

MINUTES OF PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
July 7, 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 Officers Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Mary Jo Kief, City Clerk, Kelly Corsette, J.P. de la Montaigne, Andy Granger, Bill Mattingly, Brent Mattingly, Wynette Reed, Rocky Smith, Thomas Solberg, Jeff Tyne, Glen Van Nimwegen, Claudia Luján and Rhonda Simmons.

PRESENTATION:

1. Mayor Barrett and Councilmember Carlat presented Certificates of Appointment to the following Board and Commission members:

Victoria Garcia appointed to the Youth Advisory Board; and
Callie Hartson appointed to the Youth Advisory Board; and
Austin Hatfield appointed to the Youth Advisory Board; and
Gloria Munoz appointed to the Employee Benefits Trust Board; and
Les Gin appointed to the Employee Benefits Trust Board; and
Keith Dines appointed to the Employee Benefits Trust Board; and
Nancy Golden appointed to the Employee Benefits Trust Board.

Clerk's Note: Victoria Garcia, Gloria Munoz, Keith Dines and Nancy Golden were not present to receive their certificates.

CONSENT AGENDA

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 7 to 0.

1C Appointments, Boards and Commissions

RESOLUTION 09-85

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING LIZABETH GORDON TO THE ARTS COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 09-86

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING ANDREA SCHULTZ AND MICHELLE CONNOR TO THE LIBRARY 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. 09-85 appointing Lizabeth Gordon, as a regular member, to the Arts Commission for a term to expire June 2013; filling the vacancy created by the term expiration of Marsha Hanson; and

RES. 09-86 appointing Andrea Schultz and Michelle Connor, as regular members, to the Library Board for terms to expire June 2013; filling the vacancies created by the term expirations of Shirley Berow and Rhona Cohensitt.

2C 2010 Census

RESOLUTION NO. 09-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, SUPPORTING A COMPLETE AND ACCURATE COUNT OF ALL PEORIA RESIDENTS IN THE 2010 CENSUS.

Adopted **RES. 09-102** supporting a complete and accurate count of all Peoria residents in the 2010 Census.

3C Grant Application, U.S. Department of Housing and Urban Development, Neighborhood Stabilization Program 2

Authorized an application to the U.S. Department of Housing and Urban Development (HUD) for a Neighborhood Stabilization Program 2 grant (LCON05509).

4C Grant Application, U.S. Department of Energy, Energy Efficiency and Conservation Block Grant

- (a) Authorized an application to the U.S. Department of Energy for an Energy Efficiency and Conservation Block Grant for various energy efficiency and conservation projects (LCON05609); and
- (b) Approved a fixed term contract of a 0.60 full time equivalent position to administer the Energy Efficiency and Conservation Block Grant and the community education and outreach component of the grant proposal.

5C Grant, Arizona State Library, Archives and Public Records, Workforce Development Program

- (a) Accepted a Library Services and Technology Act (LSTA) grant in the amount of \$15,000, administered by the Arizona State Library, Archives and Public Records, for Workforce Development Program materials and training (LCON00809A); and
- (b) Authorized a budget adjustment from the Grant Contingency Account to the Community Promotions Account in the amount of \$3,000 and to the Books, Periodicals and Subscriptions Account in the amount of \$12,000.

6C Memorandum of Understanding Amendment, Peoria Police Officers Association

RESOLUTION NO. 09-84A

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.

Adopted **RES. 09-84A** 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).

7C Memorandum of Understanding Amendment, United Phoenix Firefighters Association

Approved an amendment to the current Memorandum of Understanding (M.O.U.) with the United Phoenix Firefighters Association (P.F.F.A.), Local 493, two year contract, FY 2009-2010 (LCON13808B).

8C Intergovernmental Agreement, State of Arizona, Beardsley Road Extension and Bridge, New River from Loop 101 (Agua Fria Freeway) to 83rd Avenue/Lake Pleasant Parkway

RESOLUTION NO. 09-87

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA AND THE CITY OF PEORIA FOR CONSTRUCTION OF THE BEARDSLEY ROAD EXTENSION AND BRIDGE OVER NEW RIVER FROM LOOP 101 (AGUA FRIA FREEWAY) TO BEARDSLEY ROAD AT 83RD AVENUE/LAKE PLEASANT PARKWAY, PEORIA'S PHASE I OF THE BEARDSLEY CONNECTION PROJECT.

