

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
June 17, 2008

A **Regular Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 7:02 p.m.

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

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

Members Absent: Mayor Bob Barrett

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, Larry Ratcliff, Glen Van Nimwegen, James Mason and Rhonda Simmons.

Audience: Approximately 45 members of the public were present.

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

PRESENTATION:

1. Presentation of the Environmental Stewardship Award to Mercedes-Benz of Arrowhead for its environmentally friendly building design.

Vice Mayor Carlat and Glen Van Nimwegen, Community Development Director, recognized and presented the first Environmental Stewardship Award to Chuck Theisen, Owner, for the design and construction of Mercedes-Benz of Arrowhead in Peoria. The construction occurred under the oversight of the U.S. Green Building Council who is responsible for the Leadership in Energy and Environmental Design (LEED) standards.

2. Recognition of Bob McKibben on his retirement as Fire Chief and acknowledging his years of service to the City of Peoria.

Vice Mayor Carlat and Terry Ellis, City Manager, recognized Chief Bob McKibben for his seven years of service as Fire Chief for the City of Peoria as Chief McKibben will retire from the City of Peoria and return to Wisconsin.

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Chief McKibben stated the City of Peoria has been a great place for him to work because of the people he has worked with throughout the organization. Chief McKibben stated his goal when he started was to leave this place better than he found it and he believes that goal has been achieved due to the 173 fire fighters he has worked with at the City of Peoria. Chief McKibben stated he has experienced the birth of two of his grandchildren and he is moving to Wisconsin to be closer to them. Chief McKibben thanked Terry Ellis, City Manager, for having the confidence to bring him onboard to lead the Fire Department, the citizens of the community for allowing him to be their Fire Chief, and all of the members of the Fire Department who supported him in his endeavor to lead the Department.

3. Recognition of David Moody on his retirement as Engineering Director and acknowledging his years of service to the City of Peoria.

Vice Mayor Carlat and Terry Ellis, City Manager, recognized David Moody, Engineering Director for the City of Peoria for 11 years of service to the City and recognized highlights from Mr. Moody's career in public service.

Mr. Moody thanked the staff, Peoria citizens, Terry Ellis, City Manager and the Mayor and Council as he would not have been successful without them. Mr. Moody thanked other individuals including past Mayor John Keegan and his engineering staff.

4. Recognition of Terry Ellis on his retirement as City Manager and acknowledging his years of service to the City of Peoria.

Mr. Ellis stated he has really enjoyed his career working for the City of Peoria; he believes the work is very challenging, gratifying and important. Mr. Ellis stated the City is in good shape and it is in good hands. Mr. Ellis thanked his wife for her support, the citizens of the community and the employees of the organization. Mr. Ellis stated it has been both an honor and privilege to serve as the City Manager for the City of Peoria.

Vice Mayor Carlat recognized Terry Ellis for 11 years of service as City Manager with the City of Peoria. Mr. Ellis will retire from the City of Peoria on June 30, 2008. A Proclamation was presented to Mr. Ellis proclaiming the City Council appreciation and gratitude for his many years of hard work and exemplary public service to the City of Peoria. The Proclamation is incorporated into the minutes as an attachment.

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

CONSENT – New Business:

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

Having no requests to remove an item from the Consent Agenda for discussion, Motion was made by Councilmember Aames, seconded by Councilmember Hunt, to approve the consent agenda as submitted. Upon vote, the motion carried unanimously.

1C MINUTES:

Regular Meeting – April 15, 2008

Special Meeting – April 17, 2008

Special Meeting 5:00 p.m. – May 6, 2008

Regular Meeting 7:00 p.m. – May 6, 2008

2C Initial Zoning, Lake Pleasant Parkway and Calle Lejos

ORDINANCE NO 08-13

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ESTABLISHING INITIAL ZONING ON PROPERTY FROM MARICOPA COUNTY RURAL-43 ZONING DISTRICT TO CITY OF PEORIA SR-43 ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Concurred with the Planning and Zoning Commission's recommendation and adopted **ORD. 08-13** establishing initial zoning of Suburban Ranch (SR-43) on approximately 1.14 acres recently annexed from Maricopa County and generally located west of the southwest corner of Lake Pleasant Parkway and Calle Lejos (Z08-05).

