

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
April 15, 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, Councilmember Aames 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 Burg, Chief Assistant City Attorney; Mary Jo Kief, City Clerk; Brian Biesemeyer, Bill Mattingly, Brent Mattingly, Grady Miller, Dave Moody, Steve Prokopek, Larry Ratcliff, Jeff Tyne, Glen Van Nimwegen, James Mason and Rhonda Simmons.

Audience: Approximately 20 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.

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.

PRESENTATION:

1. Clean Air Champion Award to be presented by Bill Sheaffer, Valley of the Sun Clean Cities Coalition.

Bill Sheaffer, Valley of the Sun Clean Cities Coalition Representative presented a Clean Air Champion Award to the City of Peoria. Mayor Barrett accepted the award on behalf of the City of Peoria.

2. Certificates of Appointment to the following Board members:

Mayor Barrett presented Certificates of Appointment to the following individuals:

James Abraham appointed to the Library Board.

Mark Hughes appointed to the Personnel Board.

Vernon Jacobs appointed to the Personnel Board.

CONSENT – New Business:

Motion was made by Councilmember Hunt, seconded by Councilmember Aames, to approve the Consent Agenda with the exception of Agenda Item 7C. Upon vote, the motion carried unanimously.

1C MINUTES: Approved

Study Session – February 19, 2008
Special Meeting 5:30 p.m. – February 19, 2008
Regular Meeting 7:00 p.m. – February 19, 2008
Special Study Session – April 3, 2008

2C Code Amendment, Model City Tax Code

ORDINANCE NO. 08-08

AN ORDINANCE OF THE CITY OF PEORIA MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 12 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 12-100 PERTAINING TO GENERAL DEFINITIONS; AMENDING SECTION 12-415 PERTAINING TO CONSTRUCTION CONTRACTING: CONSTRUCTION CONTRACTORS; AMENDING SECTION 12- 416 PERTAINING TO CONSTRUCTION CONTRACTING: SPECULATIVE BUILDERS; AMENDING SECTION 12-417 PERTAINING TO CONSTRUCTION CONTRACTING: OWNER-BUILDERS WHO ARE NOT SPECULATIVE BUILDERS; AMENDING SECTION 12-465 PERTAINING TO RETAIL SALES: EXEMPTIONS AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 08-08** amending Chapter 12 of the Peoria City Code (1992 Edition) by adopting the 2008 changes to the City of Peoria Model City Tax Code.

3C Annexation, Corner of Calle Lejos and Lake Pleasant Parkway

ORDINANCE NO. 08-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF PEORIA OF MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF PEORIA, AND PROVIDING FOR SEVERABILITY.

Adopted **ORD. 08-09** annexing approximately one acre of privately owned property located west of the southwest corner of Calle Lejos and Lake Pleasant Parkway. (ANX 07-01)

4C Intergovernmental Agreement Amendment, New River and Agua Fria Underground Storage Facility

Approved Amendment No. 1 of the New River and Agua Fria Underground Storage Facility Intergovernmental Agreement (IGA) to add the City of Peoria as a party, list its entitlement, and include other minor modifications. (LCON11905A)

5C Contract, EMA Incorporated, Strategic Business and Technology Master Plan

Authorized the use of an existing Government Service Agency contract with EMA, Incorporated (GS-35F-0662K) in an amount not to exceed \$148,728 for consulting services to update the Strategic Business and Technology Master Plan.

6C Budget Transfer, Emergency Generator Evaluation, Public Safety Administration Building and the Rio Vista Recreation Center

Approved a budget transfer in the amount of \$20,000 from the General Fund Contingency Account to the Facilities Maintenance Fund Facilities Capital Projects Other Professional Services Account for an Emergency Generator Evaluation for the Public Safety Administration Building and the Rio Vista Recreation Center.

7C Principles of Teamwork and Cooperation

At the request of Councilmember Leone, this Agenda Item was removed from the Consent Agenda. Councilmember Leone stated he does not think the City of Peoria needs a Code of Teamwork and Cooperation, and he does not support changes to the document.

Motion was made by Councilmember Pearson, seconded by Councilmember Evans to adopt the City Council Principles of Teamwork and Cooperation. Motion carried by a vote of six to one. Councilmember Leone voted "no".

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

8C 12-Month Policy Agenda

Adopted the 12-Month Policy Agenda.

REGULAR AGENDA

NEW BUSINESS

9R 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 Wine and Beer Liquor License (Series 10) for 75th Shell Fuels, located at 7509 W. Cactus Road, Randy D. Nations, Applicant, LL#10011133.
- b) A Location Transfer for an On-Sale Wine & Beer Liquor License (Series 07) for Grande Pizza located at 28465 N. Vistancia Boulevard, Sadik Ollomani, Applicant, LL#10011209.

