

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
October 21, 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, Uncle Sam portrayed by Ray Mills 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 Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; John F. Wenderski, Deputy City Manager; Steve Kemp, City Attorney; Mary Jo Kief, City Clerk; Stephen Bontrager, J.P. de la Montaigne, Bill Mattingly, Brent Mattingly, Larry Rooney, Grady Miller, Larry Ratcliff, Jeff Tyne, Glen Van Nimwegen, James Mason and Rhonda Simmons.

Audience: Approximately 150 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. Presentation of Constitution Contest art and essay winners from local schools.

Mayor Barrett, Councilmember Hunt, Ray Mills (Uncle Sam) and Phyllis Ilten (Betsy Ross) presented Certificates to the winners of the Constitution Contest art and essay winners from local schools. The following students received certificates:

Kindergarten

Jace Torres – Oakwood Elementary – First Place
Gia Herold – Coyote Hills Elementary – Second Place
Anona Dugger – Sky View Elementary – Third Place

First and Second Grade

Chase Hanson – Westwing Elementary – First Place

Marcos Nunez – Ira Murphy Elementary – Second Place

Ashley Camargo Aguero – Santa Fe Elementary – Third Place

Third and Fourth Grade

Avery Lucas – Paseo Verde Elementary – First Place

Savannah Miller – Paseo Verde Elementary – Second Place

Nathan Sfarcioc – Vistancia Elementary – Third Place

Fifth and Sixth Grade

Samantha Riley – Coyote Hills Elementary – First Place

Gabriela Mendivil – Ira Murphy Elementary – Second Place

Christian Guirguis – Oakwood Elementary – Third Place

Seventh and Eighth Grade

Matthew Marchbanks – Oakwood Elementary – First Place

Joshua Schmid – Frontier Elementary – Second Place

Jaci Tino – Coyote Hills Elementary – Third Place

Ninth and Tenth Grade

Sarah Knisley – Peoria High School – First Place

Christy Biggers – Centennial High School – Second Place

Jake Akers – Peoria High School – Third Place

Eleventh and Twelfth Grade

Meghan Iaculli – Liberty High School – First Place

Nathan Comerford – Cactus High School – Second Place

Justin Weide – Cactus High School – Third Place

Grand Prize Winner

Emily Schutsky – Sunrise Mountain High School

Ms. Schutsky will receive a scholarship for \$1500

2. Presentation to Jon Richardson in appreciation for his work with the Peoria Diamond Club.

Mayor Barrett, Councilmember Leone and Councilmember Pearson presented a plaque to Jon Richardson in appreciation for his work with the Peoria Diamond Club. Mr. Richardson expressed his appreciation for allowing him to be at the Diamond Club and being part of the City for the past 11 years.

CONSENT AGENDA

CONSENT AGENDA: All items listed with "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.

Vice Mayor Carlat requested Item 4C be removed from the Consent Agenda. Motion was made by Councilmember Aames, seconded by Councilmember Hunt, to approve the Consent Agenda as submitted with the exception of Item 4C. Upon vote, the motion carried unanimously.

1C Minutes

City Council Workshop - September 5, 2008
City Council Workshop - September 6, 2008
Special Meeting and Study Session - 4:00 p.m. September 16, 2008
Regular Meeting - 7:00 p.m. September 16, 2008
Special Meeting - 5:30 p.m. October 7, 2008
Regular Meeting - 7:00 p.m. October 7, 2008

2C Contract, Fuji Electric Corporation of America, Ozone Generator Maintenance

Approved a contract for a single-source purchase in the amount of \$130,527 with Fuji Electric Corporation of America (FUJI) for ozone generator maintenance and system improvements (LCON18908).

3C Authorize Expenditure, Quest Civil Constructors, Pinnacle Peak Waterline, 73rd Avenue to New River

Authorized an expenditure for a Guaranteed Maximum Price (GMP) of \$372,103 utilizing Job Order Contract ACON46108 with Quest Civil Constructors for Phase two construction of the Pinnacle Peak 16-inch waterline from 73rd Avenue to New River.

5C Utility Easement, Arizona Public Service, City Hall Complex Power Distribution

RESOLUTION NO. 08 -140

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A UTILITY EASEMENT ASSOCIATED WITH THE CITY HALL COMPLEX, LOCATED AT 8401 WEST MONROE AVENUE.

Adopted **RES. 08-140** authorizing the City Manager to execute a utility easement to Arizona Public Service associated with the power distribution for the City Hall Complex, located at 8401 West Monroe Avenue.

6C Deeds and Easements, Various Locations

RESOLUTION NO. 08-141

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. 08-141** accepting Deeds and Easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

7C Designate Roadways, Establish Rights-of-Way, Various Locations

RESOLUTION NO. 08-142

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. 08-142** 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.

