

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
April 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 Pearson 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 Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Katie Gregory, Interim Management and Budget Director; 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; Brent Mattingly, Finance 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 10 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. Vice Mayor Aames and Councilmember Pearson presented Certificates of Appointment to the following Board and Commission members:
 - William Bercu appointed to the Board of Adjustment,
 - Cecil Daniels appointed to the Board of Adjustment,
 - Reed Webber appointed to the Citizens Commission on Salaries for Elected City Officials,
 - Karen McDaniel appointed to the Library Board,
 - Matthew Porter appointed to the Municipal Development Authority,
 - Mary Truhler appointed to the Parks and Recreation Board,
 - Edward Ryan appointed to the Public Safety Personnel Retirement System – Fire,

- Edward Ryan appointed to the Public Safety Personnel Retirement System – Police, and
- Dominique Peterson appointed to the Youth Advisory Board.

Note: Matthew Porter, Mary Truhler and Dominique Peterson were not present to receive their certificates.

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 Rivero requested that Agenda Items 3C and 8C be removed for separate discussion.

Motion was made by Councilmember Evans, seconded by Councilmember Carlat, to approve the Consent Agenda with the exception of Agenda Items 3C and 8C. Upon vote, the motion carried unanimously 6 to 0.

CONSENT – New Business:

1C Disposition of Absence

Excused the absence of Mayor Bob Barrett for the following meetings:

March 20, 2012 Special Meeting and Study Session
March 20, 2012 Executive Session Meeting
March 20, 2012 Regular Meeting

2C Minutes

Approved the following minutes:

March 6, 2012 Special Meeting and Study Session
March 6, 2012 Regular Meeting
March 15, 2012 Study Session
March 20, 2012 Special Meeting and Study Session
March 20, 2012 Regular Meeting

3C Contract, Nesbitt Contracting Company, Inc., 83rd Avenue, Street and Drainage Improvements

Clerk's Note: This item was heard separately at the end of the Consent Agenda.

At the request of Councilmember Rivero, Agenda Item 3C was pulled from the Consent Agenda for separate discussion. Dan Nissen, Assistant City Engineer, provided a review of the request for a contract with Nesbitt Contracting Company, Inc. for roadway improvements on 83rd Avenue between Las Palmeritas Drive and Mountain View Road, and the extension of Butler Drive from 83rd Avenue to 79th Avenue.

Motion was made by Councilmember Rivero, seconded by Councilmember Evans to approve a contract with Nesbitt Contracting Company, Inc. in the amount not to exceed \$4,462,852 for the construction of the roadway improvements on 83rd Avenue between Las Palmeritas Drive and Mountain View Road, and the extension of Butler Drive from 83rd Avenue to 79th Avenue.

Upon vote, the motion carried unanimously 6 to 0.

4C Intergovernmental Agreement, Maricopa County, Happy Valley Parkway Bridge Improvements

- (a) Approved an Intergovernmental Agreement with Maricopa County for the cost sharing, design, construction, and construction administration obligations relating to restriping approximately 1,500 feet of Happy Valley Parkway and construction of a safety rail along the south barrier of the Happy Valley Parkway Bridge; and
- (b) Accepted Maricopa County funds in the amount of \$80,000 and approved the associated budget transfer to establish budget authority for Maricopa County's share of the project cost.

5C Intergovernmental Agreement, Maricopa County, 87th Avenue; Via Montoya to Williams Road Improvements

Approved the Intergovernmental Agreement (IGA) between Maricopa County and the City of Peoria for the construction of 87th Avenue improvements from Via Montoya to Williams Road.

6C Intergovernmental Agreement, State of Arizona, Traffic Signal Emergency Operations, Intelligent Transportation System Project

Approved an Intergovernmental Agreement (IGA) between the State of Arizona and the City of Peoria to have the Arizona Department of Transportation (ADOT) execute the construction of the Traffic Signal Emergency Operations Intelligent Transportation System (ITS) Project.

