

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
June 19, 2007

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 Carlat led the Pledge of Allegiance.

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

Members Absent: None

Other Municipal Officials Present: Terrence Ellis, City Manager; Carl Swenson, Deputy City Manager; Susan Thorpe, Deputy City Manager; John Wenderski, Deputy City Manager; Steve Kemp, City Attorney; Mary Jo Kief, City Clerk; Stephen Bontrager, Greg Eckman, Bill Mattingly, Bob McKibben, Dave Moody, Steve Prokopek, Jeff Tyne, Glen Van Nimwegen, Vicki Rios, Rocky Smith, Constance Copeland and James Mason.

Audience: Approximately 107 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 presented Certificates of Appointment to the following Board and Commission members:

Harold Gribow and Garner Palenske appointed to the Building Board of Appeals;

Randy Wright appointed to the Industrial Development Authority;

Alexander Obis appointed to the Public Safety Retirement System Board for Fire;

Alexander Obis appointed to the Public Safety Retirement System Board for Police;
and

Amy Andelin, Dale Buchert, Anthony Durfey, Collin Guzman, Anthony Harrington, Maggie Matheson and Chris Ramirez appointed and Robert Belanger, Julia Grose, Jessica Hewitt, Jared Hummel, Kristen Matheson and Jane Wakefield reappointed to the Youth Advisory Board.

Clerk's Note: Harold Gribow, Garner Palenske, Randy Wright, Dale Buchert, Anthony Durfey, Anthony Harrington, Chris Ramirez, Julia Grose and Jared Hummel were not present to receive their certificates.

CONSENT AGENDA: All items listed with a "C" are considered to be routine or have been previously reviewed by the City Council, and were enacted by one motion. There was no separate discussion of these items.

Motion was made by Councilmember Leone, seconded by Councilmember Aames, to approve the Consent Agenda as submitted. Upon vote, the motion carried unanimously.

After completion of the vote on the Consent Agenda, Terry Ellis, City Manager, announced that the Police Department Memorandum of Understanding, which appeared as Item 6C on the agenda, passed. Item 6C authorized an extension of the current Memorandum of Understanding with the Peoria Police Officers Association until July 10, 2007.

CONSENT – New Business

1C DISPOSITION OF ABSENCE:

Approved the absence of Councilmember Carlo Leone from the Regular City Council Meeting on June 5, 2007.

2C Neighborhood Traffic Management Program, Additional Traffic Control Area, Roundtree Ranch, Mountain View Road/79th Avenue/Olive Avenue/83rd Avenue

RESOLUTION NO. 07-91

A RESOLUTION OF THE MAYOR AND THE COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AUTHORIZING THE ESTABLISHMENT OF A RESIDENTIAL TRAFFIC CONTROL AREA FOR THE ROUNDTREE RANCH NEIGHBORHOOD (AREA BOUNDED BY MOUNTAINVIEW ROAD, 79TH AVENUE, OLIVE AVENUE, AND 83RD AVENUE)

Adopted **RES. 07-91** for the Neighborhood Traffic Management Program (NTMP) to establish an additional Residential Traffic Control area at Roundtree Ranch, in the area bounded by Mountain View Road in the north, 79th Avenue in the east, Olive Avenue in the south, and 83rd Avenue in the west.

3C Grant, Arizona Automobile Theft Authority (AATA) 2007/2008 Law Enforcement Grant Program, License Plate Reader (LPR)

RESOLUTION NO. 07-92

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPT AN AWARD OF A SUPPLEMENTAL GRANT IN THE AMOUNT OF \$22,176.00 FROM THE ARIZONA AUTOMOBILE THEFT AUTHORITY (AATA), LAW ENFORCEMENT GRANT PROGRAM TO ASSIST IN FUNDING SUPPLEMENTAL LAW ENFORCEMENT OPERATIONS.

- a) Adopted **RES 07-92** authorizing the City of Peoria Police Department to accept \$22,176 in additional funding from the Arizona Automobile Theft Authority (AATA) 2007/2008 Law Enforcement Grant Program to purchase a mobile license plate reader (LCON04707); and
- b) Approved a budget amendment in the amount of \$22,176 from the General Fund Contingency Account to the General Fund Operations Bureau Account to provide expenditure authority.