Adopted **RES. 09-87** approving an Intergovernmental Agreement (IGA) with the State of Arizona for the use and benefit of American Recovery and Reinvestment Act of 2009 (ARRA funds) for construction of the Beardsley Road extension and bridge over New River from Loop 101 to 83rd Avenue/Lake Pleasant Parkway (LCON05709).

9C Intergovernmental Agreement, State of Arizona, 84th Avenue Pedestrian Improvement Project, Monroe Avenue to Peoria Avenue

RESOLUTION NO. 09-88

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS ALONG 84TH AVENUE BETWEEN MONROE AVENUE AND PEORIA AVENUE.

Adopted **RES. 09-88** approving an Intergovernmental Agreement (IGA) with the State of Arizona for construction of the 84th Avenue Pedestrian Improvement Project from Monroe Avenue to Peoria Avenue. (LCON05809)

10C Intergovernmental Agreement, Peoria Unified School District, Education Channel

Authorized the City Manager to execute an Intergovernmental Agreement granting the Peoria Unified School District use of the Education Channel on Cox Cable (LCON05909).

11C Intergovernmental Agreement, Peoria Unified School District, School Resource Officers

Authorized the City Manager to execute an Intergovernmental Agreement with the Peoria Unified School District to assign two Peoria Police Officers to the campuses of Peoria and Sunrise Mountain High Schools as School Resource Officers (SRO) (LCON06009).

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

RESOLUTION NO. 09-89

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT AMENDMENT WITH THE STATE OF ARIZONA FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS TO THE INTERSECTION OF 91ST AVENUE AND OLIVE AVENUE.

Adopted **RES. 09-89** approving an Intergovernmental Agreement (IGA) Amendment with the State of Arizona for construction of the roadway widening improvements at 91st Avenue and Olive Avenue (LCON20008A).

13C Various Contracts, Various Vendors, Security Card Access Systems

- (a) Awarded an individual Job Order Contract in the amount of \$118,026 to Henry Bros. Electronics, Inc, (LCON02607P1);
- (b) Authorized an expenditure in the amount of \$13,000 to ThyssenKrup Elevator utilizing existing State of Arizona Contract IF05286; and
- (c) Authorized a contingency in the amount of \$13,000; for the installation of security card access systems in City Hall and the Council Chamber.

14C Contract, Greater Phoenix Economic Council

Authorized the City Manager to renew the service contract with the Greater Phoenix Economic Council for Fiscal Year 2010 (LCON06209).

15C Contract, MRM Construction Services, Lake Pleasant Parkway and Westwing Parkway Intersection Improvements

Awarded an individual Job Order Contract in the amount of \$113,650 to MRM Construction Services for the construction of the Lake Pleasant Parkway and Westwing Parkway Intersection Improvements (ACON55208P3).

16C Contract, Felix Construction Company, Design and Installation of Solar Panels, Beardsley Water Reclamation Facility

- (a) Awarded an individual Job Order Contract for a Guaranteed Maximum Price (GMP) of \$474,168 to Felix Construction Company for the design and installation of solar panels at the Beardsley Water Reclamation Facility (WRF) utilizing existing Job Order Contract ACON23908P10; and
- (b) Authorized a budget transfer in the total amount of \$15,000 from the Wastewater Reserve Bonds Contingency Account to the WIFA Bond Fund Capital Account in the amount of \$10,000 for American Recovery Reinvestment Act compliance and from the Wastewater Reserve Bonds Contingency Account to the Wastewater Operating Capital Account in the amount of \$5,000 for arts.

17C Contract Amendment, MGC Contractors Inc., Beardsley Water Reclamation Facility Improvements

Approved Contract Amendment No. 5 for the Guaranteed Maximum Price (GMP) of \$3,033,588 to MGC Contractors Inc. for improvements to the Beardsley Water Reclamation Facility (LCON03608E).

18C Contract Amendment, Carter and Burgess, Inc., Professional Services, Phase I of the Beardsley Road Extension and the 83rd Avenue Median Project

Approved Contract Amendment No. 6 in the amount of \$803,584 to Carter and Burgess, Inc. for professional services associated with Phase I of the Beardsley Road Extension and with the 83rd Avenue Median project (LCON08003F).

19C Contract Amendment, Carter and Burgess, Inc. (Jacobs), Design Services, Happy Valley Road Widening from 75th Avenue to Lake Pleasant Parkway

Approved Contract Amendment No. 5 in the not-to-exceed amount of \$177,291 to Carter and Burgess, Inc. (Jacobs) for design services associated with the construction of Happy Valley Road Widening from 75th Avenue to Lake Pleasant Parkway (ACON37907E).