3C Initial Zoning, Lake Pleasant Parkway and Pinnacle Peak Road

ORDINANCE NO 08-14

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ESTABLISHING INITIAL ZONING ON PROPERTY FROM MARICOPA COUNTY RURAL-43 ZONING DISTRICT TO CITY OF PEORIA SR-43 ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Concurred with the Planning and Zoning Commission's recommendation and adopted **ORD. 08-14** establishing initial zoning of Suburban Ranch (SR-43) on approximately 4.5 acres recently annexed from Maricopa County and generally located north of the northwest corner of Lake Pleasant Parkway and Pinnacle Peak Road (Z08-06).

4C Rezoning, 90th Avenue and Peoria Avenue

ORDINANCE NO 08-15

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ESTABLISHING INITIAL ZONING ON PROPERTY FROM CITY OF PEORIA C-2 AND R1-7 ZONING DISTRICTS TO CITY OF PEORIA PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Concurred with the Planning and Zoning Commission's recommendation and adopted **ORD. 08-15** establishing initial zoning of Planned Area Development (PAD) on property located east and south of the southeast corner of 90th Avenue and Peoria Avenue (Z06-06).

5C Property Acquisition, Happy Valley Road and Terramar Boulevard

RESOLUTION NO. 07-172A

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 IMPROVE AND DEVELOP HAPPY VALLEY ROAD 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.

Adopted **RES. 07-172A** authorizing the acquisition of additional property from a parcel previously identified in Resolution 07-172 and located on the north side of Happy Valley Road east of Terramar Boulevard, by donation, outright purchase, or the exercise of the power of eminent domain.

6C Grant, Central Arizona Groundwater Replenishment District (CAGR)

- a) Accepted a grant in the amount of \$3,000 from the Central Arizona Groundwater Replenishment District (CAGR) Conservation Grant Program to purchase water conservation retrofit kits for homes built prior to 1990 (LCON13408); and
- b) Approved a Fiscal Year 2009 budget transfer in the amount of \$3,000 from the General Fund Contingency Account to the Water Resources/Conservation Community Promotions Account.

7C Grant, Arizona Automobile Theft Authority (AATA), Vehicle Theft Deterrents

RESOLUTION NO. 08-98

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPT AN AWARD OF A SUPPLEMENTAL GRANT IN THE AMOUNT OF \$9,457 FROM THE ARIZONA AUTOMOBILE THEFT AUTHORITY (AATA), LAW ENFORCEMENT GRANT PROGRAM TO ASSIST IN FUNDING SUPPLEMENTAL LAW ENFORCEMENT OPERATIONS.

- a) Adopted **RES. 08-98** authorizing the City of Peoria Police Department to participate in the Arizona Automobile Theft Authority (AATA) 2008/2009 Law Enforcement Grant Program and accept additional funding in the amount of \$9,457 to aid in the search for stolen vehicles by providing reimbursement for the purchase of a night vision system, staff deployments that utilize the "Bait Car" systems and a license plate reader (LCON13508); and
- b) Approved a budget transfer in the amount of \$9,457 from the Proposed Grants Contingency Account to the AATA Grant Fund, Operational Supplies and Equipment Account in the amount of \$2,957 and to the Overtime Account in the amount of \$6,500 to provide expenditure authority for the grant funds.

8C Intergovernmental Agreement, Pima, Maricopa and Pinal Counties and City of Tucson, Capital Improvement Projects Benchmarking Study

Approved an Intergovernmental Agreement (IGA) between Pima County, Maricopa County, Pinal County, the City of Tucson and the City of Peoria to conduct the Arizona Benchmarking Study of Capital Improvement Projects (LCON13608).