4C Intergovernmental Agreement, City of Phoenix, Capital Maintenance of Transit Vehicles

Authorized an intergovernmental agreement with the City of Phoenix to provide \$37,440 to the City of Peoria from the Federal Transit Administration by a federal grant pass through from City of Phoenix Grant No. AZ-90-X080 for associated capital maintenance of transit vehicles. (LCON04807)

5C Intergovernmental Agreement, Peoria Unified School District No. 11, Use of City's Education Channel

Authorized the City Manager to execute an intergovernmental agreement granting use of the City's education channel to Peoria Unified School District No. 11. (LCON04907)

6C Memorandum of Understanding, Peoria Police Officers Association

Authorized an extension of the current Memorandum of Understanding with the Peoria Police Officers Association until July 10, 2007. (LCON04206A)

7C Settlement Agreement, Olsson Associates

Approved a settlement agreement in City of Peoria v. Olsson Associates, et al. (LCON05107)

8C Contract, Felix Construction, Stone Well and Reservoir Reconditioning Project

Awarded a design/build contract in an amount not to exceed \$221,638 to Felix Construction for the design phase of the Stone Well and Reservoir Reconditioning Project. (LCON05207)

9C Contract, Peoria Citizen Corps Council, Establish Policy Outlining Relationship with the City of Peoria

Authorized the City Manager to execute an agreement with the Peoria Citizen Corps Council to establish a policy outlining their relationship with the City of Peoria. (LCON05307)

10C Contract, Peoria Presbyterian Church Fellowship Hall, Adult Day Program

Approved an agreement in the amount of \$4,000 with the Peoria Presbyterian Church for use of the Fellowship Hall for the Adult Day Program. (LCON05507)

11C Contract Amendment, Errol L. Montgomery & Associates, Hydrogeologic Study, Beardsley Water Reclamation Facility

- a) Approved Contract Amendment No. 1 in the amount of \$9,450 with Errol L. Montgomery & Associates for the continued hydrogeologic study at the Beardsley Water Reclamation Facility (ACON52306A);
- b) Approved the use of reserves in the amount of \$9,450 from the Wastewater Impact Fee Fund; and
- c) Approved a budget transfer from the General Fund Contingency Account to the Wastewater Impact Fees Other Professional Services Account.

12C Contract Amendment, Homes & Son, Beardsley Operations Building and Laboratory Renovation

Approved Contract Amendment No. 4 in the amount of \$65,288 with Homes & Son for the renovation of the old Beardsley Operations Building and Laboratory. (LCON03005D)

13C Authorize Expenditure, Compel, Community Services Building, Information Technology Cabling

- a) Authorized an expenditure in the amount of \$176,053.64 to Compel utilizing State of Arizona Contract No. ADO20193-018-A2 for Information Technology cabling in the Development and Community Services Building; and
- b) Authorized expenditures for City-paid project-related expenses in an amount up to \$565,000.

14C Authorize Expenditure, Willow District Funds, Peoria Sports Complex Enhancement Project

Authorized the expenditure of \$15,244 in Willow District Funds for the Peoria Sports Complex Enhancement Project.

15C Authorize Expenditure, Specialized Surfacing Utility Paving and Construction, LLC, Speed Humps, Various Locations

Authorized an expenditure in the amount of \$57,006 through Specialized Surfacing Utility Paving and Construction, LLC utilizing existing City of Chandler Contract TE7-745-2441 for the purchase of speed humps at various locations.

16C Authorize Expenditure, Mohave Educational Services, Traffic Calming Measures, 94th Avenue/Olive Avenue to Butler Drive and 95th Avenue/Olive Avenue to Las Palmaritas Drive

Authorized an expenditure in the amount of \$92,598.96 to Mohave Education Services Cooperative under Job Order Contracting Contract 01G-CENT-0831 through Centennial Contractors for the purchase of speed table, speed hump, and temporary median island installation services at 94th Avenue, from Olive Avenue to Butler Drive, and 95th Avenue, from Olive Avenue to Las Palmaritas Drive.

17C Budget Transfer, Engineering, Department, Lake Pleasant Parkway Construction

Approved the following budget transfers to return unused funds to General Fund Reserves and redistribute funds within the Capital Improvement Program projects related to the construction of Lake Pleasant Parkway:

- a) A budget transfer in the amount of \$576,034.25 from the Proposed GO (General Obligation) Bond Fund Capital Land Account to the General Fund Contingency Account;
- b) A budget transfer in the amount of \$1,214,690 from the Proposed GO Bond Fund Street System Construction Account to the General Fund Contingency Account;
- c) A budget transfer in the amount of \$1,104,005.68 from the Proposed GO Bond Fund Capital Land Account to the General Fund Contingency Account;
- d) A budget transfer within the project in the amount of \$120,000 from the Outside Sources Fund Capital Land Account to the Outside Sources Fund Street System Construction Account;
- e) A budget transfer within the project in the amount of \$2,500,000 from the 2007 GO Bond Fund Capital Land Account to the 2007 GO Bond Fund Street System Construction Account; and
- f) A budget transfer within the project in the amount of \$677,300 from the 2007 GO Bond Fund Capital Land Account to the 2007 GO Bond Fund Street System Construction Account.

