

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
February 5, 2008

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 7:02 p.m.

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

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

Members Absent: None

Other Municipal Officials Present: Carl Swenson, Deputy City Manager; Susan Thorpe, Deputy City Manager; John Wenderski, Acting City Manager; Steve Kemp, City Attorney; Mary Jo Kief, City Clerk; Stephen Bontrager, J.P. de la Montaigne, Bill Mattingly, Bob McKibben, Grady Miller, Dave Moody, Larry Ratcliff, John Schell, Glen Van Nimwegen and Linda Blas.

Audience: Approximately 40 members of the public were present.

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

PRESENTATION:

1. Mayor Barrett presented a plaque to Councilmember Vicki Hunt in recognition of her prior service on Council as Vice Mayor.
2. Mayor Barrett and Councilmember Hunt presented Certificates of Appointment to the following Board and Commission members:

William Collett appointed to the Parks and Recreation Board;
Anthony Tosca appointed to the Volunteer Firefighter Pension Board; and
Marcy Lorenz appointed to the Youth Advisory Board.

Clerk's Note: Marcy Lorenz was not present to receive her certificate.

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.

CONSENT – New Business:

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

Vice Mayor Carlat requested Item 15C be removed for discussion. Councilmember Evans requested Item 2C be removed for discussion. Motion was made by Vice Mayor Carlat, seconded by Councilmember Leone, to approve the consent agenda as submitted with the exception of Items 2C and 15C. Upon vote, the motion carried unanimously.

1C Appointment, Boards and Commissions

RESOLUTION 08-14

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, APPOINTING JOYCE MOZZICATO TO THE CITIZENS COMMISSION ON SALARIES FOR ELECTED CITY OFFICIALS AND ESTABLISHING THE TERM OF OFFICE THEREOF.

Approved the recommendation from the Council Subcommittee on Boards and Commissions Appointments and adopted **RES. 08-14** appointing Joyce Mozzicato as a regular member to the Citizens Commission on Salaries for Elected City Officials to fill a partial term to expire December 2011.

2C Correct Parcel Boundary, 75th Avenue and Tierra Buena Lane

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

ORDINANCE NO. 07-04A

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA WITH A LEGISLATIVE CORRECTION TO ORDINANCE NO. 07-04, AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING PROPERTY FROM C-2 (INTERMEDIATE COMMERCIAL) ZONING DISTRICT TO PAD (PLANNED AREA DEVELOPMENT) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

At the request of Councilmember Evans, Glen Van Nimwegen, Community Development Director, summarized a request to correct the legal description contained in Ordinance No. 07-04. The ordinance adopted by the Mayor and Council on January 16, 2007, incorrectly identifies the overall parcel boundaries for the Trillium Residential Development

located at the northwest corner of 75th Avenue and Tierra Buena Lane. The site plan and parcel maps included as part of staff report and the Planned Area Development Standards and Guidelines Report correctly identified the area to be rezoned. The legal description included an additional parcel that was not intended to be part of the rezoning.

Motion was made by Councilmember Aames, seconded by Councilmember Leone, to adopt **ORD. 07-04A** to legislatively correct the legal description contained in Ordinance No. 07-04 (Z06-19). Upon vote, the motion carried unanimously.

3C Grant Application, Housing Our Communities, Inc. Maricopa County HOME Consortium

RESOLUTION NO. 08-15

A RESOLUTION CERTIFYING COMPLIANCE WITH THE CONSOLIDATED PLAN AND ADMINISTRATIVE COMMITMENT BY THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, SUPPORTING AN APPLICATION FOR FEDERAL HOME FUNDS BY HOUSING OUR COMMUNITIES, INC., AN ARIZONA NON-PROFIT CORPORATION, TO THE MARICOPA HOME CONSORTIUM.

Approved **RES. 08-15** in support of a grant application by Housing Our Communities, Inc. to the Maricopa HOME Consortium for the purchase and rehabilitation of multi-family housing in compliance with the City's Consolidated Plan.

