

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
March 22, 2011

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, Representatives of the Montessori Kingdom of Learning led the Pledge of Allegiance.

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

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; Andy Granger, Bill Mattingly, Roy Minter, Tom Solberg, Jeff Tyne, Glen Van Nimwegen, Scott Whyte, Claudia Luján and Rhonda Geriminsky.

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. Honeywell Fiesta Bowl Aerospace Challenge Competition

Deb Jones, Coyote Hills Elementary, informed Council that Coyote Hills Elementary had two teams selected as finalists for the Honeywell Fiesta Bowl Aerospace Challenge competition. Ms. Jones outlined the mission of the competition. The first place team outlined their project.

Kari Sliva, Executive Director of the Challenger Space Center in Peoria, congratulated Coyote Hills, Deb Jones and the finalists in the Honeywell Fiesta Bowl Aerospace Challenge competition.

2. Presentation from Ivan Johnson of Cox Communications on Community Initiatives

Michael Stull, Cox Communications, provided an overview of Cox Communication's current and upcoming technological advancements and outlined their community and customer commitment and financial investments.

Discussion ensued regarding the process for rolling out the 4G service to the residents of the City of Peoria.

3. Award Presentation from Katrina Eaton of the United Blood Services to the City of Peoria

Katrina Eaton and Jeanette Nicely presented the *Hero Award of Excellence* to the City of Peoria for their participation in donating blood.

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 Evans requested that Agenda Items 7C and 8C be removed for separate discussion.

Motion was made by Councilmember Leone, seconded by Councilmember Aames, to approve the Consent Agenda with the exception of Agenda Items 7C and 8C. Upon vote, the motion carried unanimously 7 to 0.

1C Disposition of Absence

Excused the absence of Vice Mayor Cathy Carlat from the Special Meeting held at 5:00 p.m. on March 1, 2011.

2C Minutes

Approved the minutes of:

February 1, 2011 Special Meeting
February 15, 2011 Special Meeting
February 15, 2011 Regular Meeting
March 1, 2011 Special Meeting

3C Code Amendment, Chapter 14, Hillside Development Standards, Hillside Development Overlay District

ORDINANCE NO. 2011-08

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLE 14-22A "HILLSIDE DEVELOPMENT OVERLAY DISTRICT"; OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 2011-08** amending Chapter 14 of the Peoria City Code (1977 Edition) amending Article 14-22A pertaining to distribution of hillside disturbance.

4C Initial Zoning, 81st Avenue and Beardsley Road

ORDINANCE NO 2011- 11

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ESTABLISHING INITIAL ZONING ON PROPERTY FROM CITY OF GLENDALE A-1 ZONING DISTRICT TO CITY OF PEORIA AG ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Concurred with the Planning and Zoning Commission's recommendation to adopt **ORD. 2011-11** to establish initial zoning on a recently annexed 16.4 acre property generally located at the southeast corner of 81st Avenue and Beardsley Road, thereby changing the zoning on the property from City of Glendale Agricultural (A-1) to City of Peoria General Agricultural (AG).

5C Grant, Library Services and Technology Act, State Library Archives and Public Records Agency, Main Library Supplies

Approved staff to apply for two Library Services and Technology Act (LSTA) grants administered by the State Library, Archives and Public Records Agency for library supplies at the Main Library.

6C Contract Amendment, Entellus, Inc., Westbrook Village Storm Drain Improvements, 87th Avenue and Beardsley Road and 87th Avenue and Lake Pleasant Parkway

Approved Contract Amendment No. 8 to Entellus, Inc. in the amount of \$3,570 to convert the as-built drawings to the City's updated format for the Westbrook Village Storm Drain Improvements Project; Basin Modifications to Lake Pleasant Basin located at 87th Avenue and Lake Pleasant Parkway and Fletcher Heights Basin located at 87th Avenue and Beardsley Road.

7C Request for Proposal, Osage West, LLC, Sports Complex Redevelopment, Peorian at the Sports Center Retail District Project

Clerk's Note: This item was heard in conjunction with Agenda Item 8C at the end of the Consent Agenda. Agenda Items 7C and 8C were presented together.

At the request of Councilmember Evans, Agenda Item 7C was pulled from the Consent for further discussion.

Scott Whyte, Economic Development Director, provided an overview of the Request for Proposal for the redevelopment of the Peorian at the Sports Center Retail District and the Exclusive Negotiating Agreement with Osage West, LLC for the redevelopment of the Peorian at the Sports Center Retail District.

Motion was made by Councilmember Aames, seconded by Councilmember Evans to authorize the City Manager to approve proposal P11-0039 for Osage West, LLC and the Sports Complex redevelopment opportunity.

Upon vote, the motion carried unanimously 7 to 0.

