

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
November 20, 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 Pearson 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, J.P. de la Montaigne, Bill Mattingly, Brent Mattingly, Grady Miller, Dave Moody, Steve Prokopek, Larry Ratcliff, Jeff Tyne, Glen Van Nimwegen, James Mason, Brad Hill, Kathy Ordway, and Vicki Rios.

Audience: Approximately 34 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 and Vice Mayor Hunt presented Mrs. Betty Saunders with a Proclamation in Memoriam of the passing of her husband, Jim Saunders, who served on various boards and commissions, and was a former Councilmember and Vice Mayor, who passed away October 30, 2007. A copy of the Proclamation in Memoriam is attached and incorporated by reference to the minutes of the meeting.

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

Mayor Barrett asked if any Councilmember wished to have an item removed from the Consent Agenda. There were no requests to remove an item.

CONSENT – New Business:

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

1C MINUTES:

Special Study Session – September 4, 2007
Regular Meeting – September 4, 2007
Council Workshop – September 15, 2007
Study Session – September 18, 2007
Regular Meeting – September 18, 2007
Regular Meeting – October 2, 2007

2C Reappointments, Boards and Commissions

Approved the recommendations from the Council Subcommittee on Boards and Commissions Appointments and adopted **RES. 07-156** through **RES. 07-163** pertaining to the following reappointments:

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| RES. 07-156 | Reappointing Brandon Squire, as a regular member, and Karen McDaniel as an alternate member, to the Board of Adjustment with terms to expire December 2011. |
| RES. 07-157 | Reappointing Michael Bellard as a regular member to the Building Board of Appeals with a term to expire December 2011. |
| RES. 07-158 | Reappointing Wade Gendreau, as a regular member, and Scott Phillips as an alternate member, to the Design Review Appeals Board with terms to expire December 2011. |
| RES. 07-159 | Reappointing Roy Bade as a regular member to the Design Standards Advisory Board with a term to expire December 2011. |
| RES. 07-160 | Reappointing Priscilla Cook as a regular member to the Historic Preservation Commission with a term to expire December 2011. |
| RES. 07-161 | Reappointing Michael Worton, as a regular member, and Anne Wojcik, as an alternate member, to the Planning and Zoning Commission with terms to expire December 2011. |

- RES. 07-162** Reappointing Penny Hughes, as a regular member, to the Sister Cities Board with a term to expire December 2011.
- RES. 07-163** Reappointing Reed Webber as a regular member to the Veterans Memorial Board with a term to expire December 2011.

3C Code Amendment, Chapter 25, Water, Water Conservation and Drought Management Procedures

ORDINANCE NO. 07-37

AN ORDINANCE OF THE CITY OF PEORIA MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 25 OF THE PEORIA CITY CODE (1992) BY REPEALING SECTION 25-1 THROUGH SECTION 25-74 IN THEIR ENTIRETY AND ENACTING SECTION 25-1 PERTAINING TO WATER DEFINITIONS; SECTION 25-2 PERTAINING TO WATER CODE PART OF WATER SERVICE CONTRACT; SECTION 25-3 PERTAINING TO WATER APPLICABILITY; SECTION 25-4 PERTAINING TO WATER LIABILITY OF CITY LIMITED; SECTION 25-5 PERTAINING TO WATER TURN OFFS AND TURN ONS; SECTION 25-6 PERTAINING TO WATER CUSTOMER RESPONSIBILITY; SECTION 25-7 PERTAINING TO WATER CUSTOMER NEGLIGENCE; SECTION 25-8 PERTAINING TO WATER INSPECTIONS; SECTION 25-9 PERTAINING TO WATER LIABILITY FOR DAMAGE; SECTION 25-10 PERTAINING TO WATER UNAUTHORIZED SHUTDOWN OF WATER MAINS; SECTION 25-11 PERTAINING TO WATER PREVENTION OF CROSS-CONNECTION OR BACKFLOW; SECTION 25-12 PERTAINING TO WATER PROTECTION OF, ACCESS TO CITY PROPERTY; SECTION 25-13 PERTAINING TO WATER CUSTOMER TO PROVIDE RIGHTS-OF-WAY, EASEMENTS, ETC.; SECTION 25-14 RESERVED; SECTION 25-15 RESERVED; SECTION 25-16 RESERVED; SECTION 25-17 PERTAINING TO WATER DISTRIBUTION MAIN EXTENSIONS; SECTION 25-18 PERTAINING TO WATER MAIN EXTENSIONS, REQUIREMENTS; SECTION 25-19 PERTAINING TO WATER MAIN EXTENSIONS, SUBDIVISIONS, SINGLE LOTS, SUB LOT DEVELOPMENTS AND ALL OTHER DEVELOPMENTS; SECTION 25-20 PERTAINING TO WATER MINIMUM SUPPLY REQUIREMENTS; SECTION 25-21 PERTAINING

