

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
PINE ROOM, CITY HALL
August 26, 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 4:05 p.m.

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: Carl Swenson, 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, Brent Mattingly, Grady Miller, Dave Moody, Dan Nissen, Steve Prokopek, Wynette Reed, Larry Rooney, John Schell, Jeff Tyne, Glen Van Nimwegen, James Mason and Rhonda Simmons.

Audience: Approximately 5 members of the public were present.

Note: The order in which items appear in the minutes reflects the order in which the items were discussed during the meeting, which may or may not be the order in which they appear on the agenda.

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:

Mayor Barrett 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 Disposition of Absence

Approved the absence of Mayor Bob Barrett from the Special City Council Meeting held at 4:00 p.m. and the Regular City Council Meeting held at 7:00 p.m. on July 1, 2008.

2C Minutes

Budget Study Session -April 23, 2008
Budget Study Session -April 25, 2008
Budget Study Session -April 29, 2008
Budget Study Session -May 1, 2008
Budget Study Session -May 3, 2008
Study Session -May 20, 2008
Regular Meeting -May 20, 2008
Special Study Session -June 3, 2008
Special Study Session - June 10, 2008
Regular Meeting -June 3, 2008
Study Session -June 17, 2008
Regular Meeting -June 17, 2008
Special Meeting -July 1, 2008
Regular Meeting -July 1, 2008

3C Appointments, Boards and Commissions

Approved the recommendations from the Council Subcommittee on Boards and Commissions Appointments and adopted **RES. 08-111** through **RES. 08-116** pertaining to the following:

RESOLUTION 08-111

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING ROBERT BENSON TO THE ARTS COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

RES. 08-111 Appointed Robert Benson, as a regular member, to the Arts Commission for a term to expire June 2012;

RESOLUTION 08-112

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING GREGORY JONES TO THE PARKS AND RECREATION BOARD AND ESTABLISHING THE TERM OF OFFICE.

- RES. 08-112** Reappointed Gregory Jones, as a regular member, to the Parks and Recreation Board for a partial term to expire June 2011; filling the vacancy created by the resignation of Carnell Murrell;

RESOLUTION 08-113

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING CHUCK STRANGE AND ANTHONY IRBY TO THE VETERANS MEMORIAL BOARD AND ESTABLISHING THE TERMS OF OFFICE.

- RES. 08-113** Appointed Chuck Strange and Anthony Irby, as regular members, to the Veterans Memorial Board for partial terms to expire December 2009; filling the vacancies created by the resignation of Thomas Schaefer and the removal of Anthony Foglio;

RESOLUTION 08-114

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING KATHERINE BROWN, HUNTER FINN, BROOKE HEISSERMAN, AND TYLER ARKIN TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERMS OF OFFICE.

- RES. 08-114** Appointed Katherine Brown, Hunter Finn, Brooke Heisserman, and Tyler Arkin, as regular members, to the Youth Advisory Board for terms to expire June 2010;

RESOLUTION 08-115

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING SAMANTHA ERIQUEZ, TANA HATFIELD, CHANEL KINGAN, AND SHELBY PARK TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERMS OF OFFICE.

- RES. 08-115** Appointed Samantha Eriquez, Tana Hatfield, Chanel Kingan, and Shelby Park, as regular members, to the Youth Advisory Board for partial terms to expire June 2009; and

RESOLUTION 08-116

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING BRITTANI COLLINS AND DESMOND HARRINGTON TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERMS OF OFFICE.

- RES. 08-116** Appointed Brittani Collins and Desmond Harrington, as alternate members, to the Youth Advisory Board for partial terms to expire June 2009.

4C Grant, Gila River Indian Community, Lake Pleasant Regional Park, Fireboat Purchase

RESOLUTION NO. 08-117

RESOLUTION OF THE CITY OF PEORIA, MARICOPA COUNTY ARIZONA APPROVING THE APPLICATION FOR GILA RIVER INDIAN COMMUNITY GRANT FUNDS FOR THE PURCHASE OF A WATERCRAFT (FIREBOAT) FOR THE PEORIA FIRE DEPARTMENT TO BE USED FOR THE PROVISION OF FIRE AND EMERGENCY MEDICAL SERVICES AT LAKE PLEASANT REGIONAL PARK.

