

**MINUTES OF THE PEORIA CITY COUNCIL**  
CITY OF PEORIA, ARIZONA  
PINE ROOM, CITY HALL  
July 1, 2008

A **Special Meeting and Study Session** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:00 p.m.

**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:** Carl Swenson, City Manager; Susan Thorpe, Deputy City Manager; John Wenderski, Deputy City Manager; Steve Kemp, City Attorney; Mary Jo Kief, City Clerk; J.P. de la Montaigne, Bill Mattingly, Grady Miller, Dave Moody, Steve Prokopek, Glen Van Nimwegen, James Mason and Gina Soria.

**Audience:** Approximately 10-15 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.

Vice Mayor Carlat noted any item removed from the Consent Agenda will be heard at the 7:00 p.m. meeting. Vice Mayor Carlat asked if any Councilmember wished to have an item removed from the Consent Agenda. Councilmember Pearson requested item 14C be removed from the Consent Agenda.

Vice Mayor Carlat opened the public hearing for item 8C and asked if any Councilmember or citizen wished to comment on item 8C. Having no requests from Council or the public to address this item, Vice Mayor Carlat declared the public hearing closed.

Motion was made by Councilmember Aames, seconded by Councilmember Leone, to approve the Consent Agenda as submitted with the exception of item 14C. Upon vote, the motion carried unanimously.

Vice Mayor Carlat noted item 14C will be carried over to the 7:00 p.m. Regular Meeting.

**CONSENT – New Business:**

**1C DISPOSITION OF ABSENCE:** Approved the absence of Mayor Bob Barrett from the City Council Meeting held on June 17, 2008.

**2C Code Amendment, Chapter 2, Fees, Rio Vista Recreation Center Passes**

ORDINANCE NO. 08-19

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY AMENDING TABLE 2-207 PERTAINING TO FEES CHARGED BY THE COMMUNITY SERVICES DEPARTMENT AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 08-19** amending Section 2-207 of Chapter 2 of the Peoria City Code (1992 Edition) to establish the fee structure and permissible range for 6-month passes at Rio Vista Recreation Center.

**3C Rezoning, 91st Avenue and Thunderbird Road**

ORDINANCE NO. 08-20

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING PROPERTY FROM CENTRAL COMMERCIAL (C-3) TO A 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. 08-20** rezoning a site encompassing approximately 9.2 gross acres generally located on the southeast corner of 91st Avenue and Thunderbird Road from Central Commercial (C-3) to Planned Area Development (PAD). (Z07-14)

**4C Ratify Election Results, Public Safety Personnel Retirement System Local Boards, Police and Fire**

RESOLUTION 08-102

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, RATIFYING THE ELECTIONS APPOINTING PAT KIEF TO THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM LOCAL BOARD – POLICE AND MARK BARBEE TO THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM LOCAL BOARD – FIRE, AND ESTABLISHING THE TERMS OF OFFICE THEREOF.

Adopted **RES. 08-102** ratifying the election results of the Public Safety Personnel Retirement System Local Boards appointing Pat Kief to the Public Safety Personnel Retirement System Local Board (Police) and Mark Barbee to the Public Safety Personnel System Retirement Local Board (Fire).

**5C Donation, Arizona Public Service, 2008 Getting Arizona Involved in Neighborhoods (GAIN) Event**

- a) Authorized the City of Peoria Police Department to utilize donated funds from Arizona Public Service (APS) in the amount of \$3,500 to purchase equipment and supplies for the 2008 Getting Arizona Involved in Neighborhoods (GAIN) event (LCON14408); and
- b) Approved a budget transfer in the amount of \$3,500 from the Proposed Grants Contingency Account to the Citizens Donation Operational Supplies and Equipment Account.

**6C Grant, Arizona Department of Environmental Quality, Water Quality Improvement Education**

- a) Authorized the City Manager to accept a Water Quality Improvement Education Grant in the amount of \$5,000 from the Arizona Department of Environmental Quality to assist in the implementation of an education and outreach program for Stormwater Pollution Prevention (LCON14508); and
- b) Authorized a budget transfer in the amount of \$5,000 from the Proposed Grant Fund Contingency Account to the Arizona Department of Environmental Quality Grant Fund Community Promotions Account.