TO WATER EXTENSIONS, CONSTRUCTION, OWNERSHIP AND MAINTENANCE; SECTION 25-22 PERTAINING TO WATER CONSTRUCTION WATER ACCESS; SECTION 25-23 PERTAINING TO WATER FIRE HYDRANTS INSIDE CITY IN AREAS SERVED BY PRIVATE WATER COMPANIES; SECTION 25-24 RESERVED; SECTION 25-25 PERTAINING TO WATER METERS; SECTION 25-26 PERTAINING TO WATER LOCATION OF METERS; SECTION 25-27 PERTAINING TO WATER TESTING METER ACCURACY; SECTION 25-28 RESERVED; SECTION 25-29 PERTAINING TO WATER RATE SCHEDULES GENERALLY; SECTION 25-30 PERTAINING TO WATER RECLAIMED WATER USE RATE; SECTION 25-31 PERTAINING TO WATER SYSTEM DEVELOPMENT FEE; SECTION 25-32 PERTAINING TO WATER RESOURCE DEVELOPMENT FEE; SECTION 25-33 PERTAINING TO WATER AGREEMENTS REPAYMENT AGREEMENTS; SECTION 25-34 PERTAINING TO WATER REPAYMENTS WATER MAINS; SECTION 25-35 PERTAINING TO WATER SYSTEM REPAIR FEES; SECTION 25-36 RESERVED; SECTION 25-37 RESERVED; SECTION 25-38 PERTAINING TO WATER DISCHARGE IN VIOLATION, ADOPTION OF ADMINISTRATIVE REGULATIONS; SECTION 25-39 PERTAINING TO WATER UNLAWFUL, DISCHARGE, PENALTIES ENFORCEMENT; SECTION 25-40 PERTAINING TO WATER RECLAIMED WATER USE PENALTIES; SECTION 25-41 PERTAINING TO WATER VIOLATIONS CIVIL SANCTIONS; SECTION 25-42 RESERVED; SECTION 25-43 RESERVED; SECTION 25-44 RESERVED; SECTION 25-45 RESERVED; SECTION 25-46 RESERVED; SECTION 25-47 RESERVED; SECTION 25-48 RESERVED; SECTION 25-49 RESERVED; SECTION 25-50 RESERVED; SECTION 25-51 RESERVED; SECTION 25-52 RESERVED; SECTION 25-53 PERTAINING TO WATER UNNECESSARY WASTE, TURNOFFS, WATER LEAKS; SECTION 25-54 PERTAINING TO WATER CITY DROUGHT CONTINGENCY PLAN MANAGEMENT PROCEDURE; SECTION 25-55 RESERVED; SECTION 25-56 RESERVED; SECTION 25-57 RESERVED; SECTION 25-58 RESERVED; SECTION 25-59 RESERVED; SECTION 25-60 RESERVED; SECTION 25-61 PERTAINING TO WATER RECLAIMED WATER SERVICE PROMULGATION AND ENFORCEMENT OF PROCEDURES AND REGULATIONS; SECTION 25-62 PERTAINING TO WATER RECLAIMED WATER SERVICE PRIORITY OF DELIVERY; SECTION 25-63 PERTAINING TO

