MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
February 19, 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 7:00 p.m.

Following a moment of silence dedicated to the Kirkwood, Missouri, City Council, Councilmember Leone led the Pledge of Allegiance.

Members Present: Mayor Bob Barrett; Vice Mayor Cathy Carlat; Councilmembers Ron Aames, Joan Evans, Vicki Hunt, 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; J.P. de la Montaigne, Greg Eckman, Bill Mattingly, Brent Mattingly, Grady Miller, Dave Moody, Steve Prokopek, Larry Ratcliff, Jeff Tyne, Glen Van Nimwegen, James Mason and Linda Blas.

Audience: Approximately 25 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:

Clerk's Note: Joyce Mozzicato was not present to receive her certificate of appointment to the Citizens Commission on Salaries for Elected City Officials.

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.

Councilmember Pearson requested that Agenda Item 1C be removed for a separate discussion.

CONSENT – New Business:

Motion was made by Councilmember Hunt, seconded by Councilmember Leone, to approve the Consent Agenda with the exception of Agenda Item 1C. Upon vote, the motion carried unanimously.

1C Grant, Arizona State Parks Department, Fireboat Purchase, Lake Pleasant Park Fire and Emergency Medical Service

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

RESOLUTION NO. 08-24

RESOLUTION OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPROVING THE APPLICATION FOR STATE LAKE IMPROVEMENT FUNDS FOR THE PURCHASE OF A FIREBOAT FOR THE PEORIA FIRE DEPARTMENT TO BE USED FOR THE PROVISION OF FIRE AND EMERGENCY MEDICAL SERVICES AT LAKE PLEASANT REGIONAL PARK.

Karen Daines, Administrative Services Manager, provided an overview on a request to adopt a resolution to authorize the submission of a grant proposal to the Arizona State Parks Department State Lake Improvement Fund. Ms. Daines reported that the grant, if approved, would fund the purchase of a fireboat to be used for fire and emergency medical services at Lake Pleasant Regional Park.

Ms. Daines explained that although the City has dedicated staffing at the lake, the Fire Department does not own or operate its own watercraft, despite the more than 10,000 acres of water on which incidents occur. Currently, the Pleasant Harbor Marina provides a boat and operator when available.

The one-time cost to the City would be $40,000 for firefighting equipment and advanced life support medical equipment not covered by the grant. Ms. Daines noted that both the Pleasant Harbor Marina and the new Scorpion Bay Marina have committed to provide a boat slip to the City. Fuel usage for the watercraft is estimated to be 50 gallons per week.

Motion was made by Councilmember Hunt, seconded by Councilmember Evans to adopt **RES. 08-24** approving the submission of a grant proposal to the Arizona State Parks Department State Lake Improvement Fund for the purchase of a fireboat to be used for fire and emergency medical service provision at Lake Pleasant Park (LCON01308). Upon vote, the motion carried unanimously.

2C Contract, Selectron Technologies, Inc., Interactive Voice Recognition Application Upgrade

Approved a single source contract in the amount of $60,320 with Selectron Technologies, Inc. for upgrading the Selectron IVR (Interactive Voice Recognition) application. (LCON01408)

3C Contract Amendment, Wood, Patel and Associates, Rose Garden Lane Drainage Project

Approved Contract Amendment No. 5 in the not-to-exceed amount of $51,269.21 to Wood, Patel and Associates for several scope changes encountered while constructing the Rose Garden Lane Drainage project. (LCON06804E)

4C Authorize Expenditure, Peoria Municipal Court Enhancement Funds

a) Authorized the Municipal Court to utilize Peoria Municipal Court Enhancement Funds (PCEF) in the amount of $11,750 to fund the replacement of two copy machines with faxes and a data line drop and three judicial robes; and
b) Approved a budget transfer from the General Fund Contingency Account in the amount of $11,750 to the PCEF Office Equipment Account in the amount of $8,700; IT Technology Account in the amount of $200; Office Equipment and Furniture Account in the amount of $2,450; and Wearing Apparel Account in the amount of $500 to provide appropriation for the expenditures.

