

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
January 3, 2012

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 silent reflection, Councilmember Aames led the Pledge of Allegiance.

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

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Stacy Irvine, Interim Fire Chief; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Manager; Claudia Luján, Interim Human Resources Director; Bill Mattingly, Public Works and Utilities Director; Bob Sanders, Deputy Police Chief; Jeff Tyne, Interim Community Services Director; Linda Blas; Deputy City Clerk.

Audience: Approximately 20 members of the public were present.

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

PRESENTATION:

1. Presentation by the Peoria Sunset Lion's Club on Christmas for the Troops

Rachelle Barrett addressed Council regarding the success of the "Christmas for the Troops" Program. Mrs. Barrett presented certificates of appreciation to members of the Council and Carl Swenson, City Manager, for support of the program.

2. Presentation by the President of Glendale Community College

Dr. Irene Kovalla, newly-appointed President of Glendale Community College, reported on the college's green sustainability efforts, accreditation, and increased population of Hispanic students and veterans.

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.

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

Councilmember Rivero requested that Agenda Item 4C be removed for separate discussion.

Motion was made by Councilmember Leone, seconded by Councilmember Evans, to approve the Consent Agenda with the exception of Agenda Item 4C. Upon vote, the motion carried unanimously 7 to 0.

CONSENT – New Business:

1C Minutes

Approved the following:

Special Meeting and Study Session Minutes - December 6, 2011
Regular Meeting Minutes - December 6, 2011
Special Meeting Minutes - December 12, 2011

2C Annexation, Lake Pleasant Parkway and Mariposa Grande Lane

ORDINANCE NO. 2012-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF PEORIA OF MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF PEORIA, AND PROVIDING FOR SEVERABILITY.

Adopted **ORD. 2012-01** approving the annexation of approximately 1.23 acres of privately-owned property located west of the southwest corner of Lake Pleasant Parkway and Mariposa Grande Lane (ANX 11-0002).

3C Initial Zoning, Lake Pleasant Parkway and Mariposa Grande Lane

ORDINANCE NO 2012-02

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

Concurred with the Planning and Zoning Commission's recommendation and adopted **ORD. 2012-02** establishing initial zoning of Suburban Ranch (SR-43) on approximately 1.23 acres recently annexed privately-owned land from Maricopa County generally located west of the southwest corner of Lake Pleasant Parkway and Mariposa Grande Lane.

Clerk's Note: Agenda Item 4C was heard at the end of the Consent Agenda

4C Intergovernmental Agreement, State of Arizona, Department of Transportation, Grand Avenue Landscaping, Loop 101 to 71st Avenue

Dan Nissen, Assistant City Engineer, summarized the terms of the Intergovernmental Agreement and provided an overview of proposed landscaping and improvements along Grand Avenue from the Loop 101 to 71st Avenue.

Motion was made by Councilmember Aames, seconded by Councilmember Leone, to approve an Intergovernmental Agreement with the Arizona Department of Transportation for the design, construction, and maintenance obligations related to proposed landscaping, sidewalks, street lighting, pedestrian lighting, and decorative wrought iron fencing improvements along Grand Avenue from Loop 101 to 71st Avenue.

Upon vote, the motion carried unanimously 7 to 0.

5C Intergovernmental Agreement, Maricopa County Flood Control District, Glendale-Peoria Area Drainage Master Plan and Maryvale Area Drainage Master Plan Update

- (a) Approved an Intergovernmental Agreement with the Flood Control District of Maricopa County (FCDMC) to update and merge the Glendale-Peoria Area Drainage Master Plan and the Maryvale Area Drainage Master Plan and develop and incorporate Peoria's own Storm Drain Master Plan; and
- (b) Accepted FCDMC funds in the amount of \$400,000; and (c) approve a budget transfer in the amount of \$400,000 from the 2010 General Obligation Bonds Fund, Contingency Account to the Outside Sources Fund, Other Professional Services Account to establish budget authority for the Flood Control District's share of the project costs.

