

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
September 6, 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 Evans led the Pledge of Allegiance.

Members Present: Mayor Bob Barrett; Vice Mayor Cathy Carlat; Councilmembers Ron Ames, 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, 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; Wynette Reed, Human Resources Director; Claudia Luján, Assistant to the City Manager; Rhonda Geriminsky; Chief Deputy City Clerk.

Audience: Approximately 15 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:

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. Having no requests from Council, motion was made by Vice Mayor Carlat, seconded by Councilmember Leone, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

CONSENT – New Business:

1C Minutes

Approved the August 23, 2011 Regular Meeting and Study Session Minutes.

2C Appointment, Boards and Commissions

RESOLUTION 2011-88

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING MICHAEL EVANS TO THE LIBRARY BOARD AND ESTABLISHING THE TERM OF OFFICE.

Approved the recommendation from the Council Subcommittee on Boards and Commissions Appointments pertaining to the following appointment, and adopted the Resolution as presented:

Adopted **RES. 2011-88** appointing Michael Evans as a regular member to the Library Board.

3C Contract Amendment No. 2, Michael Baker Jr., Inc., 75th Avenue and Thunderbird Road Intersection Improvements (EN00089, LCON01910)

- (a) Approved Contract Amendment No. 2 in the amount of \$99,056 to Michael Baker Jr., Inc., for post design services; and
- (b) Approved a budget transfer in the amount of \$240,000 to cover increased right-of-way acquisition costs.

4C Intergovernmental Agreement, Drug Enforcement Agency, Tactical Force Agreement and Tactical Diversion Task Force Agreement

- (a) Authorized the renewal of two (2) Intergovernmental Agreements between the Peoria Police Department and the Drug Enforcement Administration to assign an officer to the DEA Task Force and the DEA Tactical Diversion Squad Task Force for a period of not less than two years; and
- (b) Approved a budget transfer of \$34,404.50 from the Proposed Grants Contingency Account to the Federal DEA Fund Overtime Account to provide expenditure authority.

5C Abandonment of City Interest, Easement, Street and Highway, 83rd Avenue and Acoma Drive

RESOLUTION NO. 2011-89

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING THAT CERTAIN EASEMENT FOR STREET AND HIGHWAY PURPOSES TO BE UNNECESSARY TO CITY PURPOSES AND NO LONGER REQUIRED TO BE RETAINED BY THE CITY AND DIRECTING THAT SUCH UNNECESSARY EASEMENT FOR STREET AND HIGHWAY PURPOSES BE DISPOSED OF IN THE MANNER PROVIDED BY LAW AND DECLARING AN EMERGENCY.

Adopted **RES. 2011-89** authorizing the abandonment of City Interest in an Easement for Street and Highway Purposes as recorded in Docket 8684 Page 926, located within the Thunderbird Self Storage site on the west side of 83rd Avenue north of Acoma Drive, and declaring an emergency.

6C Final Plat, Sunset Ranch IIA, Lake Pleasant Parkway and Williams Road

Approved a Final Plat of Sunset Ranch IIA, located at Lake Pleasant Parkway north of Williams Road, subject to stipulations.

7C Acceptance and Subsequent Land Donation, Downtown Peoria Residential Lot, 8459 W. Madison Street

RESOLUTION NO. 2011-90

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE ACCEPTANCE AND SUBSEQUENT CONVEYANCE BY QUIT CLAIM DEED OF A RESIDENTIAL LOT LOCATED AT 8459 W. MADISON STREET, PEORIA, ARIZONA.

Adopted **RES. 2011-90** authorizing the acceptance of a vacant lot in Downtown Peoria at 8459 W. Madison Street from Wells Fargo Bank and further authorized the offering of the property to a non-profit through a Materials Management Solicitation of Interest.

REGULAR AGENDA

NEW BUSINESS

8R PUBLIC HEARING: Off-Track Wagering License Renewal, American Greyhound Racing Inc., 6750 West Peoria Avenue

Staff Report/Public Comment:

Brent Mattingly, Finance Director, reported that all fees were paid and staff recommends approval for an Off-Track Wagering License Renewal for Gallagher's of Peoria, 6750 West 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 of Peoria, 6750 West 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 Leone, seconded by Councilmember Rivero to recommend approval to the Arizona Racing Commission for an Off-Track Wagering License Renewal for Gallagher's of Peoria, 6750 West Peoria Avenue.

Upon vote, the motion carried unanimously 7 to 0.