8C Final Plat, Dove Valley Marketplace, 91st Avenue and Lake Pleasant Parkway

Approved the Final Plat for Dove Valley Marketplace, a re-subdivision of Lot 2, located near the southeast corner of 91st Avenue and Lake Pleasant Parkway, subject to stipulations (Project R080036).

9C Final Plat, Freedom Plaza Care Center, Thunderbird Road and Plaza del Rio Boulevard

Re-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 R060059).

10C Final Plat, Olive - 91 Subdivision, 91st Avenue and Olive Avenue

Approved the Final Plat for Olive - 91 Subdivision, located near the northeast corner of 91st Avenue and Olive Avenue, subject to stipulations (Project R070111).

11C Final Plat, Osuna Park, 83rd Drive and Washington Street

Re-approved the Final Plat for Osuna Park, located at the northeast corner of 83rd Drive and Washington Street, subject to stipulations (Project R070065).

12C Amended Condominium Plat, Empire Business Center-Condos, 89th Avenue and Cactus Road

Approved an Amended Condominium Plat for Empire Business Center-Condos, a Condominium, located at the northwest corner of 89th Avenue and Cactus Road, subject to stipulations (Project R080075).

13C Re-Plat, Alta Loma, 85th Avenue and Mountain View Road

Approved the Re-Plat of a portion of Lot 128 of the Plat of Alta Loma, aka Bridlewood Kingdom Hall, located at the northwest corner of 85th Avenue and Mountain View Road, subject to stipulations (Project R070124).

14C Re-Plat, Trilogy at Vistancia, Parcel C2, Dixileta Parkway and Trilogy Boulevard

Approved the Re-Plat of Trilogy at Vistancia, Parcel C2, located near the northwest corner of Dixileta Parkway and Trilogy Boulevard, subject to stipulations (Project No. R070010A).

REGULAR AGENDA

NEW BUSINESS

4C Park West Improvement District No. 0801, Loop 101 Frontage Road, Olive Avenue to Northern Avenue

RESOLUTION NO. 08-139

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, (1) DECLARING ITS INTENTION TO IMPROVE, AND ADOPTING PRELIMINARY PLANS AND AN ENGINEER'S ESTIMATE FOR THE IMPROVEMENT OF, CERTAIN STREETS, RIGHTS-OF-WAY AND EASEMENTS WITHIN THE CORPORATE LIMITS OF THE CITY BY THE CONSTRUCTION OF FRONTAGE ROAD IMPROVEMENTS ALONG THE NORTHWEST SIDE OF THE ARIZONA DEPARTMENT OF TRANSPORTATION LOOP 101 FREEWAY FROM OLIVE AVENUE TO NORTHERN AVENUE, FOR A DISTANCE OF APPROXIMATELY 6,546 LINEAL FEET, INCLUDING PUBLIC ROADWAYS TOGETHER WITH ASPHALT/CONCRETE PAVEMENT, CONCRETE CURB AND GUTTER, DRIVEWAYS, SIDEWALKS, APRONS, PUBLIC STORM DRAIN FACILITIES, LANDSCAPING, IRRIGATION FACILITIES, SIGNING AND STRIPING IMPROVEMENTS, TELECOMMUNICATIONS FACILITIES, TRAFFIC SIGNALS, NOISE ABATEMENT WALL AND ALL NECESSARY ADJUNCTS AND APPURTENANCES, ALL AS SHOWN ON SUCH PRELIMINARY PLANS; (2) DESIGNATING SUCH IMPROVEMENTS AS FOR "CITY OF PEORIA, ARIZONA IMPROVEMENT DISTRICT NO. 0801"; (3) DETERMINING THAT IMPROVEMENT BONDS WILL BE ISSUED TO REPRESENT THE COSTS AND EXPENSES THEREOF; (4) DECLARING SUCH IMPROVEMENTS TO BE OF MORE THAN A LOCAL OR ORDINARY PUBLIC BENEFIT AND THAT THE COSTS THEREOF BE ASSESSED UPON SUCH DISTRICT; (5) PROVIDING THAT SUCH IMPROVEMENTS BE PERFORMED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AND ALL AMENDMENTS THERETO AND (6) FIXING THE TIME AND PLACE FOR HEARING OF ALL PROTESTS WITH RESPECT TO SUCH IMPROVEMENTS AND OBJECTIONS TO THE EXTENT OF SUCH DISTRICT

At the request of Vice Mayor Carlat, Agenda Item 4C was removed from the Consent Agenda.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Evans to carry over the discussion and possible action to adopt **RES. 08-139** declaring its intention to order the improvements for Park West Improvement District No. 0801 along the Loop 101 Frontage Road from Olive Avenue to Northern Avenue to the November 18, 2008 Council meeting.

