

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
January 6, 2009

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 7:03 p.m.

Following a moment of silence, Vice Mayor Carlat 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; Steve Kemp, City Attorney; Mary Jo Kief, City Clerk; Stephen Bontrager, J.P. de la Montaigne, Andy Granger, Bill Mattingly, Brent Mattingly, Grady Miller, Wynette Reed, John Schell, Jeff Tyne, Glen Van Nimwegen, James Mason, Dave Moody and Rhonda Simmons.

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.

SWEARING IN CEREMONY BY PRESIDING MUNICIPAL JUDGE GEORGE ANAGNOST

<i>Councilmembers:</i>	Ironwood District	Dave Pearson
	Mesquite District	Cathy Carlat
	Willow District	Joan Evans

Presiding Municipal Court Judge Anagnost administered the Oath of Office and swore in Vice Mayor Carlat, Councilmember Evans and Councilmember Pearson.

Vice Mayor Carlat thanked her family for their support and thanked the citizens of the Mesquite District for trusting her to represent them for a second term.

Councilmember Evans thanked the people of the Willow District and her family for supporting her.

Councilmember Pearson stated he is honored to represent the citizens of Peoria. Councilmember Pearson thanked his family for their support and contributions particularly while he campaigned for this election.

PRESENTATION:

1. Certificates of Appointment to the following Board members:

Mayor Barrett and Vice Mayor Carlat presented Certificates of Appointment to the following Board and Commission members:

The Honorable Joseph Welty appointed to the Judicial Selection Advisory Board;
Michael D. Bailey appointed to the Judicial Selection Advisory Board;
Cody M. Hall appointed to the Judicial Selection Advisory Board;
Kevin Kadlec appointed to the Judicial Selection Advisory Board; and
Tisha Tulle-Webber appointed to the Judicial Selection Advisory Board;

Clerk's Note: Honorable Joseph Welty, Michael D. Bailey, Cody M. Hall and Kevin Kadlec were not present to receive their certificates of appointment.

2. Presentation by State Compensation Fund Arizona in recognition of the City's outstanding contribution to safety achievement.

Mike Fusco, Safety and Emergency Officer, on behalf of the State Compensation Fund Arizona, congratulated the City for their contribution to safety and assuring workplace safety throughout the City by encouraging, supporting and recognizing various departments. Sandee Bencic and John King from the State Compensation Fund Arizona presented a dividend check in the amount of \$102,243 representing the recently earned dividend for 2008.

3. Recognition of Anna Maria Chavez, Governor's Office, Deputy Chief of Staff for Urban Relations and Community Development and advisor on Military Affairs, for her commitment and sensitivity to the needs of Peoria.

Mayor Barrett recognized Anna Maria Chavez for her work in the Governor's Office dealing with intergovernmental relations and working with all of the cities on behalf of the Governor. Ms. Chavez has supported the City of Peoria for years. Mayor Barrett thanked Ms. Chavez for her time and service and presented Ms. Chavez with a plaque from the City in appreciation of her hard work and dedication.

Ms. Chavez stated she has been with the Governor for over five years and leaving is a sad time for her. Ms. Chavez stated it has been her honor to work with the City of Peoria. Ms. Chavez acknowledged John Schell, Intergovernmental Affairs Director, for doing a tremendous job for the City.

CONSENT AGENDA

CONSENT AGENDA: All items listed with "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.

CONSENT – New Business:

Mayor Barrett asked if any Councilmember wished to have an item removed from the Consent Agenda.

Having no requests, motion was made by Councilmember Hunt, seconded by Councilmember Leone, to approve the Consent Agenda. Upon vote, the motion carried unanimously.

1C Minutes

Special Meeting - November 18, 2008
Regular Meeting - November 18, 2008
Special Meeting - November 25, 2008
Special Meeting - December 2, 2008
Regular Meeting - December 2, 2008

2C Appointments, Boards and Commissions

RESOLUTION 09-01

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPTING THE RESIGNATION OF SALVATORE LAPUMA AND APPOINTING LEONARD SPRAKER TO THE BOARD OF ADJUSTMENTS AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 09-02

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING RUSS CONWAY TO THE BOARD OF ADJUSTMENTS AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 09-03

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING ROY BADE TO THE BUILDING BOARD OF APPEALS AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 09-04

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING PHIL HANSON AND MARK HUGHES TO THE CITIZENS COMMISSION ON SALARIES FOR ELECTED CITY OFFICIALS AND ESTABLISHING THE TERMS OF OFFICE.