18C Budget Transfer, Community Development Department, Contract Planning Services

- a) Authorized the use of General Fund reserves; and
- b) Authorized a budget transfer in the amount of \$45,000 from the General Fund Contingency Account to the Planning Other Professional Services Account for planning consulting services for a 3-4 month period to maintain service delivery standards and address work items in accordance with the Council's 12-Month Policy Agenda.

19C Master Final Plat, Camino A Lago South, 95th Avenue and Deer Valley Road

Approved the Master Final Plat for Camino A Lago South, located on the southwest corner of 95th Avenue and Deer Valley Road, subject to stipulations. (Project R050084A)

20C Final Plat, Camino A Lago South, Unit 5, 98th Avenue and Lake Pleasant Parkway

Approved the Final Plat for Camino A Lago South, Unit 5, located on the northwest corner of 98th Avenue and Lake Pleasant Parkway, subject to stipulations. (Project No. R070002)

21C Final Plat, Camino A Lago South, Unit 8, 95th Avenue and Deer Valley Road

Approved the Final Plat for Camino A Lago South, Unit 8, located on the southeast corner of 95th Avenue and Deer Valley Road, subject to stipulations. (Project R070003)

22C Final Plat, Lake Pleasant Pavilion, Re-Plat of Lots 6, 7, and 8, Lake Pleasant Parkway and Happy Valley Road

Approved the Final Plat of Lake Pleasant Pavilion, a Re-Plat of Lots 6, 7 and 8, located on the southwest corner of Lake Pleasant Parkway and Happy Valley Road, subject to stipulations. (Project No. R050067E)

23C Final Plat, Lake Pleasant Pavilion, Re-Plat of Lot 9, Lake Pleasant Parkway and Happy Valley Road

Approved the Final Plat of Lake Pleasant Pavilion, a Re-Plat of Lot 9, located on the southwest corner of Lake Pleasant Parkway and Happy Valley Road, subject to stipulations. (Project No. R050067F)

24C Final Plat, Trilogy at Vistancia, Parcel C11, Dixileta Parkway and Trilogy Boulevard

Approved the Final Plat of Trilogy at Vistancia, Parcel C11, located on the southwest corner of Dixileta Parkway and Trilogy Boulevard, subject to stipulations. (Project R060130)

25C Authorization to Hold an Executive Session

Pursuant to A.R.S. § 38-431.03.A.5: Authorized an Executive Session for the purpose of discussion and consultation with designated representatives of the City pertaining to contract negotiations with the Peoria Police Officers Association.

Note: Executive Session was held after the adjournment of the 7:00 p.m. Regular City Council Meeting.

REGULAR AGENDA

UNFINISHED BUSINESS

26R Deannexation, Palm Canyon Business Park, North of Bell Road Between New River and the Loop 101 Freeway (Item 4C, June 5, 2007)

ORDINANCE NO. 07-16A

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DEANNEXING CERTAIN REAL PROPERTY, APPROXIMATELY 12.72 ACRES OF LAND, LOCATED NORTH OF BELL ROAD, EAST OF NEW RIVER, WEST OF LOOP 101 FREEWAY, CONTINGENT UPON ANNEXATION OF SAID PROPERTY BY THE CITY OF GLENDALE, ARIZONA, PURSUANT TO THE PROVISIONS OF A.R.S. §9-471.02.

Clerk's Note: There was a Scrivener's Error on the map attached to the Ordinance presented to Council which has been corrected.

Glen Van Nimwegen, Community Development Director, reviewed the recommendation to deannex certain real property to be annexed by the City of Glendale located north of Bell Road between New River and the Loop 101 Freeway. The proposed project, Palm Canyon Business Park, for Class A Office Condos has limited access from 83rd Avenue and is located within the City of Glendale. In addition, Peoria's sewer service is located west of New River and cannot be extended under New River and meet operational requirements. A lift station would need to be installed which would be costly in annual operation and maintenance. In addition, there are problems with looping the water system because of limited frontage on Bell Road and the length of the parcel.

Following the annexation and the initial zoning process, the site is anticipated to be incorporated into the City of Glendale's North Valley Specific Area Plan Planned Area Development (NVSAP-PAD) zoning district.

Discussion ensued regarding this action providing a more defined boundary between the City of Peoria and the City of Glendale at this location and the limitations of the site from Loop 101. Peoria will gain revenue from employees from the Office Condos who are working in the area. Mr. Van Nimwegen reported that Peoria would be asking the City of Glendale to cooperate with the realigning of Beardsley Road in the future.

Councilmembers requested that economic impacts of projects be included in future reports to Council.

