

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
October 2, 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 7:01 p.m.

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

Members Present: Mayor Pro Tem Joan Evans; Councilmembers Ron Aames, Cathy Carlat, Carlo Leone and Dave Pearson.

Members Absent: Mayor Bob Barrett and Vice Mayor Vicki Hunt.

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, J.P. de la Montaigne, Bill Mattingly, Grady Miller, Dave Moody, Larry Ratcliff, Glen Van Nimwegen, Constance Copeland and James Mason.

Audience: Approximately 10 members of the public were present.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

Mayor Pro Tem Evans announced that Agenda Item 13R had been pulled at the request of Staff.

CONSENT AGENDA: All items listed with a "C" are considered to be routine or have been previously reviewed by the City Council, and may be enacted by one motion. There is no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Mayor Pro Tem Evans requested that Agenda Item 3C be removed for a separate discussion.

CONSENT – New Business:

Motion was made by Pro Tem Evans, seconded by Councilmember Aames, to approve the Consent Agenda with the exception of Item 3C which will be heard separately. Upon vote, the motion carried unanimously.

1C Code Amendment, Chapter 5, Adoption of International Plumbing and Fuel Gas Codes

ORDINANCE NO. 07-32

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 209, TABLE 2-209 PERTAINING TO COMMUNITY DEVELOPMENT BUILDING SAFETY; FEES REQUIRED; AMENDING CHAPTER 5 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 5-21 PERTAINING TO THE INTERNATIONAL BUILDING CODE – ADOPTED AND AMENDED; ENACTING SECTION 5-44 PERTAINING TO THE INTERNATIONAL PLUMBING CODE – ADOPTED AND AMENDED; ENACTING SECTION 5-78 PERTAINING TO THE INTERNATIONAL FUEL GAS CODE – ADOPTED AND AMENDED; REPEALING SECTION 5-91, PERTAINING TO THE ARIZONA UNIFORM PLUMBING CODE AND PROVIDING THAT SECTION 5-91 SHALL BE RESERVED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 07-32** amending Chapter 5 of the Peoria City Code (1992 Edition) by adopting the 2006 International Plumbing, 2006 International Fuel Gas Code and deleting the 1994 Uniform Plumbing Code.

2C Intergovernmental Agreement, State of Arizona, Safe Routes to School (SRTS)

Approved an Intergovernmental Agreement with the State of Arizona to jointly participate in the Safe Routes to School (SRTS) Program, and accepted SRTS funds in the amount of \$14,500. (LCON 07707)

3C Gila River Indian Community Water Rights Settlement Agreement

Clerk's Note: This item was heard separately at the end of the Consent Agenda.

Steve Kemp, City Attorney, advised that in 2003 the City entered into a settlement agreement involving water rights with the Gila River Indian Community and thirty other federal, state and local governmental entities. This third and final amendment before Council is for non-substantive, housekeeping changes only to the Settlement Agreement in preparation for the U.S. Secretary of the Interior's signature.

Motion was made by Councilmember Carlat, seconded by Councilmember Aames, to authorize the City Manager to execute a third amendment to the Gila River Indian Community Water Rights Settlement Agreement (LCON04603C). Upon vote, the motion carried unanimously.

4C Contract Amendment, Stanley Consultants, Inc., 99th Avenue and Rose Garden Lane

Approved Contract Amendment No. 1 with Stanley Consultants, Inc. for the construction services related to equipping the 99th Avenue and Rose Garden Lane Well in an amount not-to-exceed \$91,083. (P06-0118) (LCON09806A)

5C Authorize Expenditure, CS Construction, Inc., 91st Avenue and Monroe Street Signal Installation Project

Approved the expenditure of funds to CS Construction, Inc., utilizing the existing Job Order Contract No. 4, Traffic Signals at Various Locations, between the Town of Gilbert and CS Construction, Inc. in the amount of \$156,530 for the purchase of long lead items for the construction of the 91st Avenue and Monroe Street Signal Installation Project.

6C Deeds and Easements, Various Locations

RESOLUTION NO. 07-135

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. 07-135** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

7C Designate Roadways, Establish Rights-of-Way, Various Locations

RESOLUTION NO. 07-136

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. 07-136** designating various real properties to be used as City roadways and authorized the establishment of public rights-of-way to be opened and maintained by the City as a public street.