4C Adoption of National Incident Management System

RESOLUTION NO. 08-16

RESOLUTION OF THE CITY OF PEORIA, ARIZONA DESIGNATING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE CITY OF PEORIA, COUNTY OF MARICOPA, ARIZONA.

Adopted **RES. 08-16** designating the National Incident Management System (NIMS) as the City standard for all incident management during emergencies or disasters.

5C Applicant Agent Designation, Arizona Division of Emergency Management

RESOLUTION NO. 08-17

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DESIGNATING THE CITY OF PEORIA DIRECTOR OF FINANCE AS THE ARIZONA DIVISION OF EMERGENCY MANAGEMENT "APPLICANT AGENT" FOR ALL CURRENT AND FUTURE CITY OF PEORIA REQUESTS FOR REIMBURSEMENT OF FUNDS SPENT BY THE CITY ON RESPONSES TO EMERGENCY AND/OR DISASTERS WITHIN THE STATE OF ARIZONA.

- a) Approved removing Deputy Fire Chief Larry Rooney as the Arizona Division of Emergency Management Applicant Agent; and
- b) Adopted **RES. 08-17** appointing Brent Mattingly, Director of Finance, as the new Arizona Division of Emergency Management Applicant Agent "until further notice" for all current and future City of Peoria reimbursement requests for funds spent in response to emergencies and/or disasters within the State of Arizona.

6C Grant Acceptance, Maricopa County Department of Emergency Management and Fireman's Fund Insurance Company, Antique Fire Engine Cosmetic Restoration

- a) Approved the acceptance of a grant in the amount of \$3,300 from the Maricopa County Department of Emergency Management for Community Emergency Response Team (CERT) equipment; and a grant in the amount of \$17,000 from the Fireman's Fund Insurance Company for the cosmetic restoration of the Fire Department's 1929 antique fire engine (LCON00908 and 01008); and
- b) Authorized a budget transfer in the amount of \$20,300 from the Proposed Grant Fund Contingency Account to the Federal Grants Fund, Operational Supplies and Equipment Account in the amount of \$3,300 and to the Fire Department Donation Fund, Other Professional Services Account in the amount of \$17,000 to establish appropriation and expend the funds.

7C Intergovernmental Agreement, Cooperative Law Enforcement Training Operations

Approved an Intergovernmental Agreement with other public agencies within the State of Arizona regarding cooperative law enforcement training operations. (LCON01108)

8C Void

9C Authorization to Hold an Executive Session

Pursuant to A.R.S. § 38-431.03.A.4: Authorized the holding of an Executive Session for the purpose of discussion and consultation with legal counsel for legal advice on pending litigation and arbitration in City of Tolleson v. City of Peoria.

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

10C Authorize Expenditure, Speed Hump Installation, Various Locations

Authorized the expenditure of funds in the amount of \$40,000 for the purchase of speed humps, utilizing existing City of Chandler Contract TE7-745-2441, through Specialized Surfacing Utility Paving and Construction, LLC.

11C Authorize Expenditure, Bunney's Inc., Sidewalk Projects

Approved an expenditure in the amount of \$23,371.87 to Bunney's, Inc., utilizing an existing on-call contract, for additional construction related costs for sidewalk projects within the Community Works Program.

12C Neighborhood Traffic Management Program, Various Locations

RESOLUTION NO. 08-18

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 WESTGREEN ESTATES-3 NEIGHBORHOOD (AREA BOUNDED BY OLIVE AVENUE, 87TH AVENUE, BUTLER DRIVE AND 91ST AVENUE)

RESOLUTION NO. 08-19

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 LEGACY ESTATES NEIGHBORHOOD (AREA BOUNDED BY GREENWAY ROAD, 79TH AVENUE, COUNTRY GABLES DRIVE, AND 81ST AVENUE)

