

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
March 20, 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 Rivero led the Pledge of Allegiance.

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

Members Absent: Mayor Bob Barrett

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Steve Burg, Chief Assistant City Attorney; Wanda Nelson, City Clerk; Andy Granger, Engineering Director; Katie Gregory, Interim Management and Budget Director; Stacy Irvine, Interim Fire Chief; Bo Larsen, Public Information Manager; Bill Mattingly, Public Works and Utilities Director; Roy Minter, Police Chief; Jeff Tyne, Interim Community Services Director; Corina Russo, Assistant to the City Manager; Rhonda Geriminsky; Chief 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:

CONSENT AGENDA: All items listed with a "C" are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

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

Councilmember Pearson requested that Agenda Item 5C be removed for separate discussion.

Motion was made by Councilmember Carlat, seconded by Councilmember Leone, to

approve the Consent Agenda with the exception of Agenda Item 5C. Upon vote, the motion carried unanimously 6 to 0.

CONSENT – New Business:

1C Minutes

Approved the following minutes:

February 21, 2012 Special Meeting and Study Session
February 21, 2012 Regular Meeting

2C Appointments, Boards and Commissions

RESOLUTION 2012-20

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING WILLIAM BERCU TO THE BOARD OF ADJUSTMENT AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-21

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING CECIL DANIELS TO THE BOARD OF ADJUSTMENT AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-22

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING REED WEBBER TO THE CITIZENS COMMISSION ON SALARIES FOR ELECTED CITY OFFICIALS AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-23

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING KAREN MCDANIEL TO THE LIBRARY BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-24

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING MATTHEW PORTER TO THE MUNICIPAL DEVELOPMENT AUTHORITY AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-25

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING MARY TRUHLER TO THE PARKS AND RECREATION BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-26

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

RESOLUTION 2012-27

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING EDWARD RYAN TO THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM – FIRE AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-28

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING EDWARD RYAN TO THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM – POLICE AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-29

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING DOMINIQUE PETERSON TO THE YOUTH

ADVISORY BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2012-30

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING DOMINIQUE PETERSON TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERM OF OFFICE.

Approved the recommendation from the Council Subcommittee on Boards and Commissions Appointments pertaining to the following appointments, and adopt the Resolutions as presented:

Adopted **RES. 2012-20** appointing William Bercu as a regular member to the Board of Adjustment,

Adopted **RES. 2012-21** appointing Cecil Daniels as an alternate member to the Board of Adjustment,

Adopted **RES. 2012-22** appointing Reed Webber as a regular member to the Citizens Commission on Salaries for Elected City Officials,

Adopted **RES. 2012-23** appointing Karen McDaniel as a regular member to the Library Board,

Adopted **RES. 2012-24** appointing Matthew Porter as a regular member to the Municipal Development Authority,

Adopted **RES. 2012-25** and **RES. 2012-26** appointing and reappointing Mary Truhler as a regular member to the Parks and Recreation Board,

Adopted **RES. 2012-27** appointing Edward Ryan as a regular member to the Public Safety Personnel Retirement System – Fire,

Adopted **RES. 2012-28** appointing Edward Ryan as a regular member to the Public Safety Personnel Retirement System – Police, and

Adopted **RES. 2012-29** and **RES. 2012-30** appointing and reappointing Dominique Peterson as a regular member to the Youth Advisory Board.

3C Intergovernmental Agreement, State of Arizona, Department of Transportation, New River Trail; Northern Avenue to Olive Avenue Trail and Underpass

Approved an Intergovernmental Agreement with the State of Arizona, Department of Transportation, for the design, construction, and maintenance obligations relating to a proposed multi-use trail path from Northern Avenue to Olive Avenue, located along the west bank of New River and an underpass at the Northern Avenue Bridge at New River.

4C Contract Amendment, Premier Engineering Corporation, New River Trail; Olive Avenue Underpass, Olive Avenue and New River

- (a) Awarded Contract Amendment No. 7 to Premier Engineering Corporation (Premier) in the not-to-exceed amount of \$10,075 for additional construction administration and survey services; and
- (b) Approved a budget transfer in the amount of \$12,075 to fund the contract amendment with Premier, miscellaneous connection charges and other direct city expenses (Solicitation No. P04-0010, Project No. CS00142, LCON 01704F).

5C Citizens Commission on Salaries for Elected City Officials Report and Recommendation

Clerk's Note: Agenda Item 5C was removed from the Consent Agenda for separate discussion and was heard after the Consent Agenda.

At the request of Councilmember Pearson, Agenda Item 5C was removed from the Consent Agenda for separate discussion. Wanda Nelson, City Clerk, outlined the discussions and the basis for the recommendation from the Citizens Commission on Salaries for Elected City Officials.