RESOLUTION 09-05

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING STEVE POE TO THE HISTORIC PRESERVATION COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 09-06

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPTING THE RESIGNATION OF MICHAEL CASSIDY AND APPOINTING LEONARD SPRAKER TO THE MUNICIPAL DEVELOPMENT AUTHORITY AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 09-07

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPTING THE RESIGNATION OF RONALD PROCUNIER AND APPOINTING SHAWN HUTCHINSON TO THE MUNICIPAL DEVELOPMENT AUTHORITY AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 09-08

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING VEDA MCFARLAND TO THE PLANNING AND ZONING COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 09-09

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING JAMES FLONACHER AND MARY MATHESON TO THE SISTER CITIES BOARD AND ESTABLISHING THE TERMS OF OFFICE.

RESOLUTION 09-10

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING DORIS GOSNEY TO THE VETERANS MEMORIAL BOARD AND ESTABLISHING THE TERM OF APPOINTMENT.

RESOLUTION 09-11

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPTING THE RESIGNATION OF SALVATORE LAPUMA AND APPOINTING MARK HUGHES TO THE VOLUNTEER FIREFIGHTER PENSION BOARD AND ESTABLISHING THE TERM OF OFFICE.

Approved the recommendations from the Council Subcommittee on Boards and Commissions Appointments pertaining to the following appointments and adopted **RES. 09-01** through **RES. 09-11** as presented.

Adopted **RES. 09-01** appointing Leonard Spraker, as a regular member, to the Board of Adjustments for a partial term to expire December 2010, filling the vacancy created by the resignation of Salvatore LaPuma;

Adopted **RES. 09-02** re-appointing Russ Conway, as a regular member, to the Board of Adjustments for a term to expire December 2012;

Adopted **RES. 09-03** re-appointing Roy Bade, as a regular member, to the Building Board of Appeals for a term to expire December 2012;

Adopted **RES. 09-04** re-appointing Phil Hanson and Mark Hughes, as regular members, to the Citizens Commission on Salaries for Elected City Officials for terms to expire December 2012;

Adopted **RES. 09-05** re-appointing Steve Poe, as a regular member, to the Historic Preservation Commission for a term to expire December 2012;

Adopted **RES. 09-06** appointing Leonard Spraker, as a regular member, to the Municipal Development Authority for a partial term to expire September 2009, filling the vacancy created by the resignation of Michael Cassidy;

Adopted **RES. 09-07** appointing Shawn Hutchinson, as a regular member, to the Municipal Development Authority for a partial term to expire September 2009; filling the vacancy created by the resignation of Ronald Proconier;

Adopted **RES. 09-08** re-appointing Veda McFarland, as a regular member, to the Planning and Zoning Commission for a term to expire December 2012;

Adopted **RES. 09-09** re-appointing James Flonacher and Mary Matheson, as regular members, to the Sister Cities Board for terms to expire December 2012;

Adopted **RES. 09-10** re-appointing Doris Gosney, as a regular member, to the Veterans Memorial Board for a term to expire December 2012; and

Adopted **RES. 09-11** appointing Mark Hughes, as a regular member, to the Volunteer Firefighter Pension Board for a partial term to expire June 2011; filling the vacancy created by the resignation of Salvatore LaPuma.

3C Code Amendment, Chapter 2, City Council Meeting Schedule

ORDINANCE NO. 09-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 2-16 PERTAINING TO CITY COUNCIL MEETING SCHEDULE AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 09-01** amending Chapter 2 of the Peoria City Code (1992 Edition) by amending Section 2-16 pertaining to City Council; meeting schedule.

4C City Council Meeting Schedule of Regular Meetings for the 2009 Calendar Year

RESOLUTION 09-12

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ADOPTING THE PROPOSED CITY COUNCIL MEETING SCHEDULE OF REGULAR MEETINGS FOR THE CALENDAR YEAR 2009 AS ESTABLISHED AND REQUIRED BY A VOTER APPROVED CHARTER AMENDMENT AT THE CITY OF PEORIA PRIMARY ELECTION HELD ON SEPTEMBER 2, 2008.

Adopted **RES. 09-12** approving a City Council meeting schedule of regular meetings for the 2009 calendar year.

