

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
May 15, 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, Vice Mayor Aames led the Pledge of Allegiance.

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

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Andy Granger, Engineering Director; Katie Gregory, Interim Management and Budget Director; John Imig, Information Technology Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Manager; Bill Mattingly, Public Works and Utilities Director; Brent Mattingly, Finance Director; Roy Minter, Police Chief; Rick Picard, Acting Fire Chief; Jeff Tyne, Interim Community Services Director; Corina Russo, Assistant to the City Manager; Rhonda Geriminsky; Chief Deputy City Clerk.

Audience: Approximately 40 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.

Mayor Barrett announced that Agenda Item 14R has been pulled from the Agenda at the request of staff.

PRESENTATION:

1. Certificates of Completion for 2012 Peoria Leadership Institute Graduates

Mayor Barrett, Carl Swenson, City Manager, and Bo Larsen, Public Information Manager, presented certificates to the graduates of the Peoria Leadership Institute, 2012 class:

2. Recognition of National Public Works Week May 20th - 26th, 2012

Mayor Barrett announced the Proclamation recognizing National Public Works Week.

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:

Councilmember Evans requested that Agenda Item 6C 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 6C. Upon vote, the motion carried unanimously 7 to 0.

1C Disposition of Absence

Excused the absence of Councilmember Tony Rivero from the May 1, 2012 Special Meeting and Study Session.

2C Minutes

Approved the following minutes:

May 1, 2012 Special Meeting and Study Session
May 1, 2012 Regular Meeting

3C Intergovernmental Agreement Amendment, City of Phoenix - Sharing of Communications Facilities

Authorized the City Manager to execute the Intergovernmental Agreement and Site-Specific Supplemental Agreements with the City of Phoenix for the sharing of communications facilities.

4C Investment Report for the Quarter Ended March 31, 2012

Approved the Investment Report for the Quarter Ended March 31, 2012.

5C Scrivener's Error, Annexation - Lake Pleasant Parkway and Mariposa Grande Lane

ORDINANCE NO. 2012-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA CORRECTING AN ERROR IN THE LEGAL DESCRIPTION OF THE CITY OF PEORIA'S CORPORATE LIMITS WEST OF THE SOUTHWEST CORNER OF LAKE PLEASANT PARKWAY AND MARIPOSA GRANDE LANE; REFLECTING A BOUNDARY CONSISTENT WITH PREVIOUS OFFICIAL BOUNDARY MAPS, AND PROVIDING FOR SEVERABILITY.

Adopted **ORD. 2012-09** correcting a scrivener's error and thereby annexing the remaining approximately 3,480 square feet of a 3.01 acre parcel of privately owned property located at the southwest corner of Lake Pleasant Parkway and Mariposa Grande Lane.

6C Discount Program, Veterans

Clerk's Note: This Item was heard following the Consent Agenda.

At the request of Councilmember Evans, Agenda Item 6C was pulled for separate discussion.

Jeff Tyne, Interim Community Services Director, outlined the Veterans Discount Program.

Joe McCord addressed Council in support of the Veterans Discount Program.

Ken Lambert addressed Council in support of the Veterans Discount Program.

Motion was made by Councilmember Evans, seconded by Councilmember Carlat, to approve the partnership with the Peoria Chamber of Commerce and the Peoria business community, in cooperation with the Veterans Memorial Board, to offer discounts for services and goods to persons who served in the military.

Upon vote, the motion carried unanimously 7 to 0.

7C Veterans Memorial Wall Sponsorship

Approved modifications to the existing procedure for Veterans Memorial Board Sponsorships.

8C Sale of General Obligation Bonds, Series A (2012)

RESOLUTION NO. 2012-59

RESOLUTION ORDERING THE SALE OF CITY OF PEORIA, ARIZONA GENERAL OBLIGATION BONDS (PROJECTS OF 2000, 2005 AND 2008), SERIES A (2012), IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$15,000,000, FIXING THE DATE AND HOUR OF SALE OF SUCH BONDS, DELEGATING TO THE CHIEF FINANCIAL OFFICER OF THE CITY AUTHORITY TO FINALIZE MATTERS IN THE NOTICE OF SALE OF SUCH BONDS AND AUTHORIZING THE PREPARATION, USE AND DISTRIBUTION OF AN OFFICIAL STATEMENT RELATING TO SUCH BONDS.

Adopted **RES. 2012-59** ordering the sale of General Obligation Bonds, Series A (2012), fixing the hour and date of sale, delegating authority to the Chief Financial Officer to finalize matters related to sale, and authorizing the preparation and distribution of an Official Statement.

