIRE FIGHTERS EMPLOYED IN THE PEORIA FIRE DEPARTMENT BASED ON A DETERMINATION OF THE APPROPRIATE ACTION IN THE PUBLIC INTEREST INCLUDING THAT OF THE EMPLOYEES AND DECLARING AN EMERGENCY OR ALTERNATE EFFECTIVE DATE AND PROVIDING FOR RETROACTIVITY.

**Clerk's Note: Agenda Items 10C and 11C were presented and considered together at the end of the Consent Agenda.**

At the request of Vice Mayor Evans, Agenda Items 10C and 11C were removed from the Consent Agenda. Vice Mayor Evans stated staff has developed a new proposal for the Police and Fire Unions and more time is necessary to discuss the proposals with the Unions.

Motion was made by Vice Mayor Evans, seconded by Councilmember Aames to carryover discussion and possible action to adopt **RES. 09-83** providing for findings and the inclusion of certain language in the Memorandum of Understanding between the City of Peoria and the United Phoenix Firefighters Association (PFFA), Local 493, pursuant to Resolution 09-45 declaring a fiscal crisis (LCON13808B) and to carryover discussion and possible action to adopt **RES. 09-84** providing for findings and the inclusion of certain language in the Memorandum of Understanding between the City of Peoria and the Peoria Police Officers Association pursuant to Resolution 09-45 declaring a fiscal crisis (LCON13908A).

Upon vote, the motion to carryover carried unanimously 7 to 0.

**11C Memorandum of Understanding Amendment, Peoria Police Officers Association**

RESOLUTION NO. 09-84

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA INCLUDING ADDITIONAL LANGUAGE IN THE MEMORANDUM OF UNDERSTANDING BETWEEN THE PEORIA POLICE OFFICERS ASSOCIATION AND THE CITY PURSUANT TO RESOLUTION 09-45 DECLARING A FISCAL CRISIS AND ESTABLISHING POLICIES AND PROCEDURES GOVERNING WAGES, HOURS AND CONDITIONS OF WORK FOR POLICE OFFICERS EMPLOYED IN THE PEORIA POLICE DEPARTMENT BASED ON A DETERMINATION OF THE APPROPRIATE ACTION IN THE PUBLIC INTEREST INCLUDING THAT OF THE EMPLOYEES AND DECLARING AN EMERGENCY OR ALTERNATE EFFECTIVE DATE.

**Clerk's Note: Agenda Item 11C was voted on together with Agenda Item 10C.**

**12C Fiscal Year 2009 3rd Quarter Budget Amendments**

Approved the Fiscal Year 2009 3rd Quarter Budget Amendments.

**13C Fiscal Year 2010 Insurance Package**

Awarded the Fiscal Year 2010 insurance package as developed by the City's insurance broker, Mesirow Financial, with the Self-Insured Retention (SIR) to increase to \$1,000,000 per occurrence and the aggregate to remain at \$2,500,000.

**NEW BUSINESS**

**14R Public Hearing - Property Tax Levy, Fiscal Year 2010**

RESOLUTION NO. 09-77

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, APPROVING THEIR INTENT TO RAISE THE PRIMARY PROPERTY TAX LEVY.

**Staff Report/Public Comment:**

Jeff Tyne, Budget Director, presented a report on Truth in Taxation requirements and explained that final adoption of the property tax levy is scheduled for July 7, 2009.

**PUBLIC HEARING:**

Mayor Barrett opened the *Public Hearing* and asked if any Councilmember or citizen wished to comment on the City of Peoria property tax levy for Fiscal Year 2010.

Councilmember Aames reiterated that the City has not raised neither the primary or secondary property tax rates.

There being no further comments from those present, Mayor Barrett declared the Public Hearing closed.

**COUNCIL ACTION:**

Motion was made by Councilmember Leone, seconded by Councilmember Carlat to adopt **RES. 09-77** approving the intent to raise the primary property tax levy. The Clerk conducted a roll call vote. Councilmembers Pearson, Carlat, Aames, Hunt and Leone voted "yes", and Vice Mayor Evans and Mayor Barrett voted "yes". The motion carried unanimously 7 to 0.

**15R Public Hearing - Fiscal Year 2010 Final Budget**

RESOLUTION NO. 09-76

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE  
CITY OF PEORIA, ARIZONA, ADOPTING THE FISCAL  
YEAR 2010 BUDGET.

**Staff Report/Public Comment:**

Jeff Tyne, Budget Director, outlined the budget adoption process and schedule. Mr. Tyne reported that the tentative budget sets the maximum appropriation for FY2010. The FY2010 appropriation totals \$535 million.

**PUBLIC HEARING:**

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the Fiscal Year (FY) 2010 Budget.

There being no comments from those present, Mayor Barrett declared the Public Hearing closed.

**COUNCIL ACTION:**

Motion was made by Councilmember Hunt, seconded by Vice Mayor Evans to adopt **RES. 09-76** adopting the City of Peoria, Arizona Final Budget totaling \$535,000,000 for the Fiscal Year 2010.