8C Exclusive Negotiating Agreement, Osage West, LLC Peorian at the Sports Center Retail District Project

Motion was made by Councilmember Evans, seconded by Councilmember Aames to authorize the City Manager to enter into an Exclusive Negotiating Agreement with Osage West, LLC on the Peorian at the Sports Center Retail District Project.

Upon vote, the motion carried unanimously 7 to 0.

9C Deeds and Easements, Various Locations

RESOLUTION NO. 2011-25

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. 2011-25** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

10C Multi-Modal Transportation Plan

RESOLUTION NO. 2011-26

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA APPROVING AND ADOPTING THE PEORIA MULTI-MODAL MASTER PLAN.

Adopted **RES. 2011-26** establishing the Multi-Modal Transportation Plan as the City's guiding document for future transit services within Peoria.

NEW BUSINESS

11R Public Hearing-Liquor License, Various Locations

Staff Report/Public Comment

Wanda Nelson, City Clerk, 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 requests for the following:

- a) A New Restaurant Liquor License (Series 12) for Yu's Chinese Express, located at 13686 N. 75th Avenue, Ellen T. Yu, Applicant, LL#20001765; and

- b) A Person Transfer for an On-Sale All Liquor License (Series 06) for Funugyz, located at 8378 W. Thunderbird Road #B101-B104, John D. Bakke, Applicant, LL#20001445.

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 Aames to recommend approval to the State Liquor Board for:

- a) A New Restaurant Liquor License (Series 12) for Yu's Chinese Express, located at 13686 N. 75th Avenue, Ellen T. Yu, Applicant, LL#20001765; and
- b) A Person Transfer for an On-Sale All Liquor License (Series 06) for Funugyz, located at 8378 W. Thunderbird Road #B101-B104, John D. Bakke, Applicant, LL#20001445.

Upon vote, the motion carried unanimously 7 to 0.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Representatives from the Montessori Kingdom of Learning addressed Council and requested that the Mayor and Council support the American Cancer Society's Relay for Life of Peoria on April 30th. Supporters can donate money, purchase a luminary bag, volunteer for the event, and attend the event.

Marcia Stephens addressed Council reporting that discrimination is occurring in the City of Peoria as people with disabilities are being excluded because weekend transportation services are not being provided by the City of Peoria. Ms. Stephens offered to help the City of Peoria to ensure the City is in compliance with the Americans with Disabilities Act to provide transportation services on weekends.

Karl Stephens addressed Council and offered his services as an Americans with Disabilities Act Coordinator in order for the City of Peoria to provide accessibility to services for Americans with Disabilities, including transportation services on weekends.

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

None.

3. Informational

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

- a. River and Trail Clean Up
- b. Peoria Pioneer Days Parade and Family Picnic
- c. City Hall Café
- d. Distinguished Budget Presentation Award
- e. Arizona Department of Revenue

Reports from City Council:

Councilmember Leone thanked Dan Nissen, Assistant City Engineer, for aiding in the sound wall at Sun Aire, which is complete. Councilmember Leone informed that construction along Olive Avenue and Peoria has been completed on the west side. Councilmember Leone encouraged residents to attend the Organic Market at Park West, as April 16th is the last day until September. Councilmember Leone reported on the various City of Peoria activities he attended and encouraged attendance at the Pioneer Days Parade on April 2nd.

Councilmember Aames reported on the various activities and events he attended and informed that Peoria's trail system is developing well. Councilmember Aames informed that Sky View Elementary is conducting a Walk to School day on March 25th.

Councilmember Rivero thanked City staff for taking the time to update him on the functions of our government. Councilmember Rivero wished Police Chief Minter good luck and expressed appreciation for his immediate responsiveness. Councilmember Rivero recognized Channel 11 for the many awards they have received and stated he is looking forward to throwing out the first pitch with Councilmember Leone at the Little League baseball game on March 26th.

Councilmember Pearson congratulated the Westbrook Village Sheriff's Posse for their community fair and expressed appreciation to the City of Peoria Police and Fire Departments for their attendance.

Councilmember Evans discussed the air show at Luke Air Force Base that she attended and reported on the various City of Peoria activities she attended. Councilmember

Evans reminded there is another week of Spring Training and encouraged residents to attend the games.

Vice Mayor Carlat informed there are two upcoming community meetings: 1) the alternate truck route meeting at Sunrise Mountain Library; and 2) the public meeting for the Arizona Public Service line siting. Vice Mayor Carlat encouraged residents to attend the meetings and informed that additional information about the meetings will be provided in her newsletter.

Reports from the Mayor:

None.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 7:55 p.m.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, 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 22nd day of March, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5th day of April, 2011.

(Seal)

Wanda Nelson, City Clerk