9C Sale of General Obligation Refunding Bonds, Series B (2012)

RESOLUTION NO. 2012-60

RESOLUTION ORDERING THE SALE OF CITY OF PEORIA, ARIZONA GENERAL OBLIGATION REFUNDING BONDS, SERIES B (2012) IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$15,000,000, FIXING THE DATE AND HOUR OF SALE OF SUCH BONDS, DELEGATING TO THE CHIEF FINANCIAL OFFICER OF THE CITY AUTHORITY TO FINALIZE MATTERS IN THE NOTICE OF SALE OF SUCH BONDS AND AUTHORIZING THE PREPARATION, USE AND DISTRIBUTION OF AN OFFICIAL STATEMENT RELATING TO SUCH BONDS.

Adopted **RES. 2012-60** ordering the sale of General Obligation Refunding Bonds, Series B (2012), fixing the hour and date of sale, delegating authority to Chief Financial Officer to finalize matters related to sale, and authorizing the preparation and distribution of an Official Statement.

10C Sale of Water and Wastewater Revenue Refunding Bonds, Series 2012

RESOLUTION NO. 2012-58

RESOLUTION ORDERING THE SALE OF CITY OF PEORIA, ARIZONA WATER AND WASTEWATER REVENUE REFUNDING BONDS, SERIES 2012, IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$30,000,000, FIXING THE DATE AND HOUR OF SALE OF SUCH BONDS, DELEGATING TO THE CHIEF FINANCIAL OFFICER OF THE CITY AUTHORITY TO FINALIZE MATTERS IN THE NOTICE OF SALE OF SUCH BONDS AND AUTHORIZING THE PREPARATION, USE AND DISTRIBUTION OF AN OFFICIAL STATEMENT RELATING TO SUCH BONDS.

Adopted **RES. 2012-58** ordering the sale of Water and Wastewater Revenue Refunding Bonds, Series 2012, fixing the hour and date of sale, delegating authority to the Chief Financial Officer to finalize matters related to the sale and authorizing the preparation and distribution of an Official Statement.

REGULAR AGENDA

NEW BUSINESS

11(A)R Memorandum of Understanding, Seattle Mariners and San Diego Padres, Peoria Sports Complex Improvements

Jeff Tyne, Interim Community Services Director, outlined the proposed Memorandum of Understanding between the Seattle Mariners, San Diego Padres and the City of Peoria regarding the Peoria Sports Complex improvements. Information included:

- Sports Complex lease and operations
- Sports Complex schedule for improvements
- Relationship between the City of Peoria and the Seattle Mariners and San Diego Padres
- Benefits of a long-term arrangement
- City's interest to maintain sound financial standing
- Best practices in conjunction with new realities
- Team interest in expanding facility space and modernize equipment
- Arizona Sports and Tourism Authority
- Terms of agreement

Bart Waldman, Seattle Mariners representative, provided background regarding the initial agreements made with the City of Peoria in 1994 and expressed appreciation to the City of Peoria.

Caroline Perry, San Diego Padres representative, expressed appreciation for the partnership the City of Peoria has built with the San Diego Padres.

Motion was made by Councilmember Evans, seconded by Vice Mayor Aames, to approve a Memorandum of Understanding regarding the financing and construction of improvements, and ongoing use of the Peoria Sports Complex for the Seattle Mariners and San Diego Padres.

Upon vote, the motion carried unanimously 7 to 0.

11R Contract Amendment, Populous Inc., Peoria Sports Complex Improvements, 83rd Avenue and Stadium Way

Ed Striffler, Design and Construction Manager, reviewed amendments to the contract with Populous Inc., for improvements to the Peoria Sports Complex. Information included:

- Design and construction schedule
- Solicitations

Dan Zenko, Materials Management Manager, outlined the Request for Proposals process used to select the proposed vendor for improvements to the Peoria Sports Complex.

Mr. Striffler outlined the staff's recommendation.

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

- (a) Award Contract Amendment (CA) No. 3 to Populous Inc. in the not to exceed amount of \$2,990,000 for the complete design and construction administration of clubhouse improvements for the Seattle Mariners and San Diego Padres; and
- (b) Approve a budget transfer in the amount of \$9,550 to pay for a temporary part-time Construction Projects Coordinator position for the period May 14, 2012 to June 30, 2012.

Upon vote, the motion carried unanimously 7 to 0.

12R Agreement, Mortenson Construction, Peoria Sports Complex Improvements, 83rd Avenue and Stadium Way

Motion was made by Councilmember Pearson, seconded by Vice Mayor Aames, to:

- (a) Authorize the City to enter into an agreement with Mortenson Construction for an amount not to exceed \$275,000 for Construction Manager at Risk (CMAR) preconstruction services for the Seattle Mariners and San Diego Padres clubhouse improvements; and
- (b) Authorize the City Manager to execute any applicable agreement documents related thereto.

