CITY COUNCIL REGULAR MEETING NOTICE & AGENDA
Tuesday, August 17, 2010
7:00 PM
CITY COUNCIL CHAMBER

MUNICIPAL OFFICE COMPLEX
8401 W. MONROE STREET
PEORIA, AZ 85345

CITY COUNCIL:

Mayor
Bob Barrett

Palo Verde District
Ron Aames, Vice Mayor

Acacia District
Vicki Hunt

Ironwood District
Dave Pearson

Mesquite District
Cathy Carlat

Pine District
Carlo Leone

Willow District
Joan Evans

City Manager
Carl Swenson

CONVENE:
PLEDGE:
ROLL CALL:

FINAL CALL TO SUBMIT SPEAKER REQUEST FORMS:

PRESENTATION:

1. Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the July 6, 2010 City Council meeting:

   Jack Lytle appointed to the Arts Commission;

   Karen McDaniel appointed to the Board of Adjustment;

   Shelby Duplessis appointed to the Board of Adjustment;

   Mark Hammons appointed to the Economic Development Advisory Board;

   Vonda Culp appointed to the Economic Development Advisory Board;

   Joya Kizer Clarke appointed to the Sister Cities Board; and

   Thomas Prior appointed to the Youth Advisory Board.

2. Presentation of appreciation plaque to Steve Yamamori for his work with Fighter Country Partnership.

3. Presentation on the 2010 Census.

4. Commendation presented to Mary Jo Waddell.

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:

1C Disposition of Absence

Discussion and possible action to excuse the absence of Councilmember Cathy Carlat from the Study Session held at 4:00 p.m. and from the Regular City Council Meeting held at 7:00 p.m. on July 6, 2010.

2C Minutes

Discussion and possible action to approve the following minutes:

April 20, 2010 Amended Special Meeting and Study Session
May 4, 2010 Special Meeting and Study Session
May 4, 2010 Regular Meeting
June 1, 2010 Special Meeting and Study Session
June 15, 2010 Study Session Meeting
June 15, 2010 Special Meeting
June 15, 2010 Regular Meeting
June 29, 2010 Special Meeting

3C Appointments, Boards and Commissions

Discussion and possible action to approve the recommendations from the Council Subcommittee on Boards and Commissions Appointments pertaining to the following appointments and adopt the Resolutions as presented:

Adopt **RES. 2010-63** appointing Geoff Scott, as a regular member, to the Economic Development Advisory Board;

Adopt **RES. 2010-64** appointing Mike Fusco, as a regular member, to the Historic Preservation Commission; and

Adopt **RES. 2010-65** appointing Aimee Upton and Brian Derrick, as regular members, to the Parks and Recreation Board.

4C **Annexation, Right of Way, Deer Valley Road between 85th and 91st Avenues**

Discussion and possible action to adopt **ORD. 2010-19** approving the annexation of Deer Valley Road between 85th and 91st Avenues.

5C **Annexation, Crossings at Arrowhead North, 81st Avenue and the Beardsley Road Connector Alignment**

Discussion and possible action to adopt **ORD. 2010-20** repealing Ordinance 2010-08 and approving the annexation of approximately 16.36 acres, located at the southeast corner of 81st Avenue and the Beardsley Road connector alignment. (ANX09-03)

6C **Deannexation, Crossings at Arrowhead North, East of New River Corridor, West of Loop-101 and South of Beardsley Road**

Discussion and possible action to adopt **ORD. 2010-21** repealing Ordinance 2010-09 and approving the deannexation of approximately 4.56 acres located east of the New River corridor, west of Loop-101 and south of Beardsley Road. (ANX09-04)

7C **Grant, Arizona State Library, Archives and Public Records, Literacy Kiosk**

Discussion and possible action to: (a) accept a grant in the amount of $25,000 from the Library Services and Technology Act, administered by the State Library, Archives and Public Records to provide funding for Sunrise Mountain Library to purchase an interactive literacy kiosk and other child-friendly furnishings and activities (LCON02610A); and (b) authorize a budget adjustment in the amount of $25,000 from the Proposed Grant Contingency Account to the Library Office Equipment and Furniture Account.