9C Intergovernmental Agreement, State of Arizona, State Route 303 Improvements, Happy Valley Parkway to Lake Pleasant Parkway

RESOLUTION NO. 08-99

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA FOR CITY OF PEORIA DESIGN UPGRADES TO THE STATE'S DESIGN AND CONSTRUCTION OF STATE ROUTE 303L (SR303L).

Adopted **RES. 08-99** approving an Intergovernmental Agreement in the amount of \$477,308 with the State of Arizona for the design of improvements to State Route 303 Loop (SR303L) from Happy Valley Parkway to Lake Pleasant Parkway (LCON13708).

10C Memorandum of Understanding, Peoria Firefighters

Approved a Memorandum of Understanding (M.O.U.) with the United Phoenix Firefighters Association (P.F.F.A.), Local 493, effective July 1, 2008 to June 30, 2010 (LCON13808).

11C Memorandum of Understanding, Peoria Police Officers Association

Approved a Memorandum of Understanding (M.O.U.) with the Peoria Police Officers Association (P.P.O.A.), effective July 1, 2008 to June 30, 2010 (LCON13908).

12C Memorandum of Understanding, American Federation of State, County and Municipal Employees

Approved a Memorandum of Understanding (M.O.U.) with the American Federation of State, County and Municipal Employees (AFSCME), Local 3282, effective July 1, 2008 to June 30, 2009 (LCON14008).

13C Salary and Related Changes, Management, Professional, Supervisory and Confidential (PSC) Employees

Approved salary and related changes for Management, Professional, Supervisory and Confidential (PSC), Benefited Part-Time and Hourly Employees effective July 1, 2008.

14C Contract, Achen-Gardner Engineering, LLC, Pre-Construction Services, 83rd Avenue to 91st Avenue Roadway Widening and Drainage Improvements and 83rd Avenue and Deer Valley Road Intersection Improvements

- a) Awarded a Construction Manager at Risk Contract in an amount not to exceed \$116,660.60 to Achen-Gardner Engineering, LLC for pre-construction services associated with the construction of the Deer Valley Road, 83rd Avenue to 91st Avenue Roadway Widening and Drainage Improvement project and the 83rd Avenue and Deer Valley Road Intersection Improvement project; and
- b) Approved a budget transfer within the project in the amount of \$76,857.30 from the land account to the construction account (LCON14108).

15C Contract, Mesirow Financial, Fiscal Year 2009 Insurance Package

Awarded the Fiscal Year 2009 insurance package as recommended by the City's insurance broker, Mesirow Financial (LCON14208).

16C Contract, Primatech, Capital Division Program Review and Project Delivery Manual

Awarded a contract in the not-to-exceed amount of \$64,981 to Primatech for the preparation of the Capital Division Program Review and the development of a portion of the Project Delivery Manual (PDM) (LCON14308).

17C Contract Amendment, Brooks Engineering & Surveyors, Inc., Water Line Design, 91st Avenue, Beardsley Road to Union Hills Drive and Beardsley Road, 87th Avenue to Lake Pleasant Road

- a) Approved Contract Amendment No. 3 in an amount not to exceed \$80,346 with Brooks Engineering & Surveyors, Inc. for additional design services on the 24-inch water lines on 91st Avenue from Beardsley Road to Union Hills Drive and on Beardsley Road from 87th Avenue to Lake Pleasant Road (LCON01705C); and
- b) Approved a budget transfer in the amount of \$15,912 from the Water Contingency Account to the Water Expansion Account.

18C Contract Amendment, Pierson Construction Corporation, Inc., Park West Improvement District Project Construction

Approved Contract Amendment No. 3 in the amount of \$66,773.40 with Pierson Construction Corporation, Inc. for various change orders for the Park West Improvement District project (LCON02107C).