WATER RECLAIMED WATER SERVICE USE REQUIRED; SECTION 25-64 PERTAINING TO WATER RECLAIMED WATER SERVICE DISCONTINUANCE OF SERVICE; SECTION 25-65 PERTAINING TO WATER RECLAIMED WATER SERVICE CUSTOMER RESPONSIBILITY; SECTION 25-66 PERTAINING TO WATER RECLAIMED WATER SERVICE UNAUTHORIZED WORK; SECTION 25-67 PERTAINING TO WATER RECLAIMED WATER USE CUSTOMERS, SERVICE AGREEMENTS; SECTION 25-68 RESERVED; SECTION 25-69 RESERVED; SECTION 25-70 RESERVED; SECTION 25-71 RESERVED; SECTION 25-72 RESERVED; SECTION 25-73 RESERVED; SECTION 25-74 RESERVED; TABLE 25-31 PERTAINING TO WATER SYSTEM DEVELOPMENT FEE; AND TABLE 25-32 PERTAINING TO WATER RESOURCE DEVELOPMENT FEE AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 07-37** amending Chapter 25 of the Peoria City Code (1992 Edition) by revising Sections 25-1 through 25-74 and Tables 25-31 and 25-32 dividing the portion of these sections which pertain to water into related categories and to provide a more user-friendly Code.

4C Void

5C Grants, State of Arizona Department of Homeland Security

- a) Approved the acceptance of three grants from the State of Arizona Department of Homeland Security in an amount totaling \$779,320 for chemical, biological, radiological, nuclear or explosive (CBRNE) weapon detection and interoperability; terrorism liaison officer training; and Community Emergency Response Team (CERT) training, in order to further integrate Peoria as part of the statewide disaster response program (LCON08707, LCON08807 and LCON08907); and
- b) Approved a budget transfer in the amount of \$779,320 from the Proposed Grant Fund Contingency Account to the following Federal Homeland Security Grant Fund Accounts: the Medium Duty CBRNE Response, Trucks and Vans Account in the amount of \$425,000; Operational Supplies and Equipment Account in the amount of \$125,000; Overtime – Training Account in the amount of \$170,000; and Local Training Account in the amount of \$30,000; to the CERT Program, General Overtime Account in the amount of \$15,000; and Operational Supplies and Equipment Account in the amount of \$4,320; and to the Terrorism Liaison Program, Operational Supplies and Equipment Account in the amount of \$10,000.

6C Intergovernmental Agreement, Maricopa County Department of Transportation, Deer Valley Road Widening and Drainage Improvements, 83rd Avenue to 91st Avenue

Approved an Intergovernmental Agreement (IGA) with the Maricopa County Department of Transportation for the Deer Valley Road widening and drainage improvements from 83rd Avenue to 91st Avenue. (LCON09007)

7C Contract, Salt River Project (SRP), Design and Construction Services, Relocation of Electrical Cabinets and Vaults, 91st Avenue and Olive Avenue

Authorized a contract in the estimated amount of \$163,608 with Salt River Project (SRP) under Job Order Number KJ6-248 for design and construction services associated with the relocation of electrical cabinets and vaults located at the northwest corner of 91st Avenue and Olive Avenue. (LCON09107)

8C Contract, Central Arizona Project, Municipal and Industrial (M&I) Water Service Charges

Approved a payment agreement in the amount of \$3,670,364.37 with Central Arizona Project (CAP) for past M&I water service charges for 5,527 acre feet of Colorado River water supplies. (LCON09207)

9C Contract Amendment, Carter and Burgess, Inc., Happy Valley Road Widening, 75th Avenue to Lake Pleasant Parkway, and New Sewer Project, Sunrise Mountain

- a) Approved Contract Amendment No. 2 in the not-to-exceed amount of \$979,902.46 with Carter and Burgess, Inc. for construction administration and design services associated with the construction of Happy Valley Road widening from 75th Avenue to Lake Pleasant Parkway (ACON 37907B);
- b) Approved the creation of a new sewer project in the Capital Improvement Program for the Sunrise Mountain sewer line to be designed and constructed by the City, but paid by the developer; and
- c) Approved a budget transfer in the amount of \$26,100 from the General Fund Contingency Account to the Outside Sources Fund Wastewater System Account to fund the design of the sewer line.

10C Contract Amendment, Loris and Associates, Skunk Creek Trail Project

Approved Contract Amendment No. 2 in the amount of \$6,000 with Loris and Associates, Inc. for engineering services for the Skunk Creek Trail project. (LCON05306B)

11C Authorize Expenditure and Budget Transfer, New River Trail, Grand Avenue and Olive Avenue

- a) Authorized the use of General Fund Reserves and approve a budget transfer in the amount of \$83,080 from the General Fund Contingency Account to the General Fund Parks Construction Account;
- b) Authorized payment in the amount of \$1,310,498 to the Arizona Department of Transportation for construction and administration services for New River Trail between Grand Avenue and Olive Avenue; and
- c) Authorized charging this expense to the Fiscal Year 2008 Capital Improvement Project (CIP), New River Trail General Fund Parks Construction Account.

