

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
June 15, 2010

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 Evans led the Pledge of Allegiance.

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

Members Absent: Councilmember Vicki Hunt.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Mary Jo Waddell, City Clerk; J.P. de la Montaigne, Andy Granger, Bill Mattingly, Brent Mattingly, Larry Ratcliff, Tom Solberg, Jeff Tyne, Glen Van Nimwegen, Scott Whyte, Sherine Zaya, Claudia Luján and Rhonda Simmons.

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.

PRESENTATION:

1. Peoria Leadership Institute Graduation.

Mayor Barrett, Carl Swenson, City Manager, and Sherine Zaya, Public Information Officer, presented certificates to the following graduates of the Peoria Leadership Institute, 2010 class:

Aaron Adams, William Bercu, Karen Black, Debra Boehlke, Barbara DeRuiten, Jason Dragon, Bruce Estey, Mary Hewitt, Peter J. Hochberg, Jane Hundley, Marc Jones, Alfred G. Manns, James S. Miller, Katy O'Grady, Eva Osuna, Audrey Papworth, Robert Pendergast, Mike Prior, Stuart Scrom, Terri Shaw, Gerald Taylor, Heather G. Weise, Ginger Wofford, Chris Yaeger, James B. Yurkovich and Lisa Yurkovich

2. Presentation by Central Arizona Project Representative.

Mayor Barrett introduced Pam Pickard, Vice President of the Central Arizona Project Board of Directors who presented regarding the Central Arizona Project and recent considerations by the Environmental Protection Agency.

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 announced that Agenda Item 4C was pulled from the agenda at staff request. Mayor Barrett asked if any Councilmember wished to have an additional item removed from the Consent Agenda for separate discussion.

Motion was made by Vice Mayor Aames, seconded by Councilmember Leone to approve the Consent Agenda with the exception of Agenda Item 4C. Upon vote, the motion carried unanimously 6 to 0.

1C Minutes

Approved the following minutes: April 6, 2010 Special Meeting and Study Session; April 17, 2010 City Council Workshop; April 20, 2010 Special Meeting and Study Session; and April 20, 2010 Regular Meeting.

2C Grant Applications, State of Arizona, State Forestry Division, Community Challenge Grants

Authorized the application for two Community Challenge Grants through the State of Arizona, State Forestry Division (LCON06210) (LCON06310).

3C Purchase Agreement, Habitat for Humanity Central Arizona, Land Donation

RESOLUTION NO. 2010-41

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE EXECUTION OF QUIT CLAIM DEEDS FOR TWO VACANT CITY OWNED PROPERTIES TO HABITAT FOR HUMANITY CENTRAL ARIZONA.

- (a) Approved a purchase agreement with Habitat for Humanity Central Arizona (LCON06410); and
- (b) Adopted **RES. 2010-41** authorizing the City Manager to execute Quit Claim Deeds to Habitat for Humanity Central Arizona for two City owned residential lots, located in Country Meadows at the northwest corner of Northern and 103rd Avenues, and in Varney Tract on 80th Drive north of Cholla Street.

4C Development Agreement Amendment, HE Peoria Place Property, LLC

Clerk's Note: Mayor Barrett previously announced that Agenda Item 4C was pulled from the agenda at the request of Staff.

Discussion and possible action to approve the First Amendment to the Development Agreement with HE Peoria Place Property, LLC to accelerate the City's repayment by one year at a 10 percent cost reduction to the City (LCON12906A).

No Council Action taken.

5C Intergovernmental Agreement, Peoria Unified School District, Radar Feedback Signs

Approved an Intergovernmental Agreement in an amount not-to-exceed \$12,000 with the Peoria Unified School District (PUSD) to jointly participate in the acquisition and installation of two Radar Feedback Signs, to be maintained by PUSD (LCON06510).

6C Intergovernmental Agreement Amendment, State of Arizona, Maricopa Association of Governments and the City of Glendale, Design and Construction of Phase II of the Beardsley Road Extension and the Union Hills and Loop 101 Traffic Interchange Widening Project

RESOLUTION NO. 10-37

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING AMENDMENT NO. ONE TO THE INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, THE MARICOPA ASSOCIATION OF GOVERNMENTS, THE CITY OF GLENDALE AND THE CITY OF PEORIA FOR DESIGN AND CONSTRUCTION OF PEORIA'S PHASE II OF THE BEARDSLEY CONNECTION PROJECT AND THE DESIGN AND CONSTRUCTION OF THE STATE'S PROJECT; UNION HILLS WIDENING AT STATE ROUTE 101L.