19C Contract Amendment, S.J.L. Construction of Arizona LLC, 79th Avenue Water Line, Greenway Road to Sports Complex

- a) Approved Contract Amendment No. 4 in an amount not to exceed \$34,584 with S.J.L. Construction of Arizona LLC for additional work associated with the construction of the 24-inch water line along 79th Avenue from Greenway Road to the Sports Complex tanks (LCON07806D);
- b) Authorized the use of reserves; and
- c) Approved a budget transfer in the amount of \$34,584 from the Water Fund Contingency Account to the Water Utility Account.

20C Contract Amendment, Wood, Patel and Associates, 107th Avenue and Rose Garden Lane Intersection Design

Approved Contract Amendment No. 8 in the not-to-exceed amount of \$11,431 with Wood, Patel and Associates for re-design of the intersection of 107th Avenue and Rose Garden Lane for improved pedestrian function and safety and aesthetics for the Rose Garden Lane Drainage project (LCON06804H).

21C Authorize Expenditure, Agave Environmental Contracting, Inc., Paseo Verde Park Improvements

- a) Authorized an expenditure of funds in the amount of \$61,529 utilizing an existing Job Order Contract with Agave Environmental Contracting, Inc. for park improvements at Paseo Verde Park; and
- b) Approved a 10 percent project contingency.

22C Authorize Expenditure, Quest Ventures Incorporated, Lift Station Upgrade, 101st Avenue and Northern Avenue

Approved an expenditure of funds for a Guaranteed Maximum Price (GMP) amount of \$145,888 utilizing a Job Order Contract with Quest Ventures Incorporated for design phase services to upgrade the existing lift station located on 101st Avenue and Northern Avenue (ACON25008P5).

23C Authorize Expenditure, City of Surprise, Union Hills Drive Construction

- a) Approved an expenditure of Transportation Sales Tax funds in the amount of \$150,000 to the City of Surprise for construction on Union Hills Drive from 111th Avenue to 115th Avenue;
- b) Authorized the use of reserves; and
- c) Approved a budget transfer in the amount \$150,000 from the Transportation Sales Tax Fund Contingency Account to the Transportation Sales Tax Fund Street System Account.

24C Authorize Expenditure, J. Banicki, Inc., Market Street and Gold Dust Lane Reconstruction Project

Approved an expenditure of funds in the amount of \$278,273.27 to J. Banicki, Inc. utilizing Job Order Contract No. 07-03 between the City of Chandler and J. Banicki, Inc. for waterline and pavement removal and replacement as part of the Market Street and Gold Dust Lane reconstruction.

25C Authorize Expenditure, Felix Construction, Chemical Storage Tank Installation, Greenway Water Treatment Facility

Authorized an expenditure of funds for a Guaranteed Maximum Price (GMP) amount of \$57,231 utilizing an existing Job Order Contract with Felix Construction for the design and installation of three new chemical storage tanks at the Greenway Water Treatment Facility (ACON23908P4).

26C Water Line Abandonment, Sun Valley Elementary School, 95th Avenue and Butler Drive

RESOLUTION NO. 08-100

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING THAT CERTAIN PUBLIC WATER LINE TO BE ABANDONED DUE TO A PROPOSED WATER LINE RE-ALIGNMENT AND NO LONGER REQUIRED TO BE RETAINED BY THE CITY AND DIRECTING THAT SUCH UNNECESSARY WATER EASEMENT BE DISPOSED OF IN THE MANNER PROVIDED BY LAW AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **RES. 08-100** approving the abandonment of an existing water line for Sun Valley Elementary School, located at the southeast corner of 95th Avenue and Butler Drive.

27C Final Plat, Riverwalk Professional Center North, 77th Avenue and Deer Valley Road

Approved the Final Plat for Riverwalk Professional Center North, located at the southeast corner of 77th Avenue and Deer Valley Road, subject to stipulations (Project No. R070085).