Upon vote, the motion carried unanimously 7 to 0.

**16R Public Hearing - Setting the Property Tax Levy, Fiscal Year 2010**

**Staff Report/Public Comment:**

Jeff Tyne, Budget Director, advised that State Statute requires that a hearing take place at least 14 days prior to the adoption of the tax levy ordinance. Final adoption of the property tax levy is scheduled for July 7, 2009. The recommended property tax levy for FY2010 remains at \$1.44 per \$100 of assessed valuation. The primary property tax rate is recommended to be set to \$.19 per \$100 of assessed valuation.

**PUBLIC HEARING:**

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the City of Peoria property tax levy for Fiscal Year 2010.

There being no comments from those present, Mayor Barrett declared the Public Hearing closed.

**COUNCIL ACTION:** No Council action taken.

**17R Code Amendment, Chapter 14, Commercial Vehicle Parking**

ORDINANCE NO. 09-18

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 14-107 PERTAINING TO PARKING; MOTOR VEHICLES USED FOR COMMERCIAL PURPOSES; SPECIAL PARKING PROVISIONS AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Steve Kemp, City Attorney, presented a proposed amendment to Chapter 14 of the Peoria City Code (1992) pertaining to parking of commercial vehicles in the rear yards of residential properties.

Discussion ensued regarding the types of vehicles included in this proposed amendment. Vice Mayor Evans expressed concerns that the definition of the types of vehicles covered under this amendment may be too restrictive, making it difficult for citizens who have jobs requiring them to drive large vehicles.

Motion was made by Vice Mayor Evans, seconded by Councilmember Aames to carryover to the July 7 meeting the discussion and possible action to adopt **ORD. 09-18** amending Chapter 14 of the Peoria City Code (1992 Edition) by amending Section 14-107 pertaining to parking of commercial vehicles in the rear yards of residential properties.

Upon vote, the motion to carryover to July 7th carried unanimously 7 to 0.

**18R Grant Application, U.S. Department of Interior, Bureau of Reclamation Challenge Grant Program: Recovery Act of 2009 Water Marketing and Efficiency Grants**

RESOLUTION NO. 09-79

RESOLUTION OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPROVING THE APPLICATION FOR CHALLENGE GRANT PROGRAM: RECOVERY ACT OF 2009 WATER MARKETING AND EFFICIENCY GRANTS.

Brian Biesemeyer, Deputy Utilities Director, provided an overview of the Challenge Grant Program. The Challenge Grant Program objective is to promote water banking, water conservation and general efficient use of water. Mr. Biesemeyer provided details of the request to:

- a) Adopt **RES. 09-79** authorizing an application to the U.S. Department of Interior, Bureau of Reclamation for the Challenge Grant Program: Recovery Act of 2009 Water Marketing and Efficiency Grants (LCON05109);
- b) Create the Fiscal Year 2010 Capital Improvement Project UT00299 Butler Water Reclamation Facility (WRF) Effluent Line Modifications with a project cost of \$1,497,164; and
- c) Create the Fiscal Year 2010 Capital Improvement Project UT00300 Beardsley WRF Recharge Basins with a project cost of \$1,430,627.

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

- (a) Adopt **RES. 09-79** authorizing an application to the U.S. Department of Interior, Bureau of Reclamation for the Challenge Grant Program: Recovery Act of 2009 Water Marketing and Efficiency Grants (LCON05109);
- (b) Create the Fiscal Year 2010 Capital Improvement Project UT00299 Butler Water Reclamation Facility (WRF) Effluent Line Modifications with a project cost of \$1,497,164; and
- (c) Create the Fiscal Year 2010 Capital Improvement Project UT00300 Beardsley WRF Recharge Basins with a project cost of \$1,430,627.

Upon vote, the motion carried unanimously 7 to 0.

### **19R Contract, KRB Consulting, Inc., Neighborhood Stabilization Program**

John Schell, Intergovernmental Affairs Director, provided an update on the effort made to secure housing funds for the City. Mr. Schell provided information regarding the Neighborhood Stabilization Program. Mr. Schell stated action on this item is not being requested at this time.

Motion was made by Councilmember Carlat, seconded by Vice Mayor Evans to carryover indefinitely the discussion and possible action to award a consulting/advocacy contract to KRB Consulting, Inc. to secure federal Phase II "Neighborhood Stabilization Program" funds (LCON05409).

Upon vote, the motion to carryover indefinitely carried unanimously 7 to 0.

### **20R State of Arizona Fiscal Year 2009-2010 Budget Proposal**

#### RESOLUTION NO. 09-82

#### A RESOLUTION BY THE CITY COUNCIL EXPRESSING ITS SUPPORT OF GOVERNOR JAN BREWER'S FY 2009- 10 BUDGET PROPOSAL.

John Schell, Intergovernmental Affairs Director, provided an update to Council regarding Governor Brewer's Fiscal Year 2009-2010 Budget Proposal and requested that Council adopt **RES. 09-82** declaring the City of Peoria's support of Governor Jan Brewer's Fiscal Year 2009 - 2010 Budget Proposal.

