

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
November 18, 2008

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, Cub Scout Pack 293 led the Pledge of Allegiance.

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

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; John F. Wenderski, Deputy City Manager; Steve Kemp, City Attorney; Mary Jo Kief, City Clerk; J.P. de la Montaigne, Andrew Granger, Bill Mattingly, Grady Miller, Steve Prokopek, Jeff Tyne, Glen Van Nimwegen, Brian Biesemeyer, Chris Kmetty, Dave Moody, Dan Nissen, James Mason and Rhonda Simmons.

Audience: Approximately 65 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.

REGULAR AGENDA

PRESENTATION:

1. Presentation from Peoria Sister City 2008 Young Ambassadors

Hunter Finn and Chelsea Hill from the Sister City 2008 Young Ambassadors program gave a presentation on their Sister City exchange visit which included a two-week visit in Ireland this summer.

NEW BUSINESS

1R PUBLIC HEARING - Liquor Licenses, Various Locations

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on:

- a) A Person Transfer for an On-Sale All Liquor License (Series 06) for The Curve On Peoria, located at 8455 W. Peoria Avenue. Applicant: John Durma. LL#10013158; and
- b) A New Wine and Beer Liquor License (Series 10) for Super Star Car Wash, located at 21695 N. Lake Pleasant Parkway. Applicant: Reza Amirrezvani. LL#10013275.

Staff Report/Public Comment:

Mary Jo Kief, City Clerk, reported that the properties had been posted in accordance with Arizona law, all fees were paid, all reviewing departments recommended approval and no comments were received from the public.

Having no requests from the public to address this item, Mayor Barrett declared the Public Hearing closed.

Council Action:

Motion was made by Councilmember Hunt, seconded by Councilmember Leone, to recommend approval to the State Liquor Board for:

- a) A Person Transfer for an On-Sale All Liquor License (Series 06) for The Curve On Peoria, located at 8455 W. Peoria Avenue. Applicant: John Durma. LL#10013158; and
- b) A New Wine and Beer Liquor License (Series 10) for Super Star Car Wash, located at 21695 N. Lake Pleasant Parkway. Applicant: Reza Amirrezvani. LL#10013275.

Upon vote, the motion carried unanimously.

2R PUBLIC HEARING - General Plan Amendment, Circulation Element, Alternative Transportation Modes

RESOLUTION NO. 08-143

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE CIRCULATION ELEMENT OF THE PEORIA GENERAL PLAN FOR THE CITY OF PEORIA, ARIZONA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request for a major amendment to the Circulation Element of the General Plan to add language to promote alternative modes of transportation including light rail, commuter rail and express bus routes, and general housekeeping items related to existing goals, objectives and policies.

Staff Report/Public Comment:

Glen Van Nimwegen, Community Development Director, gave an overview of the major amendments to the Circulation Element of the General Plan.

Staff reported this amendment is being proposed to accommodate new development and to promote alternative modes of transportation including light rail, commuter rail and express bus routes. Further, State Route 74 is now classified as a scenic, rural highway.

Having no requests from the public to address this item, Mayor Barrett declared the Public Hearing closed.

Vice Mayor Carlat stated this plan takes into consideration the correction on State Route 74 and it is good for safe routes, bike lanes and multi-modal transportation. However, the City has a problem with how streets are laid because they cause arterial streets to be in the middle of communities; these streets become high-traffic areas not only for the communities, but they become cut-through traffic by design. The cut-through traffic becomes a problem for the residential homes along these areas. The problem is high-traffic and noise, and residential homes surrounding it. Discussion ensued about ways to deal with the design of streets and neighborhoods. Staff stated the issue can be addressed through a minor amendment to the General Plan and will be brought back before Council.

Council Action: Motion was made by Councilmember Hunt, seconded by Councilmember Aames to adopt **RES. 08-143** amending the Circulation Element of the Peoria General Plan to add language that will promote alternative modes of transportation including light rail, commuter rail and express bus routes, and general housekeeping items related to existing goals, objectives and policies (GPA 08-07).

Upon vote, the motion carried unanimously.

3R PUBLIC HEARING - General Plan Amendment, Land Use Element and Environmental Resources Element, Environmental Stewardship and Energy Conservation Promotion

RESOLUTION NO. 08-144

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE ENVIRONMENTAL RESOURCES, LAND USE AND INTRODUCTION ELEMENTS OF THE PEORIA GENERAL PLAN FOR THE CITY OF PEORIA, ARIZONA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on an amendment to the Introduction, Land Use Element and Environmental Resources Element of the General Plan to provide for new criteria and to establish goals, objectives and policies promoting environmental stewardship and energy conservation.

