MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
September 16, 2008

A **Regular Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 7:00 p.m.

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

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

Members Absent: *None.*

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Thorpe, Deputy City Manager; Ellen Van Riper, Acting City Attorney; Mary Jo Kief, City Clerk; J.P. de la Montaigne, Bill Mattingly, Brent Mattingly, Dan Nissen, Larry Ratcliff, Glen Van Nimwegen, James Mason and Rhonda Simmons.

Audience: Approximately 30 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.

PRESENTATION:

1. Mayor Barrett presented Certificates of Appointment to the following Board and Commission members:

   Robert Benson appointed to the Arts Commission;
   Gregory Jones reappointed to the Parks and Recreation Board;
   Chuck Strange appointed to the Veterans Memorial Board;
   Anthony Irby appointed to the Veterans Memorial Board;
   Katherine Brown appointed to the Youth Advisory Board;
   Hunter Finn appointed to the Youth Advisory Board;
   Brooke Heisserman appointed to the Youth Advisory Board;
   Tyler Arkin appointed to the Youth Advisory Board;
   Samantha Eriquez appointed to the Youth Advisory Board;
   Tana Hatfield appointed to the Youth Advisory Board;
   Chanel Kingan appointed to the Youth Advisory Board;
   Shelby Park appointed to the Youth Advisory Board;
   Brittani Collins appointed to the Youth Advisory Board; and
   Desmond Harrington appointed to the Youth Advisory Board.

Clerk's Note: Gregory Jones, Katherine Brown and Brooke Heisserman were not present to receive their certificates.

REGULAR AGENDA

NEW BUSINESS

Clerk's Note: Agenda Item 9C was carried over from the Special 4:00 p.m. meeting for discussion.

9C Authorize Expenditure, Agave Environmental, Inc., Irrigation and Landscape Installation, Lake Pleasant Parkway Right-of-Way

Agenda Item 9C was pulled from the Consent Agenda at Councilmember Pearson's request. Councilmember Pearson stated he is in favor of landscaping and a temporary sidewalk in this location. The reason Agenda Item 9C was pulled from the agenda for discussion was to point out a change in direction by staff. Councilmember Pearson stated that this project allows for landscaping and completion of sidewalks that abruptly end in some of the mature areas of the City. Councilmember Pearson requested the City Manager address Agenda Item 9C.

Carl Swenson, City Manager, stated there is a change of direction where the City will be going back into older-built parts of the community and identify areas where right-of-way improvements are needed. The theory behind not having done this previously is that later on as demand for roadways increases, we would expand capacity by adding additional outside lanes. While this is still the case, it could be many years into the future; therefore, interim sidewalks and landscaping will be placed in those areas.

Vice Mayor Carlat stated this is a project that she brought forward, and it is a new way for the City to do business. Vice Mayor Carlat stated that this project is in an existing neighborhood, but a road was built right behind the neighborhood. Vice Mayor Carlat stated that in building this road, she believes not enough consideration was given to the neighborhoods, and that is why something needed to be done quickly about this. Vice Mayor Carlat confirmed this project is not a sidewalk project, it is a landscape project.

A motion was made by Vice Mayor Carlat, seconded by Councilmember Evans to:

a) Authorize an expenditure in the amount of $189,234 utilizing an existing Job Order Contract with Agave Environmental, Inc. for installation of irrigation and landscaping along the south side of the Lake Pleasant Parkway right-of-way between 91st Avenue and 98th Avenue (ACON29908P4);
b) Approve a $35,000 project contingency for water connections and unanticipated project costs; and

c) Authorize the expenditure from the Capital Improvement Project, Lake Pleasant Parkway Median Improvements Account in the amount of $134,000 and the Lake Pleasant Parkway Phase II Account in the amount of $90,234.

Upon vote, the motion carried unanimously.

1R PUBLIC HEARING - Liquor License, Crazy Carlos Passion for Food, 20783 N. 83rd Avenue

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a new Restaurant Liquor License (Series 12) for Crazy Carlos Passion for Food, located at 20783 N. 83rd Avenue, Suite 112. Applicant: Zandra E. Ochoa. LL#10012948.

Staff Report/Public Comment:

Mary Jo Kief, City Clerk, reported that the property has been posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval, and no comments were received from the public.

Having no requests from the public to address this item, Mayor Barrett declared the public hearing closed.

Council Action: Motion was made by Vice Mayor Carlat, seconded by Councilmember Aames to recommend approval to the State Liquor Board for a new Restaurant Liquor License (Series 12) for Crazy Carlos Passion for Food, located at 20783 N. 83rd Avenue, Suite 112. Applicant: Zandra E. Ochoa. LL#10012948.

Upon vote, the motion carried unanimously.

