

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
February 1, 2011

A **Special Meeting and Study Session** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 4:00 p.m.

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

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

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; Steve Burg, Assistant City Attorney; Claudia Luján, City Manager's Office; Wanda Nelson, City Clerk; Brent Mattingly, Bill Mattingly, Wynette Reed, Rocky Smith, Jeff Tyne, Glen Van Nimwegen, Scott Whyte.

Audience: Approximately 25 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.

Discussion ensued regarding the procedure for removing items from the Consent Agenda.

Motion was made by Councilmember Aames, seconded by Councilmember Leone, to suspend the rules to allow for discussion of items pulled from the Consent Agenda for separate consideration.

Upon vote, the motion carried unanimously 5 to 0.

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

Councilmember Pearson requested that Agenda Items 3C, 4C, and 5C be removed from the Consent Agenda.

Motion was made by Councilmember Aames, seconded by Councilmember Leone, to approve the Consent Agenda with the exception of Agenda Items 3C, 4C, and 5C. Upon vote, the motion carried unanimously 5 to 0.

Vice Mayor Carlat and Councilmember Rivero arrived.

CONSENT – New Business:

1C Annexation, Right of Way, 83rd Avenue, Deer Valley Road to Calle Lejos

ORDINANCE NO. 2011-06

AN ORDINANCE OF THE CITY OF PEORIA, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF PEORIA, ARIZONA, 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 THE RECORDING OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE FOR THE ANNEXATION.

Adopted **ORD. 2011-06** approving the annexation of 83rd Avenue north of Deer Valley Road to Calle Lejos.

2C Convert Channel 11 Contractual Positions to Fixed-Term Employees

Approved the transfer of four existing budgeted part-time Channel 11 temporary employees to part-time fixed-term employment status, not to exceed three years.

3C Contract, Osage West, LLC, North Peoria Municipal Airport/Airpark Project

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

At the request of Councilmember Pearson, Scott Whyte, Economic Development Director, explained the business structure of Osage West, LLC.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Aames, to approve the Contract, Osage West, LLC North Peoria Municipal Airport/Airpark Project.

Upon vote, the motion carried unanimously 7 to 0.

4C Fiscal Year 2011 Mid-Year Budget Reductions and Voluntary Severance Program

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

At the request of Councilmember Pearson, Jeff Tyne, Finance Director, and Wynette Reed, Human Resources Director, provided an overview of the fiscal year 2011 mid-year budget reductions and voluntary severance program.

Discussion ensued regarding the amount of the mid-year budget reductions, voluntary severances offered, revenues since 2008, and eliminated positions.

Motion was made by Councilmember Evans, seconded by Vice Mayor Carlat, to approve the Fiscal Year 2011 Mid-Year Budget Reductions and Voluntary Severance Program.

Upon vote, the motion carried unanimously 7 to 0.

5C Establish 401(a) Money Purchase Plan with International City Management Association Retirement Corporation for City of Peoria Police Supervisors

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

RESOLUTION NO. 2011-03A

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE EXECUTION OF AN ADOPTION AGREEMENT WITH INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION (ICMA-RC) PROVIDING FOR THE ESTABLISHMENT OF A 401(a) MONEY PURCHASE RETIREMENT PLAN FOR THE CITY OF PEORIA POLICE SUPERVISORS (COPPS) AND AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN TRUST DOCUMENTS ON BEHALF OF THE CITY FOR THE ADMINISTRATION OF THE PLAN.

At the request of Councilmember Pearson, Ms. Reed provided an overview of the proposed 401(a) Money Purchase Retirement Plan.

Discussion ensued regarding the difference between this 401(a) Plan and the plan presently being offered.

Motion was made by Councilmember Aames, seconded by Vice Mayor Carlat, to adopt **RES. NO. 2011-03A** to establish 401(a) Money Purchase Plan with International City Management Association Retirement Corporation for City of Peoria Police Supervisors.

Upon vote, the motion carried unanimously 7 to 0.

6C Maintenance Improvement District No. 1048, Vistancia Parcel G2, 138th Avenue and Lone Mountain Road

RESOLUTION NO. 2011-11

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. 1048, VISTANCIA PARCEL G2, 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. 2011-12

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. 1048, VISTANCIA PARCEL G2; 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 for Formation and adopted **RES. 2011-11** intention and ordering formation of proposed Maintenance Improvement District No. 1048, Vistancia Parcel G2, located on 138th Avenue and Lone Mountain Road; and adopted **RES. 2011-12** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

7C Maintenance Improvement District No. 1108, Vistancia Parcel C12, Vistancia Boulevard and Trilogy Boulevard

RESOLUTION NO. 2011-13

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. 1108, VISTANCIA PARCEL C12, 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. 2011- 14

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. 1108, VISTANCIA PARCEL C12; 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 for Formation and adopted **RES. 2011-13** intention and ordering formation of proposed Maintenance Improvement District No. 1108, Vistancia Parcel C12, located at Vistancia Boulevard and Trilogy Boulevard; and adopted **RES. 2011-14** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

8C Maintenance Improvement District No. 1116, Vistancia Bathen, Dixileta Parkway and Trilogy Boulevard

RESOLUTION NO. 2011-15

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. 1116, VISTANCIA BATHEN; 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.