Motion was made by Councilmember Evans, seconded by Councilmember Carlat, to adopt **ORD. 07-16A** deannexing approximately 12.72 acres of land, located north of Bell Road between New River and the Loop 101 Freeway contingent upon annexation by the City of Glendale, Arizona. (ANX 07-03) Upon vote, the motion carried unanimously.

NEW BUSINESS

27R PUBLIC HEARING – Liquor Licenses, Various Locations

Mayor Barrett asked if the liquor license applications before Council could be heard separately:

- a) A new Restaurant Liquor License (Series 12) for LeRhone Restaurant and Tropicana Café and Sports Bar, located at 9401 W. Thunderbird Road. Applicant: Nazareth Nissan. LL#10009211; and
- b) A new Restaurant Liquor License (Series 10) for Ray's Convenience Store, located at 8433 W. Peoria Avenue. Applicant: Waleed Alkhori. LL#10009239.

Steve Kemp, City Attorney, confirmed that the applications could be heard separately.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request for a new Restaurant Liquor License (Series 12) for LeRhone Restaurant and Tropicana Café and Sports Bar, located at 9401 W. Thunderbird Road. Applicant: Nazareth Nissan. LL#10009211.

Staff Report/Public Comment:

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

There being no comments from those present and none received in the City Clerk's Office, Mayor Barrett declared the Public Hearing closed.

Council Action:

Motion was made by Councilmember Aames, seconded by Councilmember Carlat, to recommend approval to the State Liquor Board for:

A new Restaurant Liquor License (Series 12) for LeRhone Restaurant and Tropicana Café and Sports Bar, located at 9401 W. Thunderbird Road. Applicant: Nazareth Nissan. LL#10009211.

Upon vote, the motion carried unanimously.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request for a new Restaurant Liquor License (Series 10) for Ray's Convenience Store, located at 8433 W. Peoria Avenue. Applicant: Waleed Alkhori. LL#10009239.

Staff Report/Public Comment:

Mary Jo Kief, City Clerk, reported that the property was posted in accordance with Arizona law, all reviewing Departments recommended approval and all fees were paid. Two comments were received in the City Clerk's Office prior to June 11, 2007, requesting denial and an additional five comments were received between June 12th and June 19th, 2007, requesting denial of the liquor license application.

Al Burruss requested that Council deny the recommendation as the license will contribute to the degradation of the City. The property is too close to the high school and local churches.

Hank Fields, Pastor of the Calvary Baptist Church, questioned the reported distance from the corner of the church property to the store and reported that he measured the distance to be 256 feet. He also commented that there have been problems in the past with those who purchase liquor and become intoxicated and enter church services and the children's playground.

Discussion ensued regarding the distance between the church and the store. Steve Kemp, City Attorney, advised that the State Department of Liquor Licensing will verify the measurements.

Vice Mayor Hunt stated that the new license will not enhance the vision of the downtown area and may encourage vagrants in the local park. Vice Mayor Hunt noted that once liquor leaves the store, the seller is not responsible for the buyer's behavior.

Mayor Barrett emphasized that the City of Peoria does not issue liquor licenses, and Council's vote is only an advisory recommendation to the State.

Councilmember Evans expressed concerns related to other items sold in the store which she had observed on a recent visit.

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

Council Action:

Motion was made by Vice Mayor Hunt, seconded by Councilmember Carlat, to recommend denial to the State Liquor Board for:

A new Restaurant Liquor License (Series 10) for Ray's Convenience Store, located at 8433 W. Peoria Avenue. Applicant: Waleed Alkhori. LL#10009239.

Upon vote, the motion to recommend denial carried unanimously.

28R Primary and Secondary Property Tax Levies, Fiscal Year 2008

RESOLUTION NO. 07-93

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, APPROVING ORDINANCE 07- 17.

ORDINANCE NO. 07-17

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, 2008, AND DECLARING AN EMERGENCY.

Jeff Tyne, Budget Director, advised that a public hearing was held on June 5, 2007 for the adoption of the Primary and Secondary Property Tax Levies for Fiscal Year 2008. The recommendation was for the City's overall property tax rate to be established at \$1.49 per \$100 of assessed valuation. The adopted tax rate for the upcoming year will be adjusted by \$.05 from the primary to the secondary tax rate. The primary property tax rate is recommended to be set to \$.2400 per \$100 of assessed valuation, with the secondary tax rate at \$1.25 per \$100 of assessed valuation. Mr. Tyne reported that 12.5 percent of the total property tax goes to the City of Peoria.

Councilmember Aames stated that during the Budget process, he had recommended a ten cent reduction in the property tax rate so that residents would receive a share of the increased property valuations.