7C Intergovernmental Agreement Amendment, State of Arizona, Beardsley Road Extension

Approved an amendment to the Intergovernmental Agreement (IGA) between the Arizona Department of Transportation (ADOT), Maricopa Association of Governments (MAG), City of Glendale (Glendale) and the City of Peoria (Peoria) for the maintenance of the Beardsley Road Extension, known as the Beardsley Connector.

8C Reallocation of HOME Partnership Funds

Clerk's Note: This item was heard separately at the end of the Consent Agenda.

At the request of Councilmember Rivero, Agenda Item 8C was pulled from the Consent Agenda for separate discussion. Chris Jacques, Planning and Community Development Director, provided an overview of the request to reallocate HOME Partnership Funds.

Motion was made by Councilmember Rivero, seconded by Councilmember Carlat, to reallocate \$363,267 of U.S. Department of Housing and Urban Development (HUD) HOME Program funding to Habitat for Humanity Central Arizona (HFHCAZ) for the purpose of completing affordable housing projects within the City of Peoria.

Upon vote, the motion carried unanimously 6 to 0.

9C Notice of Intention to Adjust Water and Wastewater Rates and Establish Date of Public Hearing

Adopted the Notice of Intention and established May 15, 2012 as the date for the public hearing to consider adoption of the recommended water and wastewater rates.

10C Deeds and Easements, Various Locations

RESOLUTION NO. 2012-38

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. 2012-38** accepting Deeds and Easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

11C Replat, Sonoran Mountain Ranch Parcel 15, Sonoran Mountain Ranch Road and 75th Avenue Alignment

Approved a Replat of Sonoran Mountain Ranch Parcel 15, located at Sonoran Mountain Ranch Road east of the 75th Avenue alignment, subject to stipulations.

12C Final Plat, Sweetwater Ridge, Thunderbird Road and 75th Avenue

Approved a Final Plat of Sweetwater Ridge (also referred to as Southwest Kidney), located at Thunderbird Road and 75th Avenue, subject to stipulations.

REGULAR AGENDA

NEW BUSINESS

13R Public Hearing-Liquor License, Ooka Hibachi Grill, located at 16049 North Arrowhead Fountain Drive Building B

Staff Report/Public Comment:

Brent Mattingly, Finance Director, 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 new Restaurant Liquor License (Series 12) for Ooka Hibachi Grill, located at 10649 North Arrowhead Fountain Dr Building B, Qi He Chen, Applicant, LL#20004350.

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 Rivero, seconded by Councilmember Carlat, to recommend approval to the State Liquor Board for a new Restaurant Liquor License (Series 12) for Ooka Hibachi Grill, located at 10649 North Arrowhead Fountain Dr Building B, Qi He Chen, Applicant, LL#20004350.

Upon vote, the motion carried unanimously 6 to 0.

14R PUBLIC HEARING - Code Amendment Chapter 14, Political Signs and Sports Complex Commercial Tourism Zone

RESOLUTION NO. 2012-39

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DESIGNATING UNDER A.R.S. §16-1019(F) A CERTAIN COMMERCIAL TOURISM ZONE WHERE RIGHTS-OF-WAY SHALL BE FREE OF POLITICAL SIGNS.

ORDINANCE NO. 2012-06

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLE 14-34 "SIGNS" OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report/Public Comment:

Chris Jacques, Planning and Community Development Director, provided an overview of the proposed Code Amendment to Chapter 14 regarding political signs and the Sports Complex Commercial Tourism Zone.

PUBLIC HEARING:

Vice Mayor Aames opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the proposed Code Amendment to Chapter 14 regarding political signs and the Sports Complex Commercial Tourism Zone.

Discussion ensued regarding how the proposed code amendments to Chapter 14 related to signs will affect Homeowner's Associations.

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 Rivero, seconded by Councilmember Carlat, to concur with the Planning and Zoning Commission's recommendation to adopt **ORD. 2012-06** amending Article 14-34 "Signs" with respect to Political Signs.

Upon vote, the motion carried unanimously 6 to 0.

Motion was made by Councilmember Evans, seconded by Councilmember Leone, to adopt **RES. 2012-39** creating a "Sports Complex Commercial Tourism Zone" for the purposes of restricting the placement of political signs in the City-owned right-of-way around the Sports Complex.