Discussion ensued regarding:

- Salary comparisons to surrounding cities
- Benefits received by Council
- Part-time status
- Medical insurance
- Council salaries

Motion was made by Councilmember Carlat, seconded by Councilmember Evans, to reject the recommendation of the Citizens Commission on Salaries for Elected City Officials.

Upon vote, the motion passed unanimously 6 to 0.

6C Budget Adjustment, Increased Fuel Costs, Fleet Services

Approved a budget adjustment in the amount of \$295,000 from the General Fund Non-Departmental Contingency Account to the Fleet Services Division Unleaded and Diesel Accounts.

7C Budget Transfer, Self-Insurance Workers' Comp Fund, Exemption from Requirement to Post Security Policy

- (a) Approved a budget transfer in the amount of \$1,050,000 from the Insurance Reserve Fund to the Self-Insurance Workers' Comp Fund for the purposes of compliance with the Industrial Commission of Arizona's "Exemption from Requirement to Post Security" policy; and
- (b) Approved a budget appropriation transfer in the amount of \$565,306 from Insurance Reserve Fund to the Workers Compensation Self Insurance Fund.

8C Easement, Salt River Project, 83rd Avenue and Olive Avenue

RESOLUTION NO. 2012-32

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF AN OVERHEAD AND UNDERGROUND POWER DISTRIBUTION EASEMENT TO SALT RIVER PROJECT FOR THE RELOCATION OF EXISTING UTILITY LINES AT THE INTERSECTION OF 83RD AND OLIVE AVENUES.

Adopted **RES. 2012-32** authorizing the execution of an Overhead and Underground Power Distribution Easement to Salt River Project for the relocation and maintenance of an overhead utility line associated with the construction of roadway improvements at 83rd Avenue and Olive Avenue.

9C Easement, Salt River Project, 75th Avenue and Thunderbird Road Intersection Widening Project

RESOLUTION NO. 2012-31

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF AN EASEMENT TO SALT RIVER PROJECT FOR THE RELOCATION OF EXISTING IRRIGATION FACILITIES IN THE VICINITY OF 75TH AVENUE AND THUNDERBIRD ROAD.

Adopted **RES. 2012-31** authorizing the execution of an Irrigation Easement to Salt River Project for the relocation and maintenance of irrigation facilities associated with the construction of the 75th Avenue and Thunderbird Road Intersection Widening Project.

10C Replat, Blackstone at Vistancia Parcel B3, Blackstone Drive and Lone Mountain Road

Approved a Replat of Blackstone at Vistancia Parcel B3, located on Blackstone Drive and Lone Mountain Road, subject to stipulations.

REGULAR AGENDA

NEW BUSINESS

11R Public Hearing-Liquor License, Lantern, 10738 N. 75th Avenue, Suite B-7

Staff Report/Public Comment:

Wanda Nelson, City Clerk, reported that the property was 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:

Vice Mayor Aames opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request for a New Restaurant Liquor License (Series 12) for Lantern, located at 10738 N. 75th Avenue, Suite B-7, Linda Quach, Applicant, LL#20004652.

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

COUNCIL ACTION:

Motion was made by Councilmember Leone, seconded by Councilmember Pearson to recommend approval to the State Liquor Board for a New Restaurant Liquor License (Series 12) for Lantern, located at 10738 N. 75th Avenue, Suite B-7, Linda Quach, Applicant, LL#20004652.

Upon vote, the motion carried unanimously 6 to 0.

12R Agreement, Waste Management of Arizona, Solid Waste Disposal and Processing Recyclable Materials

Maher Hazine, Deputy Director of Public Works, provided an overview of the proposed agreement with Waste Management of Arizona for solid waste disposal and the processing of recyclable materials.

Mr. Hazine provided information regarding:

- Multiple agreements
- Regional Landfill and recycling facilities
- Comparison of agreements/options

Discussion ensued regarding:

- Multiple landfills close in proximity
- Costs to recycle
- Number of landfills used by the City of Peoria

Dan Zenko, Materials Management Supervisor, provided Council with information regarding the use of single source procurement.

Will Herzog, Vice President, Western Region, Hudson Baylor Recommunity, addressed Council regarding recycling services.

Denette Dunn addressed Council requesting that Council go out to bid for residential solid waste services in order to give other companies the opportunity to provide the requested services to the City.

Discussion ensued regarding:

- The cost effectiveness of combining recycling and garbage services
- Length of the contract options
- Alternative options

Motion was made by Councilmember Pearson, seconded by Councilmember Carlat, to approve an agreement with Waste Management of Arizona under the terms of Option B for Solid Waste Disposal and for Processing Recyclable Materials, and to have staff investigate additional options and competitive bids.

Upon vote, the motion carried unanimously 6 to 0.

13R Charter Amendment, Article II, Section 13, Vacancies in the Office of the Mayor and Council

RESOLUTION NO. 2012-33

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE II, SECTION 13 PERTAINING TO VACANCIES IN THE OFFICE OF MAYOR AND COUNCIL.

