

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
March 19, 2013

A **Special Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:00 p.m.

Members Present: Mayor Bob Barrett; Vice Mayor Tony Rivero; Councilmembers Ron Aames, Cathy Carlat, Jon Edwards, Carlo Leone and Bill Patena.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Rhonda Geriminsky, City Clerk; and Julie Ayers, Human Resources Director.

Audience: There were no members of the public present.

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

CONSENT AGENDA

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.

Motion was made by Councilmember Aames, seconded by Councilmember Carlat, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

1C. Authorization to Hold an Executive Session

Pursuant to A.R.S. § 38-431.03: Authorized the holding of an Executive Session for the purpose of: (a) discussion with City staff concerning negotiations for the purchase, sale, or lease of City real property in the vicinity of 83rd Avenue and Paradise Lane pursuant to A.R.S. § 38-431.03.A.7; and (b) discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations pursuant to A.R.S. § 38-431.03.A.5.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:01 p.m.

EXECUTIVE SESSION AGENDA

2. An Executive Session was convened immediately following the Special City Council Meeting pursuant to A.R.S. § 38-431.03 for the purpose of: (a) discussion with City staff concerning negotiations for the purchase, sale, or lease of City real property in the vicinity of 83rd Avenue and Paradise Lane pursuant to A.R.S. § 38-431.03.A.7; and (b) discussion and consultation with legal counsel and designated representatives of the public body pertaining to labor negotiations pursuant to A.R.S. § 38-431.03.A.5.

Clerk's Note: In accordance with A.R.S. § 38-431.03(B), minutes of executive sessions must be kept confidential except as outlined in statute.

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 Edwards led the Pledge of Allegiance.

Members Present: Mayor Bob Barrett; Vice Mayor Tony Rivero; Councilmembers Ron Aames, Cathy Carlat, Jon Edwards, Carlo Leone and Bill Patena.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Bob Sanders, Deputy Police Chief; John Sefton, Community Services Director; Claudia Luján, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately ten 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:

3. United Blood Services of Arizona - HERO Award

Katrina Eaton, United Blood Services Donor Recruitment representative, presented the HERO Award to Mayor Barrett in honor of the City's outstanding leadership in blood drive coordination.

4. American Cancer Society - April 27, 2013 Relay for Life Event

Troy Baker, American Cancer Society representative, presented information on the annual Relay for Life fundraising event to be held at the Peoria Sports Complex on April 27, 2013.

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

Vice Mayor Rivero requested that Agenda Items 5C, 6C and 8C be removed for separate discussion.

Councilmember Carlat requested that Agenda Item 7C be removed for separate discussion.

Motion was made by Councilmember Aames, seconded by Councilmember Leone, to approve the Consent Agenda with the exception of Agenda Items 5C, 6C, 7C and 8C.

Upon vote, the motion carried unanimously 7 to 0.

5C. **Contract, The Groundskeeper, Inc., Westwing Parkway Median, Water Meters**

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

At the request of Vice Mayor Rivero, Agenda Item 5C was pulled from the Consent Agenda for separate discussion.

John Sefton, Community Services Director, presented on a request for a contract and budget transfer to install new water meters and service for the Westwing Parkway medians.

Steve Burg, Chief Assistant City Attorney, provided information regarding the City's responsibility to maintain the landscaping within the Westwing Parkway medians.

Motion was made by Vice Mayor Rivero, seconded by Councilmember Edwards to:

- (a) Award a contract to The Groundskeeper, Inc. in the amount of \$98,106 to install three new water meters and service for the Westwing Parkway medians;
- (b) Authorize owner's contingency in the amount of \$11,894;

- (c) Authorize the use of General Fund Reserves; and
- (d) Approve a budget transfer in the amount of \$110,000 from the General Fund Contingency account to the Contracted Landscape Maintenance Division account.

Upon vote, the motion carried unanimously 7 to 0.