**7C Grant, The Outdoor Foundation, Youth Outdoor Recreational Programs**

- a) Accepted a grant in the amount of \$1,500 from The Outdoor Foundation, in partnership with National Recreation and Park Association (NRPA) in conjunction with the Teens Outside™ program to grow and enhance existing youth outdoor recreational programs (LCON14608); and
- b) Approved a budget transfer in the amount of \$1,500 from the Proposed Grants Contingency Account to the Teen Division Recreation Programs Account.

**8C PUBLIC HEARING - Grant, U. S. Department of Justice, Police Activities League Program**

**PUBLIC HEARING:** RE: Adoption of a resolution authorizing the acceptance of an award in the amount of \$11,059 from the U. S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG), to support the Police Activities League (PAL) program.

Vice Mayor Carlat opened and closed the Public Hearing for Agenda Item 8C with no comments from the public.

**Council Action:**

**RESOLUTION NO. 08-103**

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 \$11,059 FROM THE U.S. DEPARTMENT OF JUSTICE'S EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) TO ASSIST IN FUNDING SUPPLEMENTAL LAW ENFORCEMENT OPERATIONS.

- a) Adopted **RES. 08-103** authorizing the acceptance of an award in the amount of \$11,059 from the U. S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG), to support the Police Activities League (PAL) program(LCON14708); and
- b) Approved a budget transfer in the amount of \$11,059 from the Proposed Grants Contingency Account to the JAG Grant Account.

**9C Grant, Arizona Automobile Theft Authority (AATA) 2008/2009 Public Awareness Grant Program**

- a) Authorized the City of Peoria Police Department to participate in the Arizona Automobile Theft Authority (AATA) 2008/2009 Public Awareness Grant Program and accept additional funding in the amount of \$14,166 in support of auto theft reduction public events, including overtime, equipment, and supplies (LCON14808); and
- b) Approved a budget transfer in the amount of \$14,166 from the Proposed Grants Contingency Account to the AATA Grant Account to provide expenditure authority for the grant funds.

**10C Grant, Arizona Office of Tourism, Proposition 302 Grant Program, Tourism Marketing**

Accepted a grant in the amount of \$62,807 from the Arizona Office of Tourism Proposition 302 Grant Program to supplement the City's overall marketing and advertising efforts. To promote tourism. (LCON14908)

**11C Contract, Haydon Building Corporation, Community Park, 83rd Avenue and Olive Avenue**

Awarded a contract in an amount not to exceed \$276,642 with Haydon Building Corporation for pre-construction master planning services of Community Park #2 to be located near the southeast intersection of 83rd Avenue and Olive Avenue. (LCON15008)

**12C Contract, Hunter Contracting Company, WestWing Neighborhood Park Pre-Construction Services, Westwing Parkway and High Desert Drive**

- a) Approved a contract in an amount not to exceed \$33,646.37 with Hunter Contracting Company for pre-construction services for WestWing Neighborhood Park located at Westwing Parkway and High Desert Drive (LCON15108); and
- b) Approved a contract to enter into a Guaranteed Maximum Price (GMP) in the estimated amount of \$600,000 with Hunter Contracting Company for an early grading package. (LCON16108)

**13C Contract, Jerry Allen and Associates, Public Art Master Plan**

- a) Awarded a contract in an amount not to exceed \$75,000 to Jerry Allen and Associates to conduct a public art master plan (LCON15208);
- b) Authorized the use of reserves from the Percent For the Arts Fund; and
- c) Authorized a budget transfer in the amount of \$75,000 from the General Fund Arts Commission, Other Professional Services Account to the Percent for the Arts, Other Professional Services Account.

**14C Contract, Pacific Municipal Consultants (PMC), Central Peoria Revitalization Plan Update**

**Clerk's Note:** Agenda Item 14C was carried over to the 7:00 p.m. meeting.

Discussion and possible action to award a fixed-price contract in the amount of \$124,895 to Pacific Municipal Consultants dba PMC for preparation of the update to the Central Peoria Revitalization Plan. (LCON15308)

**15C Contract, Arizona Public Service, Electrical Power Cabinet Relocation, 91st Avenue and Olive Avenue Intersection Improvements**

Authorized the City Manager to execute a design and construction services contract in the amount of \$115,958 with Arizona Public Service (APS), for the relocation of an electrical power cabinet located on the north side of Olive Avenue, east of 91st Avenue for the 91<sup>st</sup> Avenue and Olive Avenue Intersection Improvement Project. (LCON15408)