Councilmember Aames expressed concern over the proposed 1% sales tax increase.

Motion was made by Councilmember Pearson, seconded by Councilmember Leone to carryover indefinitely the discussion and possible action to adopt **RES. 09-82** declaring

the City of Peoria's support of Arizona Governor Jan Brewer's Fiscal Year 2009-2010 Budget Proposal.

Councilmember Pearson stated his reasons for proposing to carry this item over and stated there is no benefit to the City of Peoria for supporting this resolution.

Mayor Barrett stated the City of Peoria needs to send the message that the proposed budget from the legislature is not tolerable. Alternatively, the City of Peoria should support the proposed budget by Governor Brewer.

Councilmember Carlat stated the City of Peoria needs to make a stand on the proposed budget.

Steve Kemp, City Attorney, advised the discussion be only to the motion to carryover this item.

Upon vote, the motion to carryover indefinitely failed 3 to 4, with Mayor Barrett, Vice Mayor Evans and Councilmembers Carlat and Hunt voting "no".

Further discussion ensued regarding the Governor's budget proposal.

Motion was made by Vice Mayor Evans, seconded by Councilmember Carlat to adopt **RES. 09-82** declaring the City of Peoria's support of Arizona Governor Jan Brewer's Fiscal Year 2009-2010 Budget Proposal.

Councilmember Leone stated he does not believe this request should be before Council; therefore, he will abstain from voting.

Vice Mayor Evans called for the question.

Mr. Kemp advised that the call for the question stops all debate and the Council must vote on the pending motion.

Upon vote, the motion to adopt **RES. 09-82** carried 5 to 2, with Councilmembers Aames and Pearson voting "no" and Councilmember Leone abstaining.

**CALL TO THE PUBLIC: (NON-AGENDA ITEMS)**

None.

**Reports from the City Manager:**

**1. Council Calendar**

**2. Reports with Presentation**

a. Recognition of Retiring Management Team Members

Mayor Barrett and Carl Swenson, City Manager, recognized John Wenderski, retiring Deputy City Manager. Mr. Swenson highlighted some of Mr. Wenderski's accomplishments during his tenure with the City of Peoria.

Mr. Wenderski stated he leaves the City of Peoria with mixed feelings because he will miss the people he works with. Mr. Wenderski thanked Mayor and Council for their support throughout his employment with the City of Peoria.

Mr. Swenson recognized Sandy Teetsel, retiring Information Technology Director. Mr. Swenson highlighted some of Ms. Teetsel's accomplishments during her tenure with the City of Peoria.

Ms. Teetsel thanked Mayor, Council, City Manager and the City of Peoria employees for a great 12 years.

Mr. Swenson recognized Stephen Bontrager, retiring Utilities Director. Mr. Swenson highlighted some of Mr. Bontrager's accomplishments during his tenure with the City of Peoria.

Mr. Bontrager expressed appreciation and echoed comments from Mr. Wenderski and Ms. Teetsel. Mr. Bontrager also thanked his wife and family for their support.

**3. Informational**

a. Update on the Development of Peoria Regional Medical Center

Carl Swenson, City Manager, provided an update on the development of the Peoria Regional Medical Center.

**Reports from City Council:**

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone provided traffic and road closure updates.

Councilmember Aames stated he hopes the Legislature and Governor will come up with the right budget for Arizona and its cities.

Councilmember Pearson provided a construction update on the Peoria Regional Medical Center, stating the opening date is projected to be in 2010. Further,

Councilmember Pearson stated that the Maricopa Department of Transportation will overlay the section of Union Hills from 92nd Avenue to Sun City; Councilmember Pearson thanked the Engineering Department.

Councilmember Carlat expressed best wishes to Sandy Teetsel, John Wenderski and Stephen Bontrager and thanked them for their tremendous service to the City of Peoria.

Vice Mayor Evans stated the City of Peoria 4th of July celebration is going forward. Vice Mayor Evans thanked J.P. de la Montaigne, Community Services Director, and Public Information staff for the media coverage promoting the 4th of July event.

**Reports from the Mayor:**

Mayor Barrett thanked Councilmember Leone for attending a fundraiser for breast cancer and sent best wishes and good luck to Stephen Bontrager, Sandy Teetsel and John Wenderski.

**ADJOURNMENT**

Being no further business to come before the Council, the meeting was duly adjourned at 8:58 p.m.

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Bob Barrett, Mayor

ATTEST:

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Mary Jo Kief, City Clerk

**CERTIFICATION**

Regular City Council Meeting Minutes  
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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 16th day of June, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of August, 2009.

(Seal)

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Mary Jo Kief, City Clerk