2R PUBLIC HEARING - Off-Track Wagering License Renewals, Various Locations

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wish to comment on the Off-Track Wagering License Renewals for Turf Paradise to telecast at Ramada Inn, 8955 N.W. Grand Avenue; McDuffy's Sports Bar, 15814 N. 83rd Avenue; and Gallagher's Food and Fun, 6750 W. Peoria Avenue. Applicant: Eugene Joyce, Agent for Turf Paradise OTW#10001294; 10001296; and 10005746.

Staff Report/Public Comment:

Mary Jo Kief, City Clerk, reported that all fees were paid, all reviewing Departments recommended approval, and no comments were received from the public.

Having no requests from the public to address this item, Mayor Barrett declared the public hearing closed.

Council Action:

Motion was made by Councilmember Pearson, seconded by Councilmember Leone to recommend approval to the Arizona Racing Commission for Off-Track Wagering License Renewals for Turf Paradise to telecast at Ramada Inn, 8955 N.W. Grand Avenue; McDuffy's Sports Bar, 15814 N. 83rd Avenue; and Gallagher's Food and Fun, 6750 W. Peoria Avenue. Applicant: Eugene Joyce, Agent for Turf Paradise. OTW#10001294; 10001296; and 10005746.

Upon vote, the motion carried unanimously.

3R PUBLIC HEARING - Annexation, Lake Pleasant Parkway and Happy Valley Road

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a proposed annexation of approximately 2.1 acres of privately-owned property located west of the northwest corner of Lake Pleasant Parkway and Happy Valley Road (ANX 08-01).

Staff Report/Public Comment:

Glen Van Nimwegen, Community Development Director, summarized a request on behalf of the property owner to annex the privately-owned property, located west of the northwest corner of Lake Pleasant Parkway and Happy Valley Road (ANX 08-01).

Having no requests from the public to address this item, Mayor Barrett declared the public hearing closed.

Council Action: No Council action required.

4R PUBLIC HEARING - Rezoning, 77th Avenue and Peoria Avenue

ORDINANCE NO. 08-29

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING PROPERTY FROM INTERMEDIATE COMMERCIAL (C-2) TO A PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the rezoning of approximately 13.05 gross acres generally located on the northeast corner of 77th Avenue and Peoria Avenue from Intermediate Commercial (C-2) to Planned Area Development (PAD).

Staff Report/Public Comment:

Glen Van Nimwegen, Community Development Director, outlined the request to adopt an ordinance to rezone the subject site.

In response to questions from Council, Mr. Van Nimwegen and Larry Ratcliff, Chief of Police, outlined the crime-free multi-family housing program.

Discussion ensued regarding the amount of open space; Mr. Van Nimwegen explained what is included in open space.

Having no further requests from the public to address this item, Mayor Barrett declared the public hearing closed.

Council Action:

Mike Curley, representing the applicant, addressed the Council regarding the amount of open space and greenery the apartments will have.

Councilmember Aames inquired about public comment previously received related to the rezoning. Mr. Curley addressed Councilmember Aames' inquiries regarding the previous public comment this project has received, stating that the nearby community was in favor of this project.

Motion was made by Councilmember Hunt, seconded by Councilmember Aames to concur with the Planning and Zoning Commission's recommendation to adopt **ORD. 08-29** rezoning a site encompassing approximately 13.05 gross acres generally located on the northeast corner of 77th Avenue and Peoria Avenue from Intermediate Commercial (C-2) to Planned Area Development (PAD) (Z 07-16).

Upon vote, the motion carried unanimously.

5R Grants, State of Arizona, Urban and Community Forestry Financial Assistance, Right-of-Way Landscaping and Arbor Day Event

J.P. de la Montaigne, Community Services Director, provided a brief overview of the grant request and introduced Erik Wilson, Right-of-Way Contract Supervisor. Mr. Wilson informed Council that two community challenge grants were applied for and received by the City of Peoria. These grants were applied for to help communities develop a healthy urban forest and encourage public participation and education in the urban forest.

Mr. Wilson explained there are four standards the City must meet in order to become a Tree City U.S.A. Community. They are as follows:

- Adopt a Tree Care Ordinance
- Develop a Tree Board/Department
- Maintain a two dollar per capita in the Urban Forest Program
- Observe and Proclaim Arbor Day

Once the City holds the Arbor Day Celebration next year, it will submit the application to become a Tree City U.S.A. Community. There are 18 communities in Arizona that are currently Tree City U.S.A. Communities.

Councilmember Hunt suggested staff look at changing the ordinance so that when citizens are asked to remove dead trees from their yards that it includes removing the tree in its entirety.

In response to Councilmember Pearson, Mr. Wilson stated the Tree Ordinance includes a specific list of species that must be planted under power lines so that mature trees are not causing conflict with the power lines that require APS and SRP to trim annually.