5C Budget Transfer, Human Resources Department, Ethics Training

Approved a budget transfer in the amount of $80,000 to the Non-Departmental In-House Employee Training Account from the following accounts to support City-wide ethics training:

a) Human Resources Tuition Reimbursement Account in the amount of $50,000;
b) Human Resources In-house Employee Training Account in the amount of $10,000; and
c) Budget, Other Professional Services Account in the amount of $20,000.

6C Budget Transfer, Humans Resources Department, Employee Dental Plan

a) Authorized the use of General Fund Reserves; and
b) Approved a budget transfer in the amount of $15,000 from the General Fund Contingency Account to the Human Resources, Other Professional Services Account to engage Segal Company, the City's employee insurance consulting firm, to re-bid the City's dental plan and to conduct an analysis on alternative methods of funding employee medical and dental plans.

7C Quarterly Investment Report

Approved the Quarterly Investment Report for the period ending December 31, 2007.

8C Neighborhood Traffic Management Program, Additional Traffic Control Area, Suncliff-3, Griswold Road, 109th Avenue, Northern Avenue, 111th Avenue

RESOLUTION NO. 08-25

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 SUNCLIFF-3 NEIGHBORHOOD (AREA BOUNDED BY GRISWOLD ROAD, 109TH AVENUE, NORTHERN AVENUE, AND 111TH AVENUE.)

Adopted **RES. 08-25** for the Neighborhood Traffic Management Program (NTMP) to establish an additional residential traffic control area as follows: Suncliff-3 – area bounded by Griswold Road in the north, 109th Avenue in the east, Northern Avenue in the south and 111th Avenue in the west.

9C Maintenance Improvement District No. 1086, Vistancia Parcel B7, 118th Lane and Moura Drive

RESOLUTION NO. 08-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1086, VISTANCIA PARCEL B7, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 08-27

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1086, VISTANCIA PARCEL B7; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

Approved the Petition of Formation and adopted **RES. 08-26** intention and ordering formation of proposed Maintenance Improvement District No. 1086, Vistancia Parcel B7, located on 118th Lane and Moura Drive; and adopted **RES. 08-27** ordering the work within the proposed Maintenance Improvement District.

10C **Maintenance Improvement District No. 1088, Vistancia Parcel A-4, Sunrise Point and Lone Mountain Road**

RESOLUTION NO. 08-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1088, VISTANCIA PARCEL A4, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 08-29

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1088, VISTANCIA PARCEL A4; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

Approved the Petition of Formation and adopted **RES. 08-28** intention and ordering formation of proposed Maintenance Improvement District No. 1088, Vistancia Parcel A-4, located on Sunrise Point and Lone Mountain Road; and adopted **RES. 08-29** ordering the work within the proposed Maintenance Improvement District.

11C <u>Maintenance Improvement District No. 1100, Riverwalk, 77th Avenue and Pinnacle Peak Road</u>

RESOLUTION NO. 08-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1100, RIVERWALK, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 08-31

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1100, RIVERWALK; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

Approved the Petition of Formation and adopted **RES. 08-30** intention and ordering formation of proposed Maintenance Improvement District No. 1100, Riverwalk, located on 77th Avenue and Pinnacle Peak Road; and adopted **RES. 08-31** ordering the work within the proposed Maintenance Improvement District.