Upon vote, the motion carried unanimously 7 to 0.

13R Public Hearing-Liquor License, Blu Burger Grille, located at 9828 West Northern Avenue, #1700

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:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request for a New Restaurant Liquor License (Series 12) for Blu Burger Grille, located at 9828 West Northern Avenue #1700, Wael Yaziji, Applicant, LL#20004832.

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 Aames, seconded by Councilmember Rivero, to recommend approval to the State Liquor Board for a New Restaurant Liquor License (Series 12) for Blu Burger Grille, located at 9828 West Northern Avenue #1700, Wael Yaziji, Applicant, LL#20004832.

Upon vote, the motion carried unanimously 7 to 0.

14R Public Hearing-Liquor License, LW's Hide-A-Way, located at 9098 W. Pinnacle Peak Road

Mayor Barrett announced at the beginning of the meeting that Agenda Item 14R related to a Person to Person Transfer for an On-Sale All Liquor License (Series 06) for LW's Hide-A-Way located at 9098 W. Pinnacle Peak Road, J D Campbell, Applicant, LL#20005129 has been pulled from the agenda at staff request.

15R PUBLIC HEARING – Proposed FY2013 Water, Wastewater and Reclaimed Water Rates

RESOLUTION NO. 2012-57

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING CERTAIN ADJUSTMENTS AND INCREASES TO THE RATES IMPOSED FOR USE OF THE PUBLIC WATER TREATMENT SYSTEM; SYSTEM RATE COMPONENTS; SERVICE CHARGES AND FEES FOR USE OF THE MUNICIPAL WATER UTILITY SYSTEM AND ADOPTING A SCHEDULE OF CHARGES FOR THE USE OF THE MUNICIPAL WATER SYSTEM AND AUTHORIZING CERTAIN ADJUSTMENTS AND INCREASES TO THE RATES IMPOSED FOR USE OF THE PUBLIC WASTEWATER COLLECTION AND TREATMENT SYSTEM; SYSTEM RATE COMPONENTS; SERVICE CHARGES AND FEES FOR USE OF THE MUNICIPAL WASTEWATER (SEWER) UTILITY SYSTEM AND ALL SUCH ADJUSTMENTS TO BECOME EFFECTIVE AS PROVIDED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report/Public Comment

Katie Gregory, Interim Management and Budget Director, outlined the proposed Fiscal Year 2013 water, wastewater and reclaimed water rates. Information included:

- Recent rate history
- Rate/Bill adjustments
- Comparison to neighboring jurisdictions regarding utility rates
- Factors that influence rates
- Next steps

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the proposed Fiscal Year 2013 water, wastewater and reclaimed water rates.

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 Aames, seconded by Councilmember Leone, to adopt **RES. 2012-57** adjusting the water, wastewater and reclaimed water rates, making the new rates effective July 1, 2012.

Upon vote, the motion carried unanimously 6 to 1, with Mayor Barrett voting “no”.

16R Rate Adjustments, Fiscal Year 2013 Residential, Commercial and Commercial Recycling

RESOLUTION NO. 2012-55

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING CERTAIN ADJUSTMENTS AND INCREASES TO THE RATES IMPOSED FOR USE OF MUNICIPAL SOLID WASTE SERVICES AND ADOPTING A SCHEDULE OF CHARGES FOR THE USE OF MUNICIPAL SOLID WASTE SERVICES; SOLID WASTE RATE COMPONENTS; SERVICE CHARGES AND FEES FOR THE USE OF MUNICIPAL SOLID WASTE SERVICES AND ALL SUCH ADJUSTMENTS TO BECOME EFFECTIVE AS PROVIDED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE.

Katie Gregory, Interim Management and Budget Director, reviewed the proposed rate adjustments for Fiscal Year 2013 related to residential, commercial and commercial recycling. Information was provided regarding:

- Residential rate adjustments
- Commercial rate adjustments
- Commercial recycling rates
- Next steps

Motion was made by Vice Mayor Aames, seconded by Councilmember Rivero, to adopt **RES. 2012-55** adjusting the residential solid waste, commercial and commercial recycling rates, effective July 1, 2012.

Upon vote, the motion carried unanimously 7 to 0.

17R Fiscal Year 2013-2022 Capital Improvement Program

RESOLUTION NO. 2012-61

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING THE TEN-YEAR \$463,257,621 CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2013.

Katie Gregory, Interim Management and Budget Director, outlined the Fiscal Year 2013 through 2022 Capital Improvement Program. Information included:

- Key considerations in the Capital Improvement Plan development
- 10-year funding sources
- 10-year planned uses
- History of adopted 10-year Capital Plan
- Capital Improvement Plan schedule

Motion was made by Councilmember Carlat, seconded by Councilmember Leone, to approve **RES. 2012-61** adopting the Fiscal Year 2013-2022 Capital Improvement Program.

