

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
May 6, 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 Hunt 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; Stephen Bontrager, J.P. de la Montaigne, Bill Mattingly, Brent Mattingly, Grady Miller, Dave Moody, Steve Prokopek, Larry Ratcliff, John Schell, Glen Van Nimwegen and Linda Blas.

Audience: Approximately 165 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. Presentation by Art Macias, Arizona Lottery Executive Director regarding Arizona Lottery investments in Peoria.

Art Macias, Arizona Lottery Executive Director, addressed the Council and provided information on the Arizona Lottery. Mr. Macias explained that 30 percent of the profit from the Arizona Lottery goes to State Funded Programs, such as 23.4 percent to Transportation, 21.9 percent to Education, 16.7 percent to Natural and History Preservation, 13.2 percent to Public Safety and Assistance, 2.1 percent to Main Street Programs and Economic Development and 1.9 percent to Court-Appointed Special Advocates, which is solely funded by the Arizona State Lottery. The Arizona State Lottery has given \$17,661,400 to the City of Peoria since its inception.

2. Recognition of Arizona State Spelling Bee Winner, So-Young Chung.

Mayor Barrett recognized 6th grader, So-Young Chung, from Terramar Elementary School for winning the 2008 Arizona State Spelling Bee. Ms. So-Young will represent Arizona in Washington D.C. at the 81st annual Scripps National Spelling Bee May 29th and 30th. Ms. So-Young's winning word was bantamweight.

3. Presentation of Award to Mountain Ridge High School Interact Club.

Mayor Barrett and Vice Mayor Carlat presented an award to the Mountain Ridge High School Interact Club, which is a community service club consisting of 90 teens. The Interact Club assisted trained volunteers and Vice Mayor Carlat with the clean-up of the Palo Verde Open Space. This community service project helped to beautify an area of land in the Terramar neighborhood that contains significant ancient Indian artifacts.

4. Presentation of donation from Southwest Ambulance for swimming lessons.

Representatives from Southwest Ambulance presented a \$5,000 donation to the "Learn to Swim" program for Peoria children. Mayor Barrett accepted the donation on behalf of the City of Peoria. The donation will cover registration fees for approximately 278 City of Peoria youth in beginning swim lessons, which includes Pre-School and Level 1, at the Peoria Pool only, from May 27th through July 31st.

5. Presentation of award from United Way Valley of the Sun.

Seth Blumen, Intern for the City Manager's Office, presented an award from United Way Valley of the Sun to the City of Peoria employees for the contributions made to the United Way campaign. Mayor Barrett accepted the award on behalf of the City of Peoria. The City of Peoria was honored as part of the United Way Winner Circle, placing the City among the top 25 businesses or governments to contribute to the United Way campaign, contributing \$74,400.

CONSENT – New Business:

Motion was made by Councilmember Leone, seconded by Councilmember Aames, to approve the Consent Agenda with the exception of Agenda Items 7C and 9C. Upon vote, the motion carried unanimously.

1C MINUTES: Approved

Special Study Session – March 4, 2008
Regular Meeting – March 4, 2008
Special Meeting – March 6, 2008
Study Session – March 18, 2008
Regular Meeting – March 18, 2008
Special Meeting – March 27, 2008
Special Meeting 5:00 p.m. – April 1, 2008
Regular Meeting 7:00 p.m. – April 1, 2008

2C Appointment, Boards and Commissions

RESOLUTION 08-54

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPTING THE RESIGNATION OF WILLIAM SCHINDLER AND APPOINTING STEVE POE TO THE HISTORIC PRESERVATION COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

Approved the recommendation from the Council Subcommittee on Boards and Commissions Appointments and adopted **RES. 08-54** appointing Steve Poe, as a regular member, to the Historic Preservation Commission for a partial term to expire December 2008.

3C Code Amendment, Chapter 14, Non-Residential Districts, Agricultural Districts, Signs, General Landscape Requirements and Administrative Procedures

ORDINANCE NO. 08-10

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLES 14-9 "NON-RESIDENTIAL DISTRICTS", 14-19 "AG GENERAL", 14-34 "SIGNS", 14-35 "GENERAL LANDSCAPE REQUIREMENTS", AND 14-39 "ADMINISTRATIVE PROCEDURES" OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 08-10** amending Chapter 14 of the Peoria City Code (1977 Edition) to amend:

- a) Article 14-9, Non-Residential Districts, by reclassifying the land use categories for Mini-Storage Warehouses; RV, Boat and Trailer Storage; and Outdoor Storage; modifying special limitations pertaining to indoor mini-storage warehouses and/or screened RV, boat and trailer storage uses; and adding limited, ancillary retail sales as a permitted use based on total floor area;
- b) Article 14-19, Agricultural Districts, by adding public uses/structures as a permitted use;
- c) Article 14-34, Signs, by removing ambiguous language contained in the categories of Banner Signs/Promotional Display Signs and Prohibited Signs; integrating the Core Residential Mixed Use, SR-35 and SR-43 zoning districts into existing permitted sign categories; and clarifying limitations on signs for non-residential uses within residential districts;
- d) Article 14-35, General Landscape Requirements, by reclassifying Building Frontage to Building Foundation Landscaping and redefining the required locations; and
- e) Article 14-39, Administrative Procedures, by incorporating a procedure for identifying and expiring inactive applications submitted for review to the Community Development Planning Division.