Adopted **RES. 2010-37** approving Intergovernmental Agreement Amendment No. 1 with the State of Arizona, the Maricopa Association of Governments and the City of Glendale for the design and construction of Phase II of the Beardsley Road Connector Project and the Union Hills and Loop 101 Traffic Interchange Widening Project (LCON17008A).

7C Contract, Salt River Project (SRP), Design and Construction of a New SRP Well, 91st Avenue and Grand Avenue

Approved the SRP Design and Construction Agreement for participation in the construction and connection of a new SRP well located at 91st Avenue and Grand Avenue (LCON06610).

8C Contract, Citywide Contracting, Hatcher Road 8-inch Waterline, 75th Avenue to 77th Avenue

Awarded a contract in the amount of \$200,300 to Citywide Contracting for construction services associated with the Hatcher Road 8-inch Waterline from 75th Avenue to 77th Avenue (LCON06710).

9C Contract, PB Americas, Lake Pleasant Parkway; Westwing Parkway to State Route 74

- (a) Approved Contract Amendment No. 4 in the not-to-exceed amount of \$3,009,750 to PB Americas for the final design of Lake Pleasant Parkway; Westwing Parkway to the Central Arizona Project Canal (LCON00609D);
- (b) Approved a Fiscal Year 2011 budget transfer in the amount of \$151,735 from the Water Expansion Fund Contingency Account to the Water Expansion Fund Water System Account;
- (c) Approved a Fiscal Year 2011 budget transfer in the amount of \$133,265 from the Wastewater Expansion Fund Contingency Account to the Wastewater Expansion Fund Wastewater System Account;
- (d) Approved the use of reserves to adequately fund the wastewater share of the Design Concept Report (DCR) which was underfunded by \$10,821; and
- (e) Approved a Fiscal Year 2010 budget transfer in the amount of \$10,821 from the Wastewater Expansion Fund Contingency Account to the Wastewater Expansion Fund Wastewater System Account.

10C Contract, Valley Rain Construction Corporation, New River Trail – Peoria Avenue Underpass

Awarded a contract in the not-to-exceed amount of \$732,119 to Valley Rain Construction Corporation for the construction of the New River Trail – Peoria Avenue Underpass (LCON06810).

11C Contract Amendment, Premier Engineering Corporation, New River Trail – Peoria Avenue Underpass

Approved Contract Amendment No. 5 in the not-to-exceed amount of \$15,086 to Premier Engineering Corporation for construction administration and survey services in

support of the construction of the New River Trail – Peoria Avenue Underpass (LCON01704E).

12C Contract Amendment, Pierson Construction, Butler Water Reclamation Facility Effluent Line Modifications

Approved Contract Amendment No. 1 for a Guaranteed Maximum Price of \$1,169,687 to Pierson Construction for construction services associated with the Butler Water Reclamation Facility Effluent Line Modifications Project (ACON46008P4A).

13C Contract Amendment, Haydon Building Corp., Community Park #2, 83rd Avenue south of Olive Avenue

Approved Contract Amendment No. 1 in an amount not-to-exceed \$1,437,092 to Haydon Building Corp. for design and preconstruction professional services for Community Park #2, located on 83rd Avenue south of Olive Avenue (LCON15008A).

14C General Liability Insurance Package, Fiscal Year 2011

Awarded the Fiscal Year 2011 insurance package as recommended by the City's insurance broker, Mesirow Financial, with the Self Insured Retention (SIR) to maintain the \$1,000,000 per occurrence limit and maintain the aggregate limit of all claims at \$2,500,000 (LCON06910).

15C Budget Amendment, Sun Trust Lease Payoff, Residential Curbside Recycling Program Containers and Vehicles

- (a) Authorized a budget amendment of \$914,164 from the Commercial Solid Waste Contingency account to the Residential Solid Waste Operating Fund Debt Principal-Sun Trust Loan Account; and
- (b) Approved payment in the amount of \$914,163.60 from the Residential Solid Waste Operating Funds Account for the early payoff of a Lease with Sun Trust for Residential Curbside Recycling Program Containers and Vehicles (LCON04407).