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

- a) A new Wine and Beer Liquor License (Series 10) for 75th Shell Fuels, located at 7509 W. Cactus Road, Randy D. Nations, Applicant, LL#10011133; and
- b) A Location Transfer for an On-Sale Wine & Beer Liquor License (Series 07) for Grande Pizza located at 28465 N. Vistancia Boulevard, Sadik Ollomani, Applicant, LL#10011209.

Upon vote, the motion carried unanimously.

10R Intergovernmental Agreement, Arizona Water and Wastewater Agency Response Network (AZWARN), Water and Wastewater Emergencies

Linda Bezy-Botma, Utilities Operations Manager, provided a presentation on the Arizona Water/Wastewater Agency Response Network (AZWARN). Ms. Bezy-Botma stated the Water/Wastewater Agency Response Network (WARN) organizes utilities within a state through mutual aid agreements to provide assistance with personnel and resources in emergencies. Responding with assistance is voluntary and responders are reimbursed for labor and materials by the requesting utility. Ms. Bezy-Botma informed Council that written WARN agreements are essential when a quick response is needed and provides such benefits as setting terms and conditions for assistance, helping with FEMA reimbursement, and establishing emergency contacts and protocols. AZWARN will support and promote statewide emergency preparedness, disaster response, and mutual assistance for water and wastewater utilities within Arizona. Ms. Bezy-Botma stated the Utilities Department is requesting the Council approve an Intergovernmental Agreement among members of the AZWARN, to provide mutual aid between municipalities, townships, districts, and public agencies to coordinate response activities during water and wastewater emergencies.

Vice Mayor Carlat inquired if there were additional standards the City of Peoria would need to adhere to if this is approved. Ms. Bezy-Botma stated there are no additional requirements and the assistance is voluntary.

Councilmember Evans questioned if there were any fees involved. Ms. Bezy-Botma informed there are no fees at this time but if over 100 utilities join, there may be a fee in which case the issue would be brought back before the Council for approval.

Motion was made by Councilmember Evans, seconded by Councilmember Hunt, to approve an Intergovernmental Agreement among members of the Arizona Water and Wastewater Agency Response Network, to provide mutual aid between municipalities, townships, districts, and public agencies to coordinate response activities during water and wastewater emergencies (LCON12308). Upon vote, the motion carried unanimously.

11R Development Agreement Amendment, Parke West LLC, 99th Avenue and Northern Avenue

Steve Prokopek, Economic Development Director, provided a presentation on the development agreement with Parke West LLC. Mr. Prokopek informed Council that the original agreement was with Glimcher Ventures Southwest, approved in July of 2005, and was expected to be open in March of 2006. The agreement was amended in February of 2006 increasing the reimbursement cap and extending the open dates. The project was then sold to General Growth Partners in October of 2006 and the performance dates were administratively extended. Mr. Prokopek informed Council that the project opened in November of 2007, but did not meet the minimum 150,000 square feet requirement, and a further administrative extension was granted until May 31, 2008 to meet the 150,000 square feet requirement. Currently, 135,000 to 145,000 square feet is scheduled to open

by May 31, 2008 and 160,000 square feet to be open by July 31, 2008. Mr. Prokopek stated the requested amendment will extend 150,000 square feet date to July 31, 2008, extend 360,000 square feet date to March 31, 2010; however, if the 360,000 square feet is not completed by March 31, 2009, the reimbursement cap permanently decreases monthly by the anticipated sales tax to be received. The requested amendment will also add amusements as an eligible category for reimbursement, which was always anticipated but unintentionally not included in the original agreement. Lastly, the requested agreement will state that no sales tax reimbursements will be owed to date. Mr. Prokopek requested the Council approve a first amendment to the first amended and restated development agreement with Parke West LLC (General Growth Partners), located at 99th Avenue and Northern Avenue accordingly.

Councilmember Aames requested clarification on the amusements at the Park West project and Brent Mattingly, Finance Director, clarified that the amusements are the Harkins Theatres which already exists at Park West and any other amusements that may be developed in the future. Councilmember Aames requested clarification on who has responsibility for the frontage road near Park West. Mr. Mattingly explained that if the frontage road is not designated as an improvement district, the Developer will be responsible for it.

Motion was made by Councilmember Leone, seconded by Vice Mayor Hunt, to approve a first amendment to the first amended and restated development agreement with Parke West LLC (General Growth Partners), located at 99th Avenue and Northern Avenue. (LCON07805C) Upon vote, the motion carried unanimously.