12C **Street Light Improvement District No. 1026, Riverwalk, 77th Avenue and Pinnacle Peak Road**

RESOLUTION NO. 08-32

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS WITHIN THE PROPOSED DISTRICT AND THAT THE COST OF THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS, BE ASSESSED UPON A CERTAIN IMPROVEMENT DISTRICT TO BE KNOWN AS CITY OF PEORIA STREET LIGHT IMPROVEMENT DISTRICT NO. 1026, RIVERWALK; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

RESOLUTION NO. 08-33

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA STREET LIGHT IMPROVEMENT DISTRICT NO. 1026, RIVERWALK, PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

Approved the Petition of Formation and adopted **RES. 08-32** intention and ordering formation of proposed Street Light Improvement District No. 1026, Riverwalk, located on 77th Avenue and Pinnacle Peak Road; and adopted **RES. 08-33** ordering the purchase of electricity for lighting streets and parks within the proposed Street Light Improvement District.

13C **Utility Easement, Arizona Public Service, Vistancia Zone 5/6 Reservoir and Pump Station Construction, 32154 N. Vistancia Boulevard**

RESOLUTION NO. 08-34

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A PUBLIC UTILITY EASEMENT, ASSOCIATED WITH THE CONSTRUCTION OF THE VISTANCIA ZONE 5/6 RESERVOIR AND PUMP STATION.

Adopted **RES. 08-34** authorizing the City Manager to execute a utility easement to Arizona Public Service (APS) associated with the construction of the Vistancia Zone 5/6 Reservoir and Pump Station, located at 32154 N. Vistancia Boulevard.

14C **Final Plat, 79th Drive and Kirby Street**

Approved the Final Plat for N.W.C. Kirby Street and 79th Drive, located at the northwest corner of 79th Drive and Kirby Street, subject to stipulations. (R070050)

15C Final Plat, Trilogy at Vistancia Parcel C3, Dixileta Parkway and Trilogy Boulevard

Approved the Final Plat of Trilogy at Vistancia Parcel C3, located north of Dixileta Parkway and west of Trilogy Boulevard, subject to stipulations. (R070007)

16C Final Plat, 93rd Avenue Medical Offices, 93rd Avenue and Thunderbird Road

Approved the Final Plat of 93rd Avenue Medical Offices, located at 93rd Avenue, south of Thunderbird Road, subject to stipulations. (R070027)

17C Re-Plat, Map of Dedication, Vistancia Phase 1A, Jomax Road and the Agua Fria

Approved the Re-Plat of Map of Dedication for Vistancia – Phase 1A, located north of Jomax Road and west of the Agua Fria, subject to stipulations. (R070120)

REGULAR AGENDA

NEW BUSINESS

18R PUBLIC HEARING – Liquor Licenses, Various Locations

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

a) A new Restaurant Liquor License (Series 12) for Bravi Italian Kitchen, located at 9240 W. Northern Avenue. Applicant: Brett D. Jarman. LL#10011124;
b) A new Restaurant Liquor License (Series 12) for Lakeside Bar & Grill, located at 9980 W. Happy Valley Road, Suite 1101. Applicant: Tommasina Mamola. LL#10011122; and
c) A new Restaurant Liquor License (Series 12) for Pholicious, Vietnamese Restaurant, located at 7582 W. Cactus Road, Suite B5. Applicant: Liem P. Tran. LL#10010791.

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 Leone, to recommend approval to the State Liquor Board for:

a) A new Restaurant Liquor License (Series 12) for Bravi Italian Kitchen, located at 9240 W. Northern Avenue. Applicant: Brett D. Jarman. LL#10011124;
b) A new Restaurant Liquor License (Series 12) for Lakeside Bar & Grill, located at 9980 W. Happy Valley Road, Suite 1101. Applicant: Tommasina Mamola. LL#10011122; and
c) A new Restaurant Liquor License (Series 12) for Pholicious, Vietnamese Restaurant, located at 7582 W. Cactus Road, Suite B5. Applicant: Liem P. Tran. LL#10010791.

Upon vote, the motion carried unanimously.

19R Peoria Women's Club

Bill Mattingly, Public Works Director, reported on a request to award a lump sum contract to Shannon Construction LLC for relocation and renovation of the Peoria Women's Club building.