6C. **Intergovernmental Agreement, Outside Counsel, On-Line Travel Companies Tax Assessment**

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

At the request of Vice Mayor Rivero, Agenda Item 6C was pulled from the Consent Agenda for separate discussion.

Steve Kemp, City Attorney, provided an overview on the request to allow the City to participate in pursuing multi-jurisdictional litigation to collect unpaid taxes from on-line travel companies.

Motion was made by Vice Mayor Rivero, seconded by Councilmember Leone, to authorize the City Attorney to execute an Intergovernmental Agreement for the retention of Special Counsel for the On-Line Travel Companies Tax Assessment.

Upon vote, the motion carried unanimously 7 to 0.

7C. **Bailment Agreement Extension and Memorandum of Understanding, West Valley Art Museum**

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

At the request of Councilmember Carlat, Agenda Item 7C was pulled from the Consent Agenda for separate discussion.

John Sefton, Community Services Director, presented on the request to extend the terms of the Bailment Agreement and the Memorandum of Understanding with the West Valley Art Museum.

Constance McMillan, West Valley Art Museum Boardmember, addressed Council in support of extending the agreements allowing the Museum to continue operating the art gallery located in the City Hall Building and providing storage for the Museum's art collection.

Motion was made by Councilmember Aames, seconded by Councilmember Leone, to authorize the City Manager to extend the term of the Bailment Agreement with the West Valley Art Museum related to the art collection to June 30, 2014 and the Memorandum

of Understanding with the West Valley Art Museum related to operating the City Hall Art Gallery.

Upon vote, the motion carried unanimously 7 to 0.

8C. **Neighborhood Traffic Management Program, Various Locations**

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

At the request of Vice Mayor Rivero, Agenda Item 8C was pulled from the Consent Agenda for separate discussion.

RESOLUTION NO. 2013-29

A RESOLUTION OF THE MAYOR AND THE COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AUTHORIZING THE ESTABLISHMENT OF A RESIDENTIAL TRAFFIC CONTROL AREA FOR THE CITRUS GARDEN ESTATES NEIGHBORHOOD (AREA BOUNDED BY WILLIAMS ROAD TO THE NORTH, 83rd AVENUE TO THE EAST, VIA MONTOYA DRIVE TO THE SOUTH AND 87TH AVENUE TO THE WEST).

RESOLUTION NO. 2013-30

A RESOLUTION OF THE MAYOR AND THE COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AUTHORIZING THE ESTABLISHMENT OF A RESIDENTIAL TRAFFIC CONTROL AREA FOR THE CALLE LEJOS RURAL NEIGHBORHOOD (AREA BOUNDED BY VILLA LINDO TO THE NORTH, 67th AVENUE TO THE EAST, PINNACLE PEAK ROAD TO THE SOUTH AND 71ST AVENUE TO THE WEST).

Andy Granger, Engineering Director, provided a brief overview of the request to establish two new Residential Traffic Control Areas that will allow staff to work with the residents to develop traffic mitigation measures for their neighborhoods.

Motion was made by Councilmember Aames, seconded by Vice Mayor Rivero, to adopt **RES. 2013-29** and **RES. 2013-30** establishing two additional Residential Traffic Control Areas for the Neighborhood Traffic Management Program as follows:

- Citrus Garden Estates – area bounded by Williams Road to the north, 83rd Avenue to the east, Via Montoya Drive to the south, and 87th Avenue to the west.
- Calle Lejos Rural – area bounded by Villa Lindo to the north, 67th Avenue to the east, Pinnacle Peak Road to the south and 71st Avenue to the west.

Upon vote, the motion carried unanimously 7 to 0.

9C. **Easement, Arizona Public Service Utility, Peoria Sports Complex Improvements**

RESOLUTION NO. 2013-31

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF AN EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY FOR THE INSTALLATION AND MAINTENANCE OF ELECTRICAL FACILITIES ASSOCIATED WITH THE PEORIA SPORTS COMPLEX IMPROVEMENTS.