5C Property Acquisition, Union Hills Drive, Loop 101 and Union Hills Drive Interchange Improvements

RESOLUTION NO. 09-13

A RESOLUTION OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DECLARING A PUBLIC NEED AND NECESSITY AND A PUBLIC USE; AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO ACQUIRE ON BEHALF OF THE CITY OF PEORIA THROUGH DONATION, OUTRIGHT PURCHASE OR UNDER THE POWER OF EMINENT DOMAIN FOR PUBLIC PURPOSES OF ALL INTEREST IN CERTAIN DESCRIBED REAL PROPERTY IN THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, IN ORDER FOR THE CITY TO PROPERLY AND ADEQUATELY IMPROVE AND DEVELOP UNION HILLS DRIVE AT THE TRAFFIC INTERCHANGE WITH THE LOOP 101 FREEWAY AS A MATTER OF PUBLIC NEED AND NECESSITY; REFERENCING TITLE 12 OF STATE LAW CONCERNING THE EXERCISE OF EMINENT DOMAIN FOR PUBLIC ROADS, STREETS, AND PUBLIC SAFETY PURPOSES; STATING THE CONCLUSION OF THE COMMUNITY DEVELOPMENT DEPARTMENT THAT THE ACQUISITION IS IN CONFORMITY WITH THE ADOPTED GENERAL PLAN; AS A MATTER OF PUBLIC NEED AND NECESSITY AND DECLARING AN EMERGENCY.

- (a) Adopted **RES. 09-13** authorizing the acquisition of property on Union Hills Drive to accommodate traffic interchange improvements at the Loop 101 and Union Hills Drive by donation, outright purchase, or the exercise of the power of eminent domain (LCON00109); and
- (b) Authorized a budget transfer within the project in the amount of \$300,000 from the HELP Loan Project Construction Account to the Project Land Account.

6C Contract, Pulice Construction, Inc., Westbrook Village Storm Drain and Waterline Improvements, 91st Avenue, Union Hills Drive to Beardsley Road and Beardsley Road, 87th Avenue to 95th Avenue

Awarded a pre-construction contract in the lump sum amount of \$136,951 to Pulice Construction, Inc., for the construction of Westbrook Village storm drain improvements and 24-inch waterlines along 91st Avenue from Union Hills Drive to Beardsley Road and Beardsley Road from 87th Avenue to 95th Avenue (LCON00309).

7C Contract, Sundt Construction, Emergency Lighting and Guardrail Modifications, Butler Drive Water Reclamation Facility and Influent Pump Station

- (a) Approved a direct select construction contract for an amount not-to-exceed \$61,063 with Sundt Construction to comply with safety-related code concerns at the Butler Drive Water Reclamation Facility and Influent Pump Station (LCON00509); and
- (b) Authorized additional expenditure authority in an amount up to \$60,000 for possible modifications related to the Butler WRF aeration blower system.

8C Fiscal Year 2009 Budget Adjustments

Approved adjustments to the Fiscal Year 2009 Operating Budget.

9C Irrigation Easement, Salt River Project Agricultural Improvement and Power District, Mountain Road

RESOLUTION NO. 09-14

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF AN EASEMENT TO THE SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT FOR IRRIGATION FACILITIES.

Adopted **RES. 09-14** authorizing the City Manager to execute an irrigation easement to Salt River Project Agricultural Improvement and Power District (SRP) for an irrigation structure to be relocated from 83rd Avenue to Mountain View Road right-of-way to accommodate the new Cotton Crossing and 83rd Avenue alignment for the Peoria Place development.

10C Irrigation Easement, Salt River Project Agricultural Improvement and Power District, 83rd Avenue and Olive Avenue

RESOLUTION NO. 09-15

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF AN EASEMENT TO THE SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT FOR IRRIGATION FACILITIES.

Adopted **RES. 09-15** authorizing the City Manager to execute an irrigation easement to Salt River Project Agricultural Improvement and Power District (SRP) for an underground irrigation pipe to be reconstructed as part of the improvements for the Empire at 83rd project located at the southeast corner of 83rd Avenue and Olive Avenue.

11C Final Plat, 75th Avenue Business Park, 75th Avenue and Butler Drive Alignment

Approved the Final Plat for 75th Avenue Business Park, located on the east side of 75th Avenue, north of the Butler Drive alignment, subject to stipulations (R080079).

12C Final Plat, 83rd and Olive Promenade, 83rd Avenue and Olive Avenue

Approved the Final Plat for 83rd Avenue and Olive Promenade, located at the southeast corner of 83rd Avenue and Olive Avenue, subject to stipulations (R080014).

13C Neighborhood Traffic Management Program Goals, Objectives and Policies Update

Adopted a minor revision to the Neighborhood Traffic Management Program Goals, Objectives and Policies.

REGULAR AGENDA

NEW BUSINESS

14R Election of Vice Mayor

Motion was made by Councilmember Aames, seconded by Vice Mayor Carlat, that the

term of office for Vice Mayor be one year. Upon vote, the motion carried unanimously. Vice Mayor Carlat nominated Councilmember Evans to the position of Vice Mayor.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Hunt, to select Councilmember Evans to serve as Vice Mayor for a one-year term.