8C **Grant, Arizona Peace Officer Standards and Training Board**

Discussion and possible action to (a) adopt **RES. 2010-70** authorizing the City of Peoria Police Department to accept $11,400 from the Arizona Peace Officer Standards and Training Board (AZ POST) Peace Officer Training Fund to purchase upgrades to the Multiple Interactive Learning Objective (MILO) firearms training system and purchase a Trainee Action Capture (TAC) camera (LCON07010); and (b) approve a budget amendment of $11,400 from the Proposed Grants Contingency Account to the Youth and Support Services Account, to provide expenditure authority for the accounts listed below:

- Electronic Equipment for $600
- Computer Hardware for $10,800

9C Grant, Maricopa Association of Governments, PM-10 Certified Street Sweeper Purchase

Discussion and possible action to (a) accept a grant from Maricopa Association of Governments in the amount of $197,225 for the purchase of a PM-10 certified street sweeper (LCON07710); and (b) approve a budget transfer in the amount of $252,195 from the Proposed Grants Fund Contingency Account to the Street/Transit Equipment Replacement Fund Trucks and Vans Account.

10C Intergovernmental Agreement, Peoria Unified School District, Cheyenne Field Lighting

Discussion and possible action to approve an Intergovernmental Agreement with the Peoria Unified School District to operate and maintain the Ball Field Lighting System at Cheyenne Elementary School. (LCON07810)

11C Intergovernmental Agreement, Peoria Unified School District, Coyote Hills Field Lighting

Discussion and possible action to approve an Intergovernmental Agreement with the Peoria Unified School District to operate and maintain the Ball Field Lighting System at Coyote Hills Elementary School. (LCON07910)

12C Intergovernmental Agreement, Drug Enforcement Administration Task Forces

Discussion and possible action to (a) adopt **RES. 2010-71** authorizing the renewal of two Intergovernmental Agreements between the Peoria Police Department and the Drug Enforcement Administration (DEA) and assign two officers to DEA Task Forces for a period of not less than two years (LCON08010 and LCON08110); and (b) approve a budget amendment in the amount of $34,404.50 from the Proposed Grants Contingency Account to the Federal DEA Fund Overtime Account to provide expenditure authority.

13C Intergovernmental Agreement, City of Phoenix, Intelligence Data

Discussion and possible action to (a) approve an Intergovernmental Agreement with the City of Phoenix for the purchase and installation of an Intel Lead software module utilizing funds received from the State of Arizona Homeland Security Grant Program; and (b) approve the sole source purchase of the Intel Lead software module through Knowledge Computing Corporation in the amount of $169,689.98.

14C Intergovernmental Agreement, State of Arizona Game and Fish Department, Rio Vista Community Park

Discussion and possible action to approve a four-year Intergovernmental Agreement with the State of Arizona, Game and Fish Department to maintain Rio Vista Community Park as a facility in the State of Arizona Urban Fishing Program. (LCON08210)

15C Intergovernmental Agreement Amendment, Maricopa County Library District, Reciprocal Borrowing Program

Discussion and possible action to approve the Fourth Amendment to the Intergovernmental Agreement with the Maricopa County Library District, effective July 1, 2010 – June 30, 2011. (LCON09101D)

16C Intergovernmental Agreement Amendment, State of Arizona, Roadway Widening Improvements at Olive Avenue and Loop 101

Discussion and possible action to adopt **RES. 2010-66** approving Intergovernmental Agreement Amendment No. 1 with the State of Arizona for construction of roadway widening improvements at Olive Avenue and Loop 101. (LCON11009A)

17C Exclusive Negotiating Agreement for Peoria Place

Authorize the City Manager to enter into an Exclusive Negotiating Agreement with Ottawa University and the Ellman Companies for the Peoria Place site.

18C Contract, EPS Group, Inc., 83rd Avenue Reclaimed Waterline

Discussion and possible action to approve a contract in an amount not-to-exceed $207,242 for EPS Group, Inc. for design services associated with the 83rd Avenue Reclaimed Waterline project. (LCON08310)

19C Contract, Lake Pleasant Parkway, 87th Avenue to 91st Avenue, Landscape and Irrigation System Improvements

Discussion and possible action to award a Job Order Contract in the amount of $148,350 to ELS Construction, Inc. for the construction of landscape and irrigation system improvements along the south side of Lake Pleasant Parkway, between 87th Avenue and 91st Avenue. (ACON29808P9)

20C Contract, Logan Simpson Design Inc. Professional Services, Skunk Creek Trailhead and Sports Complex Trail