12C Authorize Expenditure, Bunney's, Inc. West Wing Elementary School Crossing, Sidewalk, and Handicap Ramp, High Desert Drive

Approved an expenditure in the amount of \$18,016.10 to Bunney's, Inc., utilizing the existing on-call contract for the construction of a school crossing, sidewalk, and handicap ramp along High Desert Drive at the West Wing Elementary School.

13C Authorize Expenditure, Northwest Woodland Services, Inc., Sunrise Mountain Trail Design and Construction

- a) Authorized an expenditure in the amount of \$113,200 to Northwest Woodland Services, Inc. for trail design and construction at Sunrise Mountain;
- b) Added a \$25,000 project contingency; and
- c) Authorized charging this expense to the Fiscal Year 2008 Capital Improvement Project (CIP), Mountain Trail Development Account.

14C Comprehensive Annual Financial Report, Single Audit and Management Letter

Received and filed the Comprehensive Annual Financial Report, Single Audit and Management Letter for the fiscal year ending June 30, 2007.

15C Quarterly Investment Report

Accepted the Quarterly Investment Report for the period ending September 30, 2007.

16C Final Plat, Blackstone at Vistancia, Parcel B7, Blackstone Drive and Moura Drive

Re-approved the Final Plat for Blackstone at Vistancia Parcel B7, located at the southeast corner of Blackstone Drive and Moura Drive, subject to stipulations. (Project No. R070062)

17C Final Plat, Mountainside Crossing, Lake Pleasant Parkway and Happy Valley Road

Approved the Final Plat for Mountainside Crossing, located at the southeast corner of Lake Pleasant Parkway and Happy Valley Road, subject to stipulations. (Project No. R070015)

18C Final Plat, Par Estates, 75th Avenue and Mountain View Road

Approved the Final Plat for Par Estates, located at the northeast corner of 75th Avenue and Mountain View Road, subject to stipulations. (Project No. R060149)

19C Re-Plat, Lot 1, Mack, Arrowhead Phases 1, 2, and 3, 87th Avenue and Thunderbird Road

Approved the Re-Plat of Lot 1 of the Amended Final Plat for Mack, Arrowhead Phases 1, 2, and 3, located on the north side of 87th Avenue and Thunderbird Road, subject to stipulations. (Project No. R070005C)

20C Authorization to Hold an Executive Session

Pursuant to A.R.S. § 38-431.03.A.4 and 38-431.03.A.7: Authorized the holding of an Executive Session for the purpose of:

- a) Discussion and consultation with legal counsel for legal advice on pending litigation and arbitration in City of Tolleson v. City of Peoria; and
- b) Discussion with representatives of the public body regarding the acquisition of real property owned by New River Utility Company.

REGULAR AGENDA

NEW BUSINESS

21R PUBLIC HEARING - Liquor License, CeCe's Market and Deli, 9501 W Peoria Avenue

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on requests for a new Off-Sale Wine and Beer Liquor License (Series 10) for CeCe's Market & Deli, located at 9501 W. Peoria Avenue #101/102, Heather Malan, Applicant, LL#10010510.

Staff Report/Public Comment:

Mary Jo Kief, City Clerk, reported that the property was posted, all fees were paid and no comments were received in the City Clerk's Office. Staff recommendation is that Council recommend denial of this application to the State Liquor Board.

Jane Hundley spoke to Council and expressed concerns of neighbors in the area in regards to having a convenience store with extended hours located in the neighborhood. Ms. Hundley requested that Council not approve the license.

Responding to questions from Council, Steve Kemp, City Attorney, reviewed the staff recommendation for denial. Mr. Kemp further reported that the City would have representation at the State Liquor Board hearing.

Mayor Barrett clarified for the members of the public that the City Council only makes a recommendation to the State Liquor Board. The City does not make the final determination for approval or denial of the liquor license.