Councilmember Evans stated that the new Budget is balanced and includes good reserves; Councilmember Evans added that she wished there was more revenue for public safety initiatives and she commented that Council approved the new budget for the greater good of Peoria. Vice Mayor Hunt agreed that the new Budget was great.

Motion was made by Vice Mayor Hunt, seconded by Councilmember Carlat, to adopt **RES. 07-93** and **ORD. 07-17** adopting the Primary and Secondary Property Tax Levies for Fiscal Year 2008. Upon vote, the motion carried by a vote of five to two with Councilmember Aames and Councilmember Leone voting "no."

29R Street Light Improvement District and Maintenance Improvement District, Tax Levies, Fiscal Year 2008

ORDINANCE NO. 07-18

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, NO 39, NOS. 41 - 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 - 162 INCLUSIVE, NO 164, NOS. 166 - 167 INCLUSIVE, NOS. 171 - 172 INCLUSIVE, NOS. 176 - 177 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, NOS. 238 - 240 INCLUSIVE, NO 1000, AND NO 1002 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, 2008, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 07-19

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 AND WITHIN THE FOLLOWING MAINTENANCE IMPROVEMENT DISTRICTS EACH DESIGNATED AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NOS. 1 - 7 INCLUSIVE, NO 10 AND NO 69 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, 2008, AND DECLARING AN EMERGENCY.

Jeff Tyne, Budget Director, advised that the ordinances before Council were for one hundred and sixty-four Street Light Improvement Districts in the City. One ordinance approves the levies for each Street Light Improvement District and a second action is requested to consider adoption of the City's nine Maintenance Improvement Districts for various subdivisions in the City. Mr. Tyne reported that the revenues will go to the General Fund and Street Funds where expenses occurred.

Motion was made by Councilmember Carlat, seconded by Vice Mayor Hunt, to adopt **ORD. 07-18** adopting the Street Light Improvement District Tax Levies and **ORD. 07-19** adopting the Maintenance Improvement District Tax Levies for Fiscal Year 2008. Upon vote, the motion carried unanimously.

30R Surplus Land Transfer, 75th Avenue and Happy Valley Road

RESOLUTION NO. 07-94

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING CERTAIN CITY PROPERTY LOCATED ON THE SOUTH SIDE OF THE HAPPY VALLEY ROAD ALIGNMENT JUST WEST OF 75TH AVENUE TO BE UNNECESSARY TO CITY PURPOSES AND NO LONGER REQUIRED TO BE RETAINED AS SUCH, DIRECTING THAT SUCH PROPERTY BE CONSIDERED EXCESS CITY PROPERTY, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TRANSFER SUCH EXCESS CITY PROPERTY TO THE ADJACENT OWNER TO BE USED FOR A PUBLIC TRAIL AND OPEN SPACE.

Dave Moody, Engineering Director, explained that in June 2006, the City accepted a donation of approximately 31 acres of land located primarily in the bottom of New River extending from Happy Valley Road south to the Avenida del Sol alignment. The City was interested in the land because the southerly 18 acres could be used as a mitigation site as required under the City's New River 404 permit, and the remaining 13 acres could be incorporated into plans for public open space and the existing trails system.

Mr. Moody reported that the Engineering Department has been working with the Developer of Caballos del Rio regarding the Happy Valley Road right-of-way project and easement dedications required for their proposed subdivision. The subdivision is west of the river bottom and adjacent to the 13 acres owned by the City. Engineering staff negotiated with the developer to accept the approximately 13 acres of open space land in which they will build and maintain a soft trail through New River. The land will be incorporated into their proposed subdivision and will be maintained as public open space. The City will dedicate the right of way along the northerly boundary of the 13 acres prior to transferring the remainder to Caballos del Rio.

In response to questions from Council, Mr. Moody confirmed that Peoria will donate the land to the developer; the homeowners' association will maintain the open space; and nothing can be built or cleared out on the land. The trail may be used for walking and horses.

Motion was made by Councilmember Aames, seconded by Vice Mayor Hunt, to adopt **RES. 07-94** declaring approximately 13 acres of river bottom land, located west of 75th Avenue on the south side of the Happy Valley Road alignment, as surplus land; and authorizing the City Manager to execute documents necessary for the transfer of the property. Upon vote, the motion carried unanimously.

31R Roadway Dedication West of 75th Avenue and Happy Valley Road

RESOLUTION NO. 07-95

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY
OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A
ROADWAY DEDICATION ASSOCIATED WITH THE HAPPY
VALLEY ROAD IMPROVEMENTS.

Dave Moody, Engineering Director, advised that the Engineering Department requests the transfer of surplus land at the Happy Valley Road alignment, west of 75th Avenue to Caballos del Rio, except for the land along the northerly boundary required for the Happy Valley Road improvements. The construction of the Happy Valley Road improvements required the dedication of land rights to the public.