Staff Report/Public Comment:

Glen Van Nimwegen, Community Development Director, gave an overview of the established goals, objectives and policies promoting environmental stewardship and energy conservation in the Introduction, Land Use Element and Environmental Resources Element of the General Plan. The amendments focus on energy conservation, multi-modal transportation and mixed use development for the City, and education about energy conservation and goals and objectives for the City.

Having no requests from the public to address this item, Mayor Barrett declared the Public Hearing closed.

Council Action: Motion was made by Councilmember Evans, seconded by Vice Mayor Carlat to adopt **RES. 08-144** amending the Introduction, Land Use Element and Environmental Resources Element of the Peoria General Plan to provide for new criteria and to establish goals, objectives and policies promoting environmental stewardship and energy conservation (GPA 08-05).

Upon vote, the motion carried unanimously.

4R PUBLIC HEARING - General Plan Amendment, Plan Administration Element, General Plan Amendment Classification

RESOLUTION NO. 08-145

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE PLAN ADMINISTRATION ELEMENT OF THE PEORIA GENERAL PLAN FOR THE CITY OF PEORIA, ARIZONA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on an amendment to the Plan Administration Element of the General Plan regarding the classification of General Plan amendments.

Staff Report/Public Comment:

Glen Van Nimwegen, Community Development Director, gave an overview of the proposed amendment clarifying the difference between a major and minor General Plan amendment, and establishing a less burdensome process for minor General Plan amendments.

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 Hunt to adopt **RES. 08-145** amending the Plan Administration Element of the Peoria General Plan regarding the classification of General Plan amendments (GPA 08-08).

Upon vote, the motion carried unanimously.

5R Contract, Emanuel Martinez, Old Town Peoria Mural

Grady Miller, Communications and Public Affairs Director, provided an overview of the request to approve the recommendation of the Peoria Arts Commission to have artist Emanuel Martinez produce a mural to be located in Old Town Peoria. Mr. Miller provided background on the Mural Project which is to be located at 83rd Avenue southeast of Washington. The project consists of a 30-foot by 12-foot painted mural. The Arts Commission is requesting City Council approval to commission Emanuel Martinez for the Old Town Mural Project at the cost of \$30,000. The funding for this project is coming from the Percent for the Arts Capital Fund; all Capital Improvement Projects contribute 1% into this dedicated fund. The purpose of the Percent for the Arts Program is to help beautify the community.

If this request is approved, the next step will be to finalize an easement agreement and execute an artist contract, with the mural project beginning in January and a completion of no later than March 2009.

In response to questions from Councilmember Leone, Mr. Miller stated the City will be responsible for maintaining the mural.

Councilmember Leone raised concerns for approving this project when the City is cutting \$6 million this year and \$7 million next year from the budget. Mr. Miller clarified that the funding for the mural will come from a dedicated arts fund.

Councilmember Aames inquired about the chosen mural and if it will coincide with the recommendations from the Public Arts Study, the Arts Master Plan and the Downtown Revitalization Project. Mr. Miller stated the consultants have considered this Mural Project and that all future plans will be based on the Arts Master Plan.

Councilmember Pearson concurred that this project may be premature because the Public Arts Study has not been completed.

Vice Mayor Carlat stated she would like to see a more structured policy for guiding the use of the Percent for the Arts Capital Fund.

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

- a) Approve the recommendation of the Peoria Arts Commission to commission artist Emanuel Martinez to produce a mural to be located in Old Town Peoria; and
- b) Authorize the City Manager to execute an artist agreement in an amount not to exceed \$30,000 from the Peoria Arts Commission Percent for the Arts Capital Improvement Account (LCON19408).

Upon vote, the motion carried 4 to 3 with Councilmembers Pearson, Leone and Aames voting "no".

6R Contract Amendment, Achen-Gardner Engineering, LLC, Deer Valley Road Drainage and Roadway Improvement Project and 83rd Avenue and Deer Valley Road Intersection Project

Dan Nissen, Assistant City Engineer, provided an overview of the two projects between and at the intersection of 83rd Avenue and Deer Valley Road. The request is for a contract amendment in the amount of \$5,332,072.40 for the two projects, which are listed separately in the Capital Improvement Plan, but are so geographically close in proximity that the projects were designed to be built as one project. The construction documents will be completed in December, and Achen Gardner will commence the intersection widening project in January through March; thereafter, Achen Gardner will move to the west to complete the Deer Valley Road widening and drainage project.