Adopted **RES. 08-117** approving a grant application in the amount of \$211,338 to the Gila River Indian Community for the purchase of a fireboat to be used for fire and emergency medical services at Lake Pleasant Regional Park. (LCON16308)

5C Grant, Arizona Department of Public Safety, Crime Victim Assistance

RESOLUTION NO. 08-118

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPT AN AWARD OF A GRANT IN THE AMOUNT OF \$41,226 FROM THE ARIZONA DEPARTMENT OF PUBLIC SAFETY (DPS), VICTIMS OF CRIME ACT (VOCA) CRIME VICTIM ASSISTANCE GRANT PROGRAM TO ASSIST IN FUNDING A FULL TIME VICTIM ADVOCATE.

Adopted **RES. 08-118** authorizing the City of Peoria Police Department to participate in the Arizona Department of Public Safety Victims of Crime Act 2008/2009 Crime Victim Assistance Grant Program and accept funding in the amount of \$41,226 to provide funding in support of services to victims of crime. (LCON16408)

6C Grant, Arizona Criminal Justice Commission, Crime Victim Assistance

RESOLUTION NO. 08-119

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPT AN AWARD OF A GRANT IN THE AMOUNT OF \$12,000 FROM THE ARIZONA CRIMINAL JUSTICE COMMISSION (ACJC), CRIME VICTIM ASSISTANCE GRANT PROGRAM TO ASSIST IN FUNDING A FULL TIME VICTIM ADVOCATE.

- a. Adopted **RES. 08-119** authorizing the City of Peoria Police Department to continue participating in the Arizona Criminal Justice Commission 2008/2009 Crime Victim Assistance Grant Program and accept funding in the amount of \$12,000 to be utilized in conjunction with a grant from the Arizona Department of Public Safety to provide funding in support of services to victims of crime (LCON16508); and
- b. Approved a budget transfer in the amount of \$12,000 from the Proposed Grants Contingency Account to the Arizona Criminal Justice Commission Grant, Salary and Wages Account.

7C Grant, Arizona State Library, Archives and Public Records, Public Library Computer Lab

- a. Accepted a grant in the amount of \$29,960 from the Library Services and Technology Act, administered by the Arizona State Library, Archives and Public Records to provide funding to the Peoria Public Library to relocate the computer lab to the second floor and to purchase new furniture for the area (LCON16608); and
- b. Authorized a budget transfer in the amount of \$29,960 from the Grant Contingency Account to the Library Service and Technology Grant, Other Professional Services Account in the amount of \$13,200 and to the Library Service and Technology Grant, Office Equipment and Furniture Account in the amount of \$16,760.

8C Contract, Kimley Horn and Associates, 87th Avenue; Olive Avenue to Hatcher Road Improvement Project

Awarded a design contract in the not-to-exceed amount of \$222,664.94 to Kimley Horn and Associates for providing design services for the 87th Avenue; Olive Avenue to Hatcher Road Improvement Project (Project P-0805) (LCON16708).

9C Contract, Stanley Consultants, Bridge/Culvert Maintenance and Management Program

Awarded a one-year term contract with four one-year renewals in the not-to-exceed amount of \$399,178 to Stanley Consultants for a Bridge/Culvert Maintenance and Management Program (Project B-0801) (LCON16808).

10C Contract, Salt River Project, Design and Construction

Authorized the City Manager to execute an agreement with Salt River Project (SRP) in the amount of \$50,390 for design services and \$764,044 for construction services, in accordance with the Design and Construction Services Proposal for the 91st Avenue and Olive Avenue Intersection Improvement Project (Project P-0315) (LCON16908).

11C Contract Amendment, City Manager, Terms and Conditions of Employment

Authorized an amendment to the Terms and Conditions of Employment with the City Manager to comply with requirements of the Internal Revenue Code (LCON12508A).

12C Contract Amendment, United Phoenix Firefighters Association Memorandum of Understanding

Approved an amendment to the United Phoenix Firefighters Association (P.F.F.A.), Local 493, Memorandum of Understanding, effective July 1, 2008 to June 30, 2010 to reinstate language inadvertently omitted (LCON13808A).

13C Contract Amendment, Carter Burgess, Design Services, 67th Avenue/Thunderbird Road to the Arizona Canal Diversion Channel

Approved Contract Amendment No. 2 in the amount of \$50,080 with Carter Burgess for design services for 67th Avenue, Thunderbird Road to the Arizona Canal Diversion Channel (ACDC) (Project P-0901) (LCON11806B).