6C Right-of-Way Acquisition, Truck Road Reliever, 111th Avenue Alignment, Rose Garden Lane and Pinnacle Peak Road

RESOLUTION NO. 2012-04

A RESOLUTION OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DECLARING A PUBLIC NEED AND NECESSITY AND A PUBLIC USE; AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ACQUIRE ON BEHALF OF THE CITY OF PEORIA THROUGH DONATION, OUTRIGHT PURCHASE OR UNDER THE POWER OF EMINENT DOMAIN FOR PUBLIC PURPOSES OF ALL INTEREST IN CERTAIN DESCRIBED REAL PROPERTY IN THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, IN ORDER FOR THE CITY TO PROPERLY AND ADEQUATELY IMPROVE AND DEVELOP A TRUCK ROUTE RELIEVER ROAD AT THE 111TH AVENUE ALIGNMENT BETWEEN ROSE GARDEN LANE AND PINNACLE PEAK ROAD AS A MATTER OF PUBLIC NEED AND NECESSITY; REFERENCING TITLE 12 OF STATE LAW CONCERNING THE EXERCISE OF EMINENT DOMAIN FOR PUBLIC ROADS, STREETS, AND PUBLIC SAFETY PURPOSES; STATING THE CONCLUSION OF THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT THAT THE ACQUISITION IS IN CONFORMITY WITH THE ADOPTED GENERAL PLAN; AS A MATTER OF PUBLIC NEED AND NECESSITY AND DECLARING AN EMERGENCY.

Adopted **RES. 2012-04** authorizing the acquisition of property on the proposed truck road reliever to accommodate the construction of the road, by donation, outright purchase or the exercise of the power of eminent domain and declaring an emergency.

7C Public Reclaimed Water Line Easement, Community Park 2, 83rd Avenue and Olive Avenue

RESOLUTION NO. 2012-03

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A RECLAIMED WATER LINE EASEMENT TO THE PUBLIC FOR A RECLAIMED WATER LINE RELATED TO THE DEVELOPMENT OF COMMUNITY PARK 2 AT THE SOUTHEAST CORNER OF 83RD AND OLIVE AVENUES.

Adopted **RES. 2012-03** authorizing the execution of a Public Reclaimed Water Line Easement for the installation and maintenance of a reclaimed water line within Community Park 2, located at the southeast corner of 83rd Avenue and Olive Avenue.

8C Replat, Vistancia North Phase III Parcel F1 Phase 1, Vistancia Boulevard and Westland Road

Approved a Replat of Vistancia North Phase III Parcel F1 Phase 1, located at Vistancia Boulevard and Westland Road, subject to stipulations.

REGULAR AGENDA

NEW BUSINESS

9R PUBLIC HEARING - Liquor License, Cibola Vista Resort and Spa, 27501 North Lake Pleasant Road

Staff Report/Public Comment:

Wanda Nelson, City Clerk, reported that the properties were posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval, and no comments were received from the public.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request for a New On-Sale Hotel/Motel Liquor License (Series 11) for Cibola Vista Resort and Spa, located at 27501 North Lake Pleasant Road, Andrea D. Lewkowitz, Applicant, LL#10003552.

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 On-Sale Hotel/Motel Liquor License (Series 11) for Cibola Vista Resort and Spa, located at 27501 North Lake Pleasant Road, Andrea D. Lewkowitz, Applicant, LL#10003552.

Upon vote, the motion carried unanimously 7 to 0.

10R PUBLIC HEARING - General Plan Amendment, Land Use Map, Chateau Sous Le Soliel, Lake Pleasant Parkway and Mariposa Grande Lane

RESOLUTION NO. 2012-05

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE LAND USE MAP OF THE PEORIA GENERAL PLAN FOR THE CITY OF PEORIA, ARIZONA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

Staff Report/Public Comment:

Chris Jacques, Planning and Community Development Director, reported on the request for a minor amendment to the General Plan Land Use Map for approximately 4.8 acres located at the southwest corner of Lake Pleasant Parkway and Mariposa Grande Lane from Residential Estate (0-2 du/ac, target: 1 du/ac) to Residential Medium (5-8 du/ac, target: 6 du/ac.)

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request for a minor amendment to the General Plan Land Use Map for approximately 4.8 acres located at the southwest corner of Lake Pleasant Parkway and Mariposa Grande Lane from Residential Estate (0-2 du/ac, target: 1 du/ac) to Residential Medium (5-8 du/ac, target: 6 du/ac.)

