

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
MARCH 4, 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 7:02 p.m.

Following a moment of silence, Councilmember Pearson led the Pledge of Allegiance.

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

Members Absent: None

Other Municipal Officials Present: Terrence Ellis, City Manager; Carl Swenson, Deputy City Manager; John Wenderski, Deputy City Manager; Steve Kemp, City Attorney; Mary Jo Kief, City Clerk; Stephen Bontrager, J.P. de la Montaigne, Greg Eckman, Bill Mattingly, Grady Miller, Larry Ratcliff, Jeff Tyne, Glen Van Nimwegen, James Mason and Rhonda Simmons.

Audience: Approximately 30 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.

PRESENTATIONS:

1. Terry Ellis, City Manager, recognized Sarah Slankard for receiving a Platinum Award from United Blood Services for coordinating this year's blood drive for City employees.
2. Mayor Barrett and Terry Ellis, City Manager, presented Greg Eckman with a plaque recognizing Mr. Eckman's contributions to the City of Peoria during his nine-year tenure with the City of Peoria and his 35-year career as a Human Resources Director. Mr. Eckman thanked Mr. Ellis and the City of Peoria for their support.

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.

Mayor Barrett asked if any Councilmember wished to have an item removed from the Consent Agenda. Councilmember Pearson requested Agenda Items 2C and 11C be removed from the Consent Agenda.

CONSENT – New Business:

Motion was made by Councilmember Aames, seconded by Councilmember Evans, to approve the Consent Agenda as submitted with the exception of Agenda Items 2C and 11C. Upon vote, the motion carried unanimously.

1C Annexation, Lake Pleasant Parkway and Camino de Oro

ORDINANCE NO. 08-04

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF PEORIA OF MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF PEORIA, AND PROVIDING FOR SEVERABILITY.

Adopted **ORD. 08-04** approving the annexation of approximately 4.5 acres located at the southwest corner of Lake Pleasant Parkway and Camino de Oro. (ANX 07-02)

2C Intergovernmental Agreement, Maricopa County Parks and Recreation Department, Multi-Modal Trail, Maricopa County Regional Trail

At the request of Councilmember Pearson, Kirk Haines, Parks Manager, presented an overview on an Intergovernmental Agreement with the Maricopa County Parks and Recreation Department to connect trail systems. Mr. Haines indicated the department's desire to work with Maricopa County to identify opportunities to improve the trail system. Mr. Haines explained that the goal of the County plan is to link metro areas, municipal trails, and neighborhoods with regional multi-modal corridors.

Motion was made by Councilmember Pearson, seconded by Vice Mayor Carlat to approve the agreement with Maricopa County Parks and Recreation Department to partner and support construction of a multi-modal trail section of the County's Maricopa Regional Trail. Upon vote, the motion carried unanimously. (LCON 01708)

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

3C Facilities Transfer Agreement, Salt River Project, Irrigation Facilities Abandonment, 91st Avenue and Olive Avenue

Authorized the City Manager to execute a Facilities Transfer Agreement with Salt River Project (SRP) for the abandonment of SRP irrigation facilities for the 91st Avenue and Olive Avenue Intersection Improvement Project. (LCON01808)

4C Contract, Valley Rain Construction Corporation, Clarence B. Hayes Park Renovations, 75th Avenue and Mountain View Road

Awarded a design build contract for a Guaranteed Maximum Price of \$650,000 to Valley Rain Construction Corporation for park renovations to the Clarence B. Hayes Park, located at 75th Avenue and Mountain View Road. (LCON01908)

5C Contract Amendment, Red Oak Consulting, Impact Fee Update

- a) Approved Contract Amendment No. 1 in the amount of \$23,000 with Red Oak Consulting for additional services provided during the 2007-2008 General Government Impact Fee update (LCON02907A);
- b) Approved the use of General Fund Reserves; and
- c) Authorized a budget transfer in the amount of \$23,000 from the General Fund Contingency Account to various Impact Fee Fund accounts.