20C Loan, Water Infrastructure Finance Authority of Arizona, Northern and 95th Avenue, Sewer Repairs (Section A) Project

RESOLUTION NO. 09-90

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA FROM ITS CLEAN WATER REVOLVING FUND PROGRAM; DELEGATING THE DETERMINATION OF CERTAIN MATTERS RELATING THERETO TO THE CHIEF FINANCIAL OFFICER OF THE CITY; PROVIDING FOR THE TRANSFER OF CERTAIN MONEYS AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY SUCH LOAN AGREEMENT AND THIS RESOLUTION AND DECLARING AN EMERGENCY.

Adopted **RES. 09-90** approving a loan with the Water Infrastructure Finance Authority of Arizona in the amount of \$1,577,978 to fund the Northern and 95th Avenue, Sewer Repairs (Section A) Project (LCON03309A).

21C Loan, Water Infrastructure Finance Authority of Arizona, Beardsley Water Reclamation Facility Upgrades

RESOLUTION NO. 09 91

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA FROM ITS CLEAN WATER REVOLVING FUND PROGRAM; DELEGATING THE DETERMINATION OF CERTAIN MATTERS RELATING THERETO TO THE CHIEF FINANCIAL OFFICER OF THE CITY; PROVIDING FOR THE TRANSFER OF CERTAIN MONEYS AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY SUCH LOAN AGREEMENT AND THIS RESOLUTION AND DECLARING AN EMERGENCY.

Adopted **RES. 09-91** approving a loan with the Water Infrastructure Finance Authority of Arizona in the amount of \$4,545,000 to fund Beardsley Water Reclamation Facility Upgrades (LCON06309).

22C Loan, Water Infrastructure Finance Authority of Arizona, Various Clean Water Projects

RESOLUTION NO. 09 92

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA FROM ITS CLEAN WATER REVOLVING FUND PROGRAM; DELEGATING THE DETERMINATION OF CERTAIN MATTERS RELATING THERETO TO THE CHIEF FINANCIAL OFFICER OF THE CITY; PROVIDING FOR THE TRANSFER OF CERTAIN MONEYS AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY SUCH LOAN AGREEMENT AND THIS RESOLUTION AND DECLARING AN EMERGENCY.

Adopted **RES. 09-92** approving a loan with the Water Infrastructure Finance Authority of Arizona in the amount of \$4,021,623 to fund construction of various Clean Water Projects (LCON03409A).

23C Loan, Water Infrastructure Finance Authority of Arizona, Various Drinking Water Projects

RESOLUTION NO. 09 93

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA FROM ITS DRINKING WATER REVOLVING FUND PROGRAM; DELEGATING THE DETERMINATION OF CERTAIN MATTERS RELATING THERETO TO THE CHIEF FINANCIAL OFFICER OF THE CITY; PROVIDING FOR THE TRANSFER OF CERTAIN MONEYS AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY SUCH LOAN AGREEMENT AND THIS RESOLUTION AND DECLARING AN EMERGENCY.

Adopted **RES. 09-93** approving a loan with the Water Infrastructure Finance Authority of Arizona in the amount of \$8,484,204 to fund construction of various Drinking Water Projects (LCON03509A).

24C Authorize Expenditure, Sellers & Sons, Incorporated Building Contractors, Peoria Sports Complex Lighting Project

Authorized an expenditure in an amount not-to-exceed \$380,000 utilizing existing Job-Order-Contract No. 052142-01 with Sellers & Sons, Incorporated Building Contractors for the installation of two complete field lighting systems at the Peoria Sports Complex.

25C September 2008 Franchise Election, Peoria Water User Association

Approved a billing of \$125 to the Peoria Water User Association for the incremental cost of their September 2008 Franchise Election and waived \$44,468.12 of the calculated cost.

26C Maintenance Improvement District No. 1107, Tramonto Bello, 75th Avenue and Hearn Road

RESOLUTION NO. 09-94

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. 1107, TRAMONTO BELLO, 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. 09-95

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. 1107, TRAMONTO BELLO; 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 and adopted **RES. 09-94** intention and ordering formation of proposed Maintenance Improvement District No. 1107, Tramonto Bello, located at 75th Avenue and Hearn Road; and adopted **RES. 09-95** ordering work within the proposed Maintenance Improvement District.