4C General Plan Amendment, Land Use Element, Public/Quasi-Public Land Use Designation

RESOLUTION NO. 08-55

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE LAND USE ELEMENT OF THE GENERAL PLAN BY BROADENING AND CLARIFYING THE LAND USE DESCRIPTOR FOR THE PUBLIC / QUASI-PUBLIC DESIGNATION; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

Concurred with the Planning and Zoning Commission's recommendation and adopted **RES. 08-55** approving an amendment to the General Plan Land Use Element by amending the land use description for the Public/Quasi-Public designation. (GPA 08-03)

5C Grant, Governor's Office of Highway Safety, Occupant Protection Enforcement Program

RESOLUTION 08-56

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE ACCEPTANCE OF A \$9,000 OCCUPANT PROTECTION ENFORCEMENT PROGRAM A GRANT FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY, FOCUSING ON OVERTIME TO ENFORCE SEATBELT AND CHILD SAFETY SEAT VIOLATIONS, IN THE CITY OF PEORIA.

- a) Adopted **RES. 08-56** authorizing the acceptance from the Governor's Office of Highway Safety for an Occupant Protection Enforcement Program Grant in the amount of \$9,000 to fund overtime for enforcing occupant restraint violations during one two-week enforcement wave through the grant year (LCON03108); and
- b) Approved a budget amendment in the amount of \$9,000 from the Proposed Grants Contingency Account to the Occupant Protection Enforcement Program, Overtime Account to provide expenditure authority.

6C Grant, Arizona Office of Tourism, Promoting Tourism and Spring Training

Authorized the submittal of a grant application to the Arizona Office of Tourism for promoting and marketing tourism and spring training in the City of Peoria. (LCON03208)

7C Intergovernmental Agreement, Maricopa County Board of Supervisors, Incarceration Services

At the request of staff, this Agenda Item related to the request to authorize the City Manager to execute an Intergovernmental Agreement with the Maricopa County Board of Supervisors regarding incarceration services provided to the City was removed from the Agenda to be brought back before the Council at a later meeting yet to be determined. No Council action was taken.

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

8C Intergovernmental Agreement, State of Arizona, Department of Transportation, National Bridge Inventory Assets

Approved an Intergovernmental Agreement (IGA) with the State of Arizona, through the Department of Transportation (ADOT), for the inspection of National Bridge Inventory (NBI) assets owned or controlled by the City. (LCON03408)

9C Intergovernmental Agreement, City of Glendale, Capital Improvement Project, 67th Avenue; Olive Avenue to Arizona Canal Diversion Channel

At the request of Councilmember Evans, this Agenda item was removed from the Consent Agenda.

David Moody, Engineering Director, addressed the Council stating the decision to enter into an Intergovernmental Agreement with the City of Glendale was made several years ago. The City of Peoria and the City of Glendale share 67th Avenue as the common boundary with the roadway in the City of Glendale and the curb and gutter on the west side in the City of Peoria. The City of Peoria participation in this project goes from Olive Avenue to Thunderbird Road. The contract was started with the City of Glendale last week and they have approximately one year to complete the contract. The City of Peoria portion of this project is \$2.258 million. It is anticipated the City of Peoria portion of the contract will be completed by the end of 2008.

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

- a) Approve an Intergovernmental Agreement with the City of Glendale for construction of a capital improvement project known as 67th Avenue; Olive Avenue to Arizona Canal Diversion Channel (ACDC) (LCON03508); and
- b) Approve payment to the City of Glendale in an amount not to exceed \$2,258,098.50.

Upon vote, the motion carried unanimously.

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

10C Intergovernmental Agreement, State of Arizona, Department of Transportation, Traffic Management Center, 85th Avenue and Cinnabar Avenue

Re-approved an Intergovernmental Agreement (IGA) with the State of Arizona, Department of Transportation (ADOT), for the purchase and installation of equipment for the Traffic Management Center. (LCON02808A)

11C Contract, MGC Construction, Beardsley Water Reclamation Facility Phase IIIA Expansion, Recharge Basin 13 Rehabilitation

Awarded the design of a design/build contract to MGC Construction for an amount not to exceed \$960,228 for improvements to the Beardsley Water Reclamation Facility Phase IIIA Expansion and the rehabilitation of Recharge Basin 13. (LCON03608)

12C Intergovernmental Agreement Amendment, Arizona Department of Revenue, Joint Audits and Sharing of Tax Information

RESOLUTION NO. 08-57

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PEORIA AND THE ARIZONA DEPARTMENT OF REVENUE REGARDING TAX INFORMATION AND JOINT AUDITS.

Adopted RES. 08-57 authorizing an amendment to an Intergovernmental Agreement with the State of Arizona Department of Revenue for joint audits and sharing certain information. (LCON02490A)

13C Contract Amendment, Felix Construction, Stone Well and Reservoir Reconditioning Project

Approved Contract Amendment No. 1 with Felix Construction for the Guaranteed Maximum Price (GMP) of \$263,178.00 for the first phase of construction services for the construction of a block wall and other site improvements for the Stone Well and Reservoir Reconditioning Project. (LCON05207A)

14C Contract Amendment, Pierson Construction Corporation, Inc., Park West Improvement District Project

Approved Contract Amendment No. 2 with Pierson Construction Corporation, Inc. in the amount of \$74,476.01 for various change orders for the Park West Improvement District Project. (LCON02107B)

15C Contract Amendment, PB Americas, Inc., Waterline Upgrade, Market Street and Gold Dust Lane

Approved Contract Amendment No. 3 with PB Americas, Inc. in the not-to-exceed amount of \$15,934.05 for design services related to a waterline upgrade as part of the Market Street and the Gold Dust Lane reconstruction. (LCON10006C)

16C Contract Amendment, Carter and Burgess, Inc. Happy Valley Road Widening, 75th Avenue to Lake Pleasant Parkway

- a) Approved Contract Amendment No. 3 with Carter and Burgess, Inc. in the not-to-exceed amount of \$764,814 for construction administration and design services associated with the construction of Happy Valley Road Widening from 75th Avenue to Lake Pleasant Parkway (ACON37907C);

- b) Approved the acceleration of project funds from Fiscal Year 2009 to Fiscal Year 2008 by authorizing a budget transfer in the amount of \$747,581 from the General Fund Contingency Account to the Municipal Development Authority Bond Fund Street Improvements Account; and
- c) Authorized the expenditure of developer-contributed funds to construct necessary water and sewer lines to serve this subdivision by approving a budget transfer in the amount of \$17,233 from the General Fund Contingency Account to the Outside Sources Fund Water System Account.