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

a) Accept two grants from the State of Arizona, Urban and Community Forestry Financial Assistance Program, in the total amount of $8,983 for right-of-way tree management and to conduct an Arbor Day celebration event in March 2009 (LCON17208 and LCON17308); and
b) Approve a budget transfer in the amount of $8,983 from the Proposed Grants Fund Contingency Account to the Parks and Recreation Federal Grant Fund, Contract Landscape Maintenance Account.

Upon vote, the motion carried unanimously.

6R Contract, Project Design Consultants, Sports Complex District Urban Design Study

Glen Van Nimwegen, Community Development Director, provided an overview of the contract requested and introduced Chris Jacques, Interim Planning Manager.

Mr. Jacques stated the request this evening is to award a fixed-price contract to Project Design Consultants for completion of the Sports Complex District Urban Design Study and also to accelerate the study to include the ASU Decision Theater, which is an excellent tool to visually depict the plan alternative, as an integral part of the process. Staff believes there is some benefit to combining these two efforts into one larger study.

The study area currently contains a lot of the essential ingredients for a 24-hour mixed use in materials of land use, including entertainment venues, residential, restaurants and retail. However, staff believes the development template lacks a few things that the study can assist with, namely that the development patterns are such that they encourage individual trips. If you want to go to dinner, you might be driving to the next spot to park to go see a movie or theater. Staff also believes the study area lacks cohesiveness in terms of identity because there are differing design criteria and no thematic consistency in terms of signage.

The consultant will look at the demographic structure, making recommendations on a viable mixture of land uses, intensities and densities to properly position this area. The consultant will also look at the traffic conditions which include the parking scenarios today and what we believe we can achieve in the future.

Vice Mayor Carlat stated that she believes this is a good plan, and she would like to meet with the consultant periodically throughout the project so that Council can hear what the consultant is doing and judge the benchmarks. Carl Swenson, City Manager, informed that consultants who perform studies for the City will be brought back before the Council periodically throughout the life of the studies to check in and give the Council an opportunity to get updates and provide guidance to the them.

Motion was made by Councilemember Evans, seconded by Councilmember Aames to:

a) Award a fixed-price contract in the amount of $275,000 to Project Design Consultants for preparation of the Sports Complex District Urban Design Study (LCON18108); and
b) Authorize a budget transfer in the amount of $55,000 from the General Fund Contingency Account to the Other Professional Services Account to approve the acceleration of a portion of the Fiscal Year 2010 Sports Complex Improvement Project for participation in the Arizona State University Decision Theater; and
c) Authorize a budget transfer in the amount of $80,000 within the project to utilize savings in existing bond proceeds.

Upon vote, the motion carried unanimously.

7R **Canvass of September 2, 2008 Primary Election**

RESOLUTION NO 08-136

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE REGULAR PRIMARY ELECTION HELD ON SEPTEMBER 2, 2008; AND ORDERING THE RECORDING OF SUCH RESOLUTION AND CERTIFICATE

ORDINANCE NO. 08-30

AN ORDINANCE GRANTING TO PEORIA WATER USER ASSOCIATION, AN ARIZONA CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE AND FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE UPON, OVER, ALONG, ACROSS AND UNDER THE STREETS, AVENUES, ALLEYS, HIGHWAYS, BRIDGES AND OTHER PUBLIC PLACES IN THE CITY OF PEORIA, ARIZONA, AND FUTURE ADDITIONS THERETO, WATER DISTRIBUTION AND TRANSMISSION SYSTEMS AND LINES, TOGETHER WITH ALL NECESSARY OR DESIRABLE APPURTENANCES, FOR THE PURPOSE OF SUPPLYING DOMESTIC WATER TO DESIGNATED PORTIONS OF SAID CITY, ITS SUCCESSORS, THE INHABITANTS THEREOF, AND PERSONS AND CORPORATIONS WITHIN THE LIMITS THEREOF, FOR ALL PURPOSES, PRESCRIBING CERTAIN RIGHTS, DUTIES, TERMS AND CONDITIONS IN RESPECT THERETO; REPEALING CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

Mary Jo Kief, City Clerk, informed Council that the request is to approve the official canvass of election for the September 2, 2008 City of Peoria Primary Election. Ms. Kief stated approving the official canvass is the final step in the primary election. Further, this will also be the final step in accepting and approving the franchise agreement with Peoria Water Users Association that was approved by the voters at the election.

Motion was made by Councilmember Hunt, seconded by Vice Mayor Carlat to adopt **RES. 08-136** accepting and approving the official canvass of election for the September 2, 2008 City of Peoria Primary Election and granting a franchise for a period of fifteen (15) years to the Peoria Water User Association as approved by the qualified electors of the City of Peoria, Arizona, and adopt **ORD. 08-30**.

Upon vote, the motion carried unanimously.

Ms. Kief presented Vice Mayor Carlat and Councilmembers Evans and Pearson with their Certificates of Election.