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 concur with the Planning and Zoning Commission's recommendation and adopt **RES. 2012-05** approving an amendment to the General Plan Land Use Map for approximately 4.8 acres located at the southwest corner of Lake Pleasant Parkway and Mariposa Grande Lane from Residential Estate (0-2 du/ac, target: 1 du/ac) to Residential Medium (5-8 du/ac, target: 6 du/ac). (GPA11-0014)

Upon vote, the motion carried unanimously 7 to 0.

11R PUBLIC HEARING - Rezoning, Chateau Sous Le Soliel, Lake Pleasant Parkway and Mariposa Grande Lane

ORDINANCE NO 2012-03

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING CERTAIN PROPERTY FROM SUBURBAN RANCH (SR-43) TO THE CHATEAU SOUS LE SOLIEL PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report/Public Comment:

Chris Jacques, Planning and Community Development Director, reported on the request to rezone approximately 4.8 gross acres located at the southwest corner of Lake Pleasant Parkway and Mariposa Grande Lane from Suburban Ranch (SR-43) to Chateau Sous Le Soliel Planned Area Development.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request to rezone approximately 4.8 gross acres located at the southwest corner of Lake Pleasant Parkway and Mariposa Grande Lane from Suburban Ranch (SR-43) to Chateau Sous Le Soliel Planned Area Development.

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

COUNCIL ACTION:

Motion was made by Councilmember Evans, seconded by Councilmember Leone, to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2012-03** rezoning approximately 4.8 gross acres located at the southwest corner of Lake Pleasant Parkway and Mariposa Grande Lane from Suburban Ranch (SR-43) to Chateau Sous Le Soliel Planned Area Development (Z11-0003).

Upon vote, the motion carried unanimously 7 to 0.

Clerk's Note: Agenda Items 12R, 13R, and 14R were presented together.

12R Intergovernmental Agreement, City of Glendale, Landfill Disposal Services

Maher Hazine, Deputy Public Works Director, provided background on the solid waste program. Mr. Hazine summarized the agreements for landfill disposal services, processing recyclable materials, and solid waste disposal.

Discussion ensued regarding competitive bidding, contract terms, tipping fees, and commodity pricing.

Denette Dunn urged Council to explore options regarding commodity pricing and public-private partnerships.

Will Herzog, representing Hudson Baylor Corporation, contract operator for the City of Phoenix, addressed Council concerning commodity pricing and blended rates for recyclable materials. Mr. Herzog advised Council to be sure blended rates are being calculated in the same manner when financial comparisons are being reviewed.

Motion was made by Councilmember Evans, seconded by Councilmember Pearson, to approve an Intergovernmental Agreement with the City of Glendale for Landfill Disposal Services.

Upon vote, the motion carried unanimously 7 to 0.

13R Intergovernmental Agreement, City of Phoenix, Processing Recyclable Materials

Motion was made by Councilmember Aames, seconded by Councilmember Leone, to approve an Intergovernmental Agreement with the City of Phoenix for processing recyclable materials.

Upon vote, the motion carried unanimously 7 to 0.

14R Contract, Waste Management of Arizona, Solid Waste Disposal and Processing Recyclable Materials

Motion was made by Councilmember Evans, seconded by Councilmember Rivero, to direct staff to renegotiate the contract with Waste Management of Arizona for solid waste disposal and processing recyclable materials.

Upon vote, the motion carried unanimously 7 to 0.

15R Historic Preservation Master Plan

RESOLUTION NO. 2012-02

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA APPROVING AND ADOPTING THE 2012 HISTORIC PRESERVATION MASTER PLAN.

Melissa Sigmund, Planner, provided background on the historic preservation program, including program accomplishments and features of the updated plan.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Rivero, to approve and adopt **RES. 2012-02** establishing the updated Historic Preservation Master Plan as the guiding document for the City's historic preservation program.

Upon vote, the motion carried unanimously 7 to 0.

16R City Council 2012 Meeting Schedule

RESOLUTION NO. 2012-01

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ADOPTING THE PROPOSED CITY COUNCIL MEETING SCHEDULE OF REGULAR MEETINGS, SPECIAL MEETINGS AND STUDY SESSION FOR THE CALENDAR YEAR 2012 AS ESTABLISHED AND REQUIRED BY ARTICLE II, SECTION 14 OF THE CHARTER OF THE CITY OF PEORIA, ARIZONA AND BY SECTION 2-16 OF THE PEORIA CITY CODE.