17C Authorize Expenditure, HOK Sports, Peoria Sports Complex, Press Level Window System Upgrade Project

- a) Approved the expenditure of funds to HOK Sports in the amount of \$15,000 for providing design services for a biddable set of construction documents, estimated value and a not to exceed proposal for the Peoria Sports Complex Press Level Window System Upgrade project;
- b) Approved the use of reserves; and
- c) Approved a budget amendment in the amount of \$15,000 from the Sports Complex Improvement Reserve Fund Contingency Account to the Sports Complex Improvement Reserves Grounds/Detention Repair and Maintenance Account.

18C Water Infrastructure Finance Authority, Butler Water Reclamation Plant, Phase Three

RESOLUTION NO. 08-58

A RESOLUTION OF THE MAYOR AND THE COUNCIL OF THE CITY OF PEORIA, ARIZONA, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA FROM ITS CLEAN WATER REVOLVING FUND PROGRAM; DELEGATING THE DETERMINATION OF CHIEF FINANCIAL OFFICER OF THE CITY; PROVIDING FOR THE TRANSFER OF CERTAIN MONEYS AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY SUCH LOAN AGREEMENT AND THIS RESOLUTION AND DECLARING AN EMERGENCY.

Adopted **RES. 08-58** approving the third and final phase of a loan with the Water Infrastructure Finance Authority (WIFA) in the amount of \$8,575,253 to continue funding construction of the Butler Water Reclamation Plant. (LCON12206B)

19C Neighborhood Traffic Management Program, Residential Traffic Control Area, Hacienda Del Sol

RESOLUTION NO. 08-59

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 HACIENDA DEL SOL NEIGHBORHOOD (AREA BOUNDED BY MOUNTAIN VIEW ROAD, 67TH AVENUE, OLIVE AVENUE, AND 71ST AVENUE.)

Adopted **RES. 08-59** for the Neighborhood Traffic Management Program (NTMP) to establish an additional Residential Traffic Control Area for Hacienda Del Sol, an area bounded by Mountain View Road in the north, 67th Avenue in the east, Olive Avenue in the south, and 71st Avenue in the west.

20C Maintenance Improvement District No. 1055, Tierra Del Rio Parcel 6, 107th Avenue and Happy Valley Road

RESOLUTION NO. 08-60

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. 1055, TIERRA DEL RIO PARCEL 6, 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. 08-61

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. 1055, TIERRA DEL RIO PARCEL 6; 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. 08-60** intention and ordering formation of proposed Maintenance Improvement District No. 1055, Tierra Del Rio Parcel 6, located on 107th Avenue and Happy Valley Road; and adopted **RES. 08-61** ordering the work within the proposed Maintenance Improvement District.

21C Maintenance Improvement District No. 1067, Tierra Del Rio Parcel 9, Happy Valley Road and Tierra Del Rio Boulevard

RESOLUTION NO. 08-62

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. 1067, TIERRA DEL RIO PARCEL 9, 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. 08-63

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. 1067, TIERRA DEL RIO PARCEL 9; 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. 08-62** intention and ordering formation of proposed Maintenance Improvement District No. 1067, Tierra Del Rio Parcel 9, located on Happy Valley Road and Tierra Del Rio Boulevard; and adopted **RES. 08-63** ordering the work within the proposed Maintenance Improvement District.

22C Street Light Improvement District No. 1022, Tierra Del Rio Parcel 6, 107th Avenue and Happy Valley Road

RESOLUTION NO. 08-64

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. 1022, TIERRA DEL RIO PARCEL 6; 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. 08-65

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. 1022, TIERRA DEL RIO PARCEL 6, 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. 08-64** intention and ordering formation of proposed Street Light Improvement District No. 1022, Tierra Del Rio Parcel 6, located on 107th Avenue and Happy Valley Road; and adopted **RES. 08-65** ordering the purchase of electricity for lighting streets and parks within the proposed Street Light Improvement District.

23C Street Light Improvement District No. 1031, Tierra Del Rio Parcel 9, Happy Valley Road and Tierra Del Rio Boulevard

RESOLUTION NO. 08-66

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. 1031, TIERRA DEL RIO PARCEL 9; 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. 08-67

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. 1031, TIERRA DEL RIO PARCEL 9, 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. 08-66** intention and ordering formation of proposed Street Light Improvement District No. 1031, Tierra Del Rio Parcel 9, located on Happy Valley Road and Tierra Del Rio Boulevard; and adopted **RES. 08-67** ordering the purchase of electricity for lighting streets and parks within the proposed Street Light Improvement District.

24C Abandonment, 71st Avenue and Sweetwater Avenue

RESOLUTION NO. 08-68

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING THAT CERTAIN PUBLIC RIGHT-OF-WAYS TO BE EXCESS PROPERTY AND NO LONGER REQUIRED TO BE RETAINED BY THE CITY AND DIRECTING THAT SUCH UNNECESSARY PUBLIC RIGHTS-OF-WAY BE DISPOSED OF IN THE MANNER PROVIDED BY LAW AND PROVIDING FOR AN EFFECTIVE DATE.

