

**MINUTES OF THE PEORIA CITY COUNCIL**  
CITY OF PEORIA, ARIZONA  
COUNCIL CHAMBER  
January 15, 2008

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 silence, Councilmember Evans led the Pledge of Allegiance.

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

**Members Absent:** None

**Other Municipal Officials Present:** Terrence Ellis, City Manager; Carl Swenson, Deputy City Manager; Susan Thorpe, Deputy City Manager; John Wenderski, Deputy City Manager; Steve Kemp, City Attorney; Mary Jo Kief, City Clerk; Stephen Bontrager, J.P. de la Montaigne, Bill Mattingly, Brent Mattingly, Bob McKibben, Grady Miller, Dave Moody, Larry Ratcliff, Jeff Tyne, Glen Van Nimwegen, James Mason and Linda Blas.

**Audience:** Approximately 50 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.

**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.

## **REGULAR AGENDA**

### **NEW BUSINESS**

#### **1R Election of Vice Mayor**

Motion was made by Councilmember Pearson, seconded by Councilmember Aames that the term of office for Vice Mayor be one year. Upon vote, the motion carried unanimously.

Councilmember Pearson nominated Councilmember Leone to the position of Vice Mayor.

Councilmember Evans nominated Councilmember Carlat to the position of Vice Mayor.

Mayor Barrett announced that each nomination would be voted on separately.

Mary Jo Kief, City Clerk, polled the Council on the nomination of Councilmember Leone for Vice Mayor. Councilmember Aames, Councilmember Leone and Councilmember Pearson voted for Councilmember Leone to become Vice Mayor. Mayor Barrett, Vice Mayor Hunt, Councilmember Carlat and Councilmember Evans voted "no."

Mary Jo Kief, City Clerk, polled the Council on the nomination of Councilmember Carlat to serve as Vice Mayor. Mayor Barrett, Vice Mayor Hunt, Councilmember Aames, Councilmember Carlat, Councilmember Evans and Councilmember Pearson voted for Councilmember Carlat to become Vice Mayor. Councilmember Leone voted "no."

By a vote of six to one, Mayor Barrett announced that Council had selected Councilmember Carlat to serve as Vice Mayor for a one-year term.

## **2R    Election of Mayor Pro Tem**

Mayor Barrett announced that the Mayor Pro Tem serves during the absence of both the Mayor and Vice Mayor and serves until the Mayor or Vice Mayor returns to the City of Peoria. The term of the Mayor Pro Tem is one year.

Councilmember Hunt nominated Councilmember Evans to the position of Mayor Pro Tem to serve during the absence of both the Mayor and Vice Mayor.

Councilmember Pearson nominated Councilmember Aames to the position of Mayor Pro Tem.

Mayor Barrett confirmed that each nomination would be voted on separately.

Mary Jo Kief, City Clerk, polled the Council on the nomination of Councilmember Evans to serve as Mayor Pro Tem. Mayor Barrett, Vice Mayor Carlat, Councilmember Evans, Councilmember Hunt and Councilmember Pearson voted for Councilmember Evans to serve as Mayor Pro Tem. Councilmember Aames and Councilmember Leone voted "no."

Mary Jo Kief, City Clerk, polled the Council on the nomination of Councilmember Aames to serve as Mayor Pro Tem. Councilmember Aames, Councilmember Leone and Councilmember Pearson voted for Councilmember Aames to serve as Mayor Pro Tem. Mayor Barrett, Vice Mayor Carlat, Councilmember Evans and Councilmember Hunt voted "no."

By a vote of five to two, Mayor Barrett announced that Council had selected Councilmember Evans to serve as Mayor Pro Tem.

Mayor Barrett declared a short recess at 7:06 p.m. in order for staff to set up the room for the change of Council seats. The meeting reconvened at 7:12 pm.

**Members Present:** Mayor Bob Barrett; Vice Mayor Cathy Carlat; Councilmembers Ron Ames, Joan Evans, Vicki Hunt, Carlo Leone and Dave Pearson.

**3R PUBLIC HEARING – Liquor Licenses, Various Locations**

**PUBLIC HEARING:** RE:

- a) A Location and Person Transfer for an Off-Sale All Liquor License (Series 09) for Wal-Mart Supercenter #3896, located at 21655 N. Lake Pleasant Parkway. Applicant: Clare H. Abel. LL#10010934; and
- b) A Person Transfer for an Off-Sale All Liquor License (Series 09) for Lee Lee Oriental Supermart, located at 7575 W. Cactus Road. Applicant, Randy D. Nations. LL#10010852.