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

Council Action: Motion was made by Vice Mayor Hunt, seconded by Councilmember Leone to recommend denial to the State Liquor Board for a new Off-Sale Wine and Beer Liquor License (Series 10) for CeCe's Market & Deli, located at 9501 W. Peoria Avenue #101/102, Heather Malan, Applicant, LL#10010510.

Upon vote, the motion to recommend denial of the liquor license was carried unanimously.

22R PUBLIC HEARING – General Plan Amendment, Circulation Element, Northern Avenue/Parkway, Happy Valley Road/Parkway and 103rd Avenue, Between Northern Avenue and Olive Avenue

RESOLUTION NO. 07-164

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

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on requests for a major amendment to Chapter 3, Circulation Element of the General Plan to revise text and policies to reflect Northern Avenue/Parkway and Happy Valley Road/Parkway as controlled access roadways and reclassify 103rd Avenue, between Northern Avenue and Olive Avenue, from a collector to an arterial roadway. (GPA 07-02)

Staff Report/Public Comment:

Chris Jacques, Principal Planner and Dave Moody, Engineering Director gave an overview of the GPA 07-02 amendment to Chapter 3, Circulation Element with exhibits.

Staff reported this amendment is being proposed to accommodate new development and provide consistency with voter-approved regional transportation plan and accommodate growth in the City and the Northwest region of the Valley. This plan is compatible with, and designed to complement the existing and proposed land uses as provided in the Land Use Plan and coordinates transportation and major roadway capital improvements programming with the Arizona Department of Transportation (ADOT) and Maricopa County Department of Transportation (McDOT) to ensure timely provision of required transportation improvements.

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

Council Action: Motion was made by Vice Mayor Hunt, seconded by Councilmember Carlat to adopt **RES. 07-164** amending the Circulation Element of the General Plan to revise text and policies to reflect Northern Avenue/Parkway and Happy Valley Road/Parkway as controlled access roadways and reclassify 103rd Avenue, between Northern Avenue and Olive Avenue, from a collector to an arterial roadway.

Upon vote, the motion carried six to one. Councilmember Leone voted "no".

23R PUBLIC HEARING – General Plan Amendment, Recreation and Open Space Element, Parks, Recreation, Open Space and Trails Master Plan

RESOLUTION NO. 07-165

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

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on requests for an amendment to the Recreation and Open Space Element of the General Plan to create consistency with the Parks, Recreation, and Open Space and Trails Master Plan (PROST) which represents an update to the 2002 Master Plan, and was unanimously approved by the Parks and Recreation Board on June 22, 2006. (GPA 07-07)

Staff Report/Public Comment:

Mr. Jacques and Mr. Moody gave an overview of the GPA 07-07 amendment to Chapter 9, Recreation and Open Space Element with exhibits.

Staff reported that at the time of approval of the PROST on November 14, 2006, the City Council also approved GPA 06-06, which included amended text to make the PROST, rather than the 2002 Master Plan, the guiding document for provision of recreation and open space facilities within the City. Community Services Department has developed amendment (GPA 07-07) to ensure that the General Plan fully reflects and is consistent with the PROST.

The Planning and Zoning Commission considered the request at two public hearings held on October 18, 2007 and November 1, 2007. The Commission unanimously recommended approval of this proposed amendment.

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

Council Action: Motion was made by Councilmember Carlat, seconded by Vice Mayor Hunt to adopt **RES. 07-165** amending the Recreation and Open Space Element of the General Plan to create consistency with the Parks, Recreation, and Open Space and Trails Master Plan.

Upon vote, the motion carried unanimously.

24R PUBLIC HEARING – General Plan Amendment, Plan Area Boundaries, Deer Valley Road and El Mirage Road Alignments and Litchfield Road and Jomax Road Alignments

RESOLUTION NO. 07-166

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE PLAN AREA BOUNDARY OF THE GENERAL PLAN BY ADDING APPROXIMATELY 318.4 ACRES NEAR THE DEER VALLEY AND EL MIRAGE ROAD ALIGNMENTS; AND DELETING APPROXIMATELY 181.6 ACRES IN TWO AREAS NEAR THE LITCHFIELD AND JOMAX ROAD ALIGNMENTS; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on requests for an amendment to the Plan

Area Boundary of the General Plan adding approximately 318.4 acres near the Deer Valley Road and El Mirage Road alignments; and deleting approximately 181.6 acres in two areas generally located near the Litchfield Road and Jomax Road alignments. (GPA 07-09)

Staff Report/Public Comment:

Mr. Jacques and Mr. Moody gave an overview of the GPA 07-09 amendment to Plan Area Boundary with exhibits.