REGULAR AGENDA

NEW BUSINESS

28R PUBLIC HEARING - Liquor License, Fresh & Easy Neighborhood Market, 83rd Avenue and Thunderbird Road

PUBLIC HEARING:

Vice Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the new Wine and Beer Liquor License (Series 10) for Fresh & Easy Neighborhood Market, located at the northeast corner of 83rd Avenue and Thunderbird Road. Applicant: Randy D. Nations. LL#10012350.

Staff Report/Public Comment:

Mary Jo Kief, City Clerk, reported that the property 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, Vice Mayor Carlat declared the public hearing closed.

Council Action:

Motion was made by Councilmember Aames, seconded by Councilmember Leone, to recommend approval to the State Liquor Board for a new Wine and Beer Liquor License (Series 10) for Fresh & Easy Neighborhood Market, located at the northeast corner of 83rd Avenue and Thunderbird Road. Applicant: Randy D. Nations. LL#10012350.

Upon vote, the motion carried unanimously.

29R PUBLIC HEARING – Fiscal Year 2009 Budget

PUBLIC HEARING:

Vice Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the Fiscal Year (FY) 2009 Budget.

Staff Report/Public Comment:

Barry Houg, Senior Budget Analyst, outlined the budget adoption process and schedule. Mr. Houg reported that the tentative budget set the maximum appropriation for FY2009. The FY2009 appropriation totals \$680 million and includes an operating budget estimated to be \$231.2 million (34 percent of the total budget). The budget also includes: debt service of \$54.4 million (8 percent of the total budget), \$54.4 million (8 percent of the total budget) for contingency accounts, and \$340 million (50 percent of the total budget) for capital improvements.

Mr. Houg reported that the adoption of the tax levy is scheduled for the July 1, 2008 meeting.

Vice Mayor Carlat asked if any Councilmember or member of the public wished to comment on the agenda item.

Councilmember Leone commended staff on doing a great job with the budget.

Councilmember Aames stated that the budget is very good and covers the City's needs. Councilmember Aames commended staff for dropping the budget by 1.5 percent and dropping the primary property tax by \$.05.

Councilmember Evans stated there was only a 1.9 percent raise in the operation budget this year; however, the City has been able to come to an agreement with all three unions for more than a 1.9 percent raise. Councilmember Evans thanked staff for their work on the budget.

There being no additional comments, Vice Mayor Carlat declared the Public Hearing closed.

Council Action:

RESOLUTION NO. 08-100

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING THAT CERTAIN PUBLIC WATER LINE TO BE ABANDONED DUE TO A PROPOSED WATER LINE RE-ALIGNMENT AND NO LONGER REQUIRED TO BE RETAINED BY THE CITY AND DIRECTING THAT SUCH UNNECESSARY WATER EASEMENT BE DISPOSED OF IN THE MANNER PROVIDED BY LAW AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Councilmember Evans, seconded by Councilmember Hunt, to adopt **RES. 08-101** adopting the Final Budget for Fiscal Year 2009 totaling \$680,000,000. Upon vote, the motion carried unanimously.

30R PUBLIC HEARING – Property Tax Levy, Fiscal Year 2009

PUBLIC HEARING:

Vice Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the City of Peoria property tax levy for Fiscal Year 2009.

Staff Report/Public Comment:

Barry Houg, Senior Budget Analyst, advised that State Statute requires that a hearing take place at least 14 days prior to the adoption of the tax levy ordinance. Final adoption of the property tax levy is scheduled for July 1, 2008. The recommended property tax levy for FY2009 is \$1.44 per \$100 of assessed valuation. The primary property tax rate is recommended to be set to \$.19 per \$100 of assessed valuation, with the secondary tax rate at \$1.25 per \$100 of assessed valuation.

There being no comments from those present, Vice Mayor Carlat declared the Public Hearing closed.

Council Action: No Council action taken.

31R General Plan Amendment, Land Use Map, 83rd Avenue and Pinnacle Peak Road

Discussion to carry this item over to the July 1, 2008 Council meeting to concur with the Planning and Zoning Commission and adopt a Resolution amending the General Plan Land Use Map from Residential/Estate to Office for a site located on the southwest corner of 83rd Avenue and Pinnacle Peak Road and encompassing approximately 10.12 gross acres (GPA07-05) ensued. The Council further discussed carrying the item over to the August 26, 2008 meeting.