RESOLUTION NO. 08-20

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 ALTA LOMA NEIGHBORHOOD (AREA BOUNDED BY PEORIA AVENUE, 83RD AVENUE, MONROE STREET, AND 87TH AVENUE)

Adopted **RES. 08-18** through **RES. 08-20** for the Neighborhood Traffic Management Program (NTMP) to establish three additional Residential Traffic Control Areas as follows:

- a) **RES. 08-18** - Westgreen Estates-3 – area bounded by Olive Avenue in the north, 87th Avenue in the east, Butler Drive in the south, and 91st Avenue in the west;
- b) **RES. 08-19** - Legacy Estates – area bounded by Greenway Road in the north, 79th Avenue in the east, Country Gables Drive in the south, and 81st Avenue in the west; and
- c) **RES. 08-20** - Alta Loma – area bounded by Peoria Avenue in the north, 83rd Avenue in the east, Monroe Street in the south, and 87th Avenue in the west.

13C Deeds and Easements, Various Locations

RESOLUTION NO. 08-21

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. 08-21** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

14C Designate Roadways, Establish Rights-of-Way, Various Locations

RESOLUTION NO. 08-22

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. 08-22** 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.

15C Final Plat, Riverwalk, 77th Avenue and Pinnacle Peak Road

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

At the request of Vice Mayor Carlat, Dave Moody, Engineering Director, presented an overview on a request for approval of the Final Plat for Riverwalk, located at 77th Avenue and Pinnacle Peak Road. Mr. Moody clarified there will be no gated access north of Pinnacle Peak in accordance with current zoning stipulations.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Evans, to approve the Final Plat for Riverwalk, located at 77th Avenue and Pinnacle Peak Road, subject to stipulations (Project R050185). Upon vote, the motion carried unanimously.

16C Final Plat, Campanos Estates, 77th Avenue and Pinnacle Peak Road

Approved the Final Plat for Campanos Estates, located at the southwest corner of 77th Avenue and Pinnacle Peak Road, subject to stipulations. (Project R030139)

REGULAR AGENDA

NEW BUSINESS

17R PUBLIC HEARING – Off-Track Wagering License Renewals, Various Locations

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wish to comment on the Off-Track Wagering License Renewals for Ramada Inn, located at 8955 N.W. Grand Avenue; McDuffy's Sports Bar located at 15814 N. 83rd Avenue; and Gallagher's Food & Fun located at 6750 W. Peoria Avenue. Applicant: James M. Grundy, Agent for Yavapai Downs. OTW #10002871, #OTW10002872 and OTW #10006521.

Staff Report/Public Comment:

Mary Jo Kief, City Clerk, reported that the properties had been posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval, and no comments were received from the public.

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

Council Action:

Motion was made by Councilmember Aames, seconded by Councilmember Leone, to recommend approval to the Arizona Racing Commission of Off-Track Wagering License Renewals for Ramada Inn, located at 8955 N.W. Grand Avenue; McDuffy's Sports Bar located at 15814 N. 83rd Avenue; and Gallagher's Food & Fun located at 6750 W. Peoria Avenue. Applicant: James M. Grundy, Agent for Yavapai Downs. OTW #10002871, #OTW10002872 and OTW #10006521. Upon vote, the motion carried unanimously.

18R PUBLIC HEARING – Liquor Licenses, Various Locations

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wish to comment on:

- a) A new Restaurant Liquor License (Series 12) for Lis Doon Varna, The Peoria Irish Pub and Restaurant, located at 16100 N. Arrowhead Fountain Center. Applicant: Steven Goumas. LL#10010945;
- b) A new Restaurant Liquor License (Series 12) for Azul Café and Cantina, located at 9440 W. Peoria Avenue. Applicant: Daniel W. Collins. LL#10010998; and
- c) A person transfer for an On-Sale Wine and Beer Liquor License (Series 7) for The Tasting Room, located at 28465 N. Vistancia Boulevard, Suite 103. Applicant: Gary R. Cook. LL#10010394.