8C Map of Dedication, Alexan, 77th Avenue and Paradise Lane

Approved the Amended and Restated Map of Dedication for Alexan at 77th Avenue, located at the southeast corner of 77th Avenue and Paradise Lane, subject to stipulations. (Project No. R050027A)

9C Final Plat, Blackstone at Vistancia Parcel A4, Vistancia Boulevard and Lone Mountain Road

Approved the Final Plat for Blackstone at Vistancia Parcel A4, located at the northeast corner of Vistancia Boulevard and Lone Mountain Road, subject to stipulations. (Project No. R070069)

10C Final Plat, Cherry Hills Drive Habitat for Humanity, 81st Avenue and Cherry Hills Drive

Approved the Final Plat for Cherry Hills Drive Habitat for Humanity, a Re-Plat of Lot 53 Varney Tract Plat 2, located east of 81st Avenue on the south side of Cherry Hills Drive, subject to stipulations. (Project No. R060156)

REGULAR AGENDA

UNFINISHED BUSINESS

11R Code Amendment, Chapter 16, Special Events Permitting and Approval Process (Agenda Item 3C, September 4, 2007, Agenda Item 12R, September 18, 2007)

ORDINANCE NO. 07-28A

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA BY AMENDING CHAPTER 3 OF THE PEORIA CITY CODE (1992) BY REPEALING SECTION 3-2 PERTAINING TO ALCOHOLIC BEVERAGES, SPECIAL EVENT LICENSES; REPEALING CHAPTER 16 OF THE PEORIA CITY CODE (1992) IN ITS ENTIRETY; ENACTING CHAPTER 16.1 OF THE PEORIA CITY CODE (1992) PERTAINING TO MUNICIPAL SPECIAL EVENTS; AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Grady Miller, Director of Communications and Public Affairs, reported that following a review, Staff reported that procedures needed to be updated for handling special event requests from outside organizations. A citywide committee met over a six-month period to study special event policies and procedures from several cities and make recommendations.

Jim Brink, Marketing Manager, explained that the proposed ordinance identifies the point of contact for outside organizations, establishes a process within the City that involves all relevant departments, and creates a special event committee to review all special events. Mr. Brink described the application and role of the Special Events Coordinator. The special event committee will review special event applications relating to City codes, street closures, sales tax requirements, sign restrictions, sound issues, neighborhood notifications, fire and police services, in-kind or paid City services to ensure that event requirements are met and signed off by each department before events are approved.

In response to questions from Council, Mr. Brink reported that the updated Fire Code coming before Council in the near future will address issues related to certain safety concerns. He noted that events involving liquor sales should begin the application process 60 to 90 days in advance of the special event.

Motion was made by Councilmember Carlat, seconded by Councilmember Aames, to adopt **ORD. 07-28A** amending Chapter 3 of the Peoria City Code (1992 Edition) by repealing Section 3-2 pertaining to alcoholic beverages, special event licenses; repealing

Chapter 16 of the Peoria City Code (1992 Edition) pertaining to special events in its entirety; and enacting Chapter 16.1 that specifies the City permitting and approval process for all special events or activities conducted in the City. Upon vote, the motion carried unanimously.

NEW BUSINESS

12R Contract, Redflex Traffic Systems Inc., Red Light Camera Enforcement Program

Patrick McDonnell, Police Lieutenant, Operations Support Bureau, explained the selection process for the Photo Red Light Enforcement vendor. Redflex was selected to begin the City's pilot program. Redflex will provide a turnkey product with no startup costs to the City. The pilot program is for an initial period of one-year with the option of four one-year renewals. Redflex will be paid \$33 per citation. Lieutenant McDonnell reviewed the intersections which may be selected for the photo cameras:

83rd Avenue and Thunderbird Road
75th Avenue and Peoria Avenue
91st Avenue and Bell Road
91st Avenue and Olive Avenue
83rd Avenue and Union Hills Drive
83rd Avenue and Deer Valley Road

In response to questions from Council, Lieutenant McDonnell advised that an education program would be conducted first. The intersections will be clearly identified. Terry Ellis, City Manager, commented that the pilot program is an evaluation period. The program would start at the end of the year or the beginning of next year. During the budget process, Council may determine to expand the program if enough data is available at that time.

Discussion ensued regarding the fine of approximately \$220. Lieutenant McDonnell reported that the State will receive one-half of the fine, and the City will receive the remainder less \$33 to Redflex. Redflex will mail the ticket to the driver's home address.

Wade Bettesworth, Director of Sales for Redflex Traffic Systems Inc., reported that the Red Light Camera Enforcement is not a replacement for the Police Department but should encourage behavior modification.

Discussion ensued regarding intersections that other cities, including the City of Glendale, have jurisdiction over.

Lieutenant McDonnell advised that five citations a day would pay for the program. Mr. Ellis noted that even though the program is self-supporting, the program does have a budget

impact. He noted that both the City of Phoenix and other East Valley cities use this type of program.

Motion was made by Councilmember Leone, seconded by Councilmember Aames, to accept Proposal No. P08-0004, and award a contract to Redflex Traffic Systems Inc. for a one-year pilot program, with four one-year renewals, for red light camera enforcement within the City of Peoria (LCON07807). Upon vote, the motion carried unanimously.

13R Contract, Arizona Rangers, Law Enforcement Assistance and Support

Discussion and possible action to adopt RES. 07-137 authorizing the City Manager to execute an agreement between the Police Department and the Arizona Rangers for law enforcement assistance and support. (LCON07607)

Clerk's Note: Mayor Pro Tem Evans had announced at the beginning of the meeting that Agenda Item 13R was pulled from the agenda at the request of Staff.