6C Authorize Payment, ZW Holdings, LLC, Fence Installation, 112th Avenue Between Beardsley Road and Rose Garden Lane

- a) Approved a payment in the amount of \$32,900.50 to ZW Holdings, LLC for the removal of an existing fence and the installation of a perimeter fence along 112th Avenue between Beardsley Road and Rose Garden Lane, per Development Agreement with Linden Tree Nursery;
- b) Approved the use of General Fund Reserves; and
- c) Approved a budget transfer in the amount of \$32,901 from the General Fund Contingency Account to the Grounds Detention Repair and Maintenance Account.

7C Authorize Expenditure, Northwest Woodland Services, Inc., Calderwood Butte Mountain Trail Construction, Lake Pleasant Parkway and Jomax Road

- a) Authorized an expenditure in the amount of \$89,450 to Northwest Woodland Services, Inc. (NWS) for trail construction at Calderwood Butte Mountain; and
- b) Approved a \$10,000 project contingency.

8C Authorize Expenditure, J. Banicki, Inc., Rubberized Overlay, Bell Road from New River Bridge, West of Loop 101 to 95th Avenue

Approved an expenditure of funds in the amount of \$683,363.90 to J. Banicki, Inc. utilizing Job Order Contract No. 07-03 between the City of Chandler and J. Banicki, Inc. for the mill and rubberized overlay of Bell Road from the New River Bridge, west of the Loop 101 to the County at approximately 95th Avenue.

9C Budget Transfer, Gila River Indian Community, Water Lease Agreement

Approved a budget transfer in the amount of \$29,685.61 from the Water Fund Contingency Account to the Water Resource Project Funds Land Acquisition Account for payment of the Gila River Indian Community Water Lease Agreement, Capital Improvement Project UT00033 Central Arizona Project (CAP) Water Rights.

10C Budget Transfer, Vistancia Fire Station Construction and Dedication Reimbursement

- a) Authorized the use of available reserves from the Fire Impact Fee Fund in the amount of \$2,000,000; and
- b) Approved a budget transfer from the General Fund Contingency Account to the Fire Impact Fee Fund Account for partial reimbursement toward the construction and dedication of the Vistancia Fire Station per the Vistancia Development Agreement.

11C City Council Code of Teamwork and Cooperation

At the request of Councilmember Pearson this item was taken off of the Consent Agenda in order to discuss possible amendments to the Code of Teamwork and Cooperation. Mayor Barrett stated that the item was not placed on the agenda for discussion and possible amendments, and therefore changes could not be discussed at this time. Steve Kemp, City Attorney, confirmed that in order to amend the Code of Teamwork and Cooperation, the issue would need to be placed on a subsequent agenda.

Motion was made by Councilmember Pearson, seconded by Councilmember Aames to carry over Agenda Item 11C until such time as the issue may be placed on a future agenda for discussion and possible amendments. Upon vote, the motion carried five to two. Vice Mayor Carlat and Mayor Barrett voted "no".

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

12C Maintenance Improvement District No. 1087, Peoria 53, 91st Avenue and Butler Drive

RESOLUTION NO. 08-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1087, PEORIA 53, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 08-37

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1087, PEORIA 53; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

Approved the Petition of Formation and adopted **RES. 08-36** Intention and Ordering formation of proposed Maintenance Improvement District No. 1087, located on 91st Avenue and Butler Drive; and adopted **RES. 08-37** ordering the work within the proposed Maintenance Improvement District.

13C Deeds and Easements, Various Locations

RESOLUTION NO. 08-38

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. 08-38** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

14C Designate Roadways, Establish Rights-of-Way, Various Locations

RESOLUTION NO. 08-39

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF PUBLIC STREETS, TO BE OPENED AND MAINTAINED BY THE CITY.

Adopted **RES. 08-39** designating various real properties to be used as City roadways and authorized the establishment of public rights-of-way to be opened and maintained by the City as a public street.