14C Contract Amendment, MGC Construction, Beardsley Water Reclamation Facility, Recharge Basin 13 Rehabilitation

Approved Contract Amendment No. 1 for the Guaranteed Maximum Price of \$139,710 to MGC Construction for the first phase of construction for the rehabilitation of the Beardsley Water Reclamation Facility, Recharge Basin 13 (LCON03608A).

15C Authorize Expenditure, City of Phoenix, Cardiac Monitor Replacement

Authorized the expenditure of funds in the amount of \$312,948 for the purchase of cardiac monitors utilizing existing Contract IFB 07-131 with the City of Phoenix.

16C Authorize Expenditure, Truesdell Corporation, New River

Approved the expenditure of funds in the amount of \$432,162.96 to Truesdell Corporation, utilizing an existing Job Order Contract with Truesdell Corporation for the repair of the Bell Road at New River Bridge, the 83rd Avenue at Skunk Creek Bridge and the 75th Avenue at the Arizona Canal Diversion Channel (ACDC) Bridge.

17C Expenditure, Visus Engineering Construction, Inc., Intersection Improvements, 91st Avenue and Olive Avenue

Authorized the expenditure of funds in the amount of \$77,553.25 to Visus Engineering Construction, Inc., utilizing an existing City of Chandler Job Order Contract for the relocation of City water system improvements for the 91st Avenue and Olive Avenue intersection improvements (Project P-0315).

18C Budget Amendments, Year End Fiscal Year 2008

Approved the Fiscal Year 2008 year-end budget amendments.

19C Budget Transfer, Legal Fees, City of Tolleson v. City of Peoria

Approved budget transfers in the amount of \$283,000 from the Wastewater Fund Contingency Account to the Wastewater Replacement Fund - Legal Fees Account for legal fees associated with the City of Tolleson Wastewater Treatment Facility lawsuit.

20C Annual Investment Report

Approved the Annual Investment Report for the period ending June 30, 2008.

21C Street Classification Map

RESOLUTION NO. 08-120

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING THE CITY OF PEORIA STREET CLASSIFICATION MAP.

Adopted **RES. 08-120** approving the City of Peoria Street Classification Map (Project M-0904).

22C Maintenance Improvement District No. 1090, Vistancia Parcel C3, Trilogy Boulevard and Dixileta Parkway

RESOLUTION NO. 08-121

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. 1090, VISTANCIA PARCEL C3, 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. 08-122

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. 1090, VISTANCIA PARCEL C3; 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 adopt **RES. 08-121** intention and ordering formation of proposed Maintenance Improvement District No. 1090, Vistancia Parcel C3, located on Trilogy Boulevard and Dixileta Parkway; and adopt **RES. 08-122** ordering the work within the proposed Maintenance Improvement District.

**23C Maintenance Improvement District No. 1097, Vistancia Parcel C2,
Vistancia Boulevard and Trilogy Boulevard**

RESOLUTION NO. 08-123

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. 1097, VISTANCIA PARCEL C2, 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. 08-124

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. 1097, VISTANCIA PARCEL C2; 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 adopt **RES. 08-123** intention and ordering formation of proposed Maintenance Improvement District No. 1097, Vistancia Parcel C2, located on Vistancia Boulevard and Trilogy Boulevard; and adopt **RES. 08-124** ordering the work within the proposed Maintenance Improvement District.

24C Irrigation Easement, Salt River Project Agricultural Improvement and Power District, 91st Avenue Right-of-Way

RESOLUTION NO. 08-125

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF AN EASEMENT TO THE SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT FOR IRRIGATION FACILITIES.

Adopted **RES. 08-125** authorizing the City Manager to execute an irrigation easement to Salt River Project Agricultural Improvement and Power District to relocate an irrigation pipe within the 91st Avenue right-of-way for improvements along 91st Avenue.

25C Irrigation Easement, Salt River Project Agricultural Improvement and Power District, Intersection Widening, 91st Avenue and Olive Avenue

RESOLUTION NO. 08-126

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF AN EASEMENT TO THE SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT FOR IRRIGATION FACILITIES.