8R Confirmation of Deputy City Manager Appointment

Carl Swenson, City Manager, introduced Susan Daluddung to the Council. Ms. Daluddung has been selected to fill the position of Deputy City Manager for Development and Community Services. Mr. Swenson provided background information on Ms. Daluddung's professional experience.

Councilmember Leone stated that he does not believe the City needs three Deputy City Managers.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Evans to confirm the appointment of Susan Daluddung, Deputy City Manager – Development and Community Services, effective October 6, 2008.

Upon vote, the motion carried 6 to 1, with Councilmember Leone voting "no".

Ms. Daluddung addressed the Council stating this is a good time to plan and to look at what the future will hold and to make good, sound investments in our future so the return on the investments will play out for the City of Peoria. Ms. Daluddung thanked the Council for confirming her appointment and thanked Mr. Swenson for the information he has provided to her about the City of Peoria.

CALL TO PUBLIC: (NON-AGENDA ITEMS)

None.

Reports from the City Manager:

1. Council Calendar

Carl Swenson, City Manager, reminded that the Council Calendar will be a regular feature on the agenda and will show some of the major topics for upcoming meetings.

2. Reports with Presentation

   a. Bond Video

Mr. Swenson provided a brief background on the bond video related to the upcoming Bond Election. The bond video is being used at the various community town hall meetings. Mr. Swenson introduced Kelly Corsette, Public Information Manager.

Mr. Corsette stated the bond video was produced by Channel 11 as part of the Election Information Program. The video is intended to help the City's voters make an educated decision when they cast their ballots. The video is being used in the public meetings as well as being shown on Channel 11; it is also available on the City's Web site. The Council and public viewed the bond video.

b. Women's Club Re-dedication Plan

Bill Mattingly, Public Works Director, provided an update on the Women's Club and invited Council to the rededication ceremony on November 17th at 10:00 a.m.

Councilmember Hunt stated she was very proud of this project and she believes good decisions were made throughout the project despite the controversy surrounding the project.

3. Informational (The following items are included for informational purposes only. There will be no separate discussion of these items unless a Councilmember so requests.)

a. International City and County Management Association (ICMA) Center for Performance Management Award

Mr. Swenson notified Council that the City of Peoria has been awarded a Certificate of Achievement from the International Management Association Center for Performance Measurement for the second year in a row.

b. Foreclosure Task Force

Mr. Swenson provided an update to Council on the Foreclosure Task Force, which in an interdepartmental team within the City working to ensure awareness about foreclosures within the City and to ensure enforcement is aggressive on properties that fall into disrepair or landscaping that is not maintained. The Task Force is beginning to work with community groups to help distressed properties.

c. Permit Activity

Mr. Swenson reported to Council on permit activity. The report provided to Council gives an update on the current state of development activity in the community.

d. Governor's Office of Highway Safety Media Relations

Mr. Swenson informed Council that Mike Tellef, Public Information Officer, has been recognized by the Governor's Office and has been asked to participate in a number of public relations and public information efforts statewide, particularly in the area of DUI reduction.

e. 2008 Library Summer Reading Program

Mr. Swenson reported on the Summer Reading Program stating that it was another very successful year, not just for children but for adults. Mr. Swenson indicated the report provided to Council contains statistics and creative programs that the library staff continues to offer, particularly in the summer months.

f. 2008 Summer Recreation Programs

Mr. Swenson provided an update on the summer recreation programs stating that there were 4,000 children registered each day through the school programs and 4,800 citizens taking swimming lessons this summer.

Reports from City Council:

Councilmember Leone advised on the various City of Peoria activities he attended. Councilmember Leone suggested residents go to the Community Center because there is so much to do there.

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

Councilmember Pearson thanked the voters of his District for re-electing him.

Councilmember Evans thanked the voters for re-electing her.

Vice Mayor Carlat thanked the voters for having the confidence to bring her back for another four years of representing the Mesquite District in the City of Peoria. Vice Mayor Carlat also congratulated Mike Tellef and thanked him for the great job he does in representing the City of Peoria.

Reports from the Mayor:

Mayor Barrett congratulated Vice Mayor Carlat, Councilmember Evans and Councilmember Pearson on their re-election.

Mayor Barrett stated he was honored to speak at the Korean War Veterans Association Meeting as it allowed him an opportunity to speak on behalf of saving Luke Air Force Base.

1. Last day to Register to Vote – October 6, 2008

Mayor Barrett informed that October 6th is the last day to register to vote and reminded about the importance of voting. Mayor Barrett reminded that the bonds for the City will be on the ballot in November. Mayor Barrett informed that if the bonds do not pass, many things the City wants will not come to fruition. If citizens have questions regarding the bonds, visit the City of Peoria Web site or contact the City.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:40 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 16th day of September, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of October, 2008.

(Seal)

_____
Mary Jo Kief, City Clerk