

MINUTES OF THE PEORIA CITY COUNCIL

CITY OF PEORIA, ARIZONA

CITY COUNCIL CHAMBER

October 4, 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 5:01 p.m.

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

Members Absent: Mayor Bob Barrett

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; Katie Gregory, Interim Management and Budget Director; John Imig, Stacy Irvine, Interim Fire Chief; Information Technology 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, Dan Nissen, Assistant City Engineer; Police Chief; Wynette Reed, Human Resources Director; Jeff Tyne, Interim Community Services Director; Scott Whyte, Economic Development Services Director; Claudia Luján, Assistant to the City Manager; Rhonda Geriminsky; Chief Deputy City Clerk.

Audience: Approximately 10 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

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.

Vice Mayor Carlat asked if any Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Councilmember Leone, seconded by Councilmember Rivero, to approve the Consent Agenda. Upon vote, the motion carried unanimously 6 to 0.

1C Appointments, Boards and Commissions

RESOLUTION NO. 2011-92

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, PPOINTING JASMINE BEJARANO AND IAN MULLANE TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERMS OF OFFICE.

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

Adopted **RES. 2011-92** appointing Jasmine Bejarano, as a regular member, and Ian Mullane, as an alternate member, to the Youth Advisory Board.

2C Establishment, VantageCare Retirement Health Savings Plan, Fire Chief, International City/County Management Association - Retirement Corporation (ICMA-RC)

RESOLUTION NO. 2011-101

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 VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN FOR THE FIRE CHIEF AND AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN TRUST DOCUMENTS ON BEHALF OF THE CITY FOR THE ADMINISTRATION OF THE PLAN.

Adopted **RES. 2011-101** establishing a VantageCare Retirement Health Savings Plan for the Fire Chief with International City/County Management Association - Retirement Corporation.

3C License Agreement, Electric Transportation Engineering Corporation, Electric Vehicle Charging Stations

Approved a license agreement with Electric Transportation Engineering Corporation to install, maintain and operate a total of six electrical vehicle charging stations on City of Peoria property.

4C Intergovernmental Agreement, Maricopa County Department of Transportation, Maintenance, Union Hills Drive between 111th Avenue and Paradise RV Resort

Approved an Intergovernmental Agreement with Maricopa County Department of Transportation (MCDOT) for the City to accept maintenance of a portion of Union Hills Drive between 111th Avenue and Paradise RV Resort.

5C Maintenance Improvement District No. 1123, Trilogy at Vistancia Parcel C8, Dixileta Parkway and Trilogy Boulevard

RESOLUTION NO. 2011-93

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. 1123, TRILOGY AT VISTANCIA PARCEL C8, 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. 2011-94

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. 1123, TRILOGY AT VISTANCIA PARCEL C8; 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. 2011-93** intention and ordering formation of proposed Maintenance Improvement District No. 1123, Trilogy at Vistancia Parcel C8, located on Dixileta Parkway and Trilogy Boulevard; and adopted **RES. 2011-94** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

6C Maintenance Improvement District No. 1124, Trilogy at Vistancia Parcel C4, 124th Lane and Trilogy Boulevard

RESOLUTION NO. 2011-95

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. 1124, TRILOGY AT VISTANCIA PARCEL C4, 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- 96

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. 1124, TRILOGY AT VISTANCIA PARCEL C4; 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. 2011-95** intention and ordering formation of proposed Maintenance Improvement District No. 1124, Trilogy at Vistancia Parcel C4, located at 124th Lane and Trilogy Boulevard; and adopted **RES. 2011-96** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

7C Maintenance Improvement District No. 1098, Sunset Ranch IIA, Williams Road and 100th Avenue

RESOLUTION NO. 2011-97

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. 1098, SUNSET RANCH IIA, 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- 98

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. 1098, SUNSET RANCH IIA; 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. 2011-97** intention ordering formation of proposed Maintenance Improvement District No. 1098, Sunset Ranch IIA, located on Williams Road and 100th Avenue; and adopted **RES. 2011-98** ordering the improvements within he proposed Maintenance Improvement District and declaring an emergency.