- a) Adopted **RES. 08-68** abandoning a 40-foot strip of right-of-way along Sweetwater Avenue east of 71st Avenue; and
- b) Authorized the City Manager to execute two quit claim deeds to transfer the property.

25C Abandonment, Calle Lejos between 70th Avenue and 71st Avenue

RESOLUTION NO. 08-69

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING THAT CERTAIN PUBLIC RIGHT-OF-WAYS TO BE EXCESS PROPERTY AND NO LONGER REQUIRED TO BE RETAINED BY THE CITY AND DIRECTING THAT SUCH UNNECESSARY PUBLIC RIGHTS-OF-WAY BE DISPOSED OF IN THE MANNER PROVIDED BY LAW AND PROVIDING FOR AN EFFECTIVE DATE.

- a) Adopted **RES. 08-69** abandoning a 10-foot strip of right-of-way along Calle Lejos between 70th and 71st Avenue; and
- b) Authorized the City Manager to execute a quit claim deed to transfer the property.

26C Easement, Salt River Project, Power Transmission Lines, Butler Water Reclamation Facility, 9976 West Northern Avenue

RESOLUTION NO. 08-70

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A POWER DISTRIBUTION EASEMENT TO THE SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT TO INSTALL UNDERGROUND ELECTRIC TRANSMISSION LINES RELATED TO THE BUTLER WATER RECLAMATION FACILITY (WRF) INFLUENT PUMP STATION.

Adopted **RES. 08-70** authorizing the City Manager to execute a power distribution easement to Salt River Project (SRP) for the installation of power transmission lines related to the Butler Water Reclamation Facility (WRF) Influent Pump Station, located at 9976 West Northern Avenue.

27C Easement, Arizona Public Service, Chili Davis Premier Baseball Site, 77th Avenue and Paradise Lane

RESOLUTION NO. 08-71

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A UTILITY EASEMENT ASSOCIATED WITH THE CHILI DAVIS PREMIER BASEBALL SITE (78TH AVENUE/PARADISE LANE).

Adopted **RES. 08-71** authorizing the City Manager to execute a utility easement to Arizona Public Service for utility line installation at the Chili Davis Premier Baseball site, located at 7797 West Paradise Lane.

28C Easements, Public Water Line and Roadway/Peoria Utility, Chili Davis Premier Baseball Site, 77th Avenue and Paradise Lane

RESOLUTION NO. 08-72

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A PUBLIC WATERLINE EASEMENT AND A ROADWAY AND PEORIA UTILITY EASEMENT ASSOCIATED WITH THE CHILI DAVIS PREMIER BASEBALL SITE, LOCATED AT 7797 WEST PARADISE LANE.

Adopted **RES. 08-72** authorizing the City Manager to execute a public water line easement and a roadway and Peoria utility easement associated with the Chili Davis Premier Baseball site, located at 7797 West Paradise Lane.

29C Deeds and Easements, Various Locations

RESOLUTION NO. 08-73

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. 08-73** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

30C Designated Roadways, Establish Rights-of-Way, Various Locations

RESOLUTION NO. 08-74

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. 08-74** 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.

31C Private Street Acceptance, Edgewater Park at Westbrook Village

- a) Granted preliminary acceptance of the Edgewater Park at Westbrook Village private streets; and
- b) Authorized staff to coordinate with the Homeowners Association to prepare the necessary documents for final acceptance, subject to stipulations.

32C Repayment Zone, Lake Pleasant Parkway, Williams Road to Dynamite Boulevard

- a) Approved the Lake Pleasant Parkway Repayment Zone from Williams Road to Dynamite Boulevard (Westwing Parkway); and
- b) Authorized staff to collect the designated assessments as parcels are developed.

33C Final Plat, Trilogy, Trilogy Boulevard and Dixileta Parkway

Approved the Final Plat of Trilogy at Vistancia - Parcel C23, located on the west side of Trilogy Boulevard south of Dixileta Parkway, subject to stipulations. (R070109)

34C 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

35R 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 BJ's Restaurant & Brewhouse, located at 9748 W. Northern Avenue. Applicant: Derek M. Osborne. LL#10011848; and
- b) A new Restaurant Liquor License (Series 12) for Red Brick Pizza, located at 9832 W. Northern Avenue, Suite 1650. Applicant: Randy D. Nations. LL#10010833.

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 request from the public to address this item, Mayor Barrett declared the public hearing closed.

Council Action: Motion was made by Councilmember Leone, seconded by Vice Mayor Carlat, to recommend approval to the State Liquor Board for:

- a) A new Restaurant Liquor License (Series 12) for BJ's Restaurant & Brewhouse, located at 9748 W. Northern Avenue. Applicant: Derek M. Osborne. LL#10011848; and
- b) A new Restaurant Liquor License (Series 12) for Red Brick Pizza, located at 9832 W. Northern Avenue, Suite 1650. Applicant: Randy D. Nations. LL#10010833.

Upon vote, the motion carried unanimously.

36R PUBLIC HEARING - General Plan Amendment, Land Use Map, Peoria Regional Medical Center, Lake Pleasant Parkway and Yearling Road

Clerk's Note: Agenda Items 36R and 37R were heard by the Council together.

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request to amend the General Plan Land Use Map by re-designating approximately 48 gross acres located north and west of the northwest corner of Lake Pleasant Parkway and Yearling Road from Low Density Residential (2-5 du/ac, target 3.0 du/ac) to Public/Quasi-Public.