27C Utility Easement, Salt River Project, Thunderbird Road Widening Project

RESOLUTION NO. 09-96

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A POWER DISTRIBUTION EASEMENT TO SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT TO RELOCATE AND UNDERGROUND ELECTRIC TRANSMISSION LINES RELATED TO THE WIDENING OF THUNDERBIRD ROAD BETWEEN THE LOOP 101 FREEWAY AND 94TH AVENUE.

Adopted **RES. 09-96** authorizing the City Manager to execute a Utility Easement to Salt River Project associated with the relocation and under-grounding of an existing power line in conjunction with the Thunderbird Road Widening Project located west of the Loop 101.

28C Deeds and Easements, Various Locations

RESOLUTION NO. 09-97

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION FORMALLY ACCEPTING DEEDS AND EASEMENTS FOR PROPERTY RIGHTS CONVEYED TO THE CITY OF PEORIA.

Adopted **RES. 09-97** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

29C Designate Roadways, Establish Rights-of-Way, Various Locations

RESOLUTION NO. 09-98

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF PUBLIC STREETS, TO BE OPENED AND MAINTAINED BY THE CITY.

Adopted **RES. 09-98** 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 public streets.

30C Federal Patent Easements, Various Real Property Interests

RESOLUTION NO. 09-99

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION FORMALLY ACCEPTING EASEMENTS FOR PROPERTY RIGHTS RESERVED BY THE UNITED STATES TO ENSURE ADEQUATE ROADWAYS TO BE USED BY THE PUBLIC.

Adopted **RES. 09-99** accepting Federal Patent Easements from the United States Bureau of Land Management for various real property interests within certain parcels along the north side of Happy Valley Road between 91st Avenue and the 94th Avenue alignment and previously recorded by the Maricopa County Recorder.

31C Designate Roadways, Establish Rights-of-Way, Various Locations Acquired from the United States Bureau of Land Management

RESOLUTION NO. 09-100

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF PUBLIC STREETS, TO BE OPENED AND MAINTAINED BY THE CITY.

Adopted **RES. 09-100** designating various real property interests acquired from the United States Bureau of Land Management to be used as City roadways and authorize the establishment of public rights-of-way to be opened and maintained by the City as public streets.

32C Re-Plat, Fry's, 83rd Avenue and Deer Valley Road

Approved the Re-Plat for Fry's, located at 83rd Avenue and Deer Valley Road, subject to stipulations.

33C Re-Plat, Mountainside Crossing, Lake Pleasant Parkway and Happy Valley Road

Approved the Re-Plat of Mountainside Crossing, a Commercial Subdivision, a Re-Plat of parcels 1 through 12, located at the southeast corner of Lake Pleasant Parkway and Happy Valley Road, subject to stipulations.

34C Condominium Plat Amendment, Building "J" Plaza Town Center Office Condominium, Plaza Del Rio Boulevard and Thunderbird Road

Approved the Condominium Plat Amendment to Building "J" Plaza Town Center Office Condominium, located at south of Thunderbird Road between 91st Avenue and Plaza Del Rio Boulevard, subject to stipulations.

UNFINISHED BUSINESS

35R Code Amendment, Chapter 14, Commercial Vehicle Parking

ORDINANCE NO. 09-18A

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.

Motion was made by Councilmember Pearson, seconded by Councilmember Aames to carryover indefinitely the discussion and possible action to adopt **ORD. 09-18A** 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 indefinitely carried 6 to 1, with Councilmember Hunt voting "no".

NEW BUSINESS

36R Public Hearing - Liquor License, Circle K

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.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on requests for a Location and Person Transfer for an Off-Sale All Liquor License (Series 09) for Circle K Store #Olive, located at the southeast corner of 83rd Avenue and Olive Avenue. Applicant: Kim K. Kwiatkowski, LL#10007038.

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

COUNCIL ACTION:

Motion was made by Councilmember Aames, seconded by Councilmember Carlat to approve a Location and Person Transfer for an Off-Sale All Liquor License (Series 09) for Circle K Store #Olive, located at the southeast corner of 83rd Avenue and Olive Avenue. Applicant: Kim K. Kwiatkowski, LL#10007038.

Upon vote, the motion carried unanimously 7 to 0.

