

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
July 5, 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 silent reflection, Councilmember Pearson 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, Engineering Director; Katie Gregory, Interim Management and Budget Director; Chris Jacques, Interim Planning and Community Development Director; Bo Larsen, Public Information Manager; Bill Mattingly, Public Works and Utilities Director; Brent Mattingly, Finance Director; Roy Minter, Police Chief; Thomas Solberg, Fire Chief; Jeff Tyne, Interim Community Services Director; Scott Whyte, Economic Development Services Director; Claudia Luján, Assistant to the City Manager; Linda Blas; Deputy City Clerk.

Audience: Approximately 60 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. Mayor Barrett and Vice Mayor Carlat presented a Certificate of Appointment to the following Board and Commission member who was appointed by Resolution at the June 21, 2011 City Council meeting:
 - Christopher Hearn appointed to the Arts Commission
2. Mayor Barrett presented Valley Metro Rail Board of Director's Resolution of Appreciation for Councilmember Aames for service to the METRO Board of Directors since 2007.

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 that Agenda Items 2C, 5C, and 10C be removed for separate discussion.

Councilmember Rivero requested that Agenda Item 12C be removed for separate discussion.

Motion was made by Councilmember Leone, seconded by Councilmember Rivero, to approve the Consent Agenda with the exception of Agenda Items 2C, 5C, 10C, and 12C. Upon vote, the motion carried unanimously 7 to 0.

1C Minutes

Approved the minutes of:

June 7, 2011 City Council Special Meeting and Study Session

June 14, 2011 City Council Study Session

3C Grant, Arizona Criminal Justice Commission, Crime Victim Assistance Program

Accepted \$10,800 from the Arizona Criminal Justice Commission (ACJC) for Peoria’s participation in the Crime Victim Assistance Program.

4C Contract Amendment, HDR Engineering, 84th Avenue Streetscape

Approved Contract Amendment No. 5 to HDR Engineering for additional post design services associated with the 84th Avenue Streetscape project in the not-to-exceed amount of \$18,096.

6C Intergovernmental Agreement, City of Phoenix, Dial-A-Ride Bus Replacement and Operating Costs

Approved an Intergovernmental Agreement that will provide grant funding to the City of Peoria from the Federal Transit Administration (FTA), (by way of pass through from the City of Phoenix), for the replacement of three (3) transit Dial-a-Ride buses and for preventative maintenance (Grant Number AZ-90-X103).

7C Designate Roadways, Establish Rights-of-Way, Various Locations

RESOLUTION NO. 2011-82

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. 2011-82** designating various Real Properties to be used as City roadways and authorize the establishment of Public Rights-of-Way to be opened and maintained by the City as a Public Street.

8C Deeds and Easements, Various Locations

RESOLUTION NO. 2011-80

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. 2011-80** accepting Deeds and Easements for various Real Property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

9C Utility Easements, Arizona Public Service, Centennial Plaza

RESOLUTION NO. 2011-79

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF TWO UTILITY EASEMENTS TO ARIZONA PUBLIC SERVICE COMPANY TO INSTALL UNDERGROUND ELECTRIC TRANSMISSION LINES AND FACILITIES RELATED TO THE CENTENNIAL PLAZA SITE AT THE CITY HALL COMPLEX.

Adopted **RES. 2011-79** authorizing the City Manager to execute two Utility Easements to Arizona Public Service associated with providing electric services for Centennial Plaza located between Cinnabar Avenue and Mountain View Road in the City Hall complex.

11C Final Plat, Trilogy at Vistancia Parcel C8, Trilogy Boulevard and Dixileta Parkway

Approved a Final Plat of Trilogy at Vistancia - Parcel C8, located on Trilogy Boulevard and Dixileta Parkway, subject to stipulations.

13C Name Selection for Neighborhood Parks

Adopted the recommended names for three neighborhood parks: a) Scotland Yard Park – 9251 West Scotland Avenue; b) Westland Park – 31656 North Westland Road; and c) Camino a Lago Park – 21111 North 98th Avenue.

19R Redistricting Concepts

Clerk's Note: This item was heard immediately following the Consent Agenda.

Motion was made by Councilmember Aames, seconded by Councilmember Rivero, to adopt redistricting concepts and direct staff to take such actions necessary to implement the concepts.