Councilmember Pearson inquired as to the reason for the request to carryover Agenda Item 4C. Steve Kemp, City Attorney, explained the City has become aware of some disputes between property owners within the District. The carryover will provide time to allow staff to review both agreements and analyze how those disputes may impact the formation of the improvement district.

Upon vote, the motion to carry over carried unanimously.

15R Pre-Annexation Agreement, Cavan Development Group, L.L.C., Happy Valley Road and Vistancia Boulevard

Glen Van Nimwegen, Community Development Director, provided background information on this request and explained that Maricopa County requested that Cavan Commercial obtain a pre-annexation development agreement from the City of Peoria. Mr. Van Nimwegen outlined the agreement for Council.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Hunt to approve a pre-annexation agreement with Cavan Development Group, L.L.C. as manager of Happy Valley 303 West, LLC and Happy Valley Badlands, LLC for approximately 40 acres located at the southwest corner of Happy Valley Road and Vistancia Boulevard (LCON19008).

Upon vote, the motion carried unanimously.

16R Grants for the Police Department, State of Arizona Department of Homeland Security, Urban Area Security Initiative Grant Program

Lieutenant Patrick McDonnell addressed Council stating that the City of Peoria has been awarded a grant in the amount of \$954,000 from the Phoenix Urban Area Security Initiative (UASI). Lieutenant McDonnell explained to Council the intended use of the grant.

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

- a) Approve the acceptance of three grants in the total amount of \$954,000 from the State of Arizona Department of Homeland Security, Urban Area Security Initiative Grant Program, for chemical, biological, radiological, nuclear or explosive weapon detection and interoperability; threat and vulnerability assessment; and terrorism liaison officer training (LCON19108, LCON19208 and LCON19308); and
- b) Authorize a budget transfer in the amount of \$954,000 from the Proposed Grant Fund Contingency Account to various accounts within the Homeland Security Grant Fund to establish appropriation and expend the funds.

Upon vote, the motion carried unanimously.

17R Contract Amendment, FNF Construction, Inc., Thunderbird Road Widening, Loop 101 to 94th Drive

Maher Hazine, Assistant City Engineer, addressed the Council stating that this request is to fund and approve the expenditure for the funds that were allocated as part of Fiscal Year 2009. Mr. Hazine provided a project overview to Council.

In response to questions from Councilmember Aames, Mr. Hazine stated the project is expected to be complete in the summer of 2009.

Motion was made by Councilmember Pearson, seconded by Councilmember Leone to approve Contract Amendment No. 5, for final Guaranteed Maximum Price No. 4 (GMP#4), in the not-to-exceed amount of \$1,845,185.18, included in the original scope of the project with FNF Construction, Inc. for Construction Manager at Risk (CM@R) services for construction of the remaining improvements for the Thunderbird Road Widening project from the Loop 101 to 94th Drive (LCON06207E).

Upon vote, the motion carried unanimously.

18R Notice of Intention, Non-Potable Water Rates

Vicki Rios, Revenue Manager, addressed the Council by providing information related to a new water rate for non-potable water. Ms. Rios stated that in order to adopt a non-potable rate, there are statutory requirements that need to be met. A Rate Report, which entails an in-depth process for calculating the rate is on file and available in the City Clerk's Office. Ms. Rios provided an overview of the results of the Rate Report. Ms. Rios stated the request before Council is to adopt a Notice of Intention to establish a new rate and to set a date for public hearing.

In response to questions from Councilmember Aames, Ms. Rios informed that the City does not have a current non-potable rate.

Motion was made by Councilmember Hunt, seconded by Councilmember Aames to adopt a Notice of Intention to create a new non-potable water rate and establish December 2, 2008 as the date for a public hearing on the proposed rates.

Upon vote, the motion carried unanimously.

19R Neighborhood Traffic Management Program Goals, Objectives, and Policies

Steve McKenzie, Transportation Planning Engineer, addressed the Council stating before Council is a third amendment to the Neighborhood Traffic Management Program Goals, Objectives and Policies. Mr. McKenzie outlined for Council the proposed changes to the Neighborhood Traffic Management Program Goals, Objectives and Policies.

Vice Mayor Carlat inquired about the rate of saturation for the completion of the older neighborhoods to have the traffic calming measures done, since new neighborhoods now have to incorporate these calming measures into their communities.

Mr. McKenzie stated that the majority of the neighborhoods being worked on are not the newer developments because throughout the planning of the new communities, the traffic calming measures have been implemented.

In response to concerns raised by Vice Mayor Carlat, Maher Hazine, Assistant City Engineer, stated that the paragraph related to collector streets will be reviewed.