Adopted **RES. 2013-31** authorizing the execution of a Utility Easement to Arizona Public Service for the installation and maintenance of electrical facilities associated with the construction of the Peoria Sports Complex Improvements.

10C. **Replat, Comerica Bank, 75th Avenue and Thunderbird Road**

Approved the Replat of Comerica Bank, located at the southwest corner of 75th Avenue and Thunderbird Road, subject to stipulations.

11C. **Final Plat, Tierra Del Rio Parcel 27, 99th Avenue and Jomax Road**

Approved the Final Plat of Tierra Del Rio Parcel 27, located north of Jomax Road and west of 99th Avenue, subject to stipulations.

12C. **Budget Transfers, Community Services Department**

Approved a budget transfer in the amount of \$46,000 from the General Fund Contingency account to the Main Library - Other Professional Services account in the amount of \$6,000 and to the Aquatics - Swimming Pool Supplies and Part Time Wages account in the amount of \$40,000 to supplement operating budgets for unavoidable operations related overages that have occurred in the current fiscal year.

REGULAR AGENDA

13R. **Contract Amendment, Mortenson Construction, Peoria Sports Complex Improvements, 83rd Ave & Stadium Way**

Ed Striffler, Design and Construction Manager, presented on a request to approve an amendment for the Final Guaranteed Maximum Price construction contract with Mortenson Construction.

Mr. Striffler discussed the following:

- Project management
- Seattle Mariners and San Diego Padres Final Guaranteed Maximum Price values
- Construction Schedule

Motion was made by Councilmember Carlat, seconded by Councilmember Edwards, to: (a) approve Contract Amendment No. 2 to Mortenson Construction in an amount not to exceed \$474,666 for the Final Guaranteed Maximum Price construction contract for the Seattle Mariners and San Diego Padres clubhouse improvements; and (b) approve a budget amendment in the amount of \$108,611 to establish the appropriation needed to expend funds received from the Seattle Mariners and San Diego Padres to pay for improvements which exceed the City's available Capital budget.

Upon vote, the motion carried unanimously 7 to 0.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager

14. **Council Calendar**

15. **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, provided information to Council related to the following items:

- A. "Fix a Leak Week"
- B. 37th Annual Dolly Sanchez Memorial Easter Egg Hunts
- C. Peoria Arts and Cultural Festival - Community Center Re-Dedication

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone encouraged citizens to attend the Dolly Sanchez Easter Egg Hunt to be held on March 30, 2013 at the Peoria Sports Complex. Councilmember Leone urged citizens to attend a meeting hosted by the Maricopa County Department of Transportation to be held on April 2, 2013 at Country Meadows Elementary School regarding the Northern Avenue Parkway project.

Councilmember Carlat reported on the Fish with Your Kids Day and Bill Luke Bass Days events held recently at Lake Pleasant. Councilmember Carlat invited the public to attend a meeting regarding the Parks, Recreation, Open Space and Trails Master Plan on April 18, 2013 at the Westwing Mountain Homeowners Association Community Center.

Councilmember Edwards reported on the various City of Peoria activities and events he attended. Councilmember Edwards thanked Salt River Project for inviting him to visit their power operations in Tempe and tour the Salt River and Verde River dams by helicopter.

Councilmember Aames reported on the various City of Peoria activities and events he attended.

Vice Mayor Rivero congratulated the Northwest Black History Committee for a successful Black History Celebration and Multicultural Festival recently held at Centennial Plaza.

Reports from the Mayor:

Mayor Barrett read a Proclamation declaring March 18-24, 2013 as "Fix a Leak" Week and encouraged citizens to pledge to find and repair leaks and to use water efficiently.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:47 p.m.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the City Council Meetings of the City Council of Peoria, Arizona held on the 19th day of March, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of May, 2013.

(Seal)

Rhonda Geriminsky, City Clerk