Upon vote, the motion carried unanimously 6 to 0.

15R Charter Amendment to Article VI, Section 3, Taxing Powers pertaining to Sales Tax on Wastewater Collection Services

RESOLUTION NO. 2012-40

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 VI, SECTION 3 PERTAINING TO TAXING POWERS.

Steve Kemp, City Attorney, provided an overview of the proposed Charter Amendment to Article VI, Section 3 regarding taxing powers as it relates to sales tax on wastewater collection services.

Discussion ensued regarding the Model City Tax Code and public participation in the proposed amendments.

Motion was made by Councilmember Pearson, seconded by Councilmember Leone, to adopt **RES. 2012-40** placing a proposed charter amendment on the August 28, 2012 Regular Election Ballot that would amend Article VI, Section 3 of the Peoria City Charter pertaining to Sales Tax on Wastewater Collection Services.

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

16R Charter Amendment to Article II, Section 5 of the Peoria City Charter pertaining to Terms of Councilmembers

RESOLUTION NO. 2012-42

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 5 PERTAINING TO TERMS OF COUNCILMEMBERS.

Steve Kemp, City Attorney, provided an overview of the proposed Charter Amendment to Article II, Section 5 regarding the terms of Councilmembers.

Motion was made by Councilmember Evans, seconded by Councilmember Carlat, to increase term limits for the Mayor to reflect a twelve-year term limit, consistent with the proposal to include a Councilmember term limit of twelve years.

Upon vote, the motion failed 2 to 4, with Vice Mayor Aames and Councilmembers Leone, Pearson and Rivero voting "no".

Motion was made by Councilmember Pearson, seconded by Councilmember Leone, to adopt **RES. 2012-42** placing a proposed charter amendment on the August 28, 2012 Regular Election Ballot that would amend Article II, Section 5 of the Peoria City Charter pertaining to Terms of Councilmembers.

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

17R Charter Amendment to Article II, Section 20, Interference in Administrative Service pertaining to Policy Making by Charter Officers

RESOLUTION NO. 2012-41

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 Kemp, City Attorney, provided an overview of the proposed Charter Amendment to Article II, Section 20, regarding interference in administrative service as it relates to

policy making by charter officers.

Motion was made by Councilmember Rivero, seconded by Councilmember Pearson, to adopt **RES. 2012-41** placing a proposed charter amendment on the August 28, 2012 Regular Election Ballot that would amend Article II, Section 20 of the Peoria City Charter pertaining to Policy Making by Charter Officers.

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

18R Charter Amendment to Article VI, Section 3, Taxing Powers pertaining to Percent for the Arts

RESOLUTION NO. 2012-43

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 VI, SECTION 3 PERTAINING TO TAXING POWERS.

Steve Kemp, City Attorney, provided an overview of the proposed Charter Amendment to Article VI, Section 3 regarding taxing powers as they relate to the Percent for the Arts.

Discussion ensued regarding Capital Improvement Project funding.

Motion was made by Councilmember Pearson, seconded by Councilmember Rivero, to adopt **RES. 2012-43** placing a proposed charter amendment on the August 28, 2012 Regular Election Ballot that would amend Article VI, Section 3, of the Peoria City Charter pertaining to Percent for the Arts.

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

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation

None.

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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 Agenda packet contains information related to the following items:

- a. BioScience Incubator in Peoria
- b. Council Subcommittee Update
- c. Distinguished Budget Award

Reports from City Council:

Councilmember Pearson wished Mayor Barrett a speedy recovery.

Councilmember Leone reported on the various City of Peoria activities he attended and reminded citizens of the following upcoming events and encouraged attendance:

- April 7, 2012, Peoria Sports Complex - Dolly Sanchez Memorial Easter Egg Hunt
- April 14th, 2012, Osuna Park - Pioneer Days
- April 21, 2012, Peoria Sports Complex - Students exhibition performing dancing and music
- April 21, 2012, Park West - Organic Market.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:15 p.m.

~~Bob Barrett~~ ~~Ren 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 3rd day of April, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of April, 2012.

(Seal)

Wanda Nelson, City Clerk