37R Public Hearing - Conditional Use Permit Appeal, Cabo Joe's, 83rd Avenue and Deer Valley Road

Staff Report/Public Comment:

Glen Van Nimwegen, Community Development Director, provided an overview of the request for a conditional use permit for a bar/tavern use with a Series 6 Liquor License and provided information regarding the community meetings held and citizen attendance at the community meetings who were in favor of and who opposed this request.

Steve Kemp, City Attorney, recommended that this item be remanded back to the Planning and Zoning Commission for further review and consideration.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any citizen wished to speak regarding this issue at this time or if they wanted to wait until after the Council has made its motion.

Having no requests from citizens to speak, Mayor Barrett declared the public hearing closed.

COUNCIL ACTION:

Motion was made by Councilmember Carlat, seconded by Vice Mayor Evans to carryover to August 25 and remand back to the Planning and Zoning Commission for further consideration of their decision to approve a Conditional Use Permit for a bar/tavern use with a Series 6 Liquor License on property zoned Planned Area Development (PC-2 commercial uses) generally located at the northeast corner of Deer Valley Road and 83rd Avenue in the Deer Valley Marketplace commercial center.

Upon vote, the motion to carryover and remand back to the Planning and Zoning Commission carried unanimously 7 to 0.

Teresa Wiest addressed Council stating she appreciates the additional time afforded to the citizens to learn more about this request and provide feedback.

38R Contract, ESI Corporation, Higher Education Study and Recruitment Initiative

Susan Daluddung, Deputy City Manager, provided an overview of the request to award a contract to ESI Corporation for the higher education study and recruitment initiative to begin Phase 1 and 2.

Discussion ensued regarding the information that will be used in the study and what types of educational facilities will be considered.

COUNCIL ACTION:

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

- (a) Award a professional services contract in an amount not-to-exceed \$46,615 to ESI Corporation for the purpose of conducting Phases 1 and 2 of a comprehensive higher education study and recruitment initiative; and
- (b) Authorize additional expenditure authority in the amount of \$53,358 for Phases 3 through 5 (LCON06109).

Upon vote, the motion carried unanimously 7 to 0.

39R Primary and Secondary Property Tax Levies, Fiscal Year 2010

RESOLUTION NO. 09-101

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, APPROVING ORDINANCE 09-19.

ORDINANCE NO. 09-19

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA, SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS AND PROVIDING FUNDS FOR GENERAL MUNICIPAL EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2010, AND DECLARING AN EMERGENCY.

Jeff Tyne, Management and Budget Director, advised that a public hearing was held on June 2, 2009 for the adoption of the Primary and Secondary Property Tax Levies for Fiscal Year 2010. The recommendation was for the City's overall property tax rate to remain at \$1.44 per \$100 of assessed valuation. The primary property tax rate is recommended to remain at \$.19 per \$100 of assessed valuation, with the secondary tax rate at \$1.25 per \$100 of assessed valuation.

Motion was made by Vice Mayor Evans, seconded by Councilmember Hunt to adopt **RES. 09-101** and **ORD. 09-19** adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for Fiscal Year 2010.

Upon vote, the motion carried unanimously 7 to 0.

**40R Street Light Improvement District and Maintenance Improvement District,
Tax Levies, Fiscal Year 2010**

ORDINANCE NO. 09-20

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA AND WITHIN THE FOLLOWING STREET LIGHT IMPROVEMENT DISTRICTS EACH DESIGNATED AS CITY OF PEORIA STREET LIGHT IMPROVEMENT DISTRICT NOS. 1 - 34 INCLUSIVE, NOS. 36 - 37, INCLUSIVE, NOS. 39 - 51 INCLUSIVE, NOS. 54 - 64 INCLUSIVE, NO 66, NOS. 70 - 73 INCLUSIVE, NOS. 76 - 80 INCLUSIVE, NOS. 82 - 84 INCLUSIVE, NOS. 93 - 99 INCLUSIVE, NOS. 101 - 102 INCLUSIVE, NO 104, NOS. 107 - 108 INCLUSIVE, NO 110, NO 114, NOS. 116 - 117 INCLUSIVE, NO 119, NOS. 121 - 123 INCLUSIVE, NOS. 125 - 129 INCLUSIVE, NO 131, NOS. 135 -157 INCLUSIVE, NOS. 159 - 164 INCLUSIVE, NOS. 166 - 167 INCLUSIVE, NOS. 171 - 172 INCLUSIVE, NOS. 176 - 177 INCLUSIVE, NO 179, NO 183, NO 185, NOS. 187 - 191 INCLUSIVE, NO 195, NOS. 197 - 199 INCLUSIVE, NOS. 201 - 202 INCLUSIVE, NOS. 204 - 206 INCLUSIVE, NOS. 208 - 216 INCLUSIVE, NO 218, NO 222, NOS. 224-236 INCLUSIVE, NOS. 238 - 240 INCLUSIVE, NOS. 1000-1002 INCLUSIVE, NOS. 1004-1014 INCLUSIVE, AND NO 1016 SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR THE PURPOSE OF GENERAL DISTRICT EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2010, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 09-21