Discussion and possible action to award a professional services contract in an amount not-to-exceed $209,353 to Logan Simpson Design Inc. for the design of the Skunk Creek Trailhead and Sports Complex Trail, located at 83rd Avenue, south of the Peoria Sports Complex. (LCON08410)

21C Contract, Logan Simpson Design Inc., Palo Verde Park Environmental Consultant Services

Discussion and possible action to award an environmental consultant services contract in an amount not-to-exceed $199,074 to Logan Simpson Design Inc. for cultural data recovery at Palo Verde Park. (LCON08510)

22C Contract Amendment, Nelson/Nygaard Inc., Multi-Modal Transportation Plan

Discussion and possible action to (a) approve Contract Amendment No. 1 in an amount not-to-exceed $9,433 with Nelson/Nygaard Inc. to obtain additional transit ridership information on the routes within, or adjacent to Peoria, and to extend the contract from October 25, 2010 to December 31, 2010 (LCON09409A); and (b) approve a budget transfer in an amount not-to-exceed $9,433 from the Transportation Sales Tax Fund Contingency Account to the Multi-Modal Transportation Master Plan project, Transportation Sales Tax Other Professional Services Account.

23C Authorize Expenditure, Deca Southwest, Energy Efficiency and Conservation Block Grant LED Street/Park Lighting

Discussion and possible action to authorize an expenditure in the amount of $141,540 utilizing an existing Mohave Educational Services Cooperative Job Order Contracting contract through Deca Southwest to retrofit each of the existing high pressure sodium pedestrian lights in Old Town Peoria with new energy efficient light emitting diode light replacement fixtu**res.**

24C Authorize Expenditure, Various Vendors, Scotland Yard, Palo Verde and Braewood Neighborhood Park Playground Systems

Discussion and possible action to authorize an expenditure in an amount not-to-exceed $223,977 to Micon Construction, Dave Bang Associates, Inc. and Shade ‘n Net for the Scotland Yard, Palo Verde and Braewood Neighborhood Park playground systems utilizing Mohave Educational Services contracts and a City of Phoenix contract.

25C Authorize Expenditure, ITS Engineers and Constructors, Hybrid Wireless/Fiber Communications System

Discussion and possible action to authorize an expenditure in an amount not-to-exceed $432,870 utilizing an existing State Contract with ITS Engineers and Constructors for the installation of a hybrid wireless/fiber communications system, to provide signalized connectivity for 36 intersections to the City of Peoria Traffic Management Center.

26C Budget Transfer, Engineering Department, Arterial Life Cycle Program Funding Changes, Various Locations

Discussion and possible action to approve the following budget transfers for the 75th Avenue and Thunderbird Road Intersection Improvements, 83rd Avenue Street and Drainage Improvements and the Lake Pleasant Parkway; Westwing to Loop 303:

a) $5,577,000 from the Federal Funded Capital Projects Fund Street System Account to the County Transportation Tax Fund Street System Account in the amount of $4,054,000 and to the General Fund Contingency Account in the amount of $1,523,000;

b) $5,915,000 from the Federal Funded Capital Projects Fund Land Acquisition Account to the County Transportation Tax Fund Land Acquisition Account in the amount of $866,608; to the General Obligation Bonds 2009 Fund Land Acquisition Account in the amount of $2,861,642; to the General Fund Contingency Account in the amount of $2,186,750; and

c) $2,000,358 from the General Obligation Bonds 2009 Fund Land Acquisition Account to the General Fund Contingency Account.

27C Revision to the Fiscal Year 2011 Property Tax Levy

Discussion and possible action to (a) adopt a revised property tax levy based on the latest assessed valuation figures provided by the Property Tax Oversight Commission; and (b) RES. 2010-67 and ORD. 2010-22 adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for Fiscal Year 2011 and declaring an emergency.

28C Investment Report for the Year Ended June 30, 2010

Discussion and possible action to accept the Annual Investment Report for the Year Ended June 30, 2010.

29C Request for Exemption from Requirement to Post Security for Self-Insured Workers' Compensation Claims

Discussion and possible action to authorize the City Manager to provide a certified statement from the City of Peoria requesting exemption from the requirement to post security for pending self-insured workers' compensation claims.