Wanda Nelson, City Clerk, reported on the proposed City Council 2012 Meeting Schedule.

Motion was made by Councilmember Pearson, seconded by Councilmember Rivero, to adopt **RES. 2012-01** approving the City Council meeting schedule of regular meetings, special meetings and study sessions for the 2012 calendar year.

Upon vote, the motion carried unanimously 7 to 0.

17R Election of Vice Mayor

- (a) Motion was made by Councilmember Aames, seconded by Councilmember Pearson, to establish the length of term for Vice Mayor as one year.

Upon vote, the motion carried unanimously 7 to 0.

- (b) Councilmember Leone nominated Councilmember Aames to the position of Vice Mayor.

Councilmember Carlat nominated Councilmember Evans to the position of Vice Mayor.

The Council voted by secret ballot. City Attorney, Steve Kemp and City Clerk, Wanda Nelson recessed to count the votes.

Mayor Barrett announced that Councilmember Ron Aames had been selected to serve as Vice Mayor for the City of Peoria by a vote of 4 to 3.

18R Election of Mayor Pro Tem

- (a) Motion was made by Councilmember Rivero, seconded by Councilmember Leone, to establish the length of term for Mayor Pro Tem as one year.

Upon vote, the motion carried unanimously 7 to 0.

- (b) Councilmember Aames nominated Councilmember Rivero to the position of Mayor Pro Tem to serve during the absence of both the Mayor and Vice Mayor.

Councilmember Evans nominated Councilmember Carlat to the position of Mayor Pro Tem to serve during the absence of both the Mayor and Vice Mayor.

The Council voted by secret ballot. City Attorney, Steve Kemp and City Clerk, Wanda Nelson recessed to count the votes.

Mayor Barrett announced that Councilmember Rivero had been selected to serve as Mayor Pro Tem for the City of Peoria by a vote of 4 to 3.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

Reports from the City Manager:

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

Carl Swenson, City Manager, informed Council that their Agenda packet contains information related to the following items:

- a. January Development Forum
- b. Summary of the 2nd Annual PACE (Positive Action thru Civic Engagement) Conference
- c. Council Subcommittee Update
- d. Palo Verde Ruins National Register Listing
- e. Regional Transit Jurisdictional Equity

Reports from City Council:

Councilmember Leone congratulated Vice Mayor Aames for his selection as the City's new Vice Mayor and Councilmember Rivero for his selection as Mayor Pro Tem. Councilmember Leone reported on the various City of Peoria activities he attended and reminded citizens that the Lighthouse Church distributes food to those in need on the first Thursday of each month.

Vice Mayor Aames expressed his wishes for a Happy New Year. Vice Mayor Aames reported on the various activities and events he attended and invited citizens to attend the unveiling of the Ridgemere neighborhood entry sign at 75th Avenue and Surrey Avenue on Friday, January 6th at 5:30 p.m.

Councilmember Rivero discussed his attendance at the First Parent Night Out at Ira Murphy Elementary School on December 15th. Councilmember Rivero reported that it was a good opportunity for the City of Peoria, the school district, and the school to collaborate on the event.

Councilmember Pearson thanked Councilmember Carlat for serving as Vice Mayor in 2011. Councilmember Pearson extended his congratulations to Vice Mayor Aames for being selected the new Vice Mayor and Councilmember Rivero as Mayor Pro Tem.

Councilmember Evans reported on recent events hosted by the Challenger Space Center that included attendance by STS-131 Space Shuttle Discovery astronauts and the Honeywell Aerospace finals competition designed for students from Arizona schools to enhance their knowledge of space exploration and technology.

Councilmember Carlat informed that the Council District Map recently approved by the Department of Justice is in effect. Councilmember Carlat thanked all of the constituents who no longer reside in the Mesquite District for their support during the past seven years.

Reports from the Mayor:

Mayor Barrett informed he had accepted an invitation to be a member of the Flinn Foundation Bioscience Steering Subcommittee. Mayor Barrett advised he would be speaking at a briefing for State legislators as Chairman of the Arizona Water Users Association on behalf of all the cities at 9:00 a.m. on January 4th at the State Legislature.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:11 p.m.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Regular Meeting of the City Council of Peoria, Arizona held on the 3rd day of January, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of February, 2012.

(Seal)

Wanda Nelson, City Clerk