Staff Report/Public Comment:

Glen Van Nimwegen, Director of Community Development, addressed the Council stating that the request is to amend the General Plan Land Use Map by re-designating approximately 48 gross acres located north and west of the northwest corner of Lake Pleasant Parkway and Yearling Road from Low Density Residential to Public/Quasi-Public land use. Mr. Van Nimwegen stated this request is recommended in order for this area to facilitate a hospital and medical campus. Mr. Van Nimwegen explained that community opposition to this recommendation, in large measure, were not opposed to a hospital in North Peoria, but rather, the specific site selected for the project. On April 17, 2008, the Planning and Zoning Commission voted 5-1 to recommend approval of the amendment.

Mr. Van Nimwegen explained that some of the community concerns regarding the development of a medical facility are as follows:

- Perceived impacts from light pollution on adjoining neighbors;
- Impacts upon the wash;
- Concerns with transition and buffering;
- Concerns with building height and future expansion; and
- Perceived noise impacts from the proposed Helipad.

Mr. Van Nimwegen also explained that the site is adjacent to a high-intensity commercial core at Happy Valley and Lake Pleasant Parkway and adjacent or near several regionally-significant roadways. The proposal is not a mid or high-rise Level 1 Trauma Center. The concept proposes low-lying suburban format with heights "stepping down" as it approaches residential. Mr. Van Nimwegen adds that one-story medical office buildings on the perimeter of the site will provide a quiet evening neighbor and the roof-mounted heliport makes infrequent trips, on average less than one per day, with peak times being Saturday, Sunday and Tuesday between 7:00 a.m. and 8:30 a.m. and 4:00 p.m. and 7:00 p.m.

Mr. Van Nimwegen informed the Council that petitions have been received opposing the development of a medical facility at this site. Therefore, the Council will need to have a $\frac{3}{4}$ vote, which means the Council will have to vote at least 6-1 in order to approve this minor general plan amendment.

The Council heard from the public on Agenda Items 36R and 37R.

Clerk's Note: Public comment on Agenda Items 36R and 37R are located under 37R.

RESOLUTION NO. 08-75

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

Council Action: Motion was made by Councilmember Hunt, seconded by Councilmember Aames to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 08-75** approving an amendment to the General Plan Land Use Map by re-designating approximately 48 gross acres located north and west of the northwest corner of Lake Pleasant Parkway and Yearling Road from Low Density Residential (2-5 du/ac, target 3.0 du/ac) to Public/Quasi-Public (GPA 08-04). Upon vote, the motion carried unanimously.

37R PUBLIC HEARING – Rezoning, Peoria Regional Medical Center, Lake Pleasant Parkway and Yearling Road

Clerk's Note: Agenda Items 36R and 37R were heard by the Council together.

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request to rezone approximately 48 gross acres located north and west of the northwest corner of Lake Pleasant Parkway and Yearling Road from Bella Casa Planned Area Development to a new Planned Area Development.

Staff Report/Public Comment:

Steve Prokopek, Economic Development Director, reminded the Council that a hospital is one of the top priorities for the City of Peoria and that bringing a medical facility to Peoria will increase Peoria jobs by approximately 1,000, bringing the City closer to a one-to-one ratio for Peoria citizens and Peoria jobs. Mr. Prokopek informed that a demand study was done in 2005 to determine when a hospital would be needed in the City of Peoria. The demand study showed that the demand for a medical facility would outpace the supply by 2009. The study recommended that the City identify 40-acres of land in the vicinity of Lake Pleasant Parkway and Happy Valley Road to place medical facilities. Mr. Prokopek explained that the economic impacts of developing a medical facility include the following:

- 15,000,000 annual payroll - Hospital
- \$27,000,000 annual payroll – Medical Office
- Increased retail spending (\$12,000 sales tax per year)
- 75 -100 additional indirect jobs in Peoria
- Over \$1,500,000 in school tax (\$1,100,000 more than residential)
- Positive impact on residential housing values
 - Employment opportunities
 - Access to medical services

Dr. Tim Johns, applicant, addressed the Council and provided information regarding Gilbert Hospital. Dr. Johns stated Gilbert Hospital does an annual community needs assessment to determine the needs of their customers. The proposal for the Peoria Regional Medical Center would be similar to Gilbert Hospital and would also include a Community Advisory Board that would meet monthly to advise of the community needs. Dr. Johns outlined some of the benefits to patients who will utilize Peoria Regional Medical Center. Dr. Johns advised that Peoria Regional Medical Center would not be owned by a corporation but by physicians themselves. With respect to the chosen site for Peoria Regional Medical Center, Dr. Johns stated the following issues were researched prior to choosing this particular site:

- Access – Location on major transportation corridor
- Visibility
- Future growth patterns
- Future traffic patterns
- Site to incorporate future growth
- Distance/drive time to other facilities
- Infrastructure i.e. water, sewer, gas, broadband
- Demographic and zip code analysis
- Airport issues
- Land acquisition costs
- Support from city/town (community/business/government)

Dr. Johns addressed the following residential concerns:

- *Timing and Process*
- *Pre-existing Residential Zoning*
- *What if a Hospital is Not Built?*
- *Commercial Encroachment to the North*
- *Adjacent Residential Concerns*
- *Traffic*
- *Noise*

Dr. Johns concluded his presentation by reading a letter written by an affected Peoria resident in support of the development of the Peoria Regional Medical Center.

Sal Abbate addressed the Council stating that he is in full support of a hospital in the proposed area, but has concerns about the particular site chosen. Mr. Abbate stated he is specifically concerned about expansion of the medical facility. Mr. Abbate stated he would like to see the hospital placed on Happy Valley Road and keep the area the facility is currently proposed as a residential area.