**Staff Report/Public Comment:**

Mary Jo Kief, City Clerk, reported that the properties had been posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval, and no comments were received from the public.

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 Carlat, seconded by Councilmember Ames to recommend approval to the State Liquor Board for:

- a) A Location and Person Transfer for an Off-Sale All Liquor License (Series 09) for Wal-Mart Supercenter #3896, located at 21655 N. Lake Pleasant Parkway. Applicant: Clare H. Abel. LL#10010934; and
- b) A Person Transfer for an Off-Sale All Liquor License (Series 09) for Lee Lee Oriental Supermart, located at 7575 W. Cactus Road. Applicant, Randy D. Nations. LL#10010852.

Upon vote, the motion carried unanimously.

**4R     PUBLIC HEARING - General Plan Amendment, Camino á Lago Specific Area Plan**

RESOLUTION NO. 08-11

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE CAMINO A LAGO SPECIFIC AREA PLAN LAND USE MAP/PLAN FOR PROPERTY GENERALLY LOCATED BETWEEN PINNACLE PEAK ROAD AND DEER VALLEY ROAD, AND BETWEEN LAKE PLEASANT PARKWAY AND 91<sup>ST</sup> AVENUE; FOR THE CITY OF PEORIA, ARIZONA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

**PUBLIC HEARING:**

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a minor amendment to the Camino á Lago Specific Area Plan for a site comprised of approximately 694 gross acres, generally located between Pinnacle Peak Road and Deer Valley Road and between 91<sup>st</sup> Avenue and Lake Pleasant Parkway to adjust parcel boundaries and dwelling unit per acre ratios.

**Staff Report/Public Comment:**

Glen Van Nimwegen, Community Development Director, provided background on a request to amend the Camino a Lago Specific Area Plan Land Use Map.

Mike Parks expressed his opinion that by adding more property to Section 4 of the proposed land use map, traffic would increase on the portion of Williams Road that is unimproved.

Having no additional requests from the public to address this item, Mayor Barrett declared the public hearing closed.

**Council Action:**

In response to questions from Vice Mayor Carlat, Ed Bull, representing the applicant, informed Council that as a condition of the proposed rezoning of the area under Zoning Case Z07-10, the developer will be responsible for the design and construction of any and all signals at 91<sup>st</sup> Avenue and Williams Road.

Dave Moody, Engineering Director, confirmed that the developer is required to provide traffic impact statements as part of the development process and that Williams Road is scheduled for completion during Phase 2 of development. Mr. Moody advised Council that staff would be

working with the developer to install traffic calming measures along Williams Road through the Neighborhood Traffic Management Program.

At the request of Council, Mr. Bull summarized the outcome of neighborhood meetings conducted by the applicant.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Pearson, to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 08-11** for a minor amendment to the Camino á Lago Specific Area Plan for a site comprised of approximately 694 gross acres, generally located between Pinnacle Peak Road and Deer Valley Road and between 91<sup>st</sup> Avenue and Lake Pleasant Parkway, to adjust parcel boundaries and dwelling unit per acre ratios (GPA 07-06). Upon vote, the motion carried unanimously.

**5R     Rezoning, Pinnacle Peak Road and Deer Valley Road between 91<sup>st</sup> Avenue and Lake Pleasant Parkway**

ORDINANCE NO. 08-02

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING PROPERTY FROM GENERAL AGRICULTURAL (AG) TO A PLANNED COMMUNITY DISTRICT (PCD) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Councilmember Hunt, seconded by Councilmember Aames, to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 08-02** approving the rezoning of approximately 694 gross acres, generally located between Pinnacle Peak Road and Deer Valley Road and between 91<sup>st</sup> Avenue and Lake Pleasant Parkway, from General Agricultural (AG) to Planned Community District (PCD) to allow for a single-family detached subdivision consisting of 1,508 units (Z07-10). Upon vote, the motion carried unanimously.