Staff Report/Public Comment:

Mary Jo Kief, City Clerk, reported that the properties had been posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval, and no comments were received from the public.

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

- a) A new Restaurant Liquor License (Series 12) for Lis Doon Varna, The Peoria Irish Pub and Restaurant, located at 16100 N. Arrowhead Fountain Center. Applicant: Steven Goumas. LL#10010945; and
- b) A new Restaurant Liquor License (Series 12) for Azul Café and Cantina, located at 9440 W. Peoria Avenue. Applicant: Daniel W. Collins. LL#10010998; and
- c) A person transfer for an On-Sale Wine and Beer Liquor License (Series 7) for The Tasting Room, located at 28465 N. Vistancia Boulevard, Suite 103. Applicant: Gary R. Cook. LL#10010394.

Upon vote, the motion carried unanimously.

19R PUBLIC HEARING – Annexation, Calle Lejos and Lake Pleasant Parkway

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wish to comment on a proposed annexation of approximately one acre of privately-owned property located west of the southwest corner of Calle Lejos and Lake Pleasant Parkway (ANX 07-01).

Staff Report/Public Comment:

Glen Van Nimwegen, Community Development Director, summarized a request on behalf of the property owner to annex the privately-owned property, located west of the southwest corner of Calle Lejos and Lake Pleasant Parkway.

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

Council Action: No Council action required.

20R PUBLIC HEARING – Annexation, Lake Pleasant Parkway and Pinnacle Peak Road

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wish to comment on a proposed annexation of 4.5 acres located north of the northwest corner of Lake Pleasant Parkway and Pinnacle Peak Road (ANX 07-02).

Staff Report/Public Comment:

Glen Van Nimwegen, Community Development Director, reported that the agenda item was presented as a public hearing to receive comment on the proposed annexation.

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

Council Action: No Council action required.

21R PUBLIC HEARING - Rezoning, 104th Avenue and Pinnacle Peak Road

ORDINANCE NO. 08-03

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ZONING PROPERTY FROM AG (GENERAL AGRICULTURE) TO SR-35 (SUBURBAN RANCH) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wish to comment on the rezoning of approximately 5.05 gross acres located at the southeast corner of 104th Avenue and Pinnacle Peak Road from General Agriculture (AG) to Suburban Ranch (SR-35) to allow for the development of up to a 5-lot single-family residential subdivision.

Staff Report/Public Comment:

Glen Van Nimwegen, Community Development Director, outlined the request to adopt an ordinance to rezone the subject site.

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

Council Action:

In response to questions from Council, Mr. Van Nimwegen reported that there was one citizen who addressed the Planning and Zoning Commission. The resident expressed concern with the access being provided on 104th Avenue, the possibility of increased traffic along Pinnacle Peak Road, that the trail access through the site would connect to a private open space area and that the designation of Pinnacle Peak Road as a collector road was being altered. Mr. Van Nimwegen noted that staff addressed the resident's concerns at the Planning and Zoning Commission hearing.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Aames to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 08-03**

approving the rezoning of approximately 5.05 gross acres located at the southeast corner of 104th Avenue and Pinnacle Peak Road from General Agriculture (AG) to Suburban Ranch (SR-35) to allow for the development of up to a 5-lot single-family residential subdivision (Z07-01). Upon vote, the motion carried unanimously.

22R City of Peoria Legislative Program for 2008 State and Federal Legislative Sessions

John Schell, Intergovernmental Affairs Director, presented the Legislative Program for the 2008 State and Federal Legislative Sessions. Mr. Schell highlighted bills affecting cities and recapped the main issues that guide the City of Peoria's activities at the Legislature--legislation that would preempt local authority and state shared revenue.

Mayor Barrett emphasized that state shared revenue is the money the City receives from the State and represents approximately one third of the City's budget.