Douglas Johnson, president of National Demographics Corporation, addressed Council and presented an overview of the requested revisions to Redistricting Concept Maps 1 and 8.

Pamela Potter addressed Council to reiterate her preference for Map 8 and expressed the importance of keeping incumbents in their district.

Ron Lyzniak thanked Council for keeping the Westbrook Village community intact during the redistricting process.

Helmuth Hack expressed his support of Map 8. Mr. Hack cited the concept protects minority rights and preserves voters' recent election choices for representation.

Joe Pfeiff addressed Council and requested that all members of the Council explain and defend their choice for a particular map.

Fred Brill addressed Council regarding the redistricting process and the additional map submissions.

Gene Sweeney expressed his disappointment in the redistricting process and urged Council to adopt revised Map 1.

Dick Feyrer expressed his opinion regarding the City Council and the redistricting process.

Christian Williams addressed Council regarding the redistricting process and expressed his opinion that incumbency should not be a consideration when a final map is selected.

Bill Bercu reviewed Maps 1 and 8 and asked why there is support for Map 1.

Joe McCord addressed Council to endorse Map 1 which would preserve the contiguity of the districts.

Rachelle Barrett discussed comments she heard from public leaders regarding the redistricting process in Peoria.

David Evans read a statement from Peoria resident, Lynda Reithmann regarding recent comments from the Council and public opinion.

Kim Price Olsen stated the redistricting process is about what is best for the City of Peoria and requested members of the Council explain why they choose to support a particular map.

Councilmember Rivero moved to amend the motion and consider Map 8. The amended motion was seconded by Councilmember Leone.

Discussion ensued regarding the redistricting process and the proposed redistricting maps.

Councilmember Evans moved to amend the motion and revise Map 8 by including the 62 homes and 2 farms south of Skunk Creek into the Palo Verde District. Councilmember Evans' amended motion died for lack of a second.

Upon vote, Councilmember Rivero's amended motion passed by a vote of 4 to 3 with Mayor Barrett, Vice Mayor Carlat, and Councilmember Evans voting "no".

Motion was made by Councilmember Aames, seconded by Councilmember Leone, to revise Map 8 to include in the Palo Verde district all of the industrial area west of 91st Avenue and south of Cactus Road.

Upon vote, the motion carried by a vote of 6 to 1 with Vice Mayor Carlat voting "no".

Clerk's Note: Councilmember Evans left the meeting at 8:24 p.m.

2C Code Amendment, Chapter 14, Property Development Standards, Building Setbacks and Lot Coverage

Clerk's Note: This item was heard separately from the Consent Agenda.

ORDINANCE NO. 2011-13

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 14-5-6 "PROPERTY DEVELOPMENT STANDARDS FOR PERMITTED RESIDENTIAL USES" OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

At the request of Councilmember Pearson, Chris Jacques, Interim Planning and Community Development Director, presented an overview of a privately initiated zoning code amendment to modify front setback and lot coverage development standards.

Discussion ensued regarding front setback and lot coverage requirements to allow for side-entry garages.

Motion was made by Councilmember Aames, seconded by Vice Mayor Carlat, to adopt **ORD. 2011-13** amending Chapter 14 of the Peoria City Code (1977) by amending Article 14-5-6, Property Development Standards for Permitted Residential Uses of the Peoria Zoning Ordinance with respect to building setbacks and lot coverage. Upon vote, the motion carried unanimously 6 to 0.

5C Amended Lease, Arizona Broadway Theatre

Clerk's Note: This item was heard separately from the Consent Agenda.

At the request of Councilmember Pearson, Brent Mattingly, Finance Director, provided an overview of a request to amend an existing ground lease with KLOS Enterprises, LLC (Arizona Broadway Theatre) in order to defer lease payments for a period of six months.

Motion was made by Councilmember Rivero, seconded by Councilmember Leone, to authorize the City of Peoria to enter into an amended lease with KLOS Enterprises, LLC (Arizona Broadway Theatre) for approximately four acres of real property owned by the City located at 7701 West Paradise Lane and authorize the City Manager to execute the lease documents. Upon vote, the motion carried unanimously 6 to 0.

10C Fiscal Year 2012 Street Light and Maintenance Improvement District Levies

Clerk's Note: This item was heard separately from the Consent Agenda.