14R Intergovernmental Agreement, City of Phoenix, North Gateway Material Recovery Facility Curbside Recycling Program

Jesse Duarte, Solid Waste Manager, reported that Staff has re-evaluated continuing to use Hudson Baylor as the Material Recovery Facility (MRF) because the facility is 60 miles from Peoria. Staff recommends the Phoenix North Gateway Material Recovery Facility as it is located only 37 miles from Peoria. This facility is less than one year old and has state of the art technology for improved turn around time.

In response to questions from Council, Mr. Duarte advised that Peoria will receive a minimum of \$18 and a maximum of \$25 per ton. He noted that this is what the Citizens' Advisory Committee for Recycling had projected. He also noted that the Intergovernmental Agreement with Phoenix is for twenty-eight months with two, one-year extensions. The Phoenix MRF makes allowance for up to 20 percent contamination and will accept glass recyclables.

Discussion ensued about the future possibility of recycling green waste and the timing of the collection of grass clippings for some residents who have pickup times scheduled at the end of the week versus others who have collections at the beginning of the week. Mr. Duarte advised that Staff would talk to residents to determine the magnitude of the problem and would report back to Council with solutions.

Mr. Duarte advised that the first recycling pickup had been today and there was only an 8 percent contamination rate which was very good. He explained that the program would be rolled out to all residents over the next seven weeks.

Councilmember Carlat thanked Staff for the number of neighborhood meetings and information made available to the public on the recycling program.

Motion was made by Councilmember Carlat, seconded by Councilmember Aames, to approve an Intergovernmental Agreement with the City of Phoenix for use of the North Gateway Material Recovery Facility, for the acceptance and processing of recycling material from the Curbside Recycling Program (LCON07907). Upon vote, the motion carried unanimously.

CALL TO PUBLIC: (NON-AGENDA ITEMS)

Lance McPherson spoke regarding concerns for the safety of wheelchair bound residents who live in an assisted living home in the vicinity of 89th Avenue and Monroe Street in Peoria. Mr. McPherson asked that a crosswalk and traffic signal be installed at the intersection of 91st Avenue and Monroe Street so that residents could safely cross 91st Avenue to the shopping center. He also asked if caution signs could be posted to notify the public of wheelchair bound residents in the area. Mr. McPherson also commented that there were street lights on the secondary roads that had light bulbs out.

Reports from the City Manager:

Terry Ellis, City Manager, advised that the Community Services Department on behalf of the City had recently received a number of awards. He asked J.P. de la Montaigne, Director of Community Services, to make the report.

Mr. de la Montaigne reported on the following awards and special recognitions recently received by the City of Peoria.

At the International Festivals and Events Association meeting in Atlanta, Georgia, the City was honored with:

- Best Cover Design (BRONZE) for Spring Training
- Best Overall Sponsorship Program (GOLD)
- Best Sponsor (BRONZE) – Hensley and Company

The City of Peoria was a Class II Finalist for the National Gold Medal Awards for Excellence in Park and Recreation Management.

At the Champion Your Community - America In Bloom event held in Rockford, Illinois, Peoria was recognized for "tidiness" and won the three landscape awards in the category of "Turf and Groundcovers."

At the 27th Annual Environmental Excellence Awards sponsored by Valley Forward Association and Salt River Project, the City was recognized for the Sonoran Mountain Ranch Park and East Wing Mountain Trail, and the New River Trail corridor projects.

In addition, Mr. de la Montaigne also advised that the City was notified today that it is also a finalist in the WestMarc awards, but additional information was not available at this time.

Reports from City Council:

Councilmember Leone commented on the following events he had attended:

- John Schell, Director of Intergovernmental Affairs, and Councilmember Leone had attended an event at Luke Air Force Base at which the Governor had addressed the guests
- Pioneer Monument dedication on September 22, 2007
- Recycling Block Watch Meeting at Country Meadows

Councilmember Leone also commented on the traffic redirection on Olive Avenue during construction of the Butler Water Reclamation Plant and the Grand Opening for the new Harkins Theater scheduled for October 19, 2007 at Park West.

Councilmember Carlat congratulated the Community Services Department for the number of awards they had received on behalf of the City.

Councilmember Aames reported that he had attended a symposium on commuter rail. Councilmember Aames also reported that he was scheduled to attend a Transportation Planning Council meeting with the Governor next week.

Reports from the Mayor:

Mayor Pro Tem Evans recognized the Community Services Department for their vision, leadership and planning to make Peoria an enjoyable place to live. Mayor Pro Tem Evans also recognized Jesse Duarte and his Staff for their coordination of the recycling program.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:02 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 2nd day of October, 2007. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of November, 2007.

(Seal)

Mary Jo Kief, City Clerk