Motion was made by Councilmember Carlat, seconded by Vice Mayor Hunt, to adopt **RES. 07-95** authorizing the City Manager to grant a roadway dedication associated with the Happy Valley Road improvements. Upon vote, the motion carried unanimously.

32R Implement Measures to Reduce PM-10 Particulate Matter

RESOLUTION NO. 07-96

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA TO IMPLEMENT MEASURES IN THE MARICOPA ASSOCIATION OF GOVERNMENTS' 2007 FIVE-PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NON-ATTAINMENT AREA.

Dave Moody, Engineering Director, presented an overview of the Maricopa Association of Governments' (MAG) 2007 Five-Percent Plan for PM-10 for the Maricopa County non-attainment area. Mr. Moody outlined the 2005 PM-10 emissions and explained that 26.3 percent of emissions come from exhaust/tire wear/brake wear, paved road fugitive dust and unpaved road fugitive dust. He noted that Peoria had implemented ordinances to restrict dirt parking lots, paving dirt streets and alleys and the use of PM-10 certified street sweepers and other related items to reduce dust. However, PM-10 violations have continued and the plan submitted to the Environmental Protection Agency did not meet requirements for the Federal mandated dust reduction.

MAG has asked all cities to present a plan to reduce dust. Peoria, other valley cities and Maricopa County will be proposing additional measures and enforcing and strengthening the existing measures in order to reduce PM-10 emission by five percent per year until the standard is met.

Mr. Moody also advised that through Senate Bill (SB) 1552, the Legislature may be creating additional measures which the City will be required to implement. Contractors must get a 310 permit from Maricopa County before getting a permit from Peoria. Maricopa County will shut a contractor down to enforce new provisions.

Mr. Moody outlined the PM-10 compliance summary and discussed the new efforts to reduce dust:

- Public Outreach - Channel 11 may be used for educational purposes
- Reduce Off Road Use
- Street Sweeping PM-10 - Peoria only uses PM-10 compliant sweepers
- Unpaved Parking Lots
- Dirt Road / Alleys
- 15-mph on Dirt Roads

- Unpaved Shoulders - Will have to be treated or paved
- Parking on Vacant Lots - Peoria will not allow parking on dirt lots
- Enhance Trespass Ordinance - Peoria will enhance trespassing violations
- No Visible Emissions from property lines - Mr. Moody discussed issues with dust crossing property lines and advised that enforcement has not been determined
- Re-examine Existing Ordinance
- Leaf Blower Ban - Per SB 1552 no dust may be blown into the street
- Residential Parking
- Site Control Officer - Any grading over 1 acre may be subject to PM-10 restrictions or the contractor will be shut down

Discussion ensued regarding gravel pits within Maricopa County jurisdiction and enforcement infringements. Mr. Moody advised that Staff will work with MAG to prohibit dust producing activities. Councilmember Carlat noted that Peoria wants to be in compliance and that Maricopa County continues to add dirt roads. Mr. Moody reported that Maricopa County is struggling to hire more inspectors. It is a huge task to pave all the dirt roads and a huge cost. Councilmember Pearson noted that Maricopa County is making changes; they recognize that they have a responsibility.

Discussion ensued regarding new regulations for leaf blowers, how homeowner associations and private neighborhoods could be regulated, and who will have enforcement authority. Mr. Moody explained that current ordinances will be reviewed. Terry Ellis, City Manager, added that Staff will bring back a group of recommendations to Council.

Motion was made by Vice Mayor Hunt, seconded by Councilmember Carlat, to adopt **RES. 07-96** to implement measures in accordance with the Maricopa Association of Governments' (MAG) 2007 Five-Percent Plan for PM-10 Particulate Matter for the Maricopa County non-attainment area. Upon vote, the motion carried unanimously.

33R Development Agreement, Arizona Motors, LLC, Auto Dealership, 84th Avenue and Bell Road

Steve Prokopek, Economic Development Director, described the new 20,000 square foot Volkswagen Dealership which is slated to be built on five acres north of Bell Road and 84th Avenue. He reported that construction is expected to begin in Fall 2007 and the dealership is estimated to open late Spring 2008. Mr. Prokopek outlined the main points of the agreement with Arizona Motors, LLC for the new Volkswagen Dealership:

- 20,000 square foot dealership
- Capital investment of at least \$3,000,000
- Reimburse 50% of the 1% general fund sales tax
- Agreement is capped at the lesser of \$500,000 or actual cost of off-site improvements and impact fees.
- Reimbursements end by November 2010

Project benefits include:

- \$7,000,000 capital investment excluding land
- \$82,000 construction sales tax revenue
- Annual sales of \$55,000,000
- Annual sales tax \$990,000 revenue
- 30-50 new jobs created
- Reimbursement payout within 2 years

Councilmember Evans welcomed the new dealership to the Willow District in Peoria.