Adopted **RES. 08-126** authorizing the City Manager to execute an irrigation easement to Salt River Project Agricultural Improvement and Power District for irrigation facilities related to the intersection widening at 91st Avenue and Olive Avenue.

26C Utility Easement, Arizona Public Service, Sunrise Mountain Branch Library, 98th Avenue

RESOLUTION NO. 08-127

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A UTILITY EASEMENT ASSOCIATED WITH THE SUNRISE MOUNTAIN BRANCH LIBRARY, LOCATED AT 21109 NORTH 98TH AVENUE.

Adopted **RES. 08-127** authorizing the City Manager to execute a utility easement to Arizona Public Service associated with the development of the new Sunrise Mountain Branch Library to be located at 21109 North 98th Avenue.

27C Deeds and Easements, Various Locations

RESOLUTION NO. 08-128

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. 08-128** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

28C Designate Roadways, Establish Rights-of-Way, Various Locations

RESOLUTION NO. 08-129

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. 08-129** 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.

29C Final Plat, Sol Rio Business Park, 88th Avenue and Thunderbird Road

Approved the Final Plat of Sol Rio Business Park, located near the northwest corner of 88th Avenue and Thunderbird Road, subject to stipulations (Project R080018).

30C Master Final Plat, Vistancia North, Village 1, 2 and 3, Between 115th Avenue and 135th Avenue Alignments

Approved the Master Final Plat of Vistancia North Village 1, 2 and 3, located north of the Central Arizona Project between the 115th and 135th Avenue alignment, subject to stipulations (Project R080063).

31C Condominium Plat, Plaza del Rio Condominiums, Thunderbird Road and Plaza del Rio Boulevard

Approved the Condominium Plat for Plaza del Rio Condominiums, located south of Thunderbird Road and west of Plaza del Rio Boulevard, subject to stipulations (Project R080017).

32C Replat, Lake Pleasant Promenade Commerce Park, Lot 2, Lake Pleasant Parkway and Jomax Road

Approved the Replat of Lake Pleasant Promenade Commerce Park Lot 2, located at the northwest corner of Lake Pleasant Parkway and Jomax Road, subject to stipulations (Project R080030).

33C Replat, Tierra del Rio, Parcels 7 and 8, Happy Valley Parkway and Tierra del Rio Boulevard

Approved the Replat of Parcels 7 and 8 of the Re-Plat of Tierra del Rio, located at Happy Valley Parkway and Tierra del Rio Boulevard, subject to stipulations (Project R060035A).

34C Amended Re-Plat, Mack Arrowhead Phases 1, 2 and 3, Lot 1B, Thunderbird Road and Loop 101

Approved the Amended Re-plat of Lot 1B, being Lot 1B of a Re-Plat of Lot 1 for Mack Arrowhead Phases 1, 2, & 3 recorded in Book 959 of Maps, Page 17, records of Maricopa County Arizona, located north of Thunderbird Road and west of Loop 101, subject to stipulations (Project R080041).

ADJOURNMENT:

Being no further business to come before the Council on the Consent Agenda, Mayor Barrett adjourned the Special Meeting at 4:10 p.m.

Mayor Barrett 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 4:10 p.m.

STUDY SESSION AGENDA

Subjects for Discussion Only:

1. State Lands Strategy Briefing

Glen Van Nimwegen, Community Development Director, addressed the Council on the State Lands Strategy Briefing regarding various parcels of State land near the Loop 303 alignment and particularly land near Lake Pleasant and Loop 303 and the entrance to Vistancia. Mr. Van Nimwegen stated that the City of Peoria has been working with State Lands to put together an agreement for annexation.

Mr. Van Nimwegen stated that a majority of the land in question is State land and the entrance to Vistancia could potentially be a major revenue generator for the City in the future. Mr. Van Nimwegen further stated that State Land and City staff are concerned about the sale and development of the Patriot American Parcels, which are two square miles between Happy Valley Road and Jomax, 83rd Avenue to 67th Avenue. Mr. Van Nimwegen stated that as these agreements and developments are being worked through, they are really developing a structure for future agreements.

Steve Kemp, City Attorney, addressed the Council to discuss the legal perspective of the discussion with the State Land Department. Mr. Kemp provided a brief history of the land in Arizona regarding ownership and the sale of land. Mr. Kemp stated that in recent years, State Land has taken the position that they need to become more like a business in the sale of their lands and maximizing the sale of land by zoning the land, entering into development agreements with cities for the same purpose. One of the other things that the State Land Department did was provide that the State Land Department would have some ability to override local zoning, though not generally done throughout the State.