Debra Grunwald addressed the Council requesting that Agenda Items 31R and 32R be held over until the August meeting as many of the citizens against these items will be out of town for the 4th of July weekend and will be unable to appear at the Council meeting on July 1, 2008.

In response to Councilmember Aames, Steve Kemp, City Attorney, explained that if the Council carries these items over until August, the issues would need to be re-advertised at the expense of the applicant. The applicant had requested a delay until the July 1, 2008 meeting.

Jeff Zientek, property co-owner, addressed the Council stating that the applicant is requesting an extension to July 1, 2008 due to medical concerns regarding two of their architects.

Lisa Purcell addressed the Council stating that she collected 22 signatures from Clear Valley Estates residents who stated they were approached by someone who presented themselves as part of their neighborhood, not disclosing that they were actual owners of the property and did not show pictures or renderings of the proposed development. Further, Ms. Purcell stated the signage was not posted in a manner consistent with other signs in the area.

Motion was made by Councilmember Evans, seconded by Councilmember Aames to carry over this item to the August 26, 2008 Council meeting and direct staff to work with the property owners to determine what follow up items need to be done due to carrying this item over to the August 26, 2008 meeting. Upon vote, the motion carried unanimously.

32R Rezoning, 83rd Avenue and Pinnacle Peak Road

Vice Mayor Carlat announced the item to have a discussion to carry over to July 1, 2008 a recommendation to concur with the Planning and Zoning Commission and adopt an Ordinance establishing Planned Area Development (PAD) zoning on property located on the southwest corner of 83rd Avenue and Pinnacle Peak Road (Z07-09).

Per discussion held on item 31R, motion was made by Councilmember Aames, seconded by Councilmember Hunt to carry over this item to the August 26, 2008 Council meeting. Upon vote, the motion carried unanimously.

33R Contract Amendment, Ames Construction, Inc., Happy Valley Road Widening, 75th Avenue to Lake Pleasant Parkway

David Moody, Engineering Director, informed the Council that the money required to be paid by the developer has not yet been received; therefore, Staff is requesting this item be carried over to the July 1, 2008 Council meeting.

Motion was made by Councilmember Hunt, seconded by Councilmember Aames to carry over to the July 1, 2008 Council meeting the discussion and possible action to:

- a) Approve Contract Amendment No 4, Guaranteed Maximum Price No. 3 (GMP#3), for an amount not to exceed \$762,104.19 with Ames Construction, Inc. for construction services associated with the construction of Happy Valley Road widening from 75th Avenue to Lake Pleasant Parkway for Sunrise Mountain water and wastewater improvements (LCON06407D); and
- b) Approve a budget transfer in the amount of \$186,182.15 from the General Fund Contingency Account to the Outside Sources Fund Water System Account and in the amount of \$575,922.04 from the General Fund Contingency Account to the Outside Sources Fund Wastewater System Account.

Upon vote, the motion to carry over to July 1, 2008 carried unanimously.

34R Confirmation - City Manager Appointment of Human Resources Director

Terry Ellis, City Manager, recommended the Council confirm the City Manager appointment of Wynette Reed as Human Resources Director, effective July 14, 2008. Mr. Ellis outlined Ms. Reed's 20 years of experience in human resources and explained that Ms. Reed was unable to appear at the meeting tonight.