23R Contract, Carter Burgess, Inc., Design Services, Union Hills Traffic Interchange Widening

Dave Moody, Engineering Director, recapped a request to approve a budget transfer and award a contract to Carter Burgess, Inc. to provide design services for the Union Hills Traffic Interchange Widening. The City will utilize the General Fund to expedite the design, pending approval of an application submitted to the Highway Expansion and Extension Loan Program (HELP) to accelerate the construction of the Union Hills Traffic Interchange project concurrent with the Beardsley Connection project. Upon approval of the application, the loan proceeds will be disbursed and the funds will be used to reimburse the General Fund.

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

- a) Award a contract in an amount not to exceed \$496,974 to Carter Burgess, Inc. for design services associated with the construction of the Union Hills Traffic Interchange Widening at State Route 101L (LCON01208); and
- b) Approve a budget transfer in the amount of \$496,974 from the General Fund Contingency Account to the Capital Projects Fund, Street Systems Account.

Upon vote, the motion carried unanimously.

24R Contract Amendment, Haydon Building Corporation, Branch Library Construction

J. P. de la Montaigne, Community Services Director, introduced David Hunenberg, Library Manager, and Ed Striffler, Construction Manager, to present the design and construction aspects of a new Branch Library at 98th Avenue and Lake Pleasant Parkway.

The proposed building will be 22,000 square feet with 123 parking spaces and will be able to accommodate 148,000 books and 64 computers.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Hunt to:

- a) Approve Contract Amendment No. 2 at a Guaranteed Maximum Price of \$7,713,520 to Haydon Building Corporation for the construction of a new Branch Library (LCON06806B); and
- b) Authorize expenditures in the amount of \$139,444 for construction administration, \$921,129 for City-paid project expenses and \$700,000 for books, supplies and materials allowance.

Upon vote, the motion carried unanimously.

CALL TO PUBLIC: (NON-AGENDA ITEMS)

Elsie Santana addressed Council regarding her niece's battle against leukemia. Jessica Mireles, a Cactus High School student, requires a bone marrow transplant and is in dire need of blood transfusions. Ms. Santana implored Council to help raise awareness in the Hispanic community for minority bone marrow donors.

Reports from the City Manager: None.

Reports from City Council:

Councilmember Leone commended the Peoria and Glendale Police Departments for keeping traffic moving during the Super Bowl and for their teamwork in handling a recent police incident in his district. Councilmember Leone reported that the Community Center received donations from the Country Meadows and Springer Ranch Homeowners' Association. Councilmember Leone commented on his attendance at a presentation by students at Centennial High School about ending hunger in Peoria.

Councilmember Hunt extended her thoughts and prayers to Gracie Gibson and her daughter in their fight against leukemia. Councilmember Hunt challenged Peoria High School students to hold a blood drive in honor of a fellow Peoria student. Councilmember Hunt invited the public to attend the 14th Annual Northwest Black History Committee Community Cultural Awareness Music Festival to be held in the Amphitheater at City Hall on February 23 and 24, 2008. Councilmember Hunt commented on the dedication of the Community and Development Services Building.

Councilmember Aames requested that Ms. Santana send contact information to him through the Peoria website.

Councilmember Evans urged everyone to donate blood and made a plea to the Hispanic community for bone marrow donors. Councilmember Evans reported that bone marrow testing would be free of charge to individuals of Hispanic origin on Saturday, February 9, 2008 at Wal-Mart on Peoria Avenue.

Vice Mayor Carlat announced that on February 12, 2008, Lake Pleasant Parkway will be opened from 95th Avenue west and north, including the intersections at Deer Valley Road and Rose Garden Lane. Vice Mayor Carlat thanked everyone for their patience with the traffic issues during the construction. Vice Mayor Carlat informed the citizens she is aware of their concerns regarding new traffic issues that may arise in the area.

Reports from the Mayor:

Mayor Barrett urged the cooperation of everyone in the City of Peoria to help save Jessica Mireles' life.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:35 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 5th day of February, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 18th day of March, 2008.

(Seal)

Mary Jo Kief, City Clerk