Glen Van Nimwegen, Community Development Director, highlighted Peoria's historic preservation accomplishments, including: the Central School purchase (now a historic museum), the Historic Preservation Commission, and the 2002 Arizona State University (ASU) façade study. Mr. Van Nimwegen also discussed future projects, including: Osuna Park renovations, MS Holdings projects, the Central Peoria Revitalization Plan update, the revised Infill Development Policy, the Heritage District, and the Historic Square.

Discussion ensued regarding downtown redevelopment, relocation of the Women's Club, expansion of Osuna Park and alternatives to provide a second point of access to the retail area while limiting impact to the park.

Terry Ellis, City Manager, informed Council that additional access to Washington Street would be required in order for commercial frontage to be developed on Grand Avenue.

In response to questions from Council, Steve Kemp, City Attorney, recapped the terms of a development agreement with MS Holdings including the relocation of the Women's Club.

Priscilla Cook commended City Manager Terry Ellis for his outstanding service to the City and wished him well in his future retirement. Ms. Cook proceeded to address Council in support of relocating the Women's Club in an effort to revitalize the downtown area.

Kathy Montoya-Moore was asked to leave the podium after directing statements toward Mr. Ellis.

Mayor Barrett read statements from Patty Fusco and Mike Grose supporting the efforts to relocate and preserve the Women's Club.

Clerk's Note: A copy of the letters from Ms. Fusco and Mr. Grose are attached and incorporated as part of the minutes of the meeting.

Motion was made by Councilmember Aames to keep the Women's Club at its current location in Osuna Park and seek historical preservation grants and private donations to pay for its renovation. If a street needs to run through Osuna Park to meet the development agreement with MS Holdings, locate it on a line through or adjacent to the park that does not require removal of the Women's Club. The motion was seconded by Councilmember Leone. The motion failed by a vote of two to five with Mayor Barrett, Vice Mayor Carlat, Councilmember Evans, Councilmember Hunt and Councilmember Pearson voting "no."

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

a) Award a lump sum contract in the amount of $556,851 to Shannon Construction LLC for relocation and renovation of the Peoria Women's Club building (LCON01508); and
b) Authorize City expenditures up to $50,000 for construction contingency.

Upon vote, the motion carried with a vote of five to two with Councilmember Aames and Councilmember Leone voting "no."

20R Property Acquisition, Pinnacle Peak Public Safety Facility, Lake Pleasant Parkway

RESOLUTION NO. 08-23

A RESOLUTION OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DECLARING A PUBLIC NEED AND NECESSITY AND A PUBLIC USE; AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ACQUIRE ON BEHALF OF THE CITY OF PEORIA THROUGH DONATION, OUTRIGHT PURCHASE OR UNDER THE POWER OF EMINENT DOMAIN FOR PUBLIC PURPOSES OF ALL INTEREST IN CERTAIN DESCRIBED REAL PROPERTY IN THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, IN ORDER FOR THE CITY TO PROPERLY AND ADEQUATELY PROVIDE FOR THE EXPANSION OF A PUBLIC SAFETY FACILITY AS A MATTER OF PUBLIC NEED AND NECESSITY; REFERENCING TITLE 12 OF STATE LAW CONCERNING THE EXERCISE OF EMINENT DOMAIN FOR PUBLIC ROADS, STREETS, AND PUBLIC SAFETY PURPOSES; STATING THE CONCLUSION OF THE COMMUNITY DEVELOPMENT DEPARTMENT THAT THE ACQUISITION IS IN CONFORMITY WITH THE ADOPTED GENERAL PLAN; AS A MATTER OF PUBLIC NEED AND NECESSITY AND DECLARING AN EMERGENCY.

Dave Moody, Engineering Director, provided an overview on a request to adopt a resolution authorizing the acquisition of approximately 2.6 acres of property for the expansion of the site at the Pinnacle Peak Public Safety Facility located on Lake Pleasant Parkway.