Upon vote, the motion carried unanimously 6 to 1, with Mayor Barrett voting “no”.

18R Adoption of Tentative Budget for Fiscal Year 2013

RESOLUTION NO. 2012-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING THE TENTATIVE BUDGET FOR THE FISCAL PERIOD BEGINNING JULY 1, 2012, AND ENDING JUNE 30, 2013 SPECIFYING THE OBJECT AND PURPOSE FOR WHICH SUCH BUDGET IS MADE; AND DIRECTING THE CITY CLERK TO PUBLISH SAID PROPOSED BUDGET IN ACCORDANCE WITH ARIZONA STATE STATUTES.

Katie Gregory, Interim Management and Budget Director, outlined the proposed tentative annual budget for Fiscal Year 2013. Information included:

- Council involvement in budget development
- Operating Budget
- Capital Budget
- Proposed total tentative budget categories
- Budget history
- Summary of the Fiscal Year 2013 budget
- State budget impacts to cities
- Budget adoption schedule

Motion was made by Councilmember Rivero, seconded by Councilmember Evans, to approve **RES. 2012-56** adopting the proposed Tentative Annual Budget in the amount of \$473,000,000 for Fiscal Year 2013.

Upon vote, the motion carried unanimously 7 to 0.

19R Contract Amendment, Haydon Building Corporation, Pioneer Community Park, 83rd Avenue south of Olive Avenue

Clerk's Note: Items 6R and 7R were presented together.

Ed Striffler, Design and Construction Manager, reviewed amendments to the Contract with Haydon Building Corporation regarding Pioneer Community Park. Information included:

- Park amenities and character
- Construction schedule
- Staff recommendations

Discussion ensued regarding the total cost for the design and construction of Pioneer Community Park as well as the schedule to build the park.

Motion was made by Councilmember Rivero, seconded by Councilmember Leone, to award Contract Amendment (CA) No. 3 to Haydon Building Corporation in the lump sum amount of \$315,364 for additional design and preconstruction services and for construction administration during the construction of Pioneer Community Park, located at 83rd Avenue south of Olive Avenue (Solicitation No. P08-0042, Project No. CS00034, LCON 15008C).

Upon vote, the motion carried unanimously 7 to 0.

20R Contract, Haydon Building Corporation, Pioneer Community Park, 83rd Avenue south of Olive Avenue

Motion was made by Councilmember Rivero, seconded by Councilmember Evans, to award a contract to Haydon Building Corporation in the amount of \$19,383,662 for a Guaranteed Maximum Price (GMP) contract for the construction of Pioneer Community Park, located at 83rd Avenue south of Olive Avenue (Solicitation No. P08-0042, Project No. CS00034).

Upon vote, the motion carried unanimously 7 to 0.

21R Council Chamber Phase II Improvements

Andy Granger, Engineering Director, outlined the Council Chamber improvement phases.

Ed Striffler, Design and Construction Manager, presented regarding proposed Phase II improvements to the City Council Chamber. Mr. Striffler reviewed architectural components of the Phase II improvements to the Council Chamber.

John Imig, Information Technology Director, outlined the technology components of the Phase II improvements to the Council Chamber.

Bo Larsen, Public Information Manager, discussed the digital broadcast options proposed with the improvements to the Council Chamber.

Mr. Striffler outlined the project budget for Phase II improvements to the Council Chamber as well as the implementation schedule.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation
 - a. Project Update, Scotland Yard Park, 93rd Avenue and Cholla Street

Andy Granger, Engineering Director, provided an update regarding Scotland Yard Park. Information included:

- Project status
- Project timeline
- Amenities

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. Cinco de Mayo
- b. Arizona Water Association Conference

Bill Mattingly, Public Works and Utilities Director, outlined highlights of the Arizona Water Association Conference.

Reports from City Council:

Councilmember Leone congratulated the graduating students of the 2013 Peoria Leadership Institute. Councilmember Leone reported on the various City of Peoria activities he attended.

Councilmember Carlat reviewed the items on the agenda that Council addressed during the meeting.

Councilmember Pearson requested the Mayor declare the Council Chamber a “no coat zone” for the remainder of the summer.

Councilmember Evans reviewed some positive economic development activities within the City.

Vice Mayor Aames reported on the various City of Peoria activities he attended and informed regarding the important roles churches play within the City of Peoria.

Reports from the Mayor:

Mayor Barrett expressed appreciation to City staff for extending the City’s Memorandum of Understanding with the Seattle Mariners and San Diego Padres.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:00 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 15th day of May, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of June, 2012.

(Seal)

Wanda Nelson, City Clerk