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA AND WITHIN THE FOLLOWING MAINTENANCE IMPROVEMENT DISTRICTS EACH DESIGNATED AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NOS. 1 - 7 INCLUSIVE, NO 10, NO 69 NO 1025, AND NO 1044 SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR THE PURPOSE OF GENERAL DISTRICT EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2010, AND DECLARING AN EMERGENCY.

Jeff Tyne, Management and Budget Director, advised that the ordinances before Council are to adopt tax levies for Street Light Improvement Districts and Maintenance Improvement Districts throughout the City, which allows the City to collect on operational costs that benefit individual communities throughout Peoria.

Motion was made by Councilmember Leone, seconded by Councilmember Hunt to adopt **ORD. 09-20** and **ORD. 09-21** adopting Street Light and Maintenance Improvement District Tax Levies for Fiscal Year 2010.

Upon vote, the motion carried unanimously 7 to 0.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Denise Abrams addressed Council stating she was at the community meeting to discuss the conditional use permit. Ms. Abrams stated the owner of Cabo Joe's was also present and only two residents present at that meeting were in favor of the Series 6 Liquor License.

Jane Mullendar addressed Council stating concerns for the number of homes within the 300 feet notice area that were notified of the intent to seek a Series 6 Liquor License for Cabo Joe's. Ms. Mullendar stated the 300 feet appeared to be measured from the center of the lot and had it been measured from the bar, more homes would have been notified. Ms. Mullendar stated that no one was at the first community meeting because no one knew about it. Ms. Mullendar stated she opposes the Series 6 Liquor License but not the restaurant itself.

Brian Ladd addressed Council stating pleasure that the issue has been remanded back to the Planning and Zoning Commission because he does not feel he was properly noticed. Mr. Ladd stated that Glen Van Nimwegen, Community Development Director, reported that there was overwhelming support for Cabo Joe's Series 6 Liquor License and that 25 individuals were present at the community meeting. Mr. Ladd stated there were 6 residents present in opposition of the request and only 2 residents present in favor of the request. Mr. Ladd requested that a City representative be present at any future community meetings to witness.

Reports from the City Manager:

1. **Council Calendar**
2. **Reports with Presentation**
3. **Informational**
 - a. National Citizen Survey

Carl Swenson, City Manager, stated the first informational item is from Kelly Corsette, Public Information Manager, regarding an upcoming National Citizen survey the City of Peoria is conducting to learn citizen views about public safety and perception of service delivery. Mr. Swenson stated this survey will be linked with the Center for Performance Measurement and will be conducted in the fall.

- b. Closure of 83rd Avenue (Mountain View Road to Monroe Street)

Carl Swenson, City Manager, alerted Council to closure of 83rd Avenue, stating that the construction will make detours necessary.

Mr. Swenson noted that information has been provided to Council from J.P. de la Montaigne, Community Services Director, regarding significant Little League events occurring at the Sports Complex in the next few weeks.

Reports from City Council:

Councilmember Leone reported on the 4th of July event held by the City of Peoria and other City of Peoria events he attended. Councilmember Leone stated that 87th Avenue, Olive to Hatcher Road, is still closed; alternate routes include 89th or 85th Avenues.

Councilmember Aames reported on community meetings he attended at Freedom Plaza and Vista del Rio as well as upcoming meetings he will be attending. Councilmember Aames reported on the various City of Peoria events he attended.

Councilmember Carlat wished everybody a wonderful, relaxing, safe summer and reminded that the Peoria Police will be conducting periodic DUI task forces this summer.

Vice Mayor Evans reminded that the City's General Plan is being revised and suggested anyone interested in providing input on the General Plan may contact her.

Reports from the Mayor:

Mayor Barrett reminded that the Council will be out for the summer, meeting next on August 25th.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 7:57 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 7th day of July, 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)

Mary Jo Kief, City Clerk