RESOLUTION NO. 2011-16

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. 1116, VISTANCIA BATHEN; 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 for Formation and adopted **RES. 2011-15** intention and ordering formation of proposed Maintenance Improvement District No. 1116, Vistancia Bathen, located at Dixileta Parkway and west of Trilogy Boulevard; and adopted **RES. 2011-16** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

9C Street Light Improvement District No. 1017, Vistancia Parcel G2, 138th Avenue and Lone Mountain Road

RESOLUTION NO. 2011- 17

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND

PUBLIC PARKS WITHIN THE PROPOSED DISTRICT AND THAT THE COST OF THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS, BE ASSESSED UPON A CERTAIN IMPROVEMENT DISTRICT TO BE KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1017, VISTANCIA PARCEL G2; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2011-18

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1017, VISTANCIA PARCEL G2, PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

Approved the Petition for Formation, and adopted **RES. 2011-17** of Intention and ordering formation of proposed Street Light Improvement District No. 1017, Vistancia Parcel G2, located at 138th Avenue and Lone Mountain Road; and adopted **RES. 2011-18** ordering the purchase of electricity for lighting streets and parks within the proposed Street Light Improvement District and declaring an emergency.

10C Final Plat of Vistancia North Phase III Parcel F1, Vistancia Boulevard and Westland Road

Approved a Final Plat of Vistancia North Phase III Parcel F1, located on Westland Road west of Vistancia Boulevard, subject to stipulations.

11C Final Plat of Vistancia North Phase III Parcel F5, Vistancia Boulevard and Westland Road

Approved a Final Plat of Vistancia North Phase III Parcel F5, located on Westland Road west of Vistancia Boulevard, subject to stipulations.

12C Authorization to Hold an Executive Session

Authorized the holding of an Executive Session for the purposes of:

- a) Discussion and consultation with City Staff and the City Attorney pursuant to A.R.S. § 38-431.03(A)(7) regarding negotiations for the possible acquisition of an assignable purchase option to acquire real property known as Peoria Place generally located at the southeast corner of Monroe Street and 83rd Avenue for the purpose of developing a residential university campus.
- b) Discussion and consultation with City Staff and the City Attorney pursuant to A.R.S. § 38-431.03(A)(7) regarding the possible assignment and amendment of existing ground leases for city-owned property located in the vicinity of 75th Avenue and Paradise Lane and 91st Avenue and Thunderbird Road (inside the Rio Vista Recreation Center).
- c) Discussion and consultation with City Staff and the City Attorney pursuant to A.R.S. § 38-431.03(A)(4) regarding proposed condemnation of property located in the vicinity of the intersection of Grand Avenue and Peoria Avenue to eliminate a public nuisance.
- d) Discussion and consultation with City Staff and the City Attorney pursuant to A.R.S. § 38-431.03(A)(5) pertaining to contract negotiations with the United Phoenix Fire Fighters Association Local 493 (PFFA).
- e) Discussion and consultation with City Staff and the City Attorney pursuant to A.R.S. § 38-431.03(A)(5) pertaining to contract negotiations with the American Federal of State, County, and Municipal Employees Local 3282 (AFSCME).

ADJOURNMENT:

Being no further business to come before Council on the Consent Agenda, Mayor Barrett adjourned the Special Meeting at 4:31 p.m.

STUDY SESSION AGENDA

Mayor Barrett convened the **Study Session Meeting** of the City Council of the City of Peoria, Arizona at 8401 West Monroe Street in open and public session at 4:31 p.m.

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

Subjects for Discussion Only:

1. Neighborhood Livability Team Progress Report.

Susan Thorpe, Deputy City Manager, provided an update on activities that fall within two of Council's goals: community building, and enhancing current services. A discussion ensued with presentations from Bill Mattingly, Public Works Director, Rocky Smith, Interim Police Chief, and Glen Van Nimwegen, Planning and Community Development Director, regarding community policing, the Desert Sustainability Project, District 30 Projects, Old Town, and 109th and Manzanita.

2. Code Amendment, Pawnshop, Consignment Shops, Second Hand Dealers.

Clark Collier, Police Lieutenant, and Steve Burg, Assistant City Attorney, discussed possible code amendments regarding Pawnshops, Consignment Shops, and Second Hand Dealers as they related to recovery of stolen property and the sale of unlicensed gold and precious gems.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:49 p.m.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Special Meeting and Study Session of the City Council of Peoria, Arizona held on the 1st day of February, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 22nd day of March, 2011.

(Seal)

Wanda Nelson, City Clerk