Discussion was held on roundabouts and the process used to determine what type of traffic calming measures would be best in certain areas. Mr. McKenzie reminded that the horizontal measures, though effective for speeding, slow fire services.

Motion was made by Councilmember Hunt, seconded by Councilmember Aames to adopt the third amendment to the Neighborhood Traffic Management Program Goals, Objectives, and Policies. Upon vote, the motion carried unanimously.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Scott Jorgenson addressed the Council stating that he lives in the Mesquite District in a subdivision a block south of Sunny Hills Elementary School. Mr. Jorgenson stated that in the recent few years he has witnessed an increase of dune buggies and off-road motorcycles crossing streets to get to the open area. Mr. Jorgenson stated there are also street licensed four-wheel drive buggies with mufflers taken off, making these vehicles sound like a Harley Davidson with straight pipes and no muffler. The vehicles are extremely loud. Mr. Jorgenson requested Council continue to support the efforts to take care of the loud vehicles.

C. Peter Peschau addressed the Council seeking help to take care of the unbearably loud dune buggies, off-road motorcycles and street licensed four-wheel drive buggies with the mufflers removed.

Reports from the City Manager:

1. Council Calendar

Carl Swenson, City Manager, reminded that the Council has calendars for November and December before them which list the Council Meeting dates and topics.

2. Reports with Presentation

a. Peoria Focus TV Program Preview

Carl Swenson, City Manager, stated the Council will preview a video that shows the upcoming Peoria Focus TV Program. Mr. Swenson introduced Grady Miller, Communication and Public Affairs Director. Mr. Miller thanked the Council for providing the resources necessary to complete Channel 11's studio, which was completed in June. Mr. Miller showed Council a preview of a 30-minute news show that will begin broadcasting October 31, 2008 on Channel 11.

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. Halloween Monster Bash and Illumination Event

Carl Swenson, City Manager, reminded that on October 25th at the Peoria Sports Complex is the Monster Bash and Balloon Illumination Event that starts at 5:00 p.m. and ends at 9:00 p.m. It's free with a donation to the St. Mary's and West Side Food Bank.

b. Neighborhood Stabilization Program Funding and Parameters

Carl Swenson, City Manager, stated the information for the Neighborhood Stabilization Program is from the Community Development Department and it outlines the changes that the Housing and Urban Development Federal Department is making to the Neighborhood Stabilization Program.

c. Budget Management Process Update

Carl Swenson, City Manager, stated that the Budget Management Process Update is from the Budget Director and updates the Council on the work that the staff have been doing since the last Council Workshop. More information related to the budget will be presented to Council on the 18th of November.

d. Women's Club Re-dedication

Carl Swenson, City Manager, advised the re-dedication of the Women's Club is occurring on November 17th at 10:00 a.m. on 84th Avenue and Jefferson Street. Mr. Swenson reminded that the Women's Club has been moved and updated, refurbished and remodeled.

Reports from City Council:

Councilmember Leone reminded about the event being held at the Police Station on Halloween night and urged people to bring their kids and enjoy. Councilmember Leone mentioned that next Thursday is the last night for the performance "Music" at the Peoria Performance at the Amphitheater. Councilmember Leone advised of the various City of Peoria events he attended.

Councilmember Hunt stated that the City has begun work on another part of the Historic Square by completely re-landscaping the front of the Historical Society Building. The Historical Society will remain open for tours and drop-ins. Councilmember Hunt stated this coming Saturday morning at 84th Avenue and Washington in the parking lot, there will be a rummage sale starting with a pancake breakfast, running from 7:00 a.m. to 12:00 noon. Tomorrow night is the community meeting for neighbors and citizens who want to express their opinions or their dreams for an Arts Master Plan for the City. On October 31st individuals may attend the Police Trick or Treat in the parking lot and then go straight over to 82nd Avenue and Washington and the church is holding a Trunk or Treat for the whole community. Councilmember Hunt urged the Theater Works play called "A Little Mischief," is worth attending and has one more weekend, Thursday, Friday, Saturday and Sunday to play. Councilmember Hunt thanked the Police Department for coordinating a massive cleanup at a house on 73rd Avenue and Peoria.

Councilmember Aames brought attention to a number of ribbon cuttings for new businesses opening in the Palo Verde District.

Vice Mayor Carlat reminded that there is a Happy Valley Road meeting on October 22nd and 23rd at Liberty High School from 6:00 p.m. to 7:30 p.m.

Reports from the Mayor:

Mayor Barrett reminded and encouraged voters to vote in the upcoming election.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:34 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 21st day of October, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 2nd day of December, 2008.

(Seal)

Mary Jo Kief, City Clerk