Susan Thorpe, Deputy City Manager, reported that the 2.6 acres to the south would be the proposed location for the Fire Support Services Facility scheduled for construction in three years.

In response to questions from Council, Steve Kemp, City Attorney, explained the eminent domain process.

Motion was made by Councilmember Hunt, seconded by Councilmember Pearson, to adopt **RES. 08-23** authorizing the acquisition of property for the expansion of the Pinnacle Peak Public Safety Facility (PPPSF), Support Services Facility Project No. FD00101 by donation, outright purchase or the exercise of the power of eminent domain. Upon vote, the motion carried with a vote of five to two with Vice Mayor Carlat and Councilmember Evans voting "no."

21R **Issuance of Peoria Municipal Development Authority, Inc. Senior Lien Transportation Sales Tax and Subordinate Lien Excise Tax and State Shared Revenue Bonds, Series 2008**

RESOLUTION NO. 08-35

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $50,000,000 AGGREGATE PRINCIPAL AMOUNT OF BONDS BY THE MUNICIPAL DEVELOPMENT AUTHORITY; AUTHORIZING THE COMPLETION, EXECUTION AND DELIVERY OF ALL AGREEMENTS NECESSARY OR APPROPRIATE FOR THE FINANCING OF COSTS OF STREET AND ROADWAY IMPROVEMENTS FOR THE CITY AND RELATED FINANCING COSTS INCLUDING THE DELEGATION TO THE CHIEF FINANCIAL OFFICER OF CERTAIN AUTHORITY WITH RESPECT THERETO; AUTHORIZING THE EXPENDITURE OF ALL NECESSARY FUNDS THEREFOR AND DECLARING AN EMERGENCY.

Brent Mattingly, Chief Financial Officer, introduced Deborah Card, Treasury Manager, who reported on a request to adopt a resolution authorizing the issuance of Peoria Municipal Development Authority, Inc. Senior Lien Transportation Sales Tax and Subordinate Lien Excise Tax and State Shared Revenue Bonds, Series 2008.

Ms. Card provided background on the Transportation Sales Tax. The 0.3% transportation sales tax was approved by the voters in September 2005 and went into effect on

January 1, 2006. The purpose of the tax is to assist in funding the City's vital transportation needs, and it generates approximately $10.5 million in revenue annually.

The City's Capital Improvement Program (CIP) has identified two projects to be bond funded with revenues pledged from the Transportation Sales Tax: Happy Valley Road from 67th Avenue to Lake Pleasant Parkway and 83rd Avenue from Williams Road to Calle Lejos. The projects will be financed with the proceeds from the sale of Municipal Development Authority Revenue Bonds.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Aames, to adopt **RES. 08-35** to authorize the issuance of not-to-exceed $50 million aggregate principal amount of Peoria Municipal Development Authority, Inc. Senior Lien Transportation Sales Tax and Subordinate Lien Excise Tax and State Shared Revenue Bonds, Series 2008, and approved certain matters pertaining to the bonds, including declaring an emergency (LCON01608). Upon vote, the motion carried unanimously.

22R <u>Contract Amendment, J. Banicki Construction, Sound Wall Construction, Lake Pleasant Parkway, Parkridge and Ironwood Subdivisions</u>

Dave Moody, Engineering Director, provided background on a request for approval of a contract amendment with J. Banicki Construction for the construction of two sound walls along the Lake Pleasant Parkway, Parkridge and Ironwood subdivisions.

A noise study performed in 2001 showed the projected increase in noise associated with the construction of Lake Pleasant Parkway would exceed 65dBA in these housing areas. According to the Department of Housing and Urban Development (HUD) Noise Impact Standard, a noise level greater than 65 dBA qualifies for mitigation efforts.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Evans, to approve Contract Amendment No. 1 for Guaranteed Maximum Price No. 1 (GMP No. 1) in the amount of $2,208,208.07 to J. Banicki Construction for the construction of two sound walls along the Lake Pleasant Parkway, Parkridge and Ironwood Subdivisions (LCON00408A). Upon vote, the motion carried unanimously.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS) None.