Motion was made by Councilmember Aames, seconded by Vice Mayor Hunt, to enter into a development agreement that includes retail sales tax reimbursements with Arizona Motors, LLC to develop a Volkswagen dealership located north of the northwest corner of 84th Avenue and Bell Road. (LCON05607) Upon vote, the motion carried unanimously.

34R Development Agreement Amendment, BCC Development, Infiniti Dealership, 92nd Avenue and Bell Road

Steve Prokopek, Economic Development Director, described Amendment Three to the BCC Development Limited Partnership for the Infiniti Dealership agreement which extended the agreement which allowed for an increase in the sales tax reimbursement amount to \$600,000 with an opening date set for July 1, 2007. The Infiniti Dealership has asked for an additional amendment to extend the opening date because of enhancements made to the original design which caused delays. The Dealership is currently under construction with an increased capital investment from \$3.6 million to approximately an \$8 million investment. Mr. Prokopek advised that Amendment Four will extend the opening date from July 1, 2007 to October 15, 2007.

Mayor Barrett commented that the dealership is an exceptional design.

Motion was made by Councilmember Pearson, seconded by Vice Mayor Hunt, to authorize a fourth amendment to the development agreement with BCC Development to extend the opening performance date for a new Infiniti Dealership located at 92nd Avenue and Bell Road. (LCON19001C) Upon vote, the motion carried unanimously.

35R Contract, Leducor, Rose Garden Lane Drainage Improvement Construction

Dave Moody, Engineering Director, reported that the map included with the Council agenda for this item labeled Rose Garden Lane Phase 2 should be shown on 107th Avenue from Rose Garden Lane to Desert Star Basin.

Mr. Moody provided an overview of the Rose Garden Lane Drainage Improvements Construction Contract to Ledcor. He explained that the retention basin is expected to be an eleven-month project beginning in July 2007 and is estimated to be completed by June 2008.

Discussion ensued regarding improvements along 107th Avenue, the addition of Phase Two to the base bid and working with the mining operators on building the basin. In response to questions from Council related to how the Rose Garden Channel will eventually look, Mr. Moody confirmed that the City received input from the homeowners' association several years ago, but he would be sure they have input. Mr. Moody also advised that he would work with the contractor to reduce traffic congestion during construction.

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

- a) Award a construction contract, base bid plus alternate, in the amount of \$7,415,325.08 to Ledcor for the Rose Garden Lane Drainage Improvements Project (LCON05707); and
- b) Authorize an expenditure in the estimated amount of \$54,000 to Ricker Atkinson McBee Morman (RAMM) to perform materials testing for the project.

Upon vote, the motion carried unanimously.

36R Contract Amendment, Mesirow Financial, Fiscal Year 2008 General Liability Insurance Package

Steve Kemp, City Attorney, presented an overview of the General Liability Insurance Package for Fiscal Year 2008 with Mesirow Financial. Mr. Kemp reported that the general liability coverage includes all of the City's property, liability, equipment, casualty and fidelity bonds. It does not include workers' compensation and employee benefits. The package must be renewed annually. The City operates under a self-insurance program of retained risk, with excess insurance coverage. The City retains the first \$500,000 of risk on any claim, together with an aggregated amount of risk of \$2.5 million of risk on all claims within any year subject to certain exceptions. Every dollar above the aggregate is covered by insurance subject to the \$40 million total insurance coverage currently maintained by the City.

Mr. Kemp presented a report on the number of claims by Fiscal Year (FY) since FY 2003. The total amount of 162 claims paid in FY 2007 was \$291,949. Actual insurance premiums for FY 2007 were \$1.1 million. Because of the number of claims that were resolved for minimum amounts, the City was able to keep premiums relatively constant. The premium is a 3.88 percent increase over last year's amount impacted by the increase in property values and a 16 percent increase in vehicle values. In addition, the City completed a property appraisal to ensure we have adequate coverage. Based on the property valued at \$250,028,566 the loss limit is increased 12 percent to \$250 million.

Mr. Kemp outlined the following changes to coverage:

- Increase the deductible on property claims from \$25,000 per claim to \$50,000. This reflects the increasing values of vehicles.
- Include coverage for Cyber Risk. This coverage protects the City against unauthorized access to information systems and use of information obtained to harm third parties, and use of databases containing information of the City that results in a loss.
- Include new coverage to protect employees against losses that they incur resulting from Identity Theft. This will cover losses up to \$10,000 per individual claim.