ORDINANCE NO. 2011-15

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA AND WITHIN THE FOLLOWING STREET LIGHT IMPROVEMENT DISTRICTS EACH DESIGNATED AS CITY OF PEORIA STREET LIGHT IMPROVEMENT DISTRICT NOS. 1 - 34 INCLUSIVE, NOS. 36 - 37, INCLUSIVE, NOS. 39 - 51 INCLUSIVE, NOS. 54 - 64 INCLUSIVE, NO. 66, NOS. 70 - 73 INCLUSIVE, NOS. 76 - 80 INCLUSIVE, NOS. 82 - 84 INCLUSIVE, NOS. 93 - 99 INCLUSIVE, NOS. 101 - 102 INCLUSIVE, NO. 104, NOS. 107 - 108 INCLUSIVE, NO. 110, NO. 114, NOS. 116 - 117 INCLUSIVE, NO. 119, NOS. 121 - 123 INCLUSIVE, NOS. 125 - 129 INCLUSIVE, NO. 131, NOS. 135 -157 INCLUSIVE, NOS. 159 - 164 INCLUSIVE, NOS. 166 - 167 INCLUSIVE, NOS. 171 - 172 INCLUSIVE, NOS. 176 - 177 INCLUSIVE, NO. 179, NO. 183, NO. 185, NOS. 187 - 191 INCLUSIVE, NO. 195, NOS. 197 - 199 INCLUSIVE, NOS. 201 - 202 INCLUSIVE, NOS. 204 - 206 INCLUSIVE, NOS. 208 - 216 INCLUSIVE, NO. 218, NO. 222-236 INCLUSIVE, NOS. 238 - 240 INCLUSIVE, NOS. 1000-1002 INCLUSIVE, NOS. 1004-1014 INCLUSIVE, NO. 1016, AND NO. 1025 SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR THE PURPOSE OF GENERAL DISTRICT EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2012, AND DECLARING AN EMERGENCY.

ORDINANCE NO. 2011-16

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA AND WITHIN THE FOLLOWING MAINTENANCE IMPROVEMENT DISTRICTS EACH DESIGNATED AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NOS. 1 - 7 INCLUSIVE, NO. 10, NO. 69 NO. 1025, AND NO. 1044 SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR THE PURPOSE OF GENERAL DISTRICT EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2012, AND DECLARING AN EMERGENCY.

At the request of Councilmember Pearson, Katie Gregory, Interim Management and Budget Director, provided an overview of proposed tax revenues for Maintenance and Street Light Improvement Districts within the City.

Motion was made by Councilmember Pearson, seconded by Councilmember Rivero, to adopt **ORD. 2011-15** and **ORD. 2011-16** adopting Street Light and Maintenance Improvement District Levies for Fiscal Year 2012 and declaring an emergency. Upon vote, the motion carried unanimously 6 to 0.

12C Public Body Meeting Procedures Policy

Clerk's Note: This item was heard separately from the Consent Agenda.

RESOLUTION NO. 2011-47

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DESIGNATING THE LOCATION FOR POSTING OF LEGAL NOTICES AND REPEALING PRIOR AND INCONSISTENT RESOLUTIONS.

At the request of Councilmember Rivero, Steve Kemp, City Attorney, summarized the request to amend Council Policy 1-6 to provide consistency between Public Body Meeting Procedures and Council Meeting Procedures.

In response to questions from Council, Wanda Nelson, City Clerk, clarified the inconsistencies between the two Council policies pertaining to posting locations for public meeting notices.

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

- (a) Amend Council Policy 1-6 (Public Body Meeting Procedures); and
- (b) Adopt **RES. 2011-47** to designate posting locations.

Upon vote, the motion carried unanimously 6 to 0.

REGULAR AGENDA

NEW BUSINESS

14R PUBLIC HEARING - Liquor License, Various Locations

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 requests for the following:

- (a) A New Wine and Beer Liquor License (Series 10) for Shell #34, located at 24805 N. Lake Pleasant Parkway, Howard E. Magee, Applicant, LL#20002494; and
- (b) A New Wine and Beer Liquor License (Series 10) for Food Mart, located at 7473 W. Bell Road, Madanlal Patel, Applicant, LL#20002310.