Tim Dorn, Gilbert Chief of Police, addressed the Council stating some of the concerns he and other residents had regarding Gilbert Hospital was an increase in crime and traffic. Chief Dorn stated he is familiar with the Gilbert Hospital and he has not received any complaints about increased crime and traffic in that area.

Gerald Fitzgibbons addressed the Council stating that he is in favor of a hospital and of the economic development but is not in favor of a hospital at this location that has been designated a residential area. Mr. Fitzgibbons requested the Council reconsider a different location for the hospital.

Jerry Luthen addressed the Council stating that he would like to have a choice on whether he wants a hospital built at the proposed location. Mr. Luthen stated he purchased his home without the hospital and would like to have a choice on where the hospital should be built. Mr. Luthen stated he is in favor of having a hospital in the area, but he is concerned about the proposed 1.4 miles of commercial land without a break. Mr. Luthen also stated he is concerned about the traffic increase if a hospital and medical facility is built in the proposed location.

David Pickering addressed the Council stating that his father gave him an acre of land on 99th Avenue and when he builds his home within the next year, his front door will be facing the hospital if approved. Mr. Pickering stated he would like to have adults and children as his neighbors, not a hospital. Mr. Pickering stated he would like to see the hospital moved to a different location.

Miriam Moskoff addressed the Council stating, through a poem written by Ms. Moskoff, that she lives near Gilbert Hospital and she has had no problems regarding noise. Ms. Moskoff stated she would like to see progress prevail.

Mike Oliver addressed the Council stating that he opposes the proposed location of the hospital, not the concept of having a hospital in the area. Mr. Oliver questions whether this is the best site for the hospital and medical facility. Mr. Oliver stated he believes the Happy Valley Corridor is a more appropriate location for a hospital and medical facility.

Phil Denaro addressed the Council stating that he is in favor of having a hospital but not in favor of the proposed location of the hospital. Mr. Denaro stated he believes there are many other locations for the hospital, including locations on the Happy Valley Corridor.

Jim Carlson addressed the Council stating that he is the Senior Vice President of Nicholas Homes and one of the property owners of the 46 acres adjacent to the Home Depot. Mr. Carlson stated he would like the applicant to consider his site as a possible location for his medical center, and that an access solution to Happy Valley Road through Mr. Denaro's property can be worked out. Mr. Carlson stated he is concerned about Yearling Road, which is the single access into the community. Mr. Carlson stated there is no deal with the applicant for his property, but the property is available.

Brandon Jones addressed the Council stating that he is the Director of General Operations for Pulte Homes. Mr. Jones stated he is pursuing a facility similar to Gilbert Hospital for the Anthem Rail Ranch in Florence. Mr. Jones stated he believes the Gilbert Hospital has brought the value of homes up and it adds an amenity to the neighborhood. Mr. Jones stated he believes a hospital in Peoria would have the same positive effects.

Don Brazie addressed the Council stating that he is in favor of having the hospital built at the proposed location. Mr. Brazie stated it is a growing community and we need to be proactive. A new hospital will help reduce the already overcrowded emergency rooms. Mr. Brazie stated his research concludes that crime does not increase due to a healthcare facility nor do home values decrease.

Andrew Moskoff addressed the Council stating that he believes the Gilbert Hospital benefits the whole community and that there is no negative impact living near a hospital. Mr. Moskoff stated he has not experienced noise, sirens, flashing lights or anything else adverse. Mr. Moskoff stated it is not a corporate hospital but rather a service oriented facility.

Erin O'Connor addressed the Council stating that he is a real estate agent and would like to address the issue of property values. Mr. O'Connor stated that two reasons he has been unable to sell homes in the northwest is due to lack of commerce and lack of medical care. Mr. O'Connor also stated he would like to see an additional influx of tax dollars to the Peoria schools.

Clyde Nachand addressed the Council stating that everyone appears to like the idea of having a hospital in the area, but the idea of shifting locations for a hospital will only make it take that much longer before a completed, operating medical facility is ready for use. Mr. Nachand stated the community needs a hospital now.

Kimberly Franklin addressed the Council stating that she is a real estate agent and believes Peoria has done a great job of developing the area. Ms. Franklin stated Peoria has attracted high end homes in the area and believes that the proposed location is not the right area for the hospital.

Joseph McCord addressed the Council stating that he is the official representative of the Ventana Lakes Board of Directors. Mr. McCord stated Ventana Lakes is a retirement community consisting of residents who are 55 years or older. Mr. McCord stated if anyone in the community needs to go to the hospital, it is a minimum of 15 minutes to get to the nearest hospital, which is too long. Mr. McCord stated the community needs a hospital close and now.

Robert Pickering addressed the Council stating that he owns the land adjacent to the proposed development. Mr. Pickering stated he is in favor of having a hospital in the area, but believes the fact that Indian ruins exist in the area proposed for the hospital is being overlooked. Mr. Pickering stated he believes the hospital should be located near Nicholas Homes because the hospital will be built faster due to the fact that no Indian ruins exist in that location.

John – Last Name Inaudible (No Speaker Request Form on file) addressed the Council stating that he is concerned about the traffic in the area at the proposed location.

John Cole addressed the Council stating that he is the Division General Manager for Southwest Ambulance. Mr. Cole stated he is in favor of the project both professionally and personally as a resident of Vistancia. One of the concerns addressed has been the timely response from the hospitals to the residents. Mr. Cole stated that because the hospitals are not close at this time, the time it takes for the first responders (ambulance) to get to the scene is also increased.