Mr. Kemp provided a brief description of the State Land Department structure. The State Land Department is headed by an appointed commissioner who is appointed by the Governor and serves at the Governor's pleasure. So when the position of governor changes, generally the State Land Commissioner changes as well. The actual agreements and conveyances of State land have to be done by a separate body known as the State Land Selection Board; this board is made up of the Governor, the Secretary of State and the State Treasurer. These three elected officials actually meet and they vote on each of the requests that have been approved by the State Land Commissioner.

Mr. Kemp stated that the State Land Department has many development agreements, including one with the City of Peoria for Camino a Lago, and each of these agreements they enter into with a jurisdiction, they work with that particular jurisdiction. The State Land Department approaches each of their parcels and their sales on a case-by-case basis. Mr. Kemp stated the City will be working with State Land in different capacities as the City continues to grow and develop.

Mr. Van Nimwegen stated that the City has been meeting with APS and there are a couple of concerns. One concern is that APS does not want to lead the annexation effort. Another concern is a contract APS holds with the Sun City West Fire District, so they are under some legal obligations with Sun City West Fire District. The City of Peoria continues to work through these concerns with APS.

In response to questions from Vice Mayor Carlat, Mr. Kemp stated that there is a time limit on the fire service agreement, but there are still several years left on that agreement. Mr. Kemp stated that as part of the agreement APS is provided some land and in return agrees to pay an annual fee to the district, and by that receives fire protection. Mr. Kemp clarified that the actual property is not within the Sun City West Fire District. Further, Mr. Kemp responded that the fire service agreement does not have to be a barrier to annexation.

Mr. Van Nimwegen noted that this annexation is also a bridge to some other retail areas at El Mirage, south of the Loop 303 as well as the intersection of Happy Valley Road and Vistancia.

Mr. Van Nimwegen stated that there is Maricopa County Zoning on the property; therefore, when the City annexes, we have to give Maricopa County equivalent zoning. Maricopa County's typical process is when the market is there, they auction it off and the owner then goes through zoning.

Dave Moody, Transportation Planning Director, stated the City has collected the master plans and as part of our discussion with State Land, we have shared with them the master plans and how utilities could be extended; as development occurs, there is going to be a third party brought into it, and that is the owner of those utilities. Mr. Moody stated that in order to make sure that their land has the highest and best use, with the most value, State Land has requested that there be no City paybacks or roads or utilities on any of the land in the annexation area.

Mr. Moody informed Council that staff's recommendation is that the annexation of this land is a good deal due to the terms of sales tax versus the amount of infrastructure that we will have to build at our own expense.

In response to questions from Council, Mr. Kemp stated that agreeing to this type agreement now does not set the precedent for everything else we do with State lands along Loop 303 from a legal standpoint.

Katie Gregory, Development Agreement Coordinator, addressed the Council regarding impact fees. Staff believes that the appropriate impact fee zone for this would be to carry across the central transportation impact fee zone related to the annex area.

In response to questions from Mayor Barrett regarding whether State Land could deny development due to high impact fees, Ms. Gregory stated that State Land's goal is to have as little encumbered on their property as possible. Impact fees could influence the decision-making process.

Mr. Van Nimwegen stated the planning will include the City taking on a preliminary development role to complete due diligence, planning and financial commitments before the expected freeway opening in 2012.

Steps Include:

- Memorandum of Understanding
- Due diligence engineering work: survey, topographic analysis, archeological and environmental review
- Preliminary development plan
- Loop 303 study by ASU Decision Theater
- Zoning; or Specific Area Plan
- Feasibility Study/Market Study

The Capital Improvement Plan will be continuously evaluated to address infrastructure needs in the area.

Councilmember Aames inquired as to what areas the City will be looking at next. Mr. Van Nimwegen stated the next area the City will look at would be at Lone Mountain at the entrance into Vistancia where there is a lot of regional retail area.

2. University Study

Carl Swenson, City Manager, gave a brief overview of the University Study and introduced Steve Prokopek, Economic Development Director, who introduced the project and Scott Cooper, Economic Development Coordinator.