15C Final Plat, Riverwalk Professional Center North, 77th Avenue and Deer Valley Road

Approved the Final Plat for Riverwalk Professional Center North, located at the southeast corner of 77th Avenue and Deer Valley Road, subject to stipulations. (Project No. R070085)

16C Final Plat, Trilogy at Vistancia, Parcel C2, Trilogy Boulevard and Vistancia Boulevard

Approved the Final Plat of Trilogy at Vistancia, Parcel C2, located at the northwest corner of Trilogy Boulevard and Vistancia Boulevard, subject to stipulations. (Project No. R070010)

17C Authorization to Hold an Executive Session

Pursuant to A.R.S. § 38-431.03.A.5: Authorized an Executive Session for the purpose of discussion and consultation with legal counsel and designated representatives of the public body pertaining to contract negotiations with employee organizations.

Note: Executive Session was held after the adjournment of the 7:00 p.m. Regular City Council Meeting.

REGULAR AGENDA

NEW BUSINESS

18R Off-Track Wagering License Renewal, Gallagher's Food and Fun, 6750 W. Peoria Avenue

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on requests for an Off-Track Wagering License Renewal for Gallagher's Food and Fun located at 6750 W. Peoria Avenue.

Staff Report/Public Comment:

Mary Jo Kief, City Clerk, 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.

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

Council Action: Motion was made by Councilmember Leone, seconded by Councilmember Aames to recommend approval to the Arizona Racing Commission of an Off-Track Wagering License Renewal for Gallagher's Food and Fun located at 6750 W. Peoria Avenue. Upon vote, the motion carried unanimously.

19R PUBLIC HEARING – Liquor Licenses, Various Locations

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on requests for the following:

- a) A new Wine and Beer Liquor License (Series 10) for Fresh & Easy Neighborhood Market, located at 9060 W. Northern Avenue. Applicant: Randy D. Nations. LL#10011330; and

- b) A new Restaurant Liquor License (Series 12) for Magdalena's Tex Mex Restaurant located at 16140 N. Arrowhead Fountain Center Drive, Suite 104. Applicant: Daniel A. Hinojosa. LL#10011224.

Staff Report/Public Comment:

Mary Jo Kief, City Clerk, 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.

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

Council Action: Motion was made by Councilmember Aames, seconded by Councilmember Leone to recommend approval to the State Liquor Board for:

- a) A new Wine and Beer Liquor License (Series 10) for Fresh & Easy Neighborhood Market, located at 9060 W. Northern Avenue. Applicant: Randy D. Nations. LL#10011330; and
- b) A new Restaurant Liquor License (Series 12) for Magdalena's Tex Mex Restaurant located at 16140 N. Arrowhead Fountain Center Drive, Suite 104. Applicant: Daniel A. Hinojosa. LL#10011224.

Upon vote, the motion carried unanimously.

20R General Plan Amendment, 83rd Avenue and Olive Avenue

Motion was made by Councilmember Hunt, seconded by Vice Mayor Carlat, to concur with the Planning and Zoning Commission's recommendation for a continuance for a proposal to adopt a Resolution to approve a minor amendment to the General Plan through the Central Peoria Revitalization Plan Land Use Map for approximately 17.2 gross acres generally located north and west of the northwest corner of 83rd Avenue and Olive Avenue from Neighborhood Commercial Mixed Use to High Density Residential.

Mayor Barrett clarified the item would be heard by Council on March 18, 2008.

Councilmember Aames inquired as to why Agenda Item 20R was being carried over. Mayor Barrett informed that the issue was going before the Planning and Zoning Commission on March 6, 2008.

Upon vote, the motion for continuance of Agenda Item 20R to March 18, 2008, carried unanimously.

21R Rezoning, 83rd Avenue and Olive Avenue

Motion was made by Councilmember Hunt, seconded by Councilmember Evans, to concur with the Planning and Zoning Commission's recommendation for a continuance for a proposed rezoning of approximately 17.2 gross acres, generally located north and west of the northwest corner of 83rd Avenue and Olive Avenue, from Office Commercial (O-1) and Intermediate Commercial (C-2) to Planned Area Development (PAD).