Jack Toby addressed the Council stating that he has been actively involved in the practice of anesthesia for the last 30 years and he favors the hospital. However, Mr. Toby stated that he believes if the hospital rezoning is approved, more requests for rezoning will follow. Mr. Toby requests that the Council consider each request and not approve all requests.

Gary – Last Name Inaudible (No Speaker Request Form on file) addressed the Council stating that he is not affected by the location of the hospital, but does suggest the Council take more time to consider the residents who do live near the proposed site.

Mayor Barrett informed the public that the City Council does not site hospitals or other property owners; the City has no power to move the hospital location. The selection of the site is up to the hospital and only the hospital.

Councilmember Aames stated this is a request for a continuation of the commercial zoning currently on Happy Valley Road. Councilmember Aames also stated that other areas on Happy Valley Road would also need to be rezoned and would affect residential areas if the location of the hospital were changed. The homes near the location will not have any visual issues as the hospital is not tall and a sound barrier wall is already in place. The noise will not exceed what is already on Lake Pleasant Parkway. Councilmember Aames stated he believes the hospital has gone out of its way to relieve the impact on the residents in the area.

Councilmember Hunt stated this request meets with the Council's priorities for bringing a hospital to Peoria. Councilmember Hunt also stated she looks at every single request for rezoning and takes the requests very serious.

Vice Mayor Carlat stated she believes the concerns of the community have been overcome by the mitigation strategies of the hospital.

Having no further requests to speak, Mayor Barrett declared the Public Hearing closed for Agenda Items 36R and 37R.

ORDINANCE NO. 08-11

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING PROPERTY FROM BELLA CASA PLANNED AREA DEVELOPMENT (PAD) TO A NEW PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Council Action: Motion was made by Vice Mayor Carlat, seconded by Councilmember Evans to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 08-11** rezoning approximately 48 gross acres located north and west of the northwest corner of Lake Pleasant Parkway and Yearling Road from Bella Casa Planned Area Development to a new Planned Area Development (Z08-04). Upon vote, the motion carried unanimously.

Mayor Barrett declared a short recess at 9:30 p.m. and resumed the meeting at 9:35 p.m.

Clerk's Note: Councilmember Evans left the meeting during the break.

38R Contract Amendment, Ames Construction, Inc., Happy Valley Road Widening, 75th Avenue to Lake Pleasant Parkway

Chris Kmetty, Senior Civil Engineer, provided a project overview for construction services associated with the construction of Happy Valley Road Widening from 75th Avenue to Lake Pleasant Parkway. The project is anticipated to be completed in three phases with each Guaranteed Maximum Price (GMP) with Ames Construction, Inc. Mr. Kmetty informed the Council that on December 18, 2007, Council awarded GMP1 in the amount of \$13,970,016.55 for providing construction services for Happy Valley Road between 91st Avenue and 83rd Avenue and between Terramar and 83rd Avenue. Mr. Kmetty outlined the project schedule and the project milestones to date. Mr. Kmetty explained that the request before Council at this time is as follows:

- a) Approve Contract Amendment No 3, Guaranteed Maximum Price No. 2 (GMP#2), with Ames Construction, Inc. in an amount not to exceed \$10,054,053.57 for construction services associated with the construction of Happy Valley Road Widening from 75th Avenue to Lake Pleasant Parkway (LCON06407C);
- b) Approve the acceleration of project funds from Fiscal Year 2009 to Fiscal Year 2008 by authorizing a budget transfer in the amount of \$8,371,079.22 from the General Fund Contingency Account to the Proposed Municipal Development Authority (MDA) Bond Fund, Street Improvements Account; and
- c) Authorize the expenditure of developer-contributed funds to construct necessary water and sewer lines to serve this subdivision by approving budget transfers in the amount of \$162,992 from the General Fund Contingency Account to the Outside Sources Fund Water System Account and in the amount of \$747,850 from the General Fund Contingency Account to the Outside Sources Fund Wastewater System Account.

Councilmember Pearson requested information regarding the acceleration of the project with the use of contingency funds and whether the funds will be paid back from the MDA. Councilmember Pearson was informed that the funds have already been paid back and the request is to move the funds forward one year to make them available now.

Vice Mayor Carlat questioned about the timing of the lights near Terramar. Mr. Kmetty informed the goal is August 8th, anticipating the work will begin in early June.

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

- a) Approve Contract Amendment No 3, Guaranteed Maximum Price No. 2 (GMP#2), with Ames Construction, Inc. in an amount not to exceed \$10,054,053.57 for construction services associated with the construction of Happy Valley Road Widening from 75th Avenue to Lake Pleasant Parkway (LCON06407C);

- b) Approve the acceleration of project funds from Fiscal Year 2009 to Fiscal Year 2008 by authorizing a budget transfer in the amount of \$8,371,079.22 from the General Fund Contingency Account to the Proposed Municipal Development Authority (MDA) Bond Fund, Street Improvements Account; and
- c) Authorize the expenditure of developer-contributed funds to construct necessary water and sewer lines to serve this subdivision by approving budget transfers in the amount of \$162,992 from the General Fund Contingency Account to the Outside Sources Fund Water System Account and in the amount of \$747,850 from the General Fund Contingency Account to the Outside Sources Fund Wastewater System Account.

Upon vote, the motion carried unanimously.

39R Contract Amendment, FNF Construction, Inc., Thunderbird Road Street Widening, Loop 101 to 95th Avenue

Clerk's Note: Agenda Items 39R and 40R were heard by the Council together.