Discussion ensued regarding traffic conditions surrounding the construction site and whether Maricopa County will be cost-sharing in the project.

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

- a) Approve Contract Amendment No. 1 in the amount of \$5,332,072.40 with Achen-Gardner Engineering, LLC adding the Guaranteed Maximum Price (GMP#1) proposal for the Deer Valley Road Drainage and Roadway Improvement Project and the 83rd Avenue and Deer Valley Road Intersection Project (LCON14108A);
- b) Authorize an expenditure in the not-to-exceed amount of \$258,736.11 for Owner's Contingency for unforeseen conditions;
- c) Approve a budget transfer in the amount of \$1,000,000 from the 83rd Avenue and Deer Valley Road Intersection Improvement Project General Obligation (GO) Bond Fund Street System Account to the Deer Valley Road Drainage and Roadway Project GO Bond Fund Storm Drain System Account; and
- d) Approve a budget transfer in the amount of \$400,640 within the Deer Valley Road Drainage and Roadway Project from the Land Acquisition Account to the Storm Drain System Account.

Upon vote, the motion passed 6 to 1, with Vice Mayor Carlat voting "no".

7R Contract Amendment, Ames Construction, Inc., Happy Valley Road Improvements, 83rd Avenue to 97th Avenue

Chris Kmetty, Senior Civil Engineer, provided an overview of the Happy Valley Road improvements between 83rd Avenue and 97th Avenue and the request for a contract amendment with Ames Construction, Inc.

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

- a) Approve Contract Amendment No 5, Guaranteed Maximum Price No. 4 (GMP #4) in an amount not to exceed \$20,847,532.91 with Ames Construction, Inc. for construction services associated with the construction of Happy Valley Road improvements between 83rd Avenue and 97th Avenue (LCON06407E);
- b) Authorize the use of reserves from the Wastewater Operating Fund and approve a budget transfer in the amount of \$594,299.07 from the Water Fund Contingency Account to the Happy Valley Road Sewer Project, Wastewater Fund, Wastewater System Account; and
- c) Authorize the use of reserves from the Water Operating Fund and approve a budget transfer in the amount of \$1,319,164.44 from the Water Fund Contingency Account to the Happy Valley Road 16-inch Waterline Project, Water Fund, Water System Account.

Upon vote, the motion carried unanimously.

8R Contract Amendment, Hunter Contracting Company, WestWing Neighborhood Park Improvements, WestWing Parkway and High Desert Drive

Jeff Sargent, Parks Project Administrator, provided an overview on the request for a contract amendment with Hunter Contracting Company for improvements to the WestWing Neighborhood Park. Mr. Sargent explained that this contract amendment includes the west retention basin as the primary entry into the park and focal point and development of the east basin as the turfed open-play area. The main access to the park off WestWing Boulevard will be connected with no median cuts. It will also include standard City park restrooms, picnic ramadas and two play areas. Path and trail connections will be provided throughout the park site from the west basin's outlying areas. Solar lighting will be incorporated into this project. The remainder of the construction will consist of final grading and the establishment of turf play areas. Paths and trail linkages will be included throughout the park site.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Evans to approve Contract Amendment No. 2 to the Construction Manager at Risk contract with Hunter Contracting Company for a Guaranteed Maximum Price (GMP) amount not to exceed \$1,257,536 for the construction of Phase One park improvements at WestWing Neighborhood Park, located at WestWing Parkway and High Desert Drive (LCON15108B).

Upon vote, the motion carried unanimously.

9R Contract Amendment, Hunter Contracting Company, Parking Facility Construction, Pinnacle Peak Public Safety Facility

Commander Doug Hildebrandt provided an overview of the contract amendment with Hunter Contracting Company for the expansion of parking for the Pinnacle Peak Public Safety Facility. Currently the facility has 65 parking spaces for the joint police and fire station. With the planned expansion of this facility, there will be 151 parking spaces. The expansion will include security cameras, which can be monitored from the facility at the main City campus. Additionally, fencing for the entire facility will add protection for City and employee vehicles.

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

- a) Approve Contract Amendment No. 1 with Hunter Contracting Company for a Guaranteed Maximum Price (GMP) in the amount of \$2,383,496 for construction of expanded, covered, parking facilities at the Pinnacle Peak Public Safety Facility and \$54,099 for construction administration (LCON00808A); and
- b) Authorize an expenditure of City-paid project related expenses in an amount up to \$148,130.