Steve Burg, Chief Assistant City Attorney, provided an overview of the request to consider revisions to the Peoria City Charter pertaining to vacancies in the Office of the Mayor and Council.

Discussion ensued regarding election timeframes.

Motion was made by Councilmember Pearson, seconded by Councilmember Leone, to consider **RES. 2012-33** to change the Peoria City Charter pertaining to vacancies in the Office of the Mayor and Council and place the charter amendment on the August 28, 2012 Regular Election ballot.

Upon vote, the motion carried 4 to 2, with Councilmembers Carlat and Evans voting "no".

14R Charter Amendment, Article II, Section 8, Vice-Mayor; Article II, Section 11, Induction of Mayor and Council Into Office

RESOLUTION NO. 2012-34

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE II, SECTION 8 PERTAINING TO VICE-MAYOR AND AMENDING ARTICLE II, SECTION 11 PERTAINING TO INDUCTION OF MAYOR AND COUNCIL INTO OFFICE.

Steve Burg, Chief Assistant City Attorney, provided an overview of the request to consider revisions to the Peoria City Charter pertaining to Vice-Mayor and induction of Mayor and Council into office.

Motion was made by Councilmember Leone, seconded by Councilmember Rivero, to not consider **RES. 2012-34** to change the Peoria City Charter pertaining to Vice-Mayor and induction of Mayor and Council into office and place the charter amendment on the August 28, 2012 Regular Election ballot.

Upon vote, the motion carried unanimously 6 to 0.

15R Charter Amendment, Article IV, Section 2, City Clerk

RESOLUTION NO. 2012-35

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE IV, SECTION 2 PERTAINING TO CITY CLERK.

Steve Burg, Chief Assistant City Attorney, provided an overview of the request to consider revisions to the Peoria City Charter pertaining to the City Clerk.

Motion was made by Councilmember Leone, seconded by Councilmember Rivero, to consider **RES. 2012-35** to change the Peoria City Charter pertaining to City Clerk and to place the charter amendment on the August 28, 2012 Regular Election ballot.

Upon vote, the motion carried 4 to 2, with Councilmembers Carlat and Evans voting "no".

16R Charter Amendment, Article II, Section 20, Interference in Administrative Service

RESOLUTION NO. 2012-36

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE II, SECTION 20 PERTAINING TO INTERFERENCE IN ADMINISTRATIVE SERVICE.

Steve Burg, Chief Assistant City Attorney, provided an overview of the request to consider revisions to the Peoria City Charter pertaining to the Council's involvement in the appointment and removal of City employees.

Discussion ensued regarding:

- Current freedom to discuss the appointment and removal of employees
- Attracting quality employees

Motion was made by Councilmember Leone, seconded by Councilmember Rivero, to consider **RES. 2012-36** to change the Peoria City Charter pertaining to interference in administrative service and place the charter amendment on the August 28, 2012 Regular Election ballot.

Upon vote, the motion carried 4 to 2, with Councilmembers Carlat and Evans voting “no”.

17R Charter Amendment, Article VII, Section 12, Repealing or Suspending Ordinances

RESOLUTION NO. 2012-37

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE VII, SECTION 12 PERTAINING TO REPEALING OR SUSPENDING ORDINANCES.

Steve Burg, Chief Assistant City Attorney, provided an overview of the request to consider revisions to the Peoria City Charter pertaining to repealing or suspending ordinances.

Discussion ensued regarding the current super majority requirements to amend ordinances.

Motion was made by Councilmember Pearson, seconded by Councilmember Rivero, to consider **RES. 2012-37** to change the Peoria City Charter pertaining to repealing or suspending Ordinances and to place the charter amendment on the August 28, 2012 Regular Election ballot.

Upon vote, the motion carried 4 to 2, with Councilmembers Carlat and Evans voting “no”.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation

None.

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.)

Carl Swenson, City Manager, informed Council that their packets contain information related to the following items:

- a. AMWUA One for Water Four-Miler Race and Family Fun Festival Water Conservation Event
- b. Lone Mountain Parkway Extension
- c. Bravo Peoria

Mr. Swenson also informed Council of the following upcoming events:

- Dolly Sanchez Easter Egg Hunt at the Peoria Sports Complex on April 7th
- Pioneer Days Festival in Old Town on April 14th

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone informed citizens of the Farmer's Markets at Osuna Park every Sunday, and the Organic Market at Park West and encouraged citizens to attend.

Councilmember Carlat reported that three residents in the Trilogy community were bitten by coyotes, which is a rare occurrence. Councilmember Carlat expressed her appreciation for the way in which the Peoria Police Department and the Division of Wildlife handled the incidents.

Councilmember Evans encouraged citizens to enjoy the weather and outdoor activities at the Peoria Sports Complex.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:10 p.m.

Ron Aames, Vice 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 20th day of March, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 3rd day of April, 2012.

(Seal)

Wanda Nelson, City Clerk