8C Streetlight Improvement District No. 1050, Sunset Ranch IIA, Williams Road and 100th Avenue

RESOLUTION NO. 2011- 99

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. 1050, SUNSET RANCH IIA; 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- 100

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. 1050, SUNSET RANCH IIA, 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. 2011-99** intention and ordering formation of the proposed Streetlight Improvement District No. 1050, Sunset Ranch IIA, located on Williams Road and 100th Avenue; and adopted **RES. 2011-100** ordering the purchase of electricity for lighting streets and parks within the proposed Street Light Improvement District and declaring an emergency.

9C Re-Plat, Lots 1 and 5 of Creekside Estates, 73rd Avenue and Pinnacle Peak Road

Approved a Re-Plat of Lots 1 and 5 of Creekside Estates, located at 73rd Avenue and Pinnacle Peak Road, subject to stipulations.

10C Authorization to Hold an Executive Session

Authorized the holding of an Executive Session for the purpose of consultation with City Staff and the City Attorney regarding: a) initiating negotiations for the possible acquisition of real property located in the vicinity of the intersection of Arrowhead Fountain Center Drive and Mariners Way pursuant to A.R.S. § 38-431.03(A)(7); b) the settlement agreement with Horizontal Boring & Tunneling v. City of Peoria, et al, pursuant to A.R.S. § 38-431.03(A)(7); and c) Peoria Police Officer's Association's information request for attorney-client privileged information pursuant to A.R.S. § 38-431.03(A)(7).

STUDY SESSION AGENDA

Subjects for Discussion Only:

1. Council Subcommittees Implementation Update

Carl Swenson, City Manager, provided an overview of the process for implementing Council Subcommittees within the City of Peoria. Mr. Swenson discussed the following:

- Council Subcommittee assignments
- Roles and responsibilities of the Council Subcommittee members, staff liaisons, meeting coordinators and administrative support
- The proposed form to submit items to the Council Subcommittees for discussion; and
- Proposed first meeting actions

5:18 p.m. Vice Mayor Carlat adjourned the Special Meeting and Study Session.

7:30 p.m. Vice Mayor Carlat resumed the Regular Agenda.

REGULAR AGENDA

NEW BUSINESS

11R Settlement Agreement, Horizontal Boring & Tunneling v. City of Peoria, et al.

Steve Kemp, City Attorney, provided an overview of the request to approve a settlement agreement in the lawsuit between Horizontal Boring and Tunneling v. City of Peoria, et al.

Motion was made by Councilmember Rivero, seconded by Councilmember Leone, to approve the settlement agreement in the lawsuit between Horizontal Boring & Tunneling v. City of Peoria, et al.

Upon vote, the motion carried unanimously 6 to 0.

12R Council Subcommittee Appointments

RESOLUTION NO. 2011-103

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, CONSENTING TO THE APPOINTMENTS TO THE CITY OF PEORIA, ARIZONA CITY COUNCIL SUBCOMMITTEE ON POLICY AND APPOINTMENTS AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION NO. 2011-104

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, CONSENTING TO THE APPOINTMENTS TO THE CITY OF PEORIA, ARIZONA CITY COUNCIL SUBCOMMITTEE ON SUSTAINABLE DEVELOPMENT AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION NO. 2011-105

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, CONSENTING TO THE APPOINTMENTS TO THE CITY OF PEORIA, ARIZONA CITY COUNCIL SUBCOMMITTEE ON PUBLIC SAFETY AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION NO. 2011-106

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, CONSENTING TO THE APPOINTMENTS TO THE CITY OF PEORIA, ARIZONA CITY COUNCIL SUBCOMMITTEE ON GENERAL GOVERNMENT AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION NO. 2011-107

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, CONSENTING TO THE APPOINTMENTS TO THE CITY OF PEORIA, ARIZONA CITY COUNCIL SUBCOMMITTEE ON PUBLIC SERVICES AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION NO. 2011-108

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, CONSENTING TO THE APPOINTMENTS TO THE CITY OF PEORIA, ARIZONA CITY COUNCIL SUBCOMMITTEE ON COMMUNITY CULTURE AND ESTABLISHING THE TERM OF OFFICE.

Steve Kemp, City Attorney, outlined the proposed appointments for Council Subcommittees as proposed by Mayor Barrett.

Motion was made by Councilmember Aames, seconded by Councilmember Rivero, to adopt **RES. 2011-103** through **RES. 2011-108** related to Council Subcommittee Appointments.

Upon vote, the motion carried unanimously 6 to 0.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:33 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 4th day of October, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 18th day of October, 2011.

(Seal)

Wanda Nelson, City Clerk