Bill Hafeman, Planning and Zoning director of PORA, Sun City West, elected by the people of Sun City West to speak on behalf of the residents of Sun City. Mr. Hafeman talked to residents of Corta Bella who were unaware of the proposed changes that Peoria Planning and Zoning were working on. Mr. Hafeman of Sun City West, and Mr. Larry Woods and other residents of Corta Bella requested the City modify the plan due to the impact the change would have in the residential area in the 300' range where they live.

Mr. Hafeman, Mr. Woods, and Ms. Dawn Ferch were pleased that the City listened to their concerns and made the modifications. They stated Peoria is a good neighbor, and they approve of the changes that would be implemented.

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

Council Action: Motion was made by Councilmember Carlat, seconded by Councilmember Evans, to adopt **RES. 07-166** amending the Plan Area Boundary of the General Plan adding approximately 318.4 acres near the Deer Valley Road and El Mirage Road alignments; and deleting approximately 181.6 acres in two areas generally located near the Litchfield Road and Jomax Road alignments.

Upon vote, the motion was carried unanimously.

25R PUBLIC HEARING – General Plan Amendment, Plan Administration Element, Water Policy Evaluation

RESOLUTION NO. 07-167

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

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on requests for an amendment to the Plan Administration Element of the General Plan to include the evaluation of the water policy as a 5th criterion for consideration of Major General Plan Amendments. (GPA 07-10)

Staff Report/Public Comment:

Brad Hill, Water Resources Manager, requested that item 25R and 26R be presented together and provided a power point presentation with an overview of the GPA 07-10 amendment to Chapter 14, Plan Administration Element with exhibits.

The Planning and Zoning Commission considered the request at two public hearings held on October 18, 2007, and November 1, 2007. At the public hearing held on November 1, 2007, the Commission unanimously recommended approval of the proposed amendment as shown in Resolution 07-167.

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

Council Action: Motion was made by Councilmember Evans, seconded by Councilmember Vice Mayor Hunt, to approve and adopt **RES. 07-167** amending the Plan Administration Element of the General Plan to include the evaluation of the water policy as a 5th criterion for consideration of Major General Plan Amendments of the General Plan.

Upon vote, the motion was carried unanimously.

26R Principles of Sound Water Management

RESOLUTION NO. 07-168

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA
ADOPTING PRINCIPLES OF SOUND WATER
MANAGEMENT**

Mr. Hill reported that the Water Policy Committee developed a document that memorializes a variety of existing water policy practices Titled "Principles of Sound Water Management" to establish the guiding ideology for the City's management of its water resources to preserve the public's trust in the City's water system through compliance with state and federal water quality and water management laws, guide strategic long-term planning, and demonstrate leadership in the stewardship of this limited natural resource. This document contains 16 water policies and one new proposed policy – Land Use Management.

Council Action: Motion was made by Vice Mayor Hunt seconded by Councilmember Carlat to adopt **RES. 07-168** adopting the Principles of Sound Water Management.

Upon vote, the motion was carried unanimously.

27R PUBLIC HEARING – Water, Wastewater and Solid Waste Proposed Rates Adjustment

RESOLUTION NO. 07-169

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING CERTAIN ADJUSTMENTS AND INCREASES TO THE RATES IMPOSED FOR USE OF THE PUBLIC WATER TREATMENT SYSTEM; SYSTEM RATE COMPONENTS; SERVICE CHARGES AND FEES FOR USE OF THE MUNICIPAL WATER UTILITY SYSTEM AND ADOPTING A SCHEDULE OF CHARGES FOR THE USE OF THE MUNICIPAL WATER SYSTEM AND AUTHORIZING CERTAIN ADJUSTMENTS AND INCREASES TO THE RATES IMPOSED FOR USE OF THE PUBLIC WASTEWATER COLLECTION AND TREATMENT SYSTEM; SYSTEM RATE COMPONENTS; SERVICE CHARGES AND FEES FOR USE OF THE MUNICIPAL WASTEWATER (SEWER) UTILITY SYSTEM AND ADOPTING A SCHEDULE OF CHARGES FOR THE USE OF THE MUNICIPAL WASTEWATER (SEWER) SYSTEM AND AUTHORIZING CERTAIN INCREASES TO THE RATES IMPOSED FOR USE OF MUNICIPAL SOLID WASTE SERVICES AND ADOPTING A SCHEDULE OF CHARGES FOR THE USE OF MUNICIPAL SOLID WASTE SERVICES; SOLID WASTE RATE COMPONENTS; SERVICE CHARGES AND FEES FOR USE OF MUNICIPAL SOLID WASTE SERVICES AND ALL SUCH ADJUSTMENTS TO BECOME EFFECTIVE AS PROVIDED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on proposed changes to water, wastewater and solid waste rates.