16C Ratify Election Results, Public Safety Retirement System Local Boards, Police and Fire

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, RATIFYING THE ELECTIONS APPOINTING LUIS CARRILLO TO THE PUBLIC SAFETY RETIREMENT SYSTEM LOCAL BOARD – POLICE AND ANTHONY NEELY TO THE PUBLIC SAFETY RETIREMENT SYSTEM LOCAL BOARD – FIRE, AND ESTABLISHING THE TERMS OF OFFICE THEREOF.

Adopted **RES. 2010-38** ratifying the election results of the Public Safety Retirement System Local Boards electing Luis Carrillo to the Public Safety Retirement System Local Board (Police) and Anthony Neely to the Public Safety Retirement System Local Board (Fire).

NEW BUSINESS

17R PUBLIC HEARING - Liquor License, CVS/pharmacy #3745, 10727 W. Olive Avenue

Staff Report/Public Comment:

Brent Mattingly, Finance Director, reported that the properties were 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 a request for a Person and Location Transfer for an Off-Sale All Liquor License (Series 09) for CVS/pharmacy #3745, located at 10727 W. Olive Avenue. Applicant: Jason B. Morris. LL#30578.

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 Vice Mayor Aames to recommend approval to the State Liquor Board for a Person and Location Transfer for an Off-Sale All Liquor License (Series 09) for CVS/pharmacy #3745, located at 10727 W. Olive Avenue. Applicant: Jason B. Morris. LL#30578.

Upon vote, the motion carried unanimously 6 to 0.

18R PUBLIC HEARING - Off-Track Wagering License Renewals, Yavapai Downs, Various Locations

Staff Report/Public Comment:

Brent Mattingly, Finance Director, reported that all fees were paid and all reviewing Departments recommended approval.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on requests for Off-Track Wagering License Renewals for the Ramada Inn, 8955 N.W. Grand Avenue; McDuffy's Sports Bar, 15814 N. 83rd Avenue; and Gallagher's Food and Fun, 6750 W. Peoria Avenue.

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

Council Action:

Motion was made by Councilmember Carlat, seconded by Vice Mayor Aames to recommend approval to the Arizona Racing Commission of Off-Track Wagering License Renewals for the Ramada Inn, 8955 N.W. Grand Avenue; McDuffy's Sports Bar, 15814 N. 83rd Avenue; and Gallagher's Food and Fun, 6750 W. Peoria Avenue.

Upon vote, the motion carried unanimously 6 to 0.

19R PUBLIC HEARING - Fiscal Year 2011 Budget

RESOLUTION NO. 2010 - 39

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE
CITY OF PEORIA, ARIZONA, ADOPTING THE FISCAL
YEAR 2011 BUDGET.

Staff Report/Public Comment:

Jeff Tyne, Management and Budget Director, outlined the budget adoption process and schedule. Mr. Tyne reported that the tentative budget adopted by Council on June 1, 2010 sets the maximum appropriation for FY2011. The FY2011 appropriation totals \$455 million.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the FY2011 Budget.

There being no comments from those present, Mayor Barrett declared the Public Hearing closed.

COUNCIL ACTION:

Motion was made by Councilmember Evans, seconded by Vice Mayor Aames to adopt **RES. 2010-39** adopting the City of Peoria, Arizona Final Budget totaling \$455,000,000 for Fiscal Year 2011.

Upon vote, the motion carried unanimously 6 to 0.

20R PUBLIC HEARING - Fiscal Year 2011 Tax Levy

Staff Report/Public Comment:

Jeff Tyne, Budget Director, advised that State Statute requires that a hearing take place at least 14 days prior to the adoption of the tax levy ordinance. The recommended property tax levy for FY2011 remains at \$1.44 per \$100 of assessed valuation. The primary property tax rate is recommended to remain at \$.19 per \$100 of assessed valuation.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the City of Peoria property tax levy for Fiscal Year 2011.

There being no comments from those present, Mayor Barrett declared the Public Hearing closed.

COUNCIL ACTION: No Council action taken.