Upon vote, the motion carried 6 to 1 by acclamation to accept, with Councilmember Leone voting "no".

15R Election of Mayor Pro Tem

Mayor Barrett announced that the Mayor Pro Tem serves during the absence of both the Mayor and Vice Mayor and serves until the Mayor or Vice Mayor returns to the City of Peoria.

Motion was made by Councilmember Aames, seconded by Councilmember Evans, that the term of office for Mayor Pro Tem be one year. Upon vote, the motion carried unanimously.

Councilmember Evans nominated Councilmember Aames to the position of Mayor Pro Tem to serve during the absence of both the Mayor and Vice Mayor.

Motion was made by Councilmember Evans, seconded by Councilmember Hunt, to select Councilmember Aames to serve as Vice Mayor for a one-year term.

Upon vote, the motion carried unanimously by acclamation to accept.

Mayor Barrett declared a short recess at 7:25 p.m. in order for staff to set up the room for the change of Council seats. The meeting reconvened at 7:29 p.m.

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

16R Contract, PB Americas, Inc. Data Development, Lake Pleasant Parkway and Loop 303

Dave Moody, Transportation Director, addressed Council regarding a request for a professional services contract with PB Americas, Inc. in order to obtain detailed data required for the development of a land use plan in the area of Lake Pleasant Parkway and the Loop 303. Mr. Moody stated that staff is recommending that the Council award a professional services contract to PB Americas for the amount of \$229,070. The study area is from the cap to the north, Westwing Parkway, Dynamite to the south, the Agua Fria to the west and the New River to the east. The study area will encompass surveying topographic issues and archeological issues.

Motion was made by Councilmember Carlat, seconded by Councilmember Hunt, to award a professional services contract in an amount not to exceed \$229,070 to PB Americas, Inc. for detailed data required for the development of a land use plan in the area of Lake Pleasant Parkway and the Loop 303 (LCON00209).

Upon vote, the motion carried unanimously.

17R Emergency Operations Plan Update

Larry Rooney, Deputy Fire Chief, provided a brief overview of the revisions to the Emergency Operations Plan. Additions to the plan include definitions, authorities and references that are required. This plan has been reviewed and approved by the Department of Emergency Management. The plan also includes clarification regarding what the Emergency Manager's function and role is. An Emergency Management Committee has been developed and that committee meets monthly where directors and managers participate and address the areas that need to be kept current. An Emergency Management Alert Group has also been established in order to keep people informed. Deputy Chief Rooney informed that this plan will be reviewed and updated every three years.

Motion was made by Vice Mayor Evans, seconded by Councilmember Aames, to approve revisions to the City of Peoria Emergency Operations Plan. 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. Happy Valley Road Grand Opening

Carl Swenson introduced Chris Kmetty, Senior Civil Engineer, and Maria Laughner, Business Development Specialist, who showed a video presentation of the recent opening of Happy Valley Road.

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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. Upcoming Events at Peoria Sports Complex

Carl Swenson, City Manager, reminded that baseball season is upon us and Spring Training tickets go on sale starting January 10, from 9 a.m. to 6 p.m. at the stadium box office. Registration to audition will also be held at this time for those who wish to sing the National Anthem.

Reports from City Council:

Councilmember Leone reported on the various City of Peoria events he attended. Councilmember Leone expressed appreciation for the sidewalks placed on Olive Avenue and the passing lane placed on 103rd Avenue.

Councilmember Hunt thanked all staff involved in the Shop with a Copy charity event. Councilmember Hunt stated that she held her first Tuesday meeting. The Tuesday meetings are being held on a trial basis in response to suggestions during the most recent campaign experience that communications needed to be increased. One of the women in attendance at the Tuesday meeting was present to thank Cindy Layton for her job working on cleaning the alleys and her finesse and kindness in working with the people who needed help with the downtown, one of the few areas in the City that has alleys. Councilmember Hunt expressed her appreciation to citizens who attend her Tuesday meeting. Six people came between 8:00 a.m. and 10:00 a.m. to share concerns or ask questions.

Councilmember Aames wished everyone a Happy New Year.

Councilmember Carlat congratulated Vice Mayor Evans and Mayor Pro Tem Aames for selection to serve as Vice Mayor and Mayor Pro Tem.

Vice Mayor Evans thanked the citizens for reelecting her and thanked her peers on the Council for selecting her as their Vice Mayor.

Reports from the Mayor:

Mayor Barrett informed that the Census is seeking to employ individuals to conduct the 2010 Census. Mayor Barrett encouraged citizens to view the Study Session held previously to learn more about how the City is handling their finances during the economic struggle.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:59 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 6th day of January, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of February, 2009.

(Seal)

Mary Jo Kief, City Clerk