Staff Report/Public Comment:

Vicki Rios, Revenue Manager, provided a presentation for the analysis, forecast, and rate adjustments for water, wastewater, and solid waste increased costs.

Proposed water rates for water and wastewater will increase by 3% in January 2008 and 3% in January 2009 for all customers. Rate increases are necessary to sufficiently fund the utility's operating requirements and capital plans while meeting its debt coverage requirements. Residential solid waste will increase \$0.50 per residential barrel in January 2009. Commercial solid waste will increase by 3% in January 2008 and 3% in January 2009.

Councilmember Pearson stated that no one is happy about the increase cost of approximately \$22.00 per year; however, the costs seem fair and unavoidable due to increased costs to the City for these services.

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

Council Action: Motion was made by Vice Mayor Hunt, seconded by Councilmember Evans, to adopt **RES. 07-169** adjusting water, wastewater and solid waste rates and establishing the new rates effective January 2, 2008.

Upon vote, the motion carried six to one. Councilmember Leone voted "no".

28R Code Amendment, Chapter 2, Utility Fees, Installation and Service Costs

ORDINANCE NO. 07-38

AN ORDINANCE OF THE CITY OF PEORIA MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY REPEALING SECTION 2-224(a) IN ITS ENTIRETY AND ENACTING SECTION 2-224 TABLES. 45(A), TABLES.45(B), TABLES.45(C), TABLES.45(D), TABLES.45(E), and TABLES.45(F) PERTAINING TO UTILITIES STANDARD COSTS/FEES AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Steve Kemp, City Attorney, stated that this amendment will bring the City Code into conformance with the rate structure changes.

Council Action: Motion was made by Councilmember Carlat, seconded by Councilmember Aames, to adopt **ORD. 07-38** amending Chapter 2 of the Peoria City Code (1992 Edition) by revising Section 2-224(a), Table 2-224 pertaining to Utility fees inserting the fees which reflect the cost to the City for the installation of certain items or the cost to provide the particular service into Table 2-224.

Upon vote, the motion was carried unanimously.

29R New Classifications, Economic Development Department and Public Works Department

Susan Thorpe, Deputy City Manager, presented this item as an item that would normally be on the agenda as a Consent Agenda item; however, due to several questions/concerns that were asked by Council, it was placed on the Regular Agenda. Discussion ensued regarding the required years of experience being only three (3) years and the possibility of extending the time to a longer amount. Staff reported that the three-year requirement is only a "minimum" requirement.

Council Action: Motion was made by Vice Mayor Hunt, seconded by Councilmember Aames to establish new classifications in the Economic Development Department and Public Works Department.

Upon vote, the motion was carried unanimously.

30R Highway Expansion and Extension Loan Program, Union Hills Traffic Interchange Project, 75th Avenue and Union Hills Drive

Authorized the City Manager to execute an application for assistance from the Highway Expansion and Extension Loan Program (HELP), to accelerate the construction of the Union Hills Traffic Interchange project to alleviate congestion at the Loop 101 interchanges at 75th Avenue and Union Hills Drive, concurrent with the City of Peoria Beardsley Connection project. (LCON08607)

Dave moody, Engineering Director, reported that this is for the Union Hills interchange and will come back in January, 2008 for further action. The purpose is to make these changes to the road in stages and disrupt traffic on the 101 highway once. Having no requests from the public to address this item, Mayor Barrett declared the public hearing closed.

Council Action: Motion was made by Councilmember Pearson seconded by Councilmember Aames to authorize the City Manager to apply for a Highway Expansion and Extension Loan Program (Help).