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

**6R Acoma Drive Character Area Plan, Acoma Drive and Thunderbird Road between 67<sup>th</sup> Avenue and 83<sup>rd</sup> Avenue**

RESOLUTION NO. 08-12

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING THE ACOMA DRIVE CHARACTER AREA PLAN; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

Glen Van Nimwegen, Community Development Director, advised that the intent of the proposed character area plans is to establish policies and guidelines to be applied to possible future annexations of County Island areas. Mr. Van Nimwegen introduced Chad Daines, Planning Manager, who provided an overview of the proposed character area plans.

Councilmember Aames noted this is a very responsive plan that looks at the diversity of different areas. Councilmember Aames commended the Planning Department for preparing the plan.

Councilmember Evans commented on the Acoma area and expressed her pleasure with the plan.

In response to Vice Mayor Carlat, Mr. Daines outlined the process of providing information to County Island residents.

Terry Ellis, City Manager, reiterated the intent of the character area plans is to establish policies and guidelines and inform residents if and when an annexation proposal is presented in their area in the future.

Mayor Barrett assured the public the City of Peoria is not proposing annexation.

Motion was made by Councilmember Evans, seconded by Councilmember Hunt, to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 08-12** accepting and adopting the Acoma Drive Character Area Plan, a proposed policy document establishing character guidelines pertaining to the unincorporated County Island, generally located between 67<sup>th</sup> Avenue and 83<sup>rd</sup> Avenue, north of Thunderbird Road, centered on Acoma Drive. Upon vote, the motion carried unanimously.

**7R Pinnacle Peak Character Area Plan, Pinnacle Peak Road Between 83<sup>rd</sup> Avenue and Lake Pleasant Parkway, Deer Valley Road to Villa Lindo Road**

RESOLUTION NO. 08-13

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING THE PINNACLE PEAK CHARACTER AREA PLAN; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

Lisa Purcell voiced displeasure regarding lack of notification and information to residents and advised Council of her opposition to annexation of the area.

Rick Bowman echoed Ms. Purcell's comments but expressed his appreciation for setting policies and guidelines regarding annexation.

Kenneth Fabozzi announced that he is not in favor of annexation and is not interested in receiving information.

Heinz Grunwald commented that hearing impaired individuals have difficulty hearing the proceedings of meetings due to the acoustics in the Council Chamber. Mr. Grunwald also noted he is against annexation.

Joe Richards informed Council that he is not in favor of annexation at this time but is interested in receiving information and keep an open mind.

Jim Lisac commented on the lack of communication from the City and expressed his opposition to annexation.

John Smith expressed his concern regarding communication and stated that he is not in favor of annexation.

David Gouchenour commented on the presentation and concurred with the other residents regarding communication. Mr. Gouchenour stated that he is against annexation.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Aames, to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 08-13** accepting and adopting the Pinnacle Peak Character Area Plan, a proposed policy document establishing character guidelines pertaining to the unincorporated county island generally located between 83<sup>rd</sup> Avenue and Lake Pleasant Parkway, from Deer Valley Road north to Villa Lindo Road, centered on Pinnacle Peak Road.

Vice Mayor Carlat clarified that the agenda item is not about annexation.

Upon vote, the motion carried unanimously.

**8R Contract, Haydon Building Corp., City Hall Renovation and Mechanical Systems Replacement Project**

Ed Striffler, Design and Construction Manager, presented an overview of the project elements for the renovation of City Hall, the expansion of the Municipal Court and the Parking Expansion and Canopies project at the Pinnacle Peak Public Safety Facility.

At the request of the City Manager, Jeff Tyne, Budget Director, clarified the funding sources for the renovation and expansion projects.

In response to questions from Council, Mr. Striffler and Bill Mattingly, Public Works Director, confirmed the City will undertake the reconstruction and renovation of City Hall concurrent with the replacement of critical building systems.

Ron Travers addressed the renovation of City Hall and requested Council use resolve in making their economic decisions.

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

- a) Award a contract for an amount not to exceed \$1,682,465 to Haydon Building Corp. for design and preconstruction services on the City Hall Renovation and Mechanical Systems Replacement project (LCON00608); and
- b) Authorize an expenditure for City-paid project expenses in an amount up to \$546,000.

Upon vote, the motion carried by a vote of six to one with Councilmember Aames voting "no."

**9R Contract, Layton Construction, Municipal Court Expansion Project**

Ed Striffler, Design and Construction Manager, outlined the key project elements for expansion of the Municipal Court. Upon completion of the expansion project, the total square footage of the Municipal Court would be approximately 36,500 square feet.