21R Sale of General Obligation Bonds, Series 2010

RESOLUTION NO. 2010-40

RESOLUTION AUTHORIZING THE SALE AND ISSUANCE OF CITY OF PEORIA, ARIZONA GENERAL OBLIGATION BONDS (PROJECTS OF 2000, 2005 AND 2008), SERIES 2010, IN THE TOTAL, AGGREGATE PRINCIPAL AMOUNT OF \$29,390,000; PROVIDING FOR THE ANNUAL LEVY OF A TAX ON ALL THE TAXABLE PROPERTY WITHIN THE CITY OF PEORIA, ARIZONA, TO PROVIDE FOR THE PAYMENT OF INTEREST ON AND PRINCIPAL OF SAID BONDS; APPOINTING A BOND REGISTRAR AND PAYING AGENT AND AUTHORIZING EXECUTION OF A CONTRACT IN CONNECTION THEREWITH; APPROVING A CONTINUING DISCLOSURE UNDERTAKING PERTAINING TO PROVIDING ONGOING DISCLOSURE WITH RESPECT TO SAID BONDS AND AUTHORIZING EXECUTION OF SUCH UNDERTAKING; RATIFYING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT WITH RESPECT TO SAID BONDS AND APPROVING AN OFFICIAL STATEMENT WITH RESPECT TO SAID BONDS; AWARDING A CONTRACT FOR THE PURCHASE OF SAID BONDS AND DECLARING AN EMERGENCY.

Brent Mattingly, Finance Director, stated City staff was directed by Council on June 1st to conduct a General Obligation Bond sale to help fund a variety of capital improvement projects throughout the City. Mr. Mattingly stated the City's financial information was provided to four bond rating agencies. Mr. Mattingly stated the sale was conducted for just over \$29 million.

Mr. Mattingly stated **RES. 2010-40** approves the issuance of bonds, authorizes the appointment of a bond registrar and paying agent, approves the contract and continuing disclosure to the purchasers of the bonds, ratifies the initial statement, approves the

formal statement and awards a contract for the bonds to Morgan Stanley & Company. The bond is scheduled to close June 24th.

In response to inquiries from Councilmember Carlat, Mr. Mattingly informed Council that the Council recommendation indicates an amount of \$29,390,000; however, a corrected Resolution with the amount of \$29,170,000 has been subsequently submitted to Council for approval.

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

- (a) Adopt **RES. 2010-40** authorizing the sale and issuance of City of Peoria, Arizona General Obligation Bonds (Projects of 2000, 2005, and 2008), Series 2010, in the principal amount of \$29,170,000;
- (b) Provide for the annual levy of a tax on all the taxable property within the City of Peoria, Arizona, to provide for the payment of said bonds;
- (c) Approve and authorize the execution of various documents with respect to said bonds;
- (d) Ratify the distribution of a Preliminary Official Statement with respect to said bonds and approve an Official Statement with respect to said bonds; and
- (e) Award a contract for the purchase of said bonds and declare an emergency.

Upon vote, the motion carried unanimously 6 to 0.

22R Code Amendment, Chapter 2, Fees, Community Services Department Non-Resident Fee Ranges

ORDINANCE NO. 2010-12

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY AMENDING TABLE 2-207 PERTAINING TO FEES CHARGED BY THE COMMUNITY SERVICES DEPARTMENT AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

J.P. de la Montaigne, Community Services Director, presented an overview of the recommended code amendment which provides for revisions to fees for various services provided by the Community Services Department.

Motion was made by Councilmember Carlat, seconded by Vice Mayor Aames to adopt **ORD. 2010-12** amending Section 2-207 of Chapter 2 of the Peoria City Code (1992 Edition) pertaining to changes to the Community Services Department non-resident fees and permissible fee ranges for non-residents.

Upon vote, the motion carried unanimously 6 to 0.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

Reports from the City Manager:

Carl Swenson, City Manager, informed Council that their Agenda packet contains information related to the following items:

1. Council Calendar
2. Reports with Presentation
3. Informational
 - a. Streetlight Infill Program Outline.
 - b. All-American July 4th Festival 2010.

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended.

Councilmember Evans reported on the various City of Peoria activities she attended and recognized Public Safety employees and their families.

Councilmember Carlat reported on the various City of Peoria activities she attended.

Vice Mayor Aames reported on the various City of Peoria activities he attended and reported on changes to California's primary elections process. Vice Mayor Aames informed the public about some improvements and upgrades that have occurred in the Palo Verde District and confirmed that the U.S. Flag was flown at City Hall on Memorial Day.

Reports from the Mayor:

Mayor Barrett announced that Carolyn Dryer was awarded the Mayor's Award at the recent Chamber of Commerce awards dinner. Ms. Dryer was recognized for her contributions to the Chamber of Commerce and the City of Peoria. Mayor Barrett stated it was his honor and privilege to be elected Vice President of the Arizona Municipal Water Users Association Board of Directors.

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 Waddell, 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 June 15, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of August, 2010.

(Seal)

Mary Jo Waddell, City Clerk