9R Contract Amendment No. 2, FNF Construction, Inc., 75th Avenue and Thunderbird Road Intersection Improvements

Dan Nissen, Assistant City Engineer, provided an overview of the contract amendment with FNF Construction, Inc. in the amount of \$3,689,652 for construction services associated with the 75th Avenue and Thunderbird Road intersection improvements.

Motion was made by Councilmember Evans, seconded by Councilmember Rivero, to approve Contract Amendment No. 2, GMP#2, in the amount of \$3,689,652 to FNF Construction, Inc. for construction services associated with the 75th Avenue and Thunderbird Road Intersection Improvements, Project Nos. EN00089, UT00143.

Upon vote, the motion carried unanimously 7 to 0.

10R Contract, Combs Construction, Beardsley Road; Lake Pleasant Road to 99th Avenue

Chris Kmetty, Senior Civil Engineer, provided an overview of the construction contract with Combs Construction in the amount of \$2,236,065 for the construction of the intersection and roadway improvements on Beardsley Road between 99th Avenue and Lake Pleasant Road. Mr. Kmetty provided information regarding existing conditions, planned improvements, proposed improvements, project objectives and project schedule.

Discussion ensued regarding mitigating traffic congestion during construction.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Rivero to: (a) approve the construction contract with Combs Construction in the amount of \$2,236,065 for the construction of the intersection and roadway improvements on Beardsley Road between 99th Avenue and Lake Pleasant Road; and (b) approve a 15 percent contingency to cover contract amendments related to unforeseen conditions or owner requested changes.

Upon vote, the motion carried unanimously 7 to 0.

11R Petition for Review in the Arizona Supreme Court In the Matter of City of Peoria and City of Phoenix v. Brink's Home Security, Inc.

Steve Kemp, City Attorney, provided an overview of the request to authorize the filing of a Petition for Review in the Arizona Supreme Court in the matter of City of Peoria and City of Phoenix v. Brink's Home Security, Inc.

Motion was made by Councilmember Rivero, seconded by Councilmember Leone, to authorize the filing of a Petition for Review in the Arizona Supreme Court In the matter of City of Peoria and City of Phoenix v. Brink's Home Security, Inc.

Upon vote, the motion carried unanimously 7 to 0.

12R Code Amendment, Chapter 8, City Council Districts

ORDINANCE NO. 2011-17

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 8 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 8-5, PERTAINING TO DISTRICT BOUNDARIES AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Steve Kemp, City Attorney, provided an overview of the request to amend Chapter 8 of the Peoria City Code pertaining to legal descriptions for City Council Districts.

Discussion ensued regarding:

- Department of Justice preclearance timelines
- Effective dates of the new boundaries
- Signature requirements for elections
- District compactness
- Gerrymandering
- Citizen input
- The redistricting process

Motion was made by Councilmember Aames, seconded by Councilmember Rivero, to adopt **ORD. 2011-17** amending Chapter 8 of the Peoria City Code (1992) pertaining to legal descriptions for City Council Districts.

Upon vote, the motion carried 4 to 3, with Mayor Barrett, Vice Mayor Carlat and Councilmember Evans voting “no”.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation

None.

3. Informational (The following items are included for informational purposes only. There will be no separate discussion of these items unless a Councilmember so requests.)

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

- a. Commemoration of September 11
- b. PACe Conference - November 17, 2011

Reports from City Council:

Councilmember Leone reported that the Peoria Sluggers softball team won the silver medal at the 2011 Special Olympics in Illinois. Councilmember Leone reported on the various City of Peoria activities he attended.

Councilmember Aames reported on the various City of Peoria activities he attended. Councilmember Aames congratulated the Peoria Police Department for making arrests that shut down a drug house that was located in Peoria.

Councilmember Rivero congratulated Nancy and Dale Schoolman who opened a new shop in Peoria called *Arizona Misty and Specialty Shop*. Councilmember Rivero reported his intentions to submit an item of interest related to the evaluation of charter officers.

Councilmember Pearson congratulated and thanked the Public Works Department for placing "way-finding" signs for the Challenger Space Center.

Councilmember Evans stated that she is excited that her new District will include the Challenger Space Center. Councilmember Evans congratulated Councilmember Leone for receiving an award at the League of Cities in Tucson for 12 years of service.

Vice Mayor Carlat informed that the grand opening of the Palo Verde Park will be held on Saturday, September 10th at 8:30 a.m. on 73rd Drive in the Terramar Subdivision. Vice Mayor Carlat stated the park includes archeological findings.

Reports from the Mayor:

None.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:51 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 6th day of September, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of September, 2011.

(Seal)

Wanda Nelson, City Clerk