30C 2009 Maricopa County Multi-jurisdictional Hazard Mitigation Plan, Jurisdictional Summary for the City of Peoria

Discussion and possible action to adopt **RES. 2010-68** authorizing the 2009 Maricopa County Multi-jurisdictional Hazard Mitigation Plan prepared in compliance with Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) in cooperation with the Maricopa County Department of Emergency Management and 28 participating jurisdictions.

REGULAR AGENDA

NEW BUSINESS

31R Public Hearing - Liquor Licenses, Various Locations

PUBLIC HEARING: RE: (a) A New Restaurant Liquor License (Series 12) for Red Brick Pizza, located at 9823 W. Northern Avenue Suite 1650. Applicant: Kyle T. Walker, LL#10017424; and (b) a New Restaurant Liquor License (Series 12) for Cousin Vinny Pizza and Pasta, located at 8267 W. Lake Pleasant Parkway. Applicant: Angel Iordanoff, LL#10017812.

Staff Report:
Open Public Hearing:
Public Comment:
Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to recommend approval to the State Liquor Board for: (a) a New Restaurant Liquor License (Series 12) for Red Brick Pizza, located at 9823 W. Northern Avenue Suite 1650, Applicant, Kyle T. Walker, LL#10017424; and (b) a New Restaurant Liquor License (Series 12) for Cousin Vinny Pizza and Pasta, located at 8267 W. Lake Pleasant Parkway. Applicant: Angel Iordanoff, LL#10017812.

32R **Public Hearing - Conditional Use Permit Appeal, Wireless Communication Facility, Clearwire Heritage Mortuary, 6830 W. Thunderbird Road**

PUBLIC HEARING: RE: A final determination to reverse, affirm or modify a unanimous decision by the Planning and Zoning Commission to approve a Conditional Use Permit for a proposed 65-foot high Wireless Communication Facility and associated ground equipment located at 6830 W. Thunderbird Road. (CU 10-0044)

Staff Report:
Open Public Hearing:
Public Comment:
Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to make a final determination to reverse, affirm or modify a unanimous decision by the Planning and Zoning Commission to approve a Conditional Use Permit for a proposed 65-foot high Wireless Communication Facility and associated ground equipment located at 6830 W. Thunderbird Road. (CU 10-0044)

33R **Public Hearing - Grant, United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant**

PUBLIC HEARING: RE: A resolution authorizing the City of Peoria Police Department to accept $40,741 from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) to supplement police programs and purchase equipment to enhance strategic law enforcement operations.

Staff Report:
Open Public Hearing:
Public Comment:
Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to (a) adopt **RES. 2010-69** authorizing the City of Peoria Police Department to accept $40,741 from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) to supplement police programs and purchase equipment to enhance strategic law enforcement operations; and (b) approve a budget amendment of $40,741 from the Proposed Grants Contingency account to the JAG Award account, to provide expenditure authority for the accounts listed below:

- Special Events – Overtime - $12,000
- Lot Clean Up - $6,431
- Office & General Supplies - $9,200
- Operational Supplies & Equipment - $1,110
- Weapons and Accessories - $12,000

34R **Code Amendment, Chapter 14, Definitions, Land Use Types and Standards**

Discussion and possible action to adopt **ORD. 2010-23** amending Chapter 14 of the Peoria City Code (1977 Edition) amending Article 14-2 and Article 14-9 pertaining to tobacco retailers, retail liquor stores, outdoor patios, drive-through restaurants, gas stations, bars, taverns and lounges, electric vehicle charging equipment and charter schools.

35R **Code Amendment, Chapter 14, Enhanced Civic Engagement Requirements and Administrative Protocols**

Discussion and possible action to adopt **ORD. 2010-24** amending Chapter 14 of the Peoria City Code (1977 Edition) amending Article 14-2, Article 14-33, Article 14-36 and Article 14-39 pertaining to enhanced civic engagement requirements and administrative protocols.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Your comments pertaining to City Council business are welcome. However, if you wish to address the City Council, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. The City Council is not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation

    a. Community Center Building Addition

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.)

    a. ICMA CPM Certificate of Excellence
    b. Development Forum

Reports from City Council:
Reports from the Mayor:

ADJOURNMENT

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

Accommodations for Individuals with Disabilities. *Alternative format materials, sign language interpretation, assistive listening devices or interpretation in languages other than English are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Room 150, Peoria, Arizona 85345 (623)773-7340, TDD (623)773-7221, or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.*