Upon vote, the motion carried unanimously.

10R Confirmation - City Manager Appointment of Fire Chief

Carl Swenson, City Manager, introduced Thomas Solberg as the new Fire Chief for the City of Peoria and provided background on Mr. Solberg's professional experience and qualifications.

Councilmember Leone stated that other City staff also had the qualifications for this position and that he objected to qualified City staff being bypassed for this position.

Motion was made by Councilmember Aames, seconded by Vice Mayor Carlat to confirm the City Manager appointment of Thomas E. Solberg as the new Fire Chief for the Fire Department, effective Monday, January 5, 2009.

Upon vote, the motion carried 6 to 1, Councilmember Leone voting "no".

Mr. Solberg addressed Council stating he is excited to be at the City of Peoria and he looks forward to working for a top-rated City and an outstanding Fire Department.

11R General Plan Amendment, Land Use Map, 99th Avenue and Northern Avenue

RESOLUTION NO. 08-146

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE LAND USE PLAN OF THE GENERAL PLAN; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

Clerk's Note: Items 11R and 12R were presented together.

Glen Van Nimwegen, Community Development Director, provided an overview of the General Plan amendment request; the request is for a minor amendment to change the land use from residential low to neighborhood commercial. The Planning and Zoning Commission considered this request on October 16th and recommended approval by a vote of 5-0.

Motion was made by Councilmember Aames, seconded by Councilmember Leone to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 08-146** amending the General Plan Land Use Map for a site encompassing approximately 13.33 gross acres located at the northwest corner of 99th Avenue and Northern Avenue from Residential/Low (2-5 du/ac, target 3.0 du/ac) to Neighborhood Commercial (GPA 07-16).

Upon vote, the motion carried unanimously.

12R Rezoning, 99th Avenue and Northern Avenue

ORDINANCE NO. 08-33

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING PROPERTY FROM AGRICULTURAL (AG) TO INTERMEDIATE COMMERCIAL (C-2) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

Clerk's Note: Items 11R and 12R were presented together.

Glen Van Nimwegen, Community Development Director, provided an overview of the rezoning request for 99th Avenue and Northern Avenue. The request was made by the applicant for a six-acre site for a neighborhood commercial shopping center. Mr. Van Nimwegen stated that concerns have been raised regarding traffic near 99th Avenue that will be addressed through street improvements during the site plan approval phase.

Motion was made by Councilmember Evans, seconded by Councilmember Aames to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 08-33** rezoning approximately 6.04 gross acres located north of the northwest corner of 99th Avenue and Northern Avenue from Agricultural (AG) to Intermediate Commercial (C-2) (Z 08-03).

Upon vote, the motion carried unanimously.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation
 - a. Arizona Public Service Line Siting Process Update

Steve Burg, Chief Assistant City Attorney, provided Council with an update on the APS Line Siting hearings. Mr. Burg stated that the evidentiary portion of the hearing will be completed on November 19th, and on December 1st, the Line Siting Committee will hear closing statements. Mr. Burg outlined the process and the schedule as it relates to choosing the routes for the APS lines.

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.)

a. **Peoria First Program Update**

Maria Laughner, Business Development Specialist, provided an overview of the Peoria First Program. The Peoria First Program is a shop-local program with the objective of building the community by promoting and supporting local businesses and raising sales tax revenues for Peoria.

Diana Bedient from the Peoria Chamber of Commerce provided information regarding how the Peoria First Program will be implemented. The Peoria Chamber of Commerce will distribute decals and information through events and businesses.

b. **Peoria Visitors Guide**

Carl Swenson, City Manager, informed Council that the City of Peoria has used grant funds from the Arizona Department of Tourism to develop a visitors' guide for the City.

Clerk's Note: A copy of the Peoria Visitors Guide was distributed to Council.

Reports from City Council:

Councilmember Leone reported on the various City of Peoria events he attended.

Councilmember Hunt reported she attended the ceremony to rededicate the Peoria Women's Club.

Vice Mayor Carlat wished a Happy Thanksgiving.

Reports from the Mayor:

Mayor Barrett stated the first Veteran's Day run-walk at Rio Vista on November 8th was a success and will be done on an annual basis.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:07 p.m.

Bob Barrett, Mayor

ATTEST:

Mary Jo Kief, 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 18th day of November, 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of January, 2009.

(Seal)

Mary Jo Kief, City Clerk