David Moody, Engineering Director, explained that the request before Council is to approve Contract Amendment No. 4 with a Guaranteed Maximum Price No. 3 (GMP #3) with FNF Construction, Inc. in an amount not to exceed \$12,778,280.09 for Construction Manager at Risk services for the majority of the construction of the Thunderbird Road Street Widening Project from the Loop 101 to 95th Avenue (LCON06207D). This includes the entire Thunderbird Road Widening Project from 94th Avenue to Loop 101, and also includes several improvements.

Motion was made by Councilmember Aames, seconded by Councilmember Pearson to approve Contract Amendment No. 4 with a Guaranteed Maximum Price No. 3 (GMP #3) with FNF Construction, Inc. in an amount not to exceed \$12,778,280.09 for Construction Manager at Risk services for the majority of the construction of the Thunderbird Road Street Widening Project from the Loop 101 to 95th Avenue (LCON06207D). Upon vote, the motion carried unanimously.

40R Contract Amendment, URS Corporation, Thunderbird Road Street Widening, Loop 101 to 95th Avenue

Clerk's Note: Agenda Items 39R and 40R were heard by the Council together.

David Moody, Engineering Director, explained that the request before Council is to approve Contract Amendment No. 5 with URS Corporation in an amount not to exceed \$1,332,871 for post-design services and additional work required to incorporate Gray Development Group (GDG) construction plans into the Thunderbird Road Street Widening Project from the Loop 101 to 95th Avenue (LCON07705E). This also includes the Thunderbird Road Widening Project.

Councilmember Aames inquired about the completion date. Mr. Moody confirmed the completion date for this project is scheduled for May of 2009. The completion date for the consultant is June of 2009. Mr. Moody also confirmed, in response to questions from Councilmember Aames that the left turn lane into Plaza del Rio remains as part of the project and that the primary construction at 83rd Avenue and Thunderbird Road was completed last month.

Councilmember Pearson inquired regarding the stretch of road between Thunderbird Road from the 101 interchange east to 83rd Avenue and whether an additional lane will be added. Mr. Moody responded that from the 101 to 83rd Avenue is complete; however, ADOT will complete the widening under the bridge. Mr. Moody also informed that the road will be re-stripped when ADOT completes their project.

Motion was made by Councilmember Aames, seconded by Councilmember Pearson to approve Contract Amendment No. 5 with URS Corporation in an amount not to exceed \$1,332,871 for post-design services and additional work required to incorporate Gray Development Group (GDG) construction plans into the Thunderbird Road Street Widening Project from the Loop 101 to 95th Avenue (LCON07705E). Upon vote, the motion carried unanimously.

41R Budget Transfer, Principle Payment, Gila River Indian Community Water Lease

Brent Mattingly, Chief Financial Officer, stated the request to approve a budget transfer and authorize the use of Water Resource Fund Reserves is being made to allow the City to make an upfront payment on the Gila River Indian Community Water Lease.

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

- a) Approve a budget transfer in the amount of \$4,000,000 from the Water/Wastewater Revenue Bond Contingency Fund to the Water Resource Fund CAP Water Rights Project Account; and
- b) Authorize the use of Water Resource Fund Reserves in the amount of \$4,000,000 to make a principle payment on the Gila River Indian Community Water Lease Agreement.

Upon vote, the motion carried unanimously.

42R Appointment of Mr. Carl Swenson as City Manager, Effective July 1, 2008

Steve Kemp, City Attorney, stated current City Manager, Terry Ellis, announced his retirement effective June 30, 2008. Mr. Kemp also explained that through a series of interviews with the Council, it is recommended that Carl Swenson be appointed the new City Manager, effective July 1, 2008.

RESOLUTION NO. 08-76

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, APPOINTING CARL SWENSON AS THE CITY MANAGER OF THE CITY OF PEORIA, ARIZONA AND PROVIDING FOR AN EFFECTIVE DATE.

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

- a) Adopt **RES. 08-76** appointing Carl Swenson as City Manager, effective July 1, 2008; and
- b) Approve the Terms and Condition of Employment Agreement for Carl Swenson as City Manager, effective July 1, 2008 (LCON12508).

Upon vote, the motion carried unanimously.

CALL TO PUBLIC: (NON-AGENDA ITEMS)

Joseph McCord addressed the Council expressing appreciation for the Council's comments during the last Budget Study Session related to relieving traffic on Beardsley Road.

Dolores Ceballos addressed the Council expressing appreciation for the answers she has received from Staff on previous questions submitted regarding the City logo. Ms. Ceballos expressed concern about the fact that the use of the logo has not been passed by the Council as a whole but it has still been used. Ms. Ceballos stated she thought the logo "Naturally Connected" was unique to Peoria, but she has found that the logo also belongs to Victoria County, Canada.

Reports from the City Manager:

Bill Mattingly, Public Works Director, updated the Council on the moving of the Women's Club. Mr. Mattingly stated the Women's Club is ready to be moved from its current location to 84th Avenue and Jefferson Street. The building will be moved in two sections due to the size of the building. The first section will be moved on May 13th, at 5:00 a.m. and settled at the new site at approximately 8:00 a.m. The second section is tentatively scheduled to move on May 22nd. Information regarding the moves will be going out to the affected businesses and residents by the use of door-to-door flyers.

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended.

Councilmember Hunt reported on the various City of Peoria activities she attended. Councilmember Hunt also stated the Rotary Club is showing a special preview of Peter Pan on May 1st.

Councilmember Aames reported on the various City of Peoria activities he attended.

Reports from the Mayor:

Mayor Barrett spoke about the Relay for Life which is an annual fundraiser held by the American Cancer Society. Mayor Barrett challenged everyone to get teams together for next year and support the City of Peoria cancer victims.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 10:08 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 6th day of May, 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