Reports from the City Manager: None.

Reports from City Council:

Councilmember Leone reported on his attendance at a Valentine's Day Party and a dinner at Rio Vista Park honoring volunteers.

Councilmember Hunt extended her appreciation to everyone at City Hall involved in the blood drive in honor of Jessica Mireles. Councilmember Hunt reminded the public to attend

the 14th Northwest Black History Committee Community Cultural Awareness Music Festival to be held in the Amphitheater at City Hall on February 23 and 24, 2008.

Vice Mayor Carlat announced that the Arizona Department of Transportation would be holding a public meeting at the Westwing Community Center at 6:00 p.m. on Thursday, February 21, 2008, regarding the Loop 303.

Reports from the Mayor: None.

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 19th day of February, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 15th day of April, 2008.

(Seal)

_____
Mary Jo Kief, City Clerk

October 1, 2007

Honorable Mayor Bob Barrett
Honorable Vice Mayor Vicki Hunt
Honorable Councilmember Ron Aames
Honorable Councilmember Cathy Carlat
Honorable Councilmember Joan Evans
Honorable Councilmember Carlo Leone
Honorable Councilmember Dave Pearson

City of Peoria
8401 W. Monroe Street
Peoria, AZ 85345

Dear Honorable Mayor and Council:

The Peoria/West Valley Women's Club greatly appreciates your efforts to preserve and maintain the Women's Club building which has stood as a landmark and a gathering place providing public benefit for over ninety years. This building has and should continue to be a public facility as well as a prominent historical landmark linking our proud past to a very prosperous future.

When the Women's Club transferred ownership of this historical building, it was considered a sacred trust that its preservation, maintenance and operations would continue to provide benefits to its current (see attached) and future users; as well as remaining a symbol of Peoria's proud heritage. Some of the past occupants include, but are not limited to the boy scouts, cub scouts, Pop Warner football, dance companies, weddings, funerals and a host of others.

The City of Glendale continues to preserve and maintain its original building which was built around the same era and with similar architectural features. We encourage Peoria to embrace a similar commitment.

We understand and support the moving of the building as no other reasonable alternative currently exists, but we strongly urge and appreciate the Council's continued commitment to maintaining a civic building and a historical landmark which we trustingly placed in your care.

Very Best Regards,

Patty Fusco,
President
Peoria/West Valley Women's Club

cc: Terry Ellis, City Manager
Carl Swenson, Deputy City Manager

Attachment (1)

Mary Jo Kief

From: Mary Jo Kief
Sent: Tuesday, February 19, 2008 1:30 PM
To: Vicki Hunt
Subject: RE: 2/19/2008 Council Meeting

Vicki,
I will print and distribute at the meeting tonight.

Mary Jo

-----Original Message-----
From: Vicki Hunt
Sent: Tuesday, February 19, 2008 8:27 AM
To: Mary Jo Kief
Subject: FW: 2/19/2008 Council Meeting

Is it possible to get this in the record? If not, I can just print and give to each councilmember. What's legal for me to do with this gentleman's comments?

-----Original Message-----
From: Mike Grose [redacted]
Sent: Monday, February 18, 2008 5:54 PM
To: Vicki Hunt
Subject: 2/19/2008 Council Meeting

Happy President's Day -

Please know that you have much support in your efforts to move the old Women's Club. We strongly support your efforts to create a strong and vibrant downtown and appreciate the fact the city has come up with a new home for the old building.

It seems as though there is a small (very small so far as I can tell) yet vocal minority bent on spreading mis-truths on this subject.

Unfortunately, I will be at work tomorrow and unable to attend the meeting. If there is any way to do so, please enter my comments into the official record.

Thank you and keep up the great work on behalf of our city!

Mike Grose
Peoria, AZ 85345
[redacted]

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