**16C Contract Amendment, HDR Engineering, 84th Avenue Streetscape Project, Monroe Street to Peoria Avenue**

Approved Contract Amendment No. 2 in the not-to-exceed amount of \$219,063 to HDR Engineering for design and post-design services for the 84th Avenue Streetscape Project, Monroe Street to Peoria Avenue. (LCON01104B)

**17C Contract Amendment, Ledcor, Rose Garden Lane Drainage Improvements Project**

- a) Approved Contract Amendment No. 4 in the not-to-exceed amount of \$703,801.22 with Ledcor for various extra work claims, change of conditions claims and value engineering, including extending the contract by 36 days, for the Rose Garden Lane Drainage Improvements Project (LCON05707D); and
- b) Approved a budget transfer within the project in the amount of \$258,378.51 from the Proposed General Obligation (GO) Bond Fund, Land Acquisition Account to the Proposed GO Bond Fund, Storm Drain System Account.

**18C Contract Amendment, Brooks Engineering & Surveyors, Inc., 79th Avenue Water Line Design, Greenway Road to Sports Complex Reservoirs**

- a) Approved Contract Amendment No. 4 in an amount not to exceed \$8,295 with Brooks Engineering & Surveyors, Inc. for additional design services associated with the 24-inch water line on 79th Avenue from Greenway Road to the Sports Complex Reservoirs (LCON09903D);
- b) Authorized the use of reserves; and
- c) Approved a budget transfer in the amount of \$8,295 from the Water Fund Contingency Account to the Water Utility Account.

**19C Contract Amendment, Municipal Judge and City Attorney**

- a) Approved an amendment to the Agreement for Municipal Judge Services with the Presiding Municipal Judge (LCON05696J); and
- b) Approved an amendment to the Terms and Conditions of Employment with the City Attorney. (LCON00296K)

**20C Budget Transfer, Sewage Disposal Fees, Tolleson Wastewater Treatment Plant**

- a) Authorized the use of reserves from the Wastewater Operating Fund; and
- b) Approved a budget transfer in the amount of \$648,000 from the Wastewater Operating Fund Contingency Account to the Wastewater Operating Fund Collection Sewage Disposal Service – Tolleson Account for increased sewage disposal fees at the Tolleson Wastewater Treatment Plant.

**21C Authorize Expenditure, Felix Construction Company, Underground Pressure Reducing Valve Station, Market Street near Cotton Crossing Road**

Authorized an expenditure of funds for a Guaranteed Maximum Price (GMP) of \$210,813 utilizing a Job Order Contract with Felix Construction Company for construction phase services to construct the new underground pressure reducing valve station located on Market Street near Cotton Crossing Road. (ACON23908P6)

**22C Authorize Expenditure, CS Construction, Inc., Traffic Signal Construction, Jomax Road and Lake Pleasant Parkway**

Approved an expenditure of funds in the amount of \$544,509.92 to CS Construction, Inc., utilizing existing Job Order Contract No. 4, Traffic Signals at Various Locations, between the Town of Gilbert and CS Construction, for the construction of the Jomax Road and Lake Pleasant Parkway traffic signal.

**23C Authorize Expenditure, Mohave Educational Services, Fiber Optic Cable Installation**

Authorized an expenditure of funds in the amount of \$215,000 utilizing an existing Mohave Educational Services Job Order Contract (04E-CENT-0901) with Centennial Contractors for project related costs for fiber optic connectivity to City facilities.

**24C Outside Co-Counsel, Tolleson v. City of Peoria Litigation**

Authorized the City Attorney to retain the law firm of Mariscal, Weeks, McIntyre & Friedlander as co-counsel in the litigation matter Tolleson v. City of Peoria.

**25C Abandon Easement, 93rd Avenue and Happy Valley Road**

RESOLUTION NO. 08-104

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING THAT CERTAIN PUBLIC RIGHTS-OF-WAY DEDICATED TO THE PUBLIC BY THE UNITED STATES OF AMERICA FOR ROADWAY AND PUBLIC UTILITIES TO BE UNNECESSARY TO CITY PURPOSES 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.

Adopted **RES. 08-104** to abandon City interest in a portion of an existing Federal Patent Easement for Roadway and Utilities, as recorded in Docket 2955, Page 311, Patent Number 1196669, and located west of the northwest corner of 93rd Avenue and Happy Valley Road.