12R Grant, Arizona Department of Environmental Quality, Peoria Multi-housing Recycling Collection Program

Bill Mattingly, Public Works Director, provided information on two previous grants the City of Peoria has received from the Arizona Department of Environmental Quality for recycling. Mr. Mattingly stated the residential recycling program is going very well, and Peoria is the only city in Arizona to offer multi-family recycling.

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

- a) Authorize the City Manager to accept a Waste Reduction Assistance Grant from Arizona Department of Environmental Quality in the amount of \$61,728 to assist in the implementation of the Peoria Multi-Housing Recycling Collection Program. (LCON12408)
- b) Authorize a budget transfer from the General Fund Contingency in the amount of \$61,728 to the Arizona Department of Environmental Quality Recycling Grants Fund Sanitation System Supplies/Equipment Account.

Upon vote, the motion carried unanimously.

13R Economic Development Work Plan

Steve Prokopek, Economic Development Director, provided a presentation on the Economic Development Work Plan. Mr. Prokopek stated on October 20, 2007, the Council directed that the Economic Development Work Plan should focus on attracting major employers, a hospital, university or college and business development. A draft work plan was presented at a Council Study Session on February 9, 2008 where additional components were added, including retail and redevelopment. The Economic Development Advisory Board accepted the plan on March 13, 2008. Mr. Prokopek stated projects were either developed or amended within the Capital Improvement Plan to complete key infrastructure projects by the Loop 303 opening date of 2012. Further, a consultant has been hired for both the university/college and healthcare cluster visioning. The façade program has been developed for Old Town, and a new business development specialist has been hired to begin implementing a new promotional action plan. Lastly, discussion with the State Land Department on Loop 303 sites began along with the annexation process on the State Land site surrounding the West Wing substation. Mr. Prokopek advised that future action plans include public transit, tourism and new technologies.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Aames, to accept the Economic Development Work Plan. Upon vote, the motion carried unanimously.

14R Ratification of Response and Counter-Claim, Tolleson Wastewater Treatment Plant Agreement Arbitration

Steve Burg, Chief Assistant City Attorney, requested Council ratify the City of Peoria's Response to Tolleson's First Amended Demand for Arbitration and Statement of Claim and Counterclaim that was filed by the Peoria City Attorney's Office on April 10, 2008. Mr. Burg explained ratification is necessary because the City Attorney's Office was not able to present the Counterclaim to the City Council for approval prior to the filing deadline of April 11, 2008.

Motion was made by Councilmember Hunt, seconded by Councilmember Evans, to ratify the filing by the City Attorney's Office of the Counterclaim in the Tolleson Wastewater Treatment Plant arbitration matter. Upon vote, the motion carried unanimously.

CALL TO PUBLIC: (NON-AGENDA ITEMS)

Herman Tessmer addressed the Council by presenting a video illustrating the number of trucks that go back and forth on Beardsley Road at various hours of the day.

Joseph McCord addressed the Council by stating the amount of traffic on Beardsley Road is a public health issue.

Richard Wehbe addressed the Council by reiterating the need to have something done about the increased truck traffic on Beardsley Road.

Dolores Ceballos addressed the Council by restating her questions regarding the City Logo presented at the April 1st City Council Meeting. Ms. Ceballos requested information on Osuna Park and what is going to happen to the park. Ms. Ceballos spoke regarding the Charter Amendment proposed on April 1st with respect to filling vacancies of the Mayor and Council. Ms. Ceballos also stated her opinion that the Prop 100 issue regarding expenditures should remain unchanged.

Reports from the City Manager:

Terry Ellis, City Manager, expressed his appreciation to the Council for their patience on the Park West Project. Mr. Ellis also stated the project at Happy Valley Road is moving along at a very good rate.

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended, including Youth Government Day at Peoria City Hall and the basketball Booster Club event at Peoria High School. Councilmember Leone also expressed concern about the number of vacant homes in the area and suggested that if the Peoria residents would like to report anything regarding vacancies, to contact the City of Peoria.

Councilmember Hunt reported on the Pioneer Days celebration she attended. Councilmember Hunt also reminded Peoria residents about an upcoming Acacia District Meeting on April 22nd. The meeting topic covers emergency home preparedness.

Councilmember Aames reported on the various City of Peoria activities he attended, including Pioneer Days.

Councilmember Evans stated a video called "Crystal Darkness" aired on television tonight. The 30-minute documentary focused on the problems surrounding Crystal Methamphetamine. The documentary will be re-aired for those interested in viewing.

Reports from the Mayor:

Mayor Barrett extended his condolences to the family of former Surprise Mayor, Joan Shafer.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:28 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 15th day of April, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of June, 2008.

(Seal)

Mary Jo Kief, City Clerk