Mr. Cooper stated the Economic Development Department has undertaken the attraction of higher education to the City of Peoria with the first objective being a visioning session. Mr. Cooper recognized the importance of getting community stakeholders involved right from the start; therefore, representatives from each Council District were nominated, additional stakeholders were also identified from the Economic Development Advisory Board, Peoria Unified School District, area community colleges, area church leaders, Luke Air Force Base, area business leaders and outside economic developers as well. Mr. Cooper stated input was also sought throughout the process from the Youth Advisory Board, City staff and City officials. Mr. Cooper introduced representatives from Triadvocates, John Kelly and Julie Reese.

Mr. Kelly stated currently there are approximately 107,000 students enrolled in public universities today, not including community colleges; public community colleges represent about 120,000 additional full-time students in Arizona. There are also many more, but no data exists as to the colleges. There are hundreds listed in the private post-secondary education report that exists in the State of Arizona, most of which tend to be vocational.

There are 10 current degree granting institutions that are private: Collins College, Devry, ITT, Grand Canyon, Southwestern, Everest, Remington, Art Institute of Phoenix, UofPhoenix, Western International, Ottawa, University of Incarnate Word and St. Francis. University of Incarnate Word and St. Francis have established a storefront presence in the City of Goodyear; they are not currently delivering classes or degrees in Arizona.

Mr. Kelly stated staff looked at the question of private versus public. The data provides that the percentage of population age 18-24 that participate in higher education broken down in public-private traditional versus private nontraditional, they tend to focus more on flexible learning schedules, after-hours schedules, life-long learners, people already in the workforce, whereas traditional tends to be more immersive. According to the Department of Economic Security, approximately 79,000 students that do not have college degrees or are not pursuing college degrees; which is a potential population to attract if the City were interested. Further, the pool of students that do not have college degrees

in the age group 25-34 is significantly higher, about three times the number of people. According to the Bureau of Labor Statistics regarding vocations in demand, the greatest areas are in the area of healthcare, information technology and engineering.

In the visioning efforts, there was a very strong interest in quality and prestige. There was also an interest in looking for an expansion opportunity of an existing institution and taking advantage of their existing investment and research in their brand and quality. There was a desire to have this sooner rather than later because there is a demand and the visioning group felt it complemented other activities within the City in terms of attracting the kinds of employers, and the kinds of people desired to move into your community, people who are interested in higher education. The visioning group clearly wanted degree granting institutions, though vocational education is also strongly recommended and desired.

Mr. Kelly stated some of the areas of interest that were heard from the community related to the kind of programs that the higher education entity should deliver include: water resources, alternative energy and renewable energy, healthcare and healthcare information technology, aeronautics and aerospace, hospitality and tourism.

Councilmember Aames stated he would like to see emphasis on infrastructure as it relates to water and energy. Energy would be a focus towards alternative energy but also telecommunications and transportation and then tie that to land use in terms of the key infrastructure.

Mr. Kelly stated that one of the ideas discussed was trying to take advantage of existing resources, existing assets and also looking to leverage between different institutions, more of a consortium model, similar to what is exercised in the city of Claremont, California, which has multiple institutions that participate through joint agreements.

Mr. Kelly stated, with respect to serving existing Peoria residents, there is a lot of investment in the community to build a very positive community involvement to raise families and grow businesses. So there was a lot of interest in serving Peoria children so that they had a place to go without having to leave the immediate community. There was also a great interest in attracting students from other places, building diversity, building a strong community with different people, and also think of those institutions as economic development entities unto themselves.

Mr. Prokopek stated that something the City will be looking at further is State lands. When using State lands, universities are allowed to create a University Research Park. A University Research Park allows the Board of Regents to utilize State lands to be able to create university facilities but to be able to create research and development facilities as well. The City is looking at this through the healthcare cluster concept, to be able to bring together hospitals, healthcare, manufacturing and education.

Mr. Prokopek stated the process and timelines are as follows:

- Visioning – Complete
- Hire Consultant – November
- Identify Targeted Opportunities – March 2009
- Identify Resources – July 2009
- Complete Feasibility Analysis – July 2009
- Develop RFI – August 2009
- Solicit Universities - Ongoing

ADJOURNMENT

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

Bob Barrett, Mayor

ATTEST:

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 26th day of August, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of October, 2008.

(Seal)

Mary Jo Kief, City Clerk