Motion was made by Councilmember Aames, seconded by Councilmember Hunt to confirm the appointment of Wynette Reed as the Human Resources Director, effective July 14, 2008. Upon vote, the motion carried unanimously.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

CALL TO PUBLIC: (NON-AGENDA ITEMS)

Reports from the City Manager:

Terry Ellis, City Manager, introduced Glen Van Nimwegen, Community Development Director, to speak about the rising rate of foreclosures in Peoria and outline the City's efforts to combat this issue. Mr. Van Nimwegen explained that in Arizona 1 in 18 homes is in the process of foreclosure. In Peoria, there were less than 4 percent of the homes in some stage of foreclosure by the end of May. Mr. Van Nimwegen stated that Carl Swenson, Deputy City Manager, realized the issue was bigger than Community Development, which is why a task force has been developed to tackle the issue. Members of the task force include:

- Carl Swenson, Deputy City Manager
- Steve Burg, Chief Assistant City Attorney
- Glen Van Nimwegen, Community Development Director
- Kelly Corsette, Public Information Manager
- Larry Rooney, Deputy Fire Chief
- Larry Ratcliff, Police Chief
- Bill Mattingly, Public Works Director
- Brian Biesemeyer, Utilities Deputy Director
- Seth Blumen, Intern for the City Manager's Office

Mr. Van Nimwegen outlined the action plan for possible vacant homes. Discussion ensued regarding abatement procedures and costs.

Reports from City Council:

Councilmember Leone stated he visited with Cub Scouts who were interested in receiving their Wolf Badge. Councilmember Leone also commended the new Butler Water Reclamation Facility and the Infiniti car dealer for their green building design.

Councilmember Hunt commended the Butler Water Reclamation Facility and commented on how the plant is so vital to our City. Councilmember Hunt stated she is proud to represent her district and of how everyone works together. Councilmember Hunt commended the efforts of the Rotary Club in a recent neighborhood clean-up effort and requested the citizens should contact their Councilmember if they see a problem with vacant homes.

Vice Mayor Carlat commended Terry Ellis stating that he has earned his place in Peoria history.

Reports from the Mayor:

None

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:50 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 17th day of June, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26th day of August, 2008.

(Seal)

Mary Jo Kief, City Clerk

City of PEORIA

Proclamation

Whereas, Terry Ellis is retiring June 30, 2008 after eleven years of outstanding service as the City Manager of City of Peoria, AZ; and

Whereas, Terry served with distinction in this capacity until June 2008 becoming the longest serving City Manager in the history of the City; and

Whereas, He has provided valuable guidance and good counsel to the Mayor and the City Council for the last eleven years, and

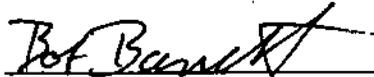
Whereas, Terry has faithfully implemented the policy direction of the City Council with a focus on ethical behavior centered around customer service excellence; and

Whereas, during his years of service as City Manager, Terry Ellis has been an outstanding leader and a significant contributor to this City and to the region, and

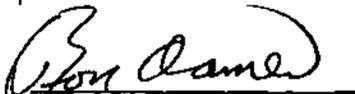
Whereas, Terry has created a deep appreciation in the City organization of the privilege to serve the public, and he leaves the City of Peoria and its citizens enriched due to his dedication, spirit and efforts on their behalf.

Now, Therefore, be it resolved by the Mayor and City Council of the City of Peoria that we hereby express and proclaim our appreciation and gratitude, to Terry Ellis for his many years of hard work and exemplary public service to the City of Peoria.

In Witness Whereof, we have set our hands and caused the Seal of the City of Peoria, Arizona, to be affixed this 17th day of June, 2008.



Bob Barrett, Mayor



Ron Aames, Councilmember



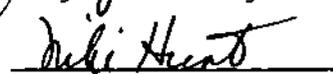
Joan Evans, Councilmember



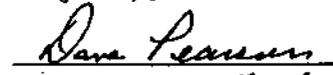
Carlo Leone, Councilmember



Cathy Coflat, Vice Mayor

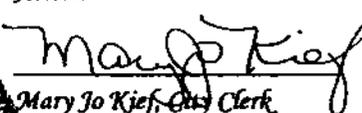


Vicki Hunt, Councilmember



Dave Pearson, Councilmember

Attest:



Mary Jo Kief, City Clerk