Motion was made by Councilmember Evans, seconded by Councilmember Carlat, to approve Contract Amendment No. 1 in the amount of \$1,161,113 with Mesirow Financial for a general liability insurance package to include all of the City's property, liability, equipment, casualty and fidelity bonds. (LCON06506A) Upon vote, the motion carried unanimously.

CALL TO PUBLIC: (NON-AGENDA ITEMS)

Reports from the City Manager:

Circulation System Assessment Report

Dave Moody, Engineering Director, introduced Jamal Rahimi, City Traffic Engineer, who presented a report of the Circulation System Assessment (CSA). The assessment project for the City was based on existing roadway geometry, traffic and signal timings, and included a model to determine the current levels of service and the traffic impact of near term projects (2008) on the City's system. Mr. Rahimi reported that this model can be used to forecast city growth. The CSA document will be used as the main source of data for transportation impact studies.

In response to questions from Council, Mr. Rahimi stated that the circulation study does not include mass transit data but it can capture trends for expected growth and the impact of transit improvements.

City Efforts to Combat Graffiti (Presentation)

Jay Davies, Police Community Services Supervisor, presented a report on increased coordination for graffiti investigation and enforcement by the Peoria Police Department, Code Enforcement and Community Services. Mr. Davies explained that many incidents go unreported. Graffiti "tags" often have common features that can help to identify the tagger. In response to questions from Council, Mr. Davies explained that the motivation for taggers appears to be notoriety.

City Code adequately addresses minors who possess graffiti implements; parents who knowingly allow graffiti; vendors who sell to the tagger; and anyone who possesses materials with intent to create graffiti. Proposed new City Code will require owners of private property to eradicate graffiti within 48 hours.

Mr. Davies described the partnership with Together Against Graffiti (TAG), a community-based, not-for-profit organization that coordinates efforts to address graffiti. The Peoria responding officer will photograph the graffiti and send it to TAG. TAG posts fliers at their expense in the area the graffiti was found and offers a reward for information leading to the offender.

Mr. Davies reported that the Code Compliance Unit and Code Enforcement Unit have inspected retail outlets; retailers have been advised how to reach the Compliance Office and Code Compliance will continue inspections. Over one-half of those retail establishments inspected were out of compliance.

Mr. Davies explained that Maricopa County Attorney's Office will loan Pole Cameras that can monitor areas where graffiti offenders are active. This is more cost effective than purchasing the equipment.

Mr. Davies outlined the profile of a tagger and advised parents to watch for indications that a child may be a tagger. Mr. Davies explained that only 10 percent of graffiti is gang related and the suspects usually live within three blocks of graffiti. He outlined the penalties for a Juvenile Offender: fines from \$251 to \$2,000; loss of driving privileges to age 18; probation until 18 years of age, and parents are held liable up to \$10,000 in claims as the entire wall usually must be repainted. Mr. Davies reported that to assist with added costs of this enforcement, the City has applied for funding through a Target Corporation Grant.

Discussion ensued regarding the need to eradicate graffiti; the Graffiti Hotline 623-773-7094; the use of computers to better match the paint when removing the graffiti.

Reports from City Council:

Councilmember Leone reported that he attended a Recycling Education meeting held at Cotton Boll Elementary School for children from Kindergarten through Third Grade and a subsequent meeting is scheduled for adults on Thursday. Councilmember Leone addressed lane closures along Olive and Northern Avenue while sewer work is completed. He asked Staff to be sure that residents were informed.

Councilmember Aames stated that he was happy with both the Circulation System Assessment report and increased graffiti enforcement efforts. These were giant steps forward for Peoria.

Councilmember Pearson reported that he had represented both the Mayor and Council at a recent Leadership West Graduation. Councilmember Pearson recommended Leadership West for those who live and/or work in the West Valley interested in community leadership.

Vice Mayor Hunt described Peoria's participation in the recent Emergency Management Training held in Emmitsburg, Maryland by the Federal Emergency Management Agency (FEMA). Vice Mayor Hunt reported that Peoria was selected for the disaster preparedness exercise from hundreds of communities that applied.

Reports from the Mayor: Water Safety

Mayor Barrett addressed child safety around pools and described a book written by parents of a young child who drowned entitled, "Stewie the Duck Learns to Swim." Mayor Barrett stated that each year the Peoria Fire Department reads this book to Kindergartners in the Peoria School District. The City of Peoria has adopted the Stewie character as the City's water safety mascot along with the slogan, "Kids Don't Float." Mayor Barrett reminded the public that there was no substitute for parental supervision.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:27 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 19th day of June, 2007. I further certify that the meeting was duly called and held and that a quorum was present.

Regular City Council Meeting Minutes
June 19, 2007; 7:00 p.m.
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Dated this 21st day of August, 2007.

(Seal)

Mary Jo Kief, City Clerk