**26C Deeds and Easements, Various Locations**

RESOLUTION NO. 08-105

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. 08-105** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

**27C Designate Roadways, Establish Rights-of-Way, Various Locations**

RESOLUTION NO. 08-106

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. 08-106** designating various real properties to be used as City roadways and authorize the establishment of public rights-of-way to be opened and maintained by the City as a public street.

**28C Final Plat, Lake Pleasant Promenade Commerce Park, Lake Pleasant Parkway and Jomax Road**

Approved the Final Plat for Lake Pleasant Promenade Commerce Park, located near the northwest corner of Lake Pleasant Parkway and Jomax Road, subject to stipulations. (Project No. R070115)

**29C Final Plat, Lake Pleasant Crossing, Lake Pleasant Parkway and Happy Valley Road**

Approved the Final Plat of Lake Pleasant Crossing, located at the northeast corner of Lake Pleasant Parkway and Happy Valley Road, subject to stipulations. (Project No. R070059)

**30C Final Plat, Peoria Place, 83rd Avenue and Monroe Street**

Approved the Final Plat for Peoria Place, located at the southeast corner of 83rd Avenue and Monroe Street, subject to stipulations. (Project No. R080013)

**31C Final Plat, Aviara Estates, 97th Avenue and Happy Valley Road**

Approved the Final Plat for Aviara Estates, located at the southeast corner of 97th Avenue and Happy Valley Road, subject to stipulations. (Project No. R050156)

**32C Final Plat, Freedom Plaza Care Center, Thunderbird Road and Plaza del Rio Boulevard**

Approved the Final Plat of Freedom Plaza Care Center, located at the southwest corner of Thunderbird Road and Plaza del Rio Boulevard, subject to stipulations. (Project No. R060059)

**33C Final Plat, Creekside Estates, 73rd Avenue and Pinnacle Peak Road**

Approved the Final Plat for Creekside Estates, located near the northwest corner of 73rd Avenue and Pinnacle Peak Road, subject to stipulations. (Project No. R070102)

**34C Final Plat, Amended 91st and Butler Business Park, 91st Avenue and Butler Drive Alignment**

Approved the Final Plat of Amended 91st & Butler Business Park, located at the southwest corner of 91st Avenue and the Butler Drive Alignment, subject to stipulations. (Project No. R050161A)

**ADJOURNMENT:**

Being no further business to come before the Council on the Consent Agenda, Vice Mayor Carlat adjourned the Special Meeting at 5:02 p.m.

Vice Mayor Carlat convened the **Study Session Meeting** of the City Council of the City of Peoria, Arizona at 8401 West Monroe Street in open and public session at 5:03 p.m.

### **STUDY SESSION AGENDA**

#### **1. Regional Planning Transportation Authority (RPTA) Overview and Briefing**

Bill Mattingly, Public Works Director, introduced the Regional Planning Transportation Authority (RPTA) overview and briefing.

Richard J. Simonetta, Chief Executive Officer for Metro Rail, reported the Phoenix Metro area has the 16<sup>th</sup> largest population in the country, but the transit system is only the 26<sup>th</sup>. He stated roadway construction will not keep up with population and travel growth and he reviewed population and travel statistics.

Discussion ensued on the benefits of light rail and the carrying capacity. Mr. Simonetta discussed the 20 mile alignment of the rail. He reported construction is 90percent complete and the track is 100percent in place at the Operations and Maintenance Center.

Mr. Simonetta reported on the hours of operation, which will operate on the same hours as bus routes and travel at posted speed limits. He reviewed the travel times to downtown Phoenix from several locations in the Valley. Discussion ensued on the fares. Mr. Simonetta explained passes will be available for purchase through ticket vending machines located at station entrance ramps and Valley Metro outlets. There are 28 stations which will be shaded, have chilled water, and unique art work.

Discussion ensued on the testing of trains, operator training, and public education. Mr. Simonetta highlighted a public safety campaign, including commercial advertisements on local television and newspapers and information in newsletters and emails.

Mr. Simonetta reported construction will be completed in the fall. The Grand Opening Weekend is scheduled for December 27 - 28, 2008 which will include free rides, station celebrations, food and entertainment. Passenger service will begin on December 29<sup>th</sup>.

Mr. Simonetta commented on the high-capacity transit and project schedule. In addition to the operation of the initial 20 mile alignment, the final design of the first extension is complete and almost ready for construction.