Upon vote, the motion for continuance of Agenda Item 20R to March 18, 2008, carried unanimously.

22R Contract, Somerset Landscape Maintenance and HMS Landscapes Inc., Right-of-Way Landscape Maintenance

Kirk Haines, Parks Manager, presented information to the Council regarding possible contracts with Somerset Landscape Maintenance and HMS Landscapes Inc. Mr. Haines presented the following key areas of improvement:

- Two pre-emergent spraying services throughout the entire service area
- Continuous use of post-emergent spray as needed for weed abatement
- Weekly litter pick up on all major arterial streets that have landscaping
- Monthly litter pick up on all major streets that do not have landscaping
- Monthly service on all City-owned property that has landscaping, which includes seasonal pruning and removal of safety obstructions, weed and litter eradication
- Eight maintenance services on all undeveloped ROW areas which includes removal of unwanted weeds and plants, and litter abatement
- Assurance of properly functioning irrigation systems during each service, and seasonal adjustments of watering schedules
- Replacement of plants that perish due to contractor error
- Ability to install additional landscape plants as directed

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

- a) Award a one-year term contract with four one-year extensions in the annual amount of \$279,000 to Somerset Landscape Maintenance for right-of-way landscape maintenance south of Bell Road (LCON02008);
- b) Award a one-year term contract with 4 one-year extensions in the annual amount of \$187,268 to HMS Landscapes Inc. for right-of-way landscape maintenance north of Bell Road (LCON02108); and
- c) Authorize a budget transfer in the amount of \$100,000 from the General Fund Contingency Account to the Parks South Grounds Maintenance Account in the amount of \$50,000 and to the Parks North Grounds Maintenance Account in the amount of \$50,000.

Upon vote, the motion carried unanimously.

23R Contract, Michael Wilson Kelly-Architects, Ltd., Master Plan, Community Center Expansion and Remodeling Assessment

Council discussed a possible contract with Michael Wilson Kelly-Architects, Ltd., regarding the expansion and remodeling of the Community Center.

Motion was made by Councilmember Hunt, seconded by Councilmember Pearson to:

- a) Approve a contract for an amount not to exceed \$174,300 with Michael Wilson Kelly-Architects, Ltd. for formulating a master plan to assess the expansion and remodeling of the Community Center and annex (LCON02208); and
- b) Authorize expenditures for City-paid project expenses in an amount up to \$174,300.

Upon vote, the motion carried unanimously.

CALL TO PUBLIC: (NON-AGENDA ITEMS)

Kathy Villegas provided information to the Mayor and Councilmembers regarding the deterioration and state of disrepair her Bedford Village neighborhood now faces.

Kathy Moore requested the Mayor and Councilmembers reconsider their previous decision to move the Women's Club, and place the issue on a future agenda to allow more members of the public to provide input.

Dolores Ceballos addressed the Mayor and Councilmembers and requested they reconsider their previous decision to move the Women's Club, and place the issue on a future agenda to allow more members of the public to provide input.

Reports from the City Manager:

Peoria Festival of Arts – Grady Miller, Communications and Public Affairs Director, reported on the upcoming Peoria Festival of Arts scheduled for March 14th and 15th.

Reports from City Council:

Councilmember Leone congratulated Diana Bedient, the new director of the Chamber of Commerce and reported on the various City of Peoria activities he attended.

Councilmember Hunt reported she attended various activities held in the City of Peoria and reminded that Friends of the Library will be giving every child who attends the Peoria Library Fest to be held on March 15th a free book.

Councilmember Aames reported he attended various activities held in the City of Peoria and expressed his pleasure about the landscaping plan approved in the meeting.

Councilmember Evans reminded that the baseball season started at the Peoria Sports Complex and that upgrades have been made to the complex.

Reports from the Mayor:

None.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:20 p.m.

Bob Barrett, Mayor

ATTEST:

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 4th day of March, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of May, 2008.

(Seal)

Mary Jo Kief, City Clerk