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 Rivero, to recommend approval to the State Liquor Board for:

- (a) A New Wine and Beer Liquor License (Series 10) for Shell #34, located at 24805 N. Lake Pleasant Parkway, Howard E. Magee, Applicant, LL#20002494; and
- (b) A New Wine and Beer Liquor License (Series 10) for Food Mart, located at 7473 W. Bell Road, Madanlal Patel, Applicant, LL#20002310.

Upon vote, the motion carried unanimously 6 to 0.

15R Easement Agreement, Old Town Commercial Rehabilitation

Scott Whyte, Economic Development Services Director, presented an overview of the Old Town Commercial Rehabilitation Program to promote improvements to the exteriors of commercial buildings in the Old Town area.

Priscilla Cook addressed Council regarding downtown revitalization.

Motion was made by Councilmember Rivero, seconded by Councilmember Leone, to approve the Old Town Commercial Rehabilitation Easement Agreement for Phase 1 of the program. Upon vote, the motion carried by a vote of 5 to 1 with Councilmember Pearson voting "no".

16R Contract Amendment, Brignall Construction Co., Community Center Building Addition, 84th Avenue and Jefferson Street

Ed Striffler, Design and Construction Manager, provided background on the development of an addition to the Community Center building. Mr. Striffler presented renderings of the facility scheduled to be completed by Fall 2012.

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

- (a) Award Contract Amendment No. 2 to Brignall Construction Co. in the amount of \$6,812,125 for a Guaranteed Maximum Price (GMP) contract for the construction of the Community Center Building Addition, located at 84th Avenue and Jefferson Street;
- (b) Authorize the use of \$370,000 in development impact fees in place of the currently budgeted general fund dollars allocated to this project; and
- (c) Approve a budget transfer within the project in the amount of \$370,000 from the General Fund, Buildings and Improvements Account, to the Citywide Park/Recreation Facility Development Fee Fund, Buildings and Improvements Account.

Upon vote, the motion carried unanimously 6 to 0.

17R Budget Adjustment, Fiscal Year 2011 Budget, City Attorney's Office

Steve Kemp, City Attorney, provided an overview of the request for a budget adjustment to the City Attorney's Office Fiscal Year 2011 Budget for legal services, litigation, and administrative hearing costs.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Leone, to approve a fourth quarter Fiscal Year 2011 Budget adjustment to the City Attorney's Office budget. Upon vote, the motion carried unanimously 6 to 0.

18R Fiscal Year 2012 Tax Levy

RESOLUTION NO. 2011-81

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, APPROVING ORDINANCE 2011-14.

ORDINANCE NO. 2011 -14

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA, SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS AND PROVIDING FUNDS FOR GENERAL MUNICIPAL EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2012, AND DECLARING AN EMERGENCY.

Katie Gregory, Interim Management and Budget Director, reviewed the proposed Primary and Secondary Property Tax Levies for Fiscal Year 2012. The recommendation is for the City's overall property tax rate to remain at \$1.44 per \$100 of assessed valuation. The primary property tax rate is recommended to remain at \$.19 per \$100 of assessed valuation, with the secondary tax rate at \$1.25 per \$100 of assessed valuation.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Aames to adopt **RES. 2011-81** and **ORD. 2011-14** adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for Fiscal Year 2012 and declaring an emergency. Upon vote, the motion carried unanimously 6 to 0.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

Reports from the City Manager:

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 2011 Arizona Water Conference Awards.

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone thanked members of the Engineering staff for their attendance at a neighborhood meeting held at Country Meadows.

Councilmember Aames reported on the installation of neighborhood entry signs and enhancements to walls and rights-of-way in the Palo Verde district.

Councilmember Rivero thanked citizens and City staff for their participation at a Town Hall meeting held at the Woman's Club.

Councilmember Pearson expressed his appreciation to the Engineering staff for the traffic signal at 89th Avenue and Union Hills Drive.

Vice Mayor Carlat thanked citizens for their participation in the redistricting process.

Reports from the Mayor:

Mayor Barrett announced that the next City Council meeting will be held on August 23, 2011, and wished everyone a safe summer.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:24 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 Regular Meeting of the City Council of Peoria, Arizona held on the 5th day of July, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 23rd day of August, 2011.

(Seal)

Wanda Nelson, City Clerk