In response to questions from Council, Mr. Striffler reported that the exterior of the Court expansion will mimic the character of the existing structures within the City Hall campus. Mr. Striffler noted that security standards would be taken into consideration during the design and preconstruction services.

Terry Ellis, City Manager, emphasized the urgency of expanding the Municipal Court.

Councilmember Aames questioned if the project could be expedited. In response, Mr. Striffler informed Council that the design build method was selected to shorten the time frame, and every effort will be made to work as expeditiously as possible.

Motion was made by Councilmember Evans, seconded by Councilmember Aames, to:

- a) Award a contract for an amount not to exceed \$1,101,160 to Layton Construction Company for design and preconstruction services on the Municipal Courts Expansion project (LCON00708); and
- b) Authorize an expenditure for City-paid project expenses in an amount up to \$394,031.

Upon vote, the motion carried unanimously.

**10R Contract, Hunter Contracting Company, Pinnacle Peak Public Safety Facility Parking Expansion and Canopies Project**

Ed Striffler, Design and Construction Manager, summarized the Parking Expansion and Canopies project at the Pinnacle Peak Public Safety Facility.

Vice Mayor Carlat asked if the issue of access to the facility could be coupled with the parking expansion.

Terry Ellis, City Manager, explained that there are security and staffing issues to consider if access to the facility was allowed.

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

- a) Award a contract for an amount not to exceed \$524,273 to Hunter Contracting Company for design and preconstruction services on the Pinnacle Peak Public Safety Facility Parking Expansion and Canopies project (LCON00808); and
- b) Authorize an expenditure for City-paid project expenses in an amount up to \$215,000.

Upon vote, the motion carried unanimously.

**11R Work Plan 2007-2009, Community Development, Planning Division**

Chad Daines, Planning Manager, recapped the Planning Division Work Plan that reflects on-going planning activities. The timeframes outlined in the plan reflect a balanced work plan based on staff resources and budget cycles.

Motion was made by Councilmember Aames, seconded by Councilmember Evans, to adopt the Community Development, Planning Division Work Plan for 2007-2009. Upon vote, the motion carried unanimously.

**CALL TO PUBLIC: (NON-AGENDA ITEMS)**

Mike Harris addressed Council regarding the lack of public transportation after hours and on weekends in the City.

**Reports from the City Manager:** None.

**Reports from City Council:**

Councilmember Leone reported on his attendance at the Fireman's Fund Check Presentation held at Peoria Fire Station 196. The funds will be used to restore the 1929 antique fire truck. Councilmember Leone noted his attendance at a luncheon sponsored by the Maricopa Association of Governments in recognition of homeless assistance programs. Councilmember Leone commented on his attendance at a Homeowners' Association Meeting at Sun Aire Estates. Councilmember Leone applauded the residents of Sun Aire Estates for their volunteer efforts to beautify their community. Councilmember Leone congratulated all of the Rock 'N' Roll marathon runners.

Councilmember Vicki Hunt attended the Fido Bag unveiling and presentation held at the Jomax Fire Station. Councilmember Hunt encouraged citizens to contact their local fire station if they have pets. Councilmember Hunt commented on her attendance at the Northwest Black History Committee Martin Luther King Celebration held at Glendale Community College (GCC). Councilmember Hunt mentioned that Ervin Cutwright had received an award from the Committee and that a scholarship at GCC had been established in his honor.

Councilmember Evans invited the public to visit the area at 71<sup>st</sup> Avenue and Ironwood Drive to view the Neighborhood Pride Program enhancements. Councilmember Evans recognized Colleen Noecker, Neighborhood Improvement Specialist, for coordinating the project. Councilmember Evans thanked Sundt Construction for their time and monetary donation to the City in support of the project.

Vice Mayor Carlat noted that many items pertaining to the Mesquite District were approved as part of the Consent Agenda. Vice Mayor Carlat urged citizens to obtain copies of City Council agendas by accessing the City Clerk's Office on the Peoria website at [www.peoriaaz.gov](http://www.peoriaaz.gov).

**Reports from the Mayor:** None.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 9:30 p.m.

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Bob Barrett, Mayor

ATTEST:

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Mary Jo Kief, City Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the City Council of Peoria, Arizona held on the 15<sup>th</sup> day of January, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 18<sup>th</sup> day of March, 2008.

(Seal)

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Mary Jo Kief, City Clerk