Upon vote, the motion was carried unanimously.

CALL TO PUBLIC: (NON-AGENDA ITEMS)

Jimmy DeLano, a senior at Centennial High School and a drum major in the Coyote Marching Band, requested that Mayor, Council and Peoria staff, and anyone watching Channel 11 vote for the Battle of the Marching Bands by Friday, November 23rd, so that they would have a chance to represent the City of Peoria at the Fiesta Bowl. The web address is: hsgametime.com.

Karen McQuiston expressed her opinion regarding the proposed logo.

Kathy Montoya-Moore stated her opinion regarding the Branding project.

Betty Cochran expressed concerns regarding moving the Women's Club.

Dolores Ceballos requested responses to several questions regarding the Women's Club.

Reports from the City Manager:

1. 2007 Clean Air Campaign Award – Trip Reduction Program's Coordination committee headed by Transit Manager Randy Roberts was the recipient of the 2007 Clean Air Campaign award for Outstanding Transportation Coordinator in the category of Public Company, hosted by Valley Metro, Regional Public Transportation Authority and acknowledged organizations and individuals that made special contributions in a variety of ways on behalf of clean air and trip reduction.

Reports from City Council:

Councilmember Pearson commented that Mr. Jim Saunders and Ron Travers were responsible for him becoming interested in community service. Councilmember Pearson further stated that Mr. Saunders was true gentleman.

Councilmember Evans commented that we should all vote for Centennial High School Coyotes in the Battle of the Bands as they are an outstanding Marching Band.

Vice Mayor Hunt asked that the holiday schedule for garbage/recycle pickup be announced. Bill Mattingly, Public Works Director said that pickup would be Friday/Saturday for those customers scheduled for Thursday pickup.

Councilmember Carlat wished everyone a Happy Thanksgiving.

Councilmember Leone stated that he had known Mr. Saunders for nine years and he was a good man. He inquired about the number of marching bands and was told there are only two. There was a good turn-out at the November 11th Memorial Wall and he wished all a good Thanksgiving.

Reports from the Mayor:

Mayor Barrett gave one additional reminder to go out and vote for the Centennial High School Coyotes Marching Band at hsgametime.com.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:05 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 20th day of November, 2007. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 15th day of January, 2008.

(Seal)

Mary Jo Kief, City Clerk

City of PEORIA

Proclamation in Memoriam

Now, Therefore, Be It Resolved by the Mayor and City Council of the City of Peoria, Arizona, at its regular meeting of November 20, 2007, that the City Council hereby acknowledges with sadness and regret the death of James Saunders. He was born in Chicago, Illinois, in 1924, and passed away at his home in Peoria on October 30, 2007; and

Whereas, Jim Saunders volunteered for the U.S. Navy after graduating from high school. He excelled on the mandatory entrance exam and was thus admitted to the V-12 Officers Training Program. During his outstanding military career, he progressed from Seaman Recruit to Lt. Commander; and

Whereas, Jim became active in the community when he moved to Peoria from Chicago in 1982. He served on various City boards and commissions, including the Personnel Board, City Hall Project Committee, Bond Election Committee and numerous State, County and business committees; and

Whereas, Jim was instrumental in the creation of the Peoria Economic Development Group (P.E.D.G.) which was responsible for attracting business and industry to the City of Peoria. After P.E.D.G. was established, he served as its President and Chairman of the Board of Directors; and

Whereas, Jim was elected to the Peoria City Council in 1985, and was re-elected in 1989. He also served as Vice Mayor from 1989 until 1991; and

Whereas, Jim Saunders set a standard of citizenship for others to follow. Jim was a great Arizonan and a great American. He was beloved by those who knew him, and he will be missed by all. Jim is survived by his wife and lifelong companion Bettye; three children, two grandchildren, and four great grandchildren.

Be It Further Resolved that this proclamation shall be made a permanent part of the minutes of the Peoria City Council and copies shall be delivered to his wife and surviving children. Passed and adopted by the Mayor and City Council of the City of Peoria, Arizona this 20th day of November, 2007.

Bob Barrett, Mayor

Vicki Hunt, Vice Mayor

Carlo Leone, Councilmember

Joan Evans, Councilmember

Cathy Carlat, Councilmember

Dave Pearson, Councilmember

Ron Aames, Councilmember