Bryan Jungwirth, Chief of Staff for Valley Metro, commented annual bus ridership has increased 66percent in the past 10 years while mileage has increased 93percent. He explained commute options provide relief to crowded busses and that alternative modes save 292,000 pounds of pollution daily and 430,000 gallons of gas.

Mr. Jungwirth discussed service expansions and new facilities. He highlighted bus services, commenting they are complementary to the light rail and have easy connections. Mr. Jungwirth clarified the busses do connect to the light rail and reported on the METRO Stations.

Councilmember Evans commented on the minimal rail line exposure in the West Valley. Mr. Jungwirth replied that due to Proposition 400, most of the investments were directed to freeways. As other cities had most of their freeways complete, they had higher investments for light rail. Councilmember Aames commented on several studies that include Peoria and highlighted commuter trains. Councilmember Aames stated the City will continue to progress in a comprehensive transportation network for its citizens.

Councilmember Pearson inquired if students at Arizona State University (ASU) West will have light rail access directly to ASU Main in Tempe. Mr. Simonetta replied they will have access via a bus to the rail. There is no plan for a light rail and it would take a revision to the plan before it could be included.

## **2. Fixed Route and Paratransit Plan Update**

Randy Roberts, Transit Manager, reviewed current transit issues, including rising fuel costs and increased labor rates. He commented on the existing services in the Peoria Transit Division, highlighting Dial-a-ride, Dial-a-ride Plus, and current fixed routes. Mr. Roberts reported 96percent of Dial-a-ride customers are seniors or persons with disabilities and the Dial-a-ride Plus service provides direct routes to major medical services.

Mr. Roberts reviewed the long range Transit Plan, highlighting funding and extended services. Mr. Mattingly explained a portion of the 0.3 percent Transportation Sales Tax is earmarked for the Early Start Plan, which funds the extension of lines now until regional funding becomes available. Mr. Roberts reviewed the Early Start Plan, which will be limited to \$1.6 million.

Carol Ketcherside, Deputy Executive Director for Planning for Valley Metro, discussed the preferred alternative for transit service, which is funded by the Early Start Plan. She reported on the proposed routes. Ms. Ketcherside commented on the geographic coverage within Peoria and future regional, Express, and Bus Rapid Transit services.

Discussion ensued on the variations in the alternative for transit service, which were analyzed using a Maricopa Association of Governments (MAG) travel demand model. The model showed no significant ridership differences between variations. Ms. Ketcherside commented on the other factors considered in evaluating the selection, such as access to transit, commercial density, school access, residential density, and popular destinations. Councilmember Pearson inquired on the possibility of extending the Thunderbird Road route an additional few miles to extend services to the Boswell Health Complex. Mr. Mattingly responded the Early Start Plan is fiscally constrained and they would review that option. Mr. Pearson stated the routes with the least impact should be reconsidered. In response to questions from Council, Mr. Mattingly replied Intergovernmental Agreements can be presented to Council route by route and noted the goal is to be consistent with the regional plan.

Mr. Roberts discussed costs, including fuel increases and contract labor. He reported on a phased implementation plan, which will factor in route related considerations. Mr. Roberts noted new service could be implemented by mid 2009 and enhanced routes could be implemented earlier. In response to Councilmember Pearson, Mr. Roberts explained an

education plan is in process with the Communications and Public Affairs Department and Valley Metro. In response to Council, Mr. Mattingly reported an implementation plan with timelines will be brought to Council in the fall. Carl Swenson, City Manager, commented that fuel prices and the demand for transit make this project a priority.

Councilmember Leone inquired on the service hours of Dial-a-ride and the possibility of extended hours. Mr. Roberts replied the costs would have to be evaluated. Mr. Leone commented on a citizen's recent use of Dial-a-ride, which failed to pick the citizen back up after dropping her off to her desired location. Mr. Mattingly commented the Dial-a-ride service is limited and they will look at alternatives to prevent such occurrences. Mr. Swenson stated the system is working within its parameters and commented on possible changes to the system to account for patrons who miss their scheduled pick up times.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 6:12 p.m.

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Bob Barrett, Mayor

ATTEST:

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Mary Jo Kief, City Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special Meeting and Study Session of the City Council of Peoria, Arizona held on the 1<sup>st</sup> day of July, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26<sup>th</sup> day of August, 2008.

(Seal)

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Mary Jo Kief, City Clerk