

**MINUTES OF THE PEORIA CITY COUNCIL**  
**CITY OF PEORIA, ARIZONA**  
**COUNCIL CHAMBER**  
January 20, 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 7:01 p.m.

Following a moment of silence, Councilmember Aames led the Pledge of Allegiance.

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

**Members Absent:** None

**Other Municipal Officials Present:** Carl Swenson, City Manager; Susan Thorpe, Deputy City Manager; John F. Wenderski, Deputy City Manager; Steve Kemp, City Attorney; Mary Jo Kief, City Clerk; Honorable George Anagnost, Presiding Judge; Stephen Bontrager, J.P. de la Montaigne, Andy Granger, Bill Mattingly, Brent Mattingly, Grady Miller, Steve Prokopek, Larry Ratcliff, Thomas Solberg, Jeff Tyne, Glen Van Nimwegen, James Mason, and Rhonda Simmons.

**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:**

1. Recognition of Councilmember Cathy Carlat as outgoing Vice Mayor.

Mayor Barrett presented Councilmember Carlat with a plaque and flowers in recognition of her service as Vice Mayor.

2. Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the January 6, 2009 City Council meeting:

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

Phil Hanson re-appointed to the Citizens Commission on Salaries for Elected City Officials; Shawn Hutchinson appointed to the Municipal Development Authority; and Veda McFarland re-appointed to the Planning and Zoning Commission;

Clerk's Note: Leonard Spraker, Mark Hughes, Russ Conway, Roy Bade, Steve Poe, Mary Matheson, Doris Gosney, Mark Hughes and James Flonacher were not present to receive their Certificates of Appointment.

## **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.

Councilmember Pearson requested that Agenda Items 4C, 8C, 9C, 10C, 11C, 12C, 13C and 14C be removed for separate discussion.

Motion was made by Councilmember Leone, seconded by Councilmember Hunt, to approve the Consent Agenda with the exception of Agenda Items 4C, 8C, 9C, 10C, 11C, 12C, 13C and 14C. Upon vote, the motion carried unanimously.

### **1C Minutes**

Study Session - December 16, 2008  
Regular Meeting - December 16, 2008

### **2C Code Amendment, Chapter 10, Library Board, Positions and Meeting Schedule**

#### **ORDINANCE NO. 09-02**

AN ORDINANCE OF THE CITY OF PEORIA, MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AMENDING CHAPTER 10 ENTITLED "LIBRARY" OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 10-18 LIBRARY BOARD OFFICERS AND SECTION 10-19 LIBRARY BOARD MEETINGS AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 09-02** amending Chapter 10 of the Peoria City Code (1992 Edition) removing positions from the Library Board and changing the regular meeting schedule for the Library Board.

**3C 2009 City Council Study Session Meeting Schedule**

RESOLUTION 09-20

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ADOPTING THE PROPOSED CITY COUNCIL MEETING SCHEDULE OF STUDY SESSION MEETINGS FOR THE CALENDAR YEAR 2009 AS ESTABLISHED AND REQUIRED BY SECTION 2-16 OF THE PEORIA CITY CODE.

Adopted **RES. 09-20** approving a City Council meeting schedule of study sessions for the 2009 calendar year.

**4C Water Conservation Program**

**Clerk's Note: This item was heard separately at the end of the Consent Agenda.**

At the request of Councilmember Pearson, this item was pulled from the Consent Agenda for discussion.

Rhonda Humbles, Water Conservation Coordinator, provided a presentation to Council regarding the recommended changes to the Water Conservation Program and the requirements for participating in the Conversion Rebate Program.

Motion was made by Councilmember Pearson, seconded by Councilmember Hunt, to approve recommended changes to the Water Conservation Program. Upon vote, the motion carried unanimously.

**5C Grant, Arizona State Library, Archives and Public Records, Workforce Development Program**

Approved a grant application in the amount of \$15,000 for a Library Services and Technology Act (LSTA) grant administered by the Arizona State Library, Archives and Public Records Agency to purchase materials for a Workforce Development Program (LCON00809).

**6C Grant, USA Football, National Recreation and Park Association**

- (a) Accepted a grant in the amount of \$3,000 from USA Football in partnership with the National Recreation and Park Association (NRPA) to support program expenses for the Youth Flag Football Program; and
- (b) Authorized a budget transfer in the amount of \$3,000 from the Proposed Grants Fund Contingency Account to the Community Services Department Sports Division, Recreation Programs Account (LCON00909).

**7C Intergovernmental Agreement, City of Glendale, Cooperative Law Enforcement and Security Services, Arizona Sports and Tourism Authority Stadium**

Approved an intergovernmental agreement with the City of Glendale for cooperative law enforcement and security services at the Arizona Sports and Tourism Authority Stadium (AZSTAS) (LCON00409).

**8C Intergovernmental Agreement, Arizona State University Decision Theater, Central Peoria Revitalization Plan, Sports Complex Urban Design Study and Loop 303 Corridor Study**

**Clerk's Note: This item was heard separately at the end of the Consent Agenda.**

At the request of Councilmember Pearson, this item was pulled from the Consent Agenda for discussion.

Glen Van Nimwegen, Community Development Director, provided an overview of the request to execute the final intergovernmental agreement for the Arizona State University Decision Theater.

Councilmember Pearson inquired as to whether the funding for the Decision Theater for the Downtown Redevelopment Program should come out of one-time funding as opposed to the City's operations budget.

Jeff Tyne, Budget Director, stated that consideration was given to the fact that the Sports Complex Urban Design Study and the Loop 303 Corridor Study are being supported through the General Fund. Further, in looking at the City's one-time fund balance analysis, it appeared the General Fund would be an appropriate funding source for the Decision Theater for the downtown Redevelopment Program at this time.

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

- (a) Authorize the City Manager to execute the final intergovernmental agreement with the Arizona State University (ASU) Decision Theater for the visual modeling and contextualizing of the preferred alternatives for Central Peoria Revitalization Plan, Sports Complex Urban Design Study and the Loop 303 Corridor Study (LCON01009);
- (b) Authorize the use of General Fund Reserves; and
- (c) Approve a budget transfer in the amount of \$30,000 from the General Fund Contingency Account to the Planning Other Professional Services Account for the Central Peoria Revitalization Plan.

Upon vote, the motion carried unanimously.

**9C Contract, PB Americas, Inc., Lake Pleasant Parkway Design Concept Report, Westwing Parkway to State Route 74**

**Clerk's Note: This item was heard separately at the end of the Consent Agenda.**

At the request of Councilmember Pearson, this item was pulled from the Consent Agenda for discussion.

Andy Granger, City Engineer, provided an overview of the request to award a design contract in the amount of \$1,346,003 to PB Americas, Inc. for the Lake Pleasant Parkway Design Concept Report Update from Westwing Parkway to State Route 74. Chris Kmetty, Senior Civil Engineer, provided a presentation of the project, which will study three alternatives and provide a recommendation for the best alternative. Mr. Granger provided a tentative schedule of the project.

Motion was made by Councilmember Pearson, seconded by Vice Mayor Evans, to award a design contract in the Guaranteed Maximum Price (GMP) amount of \$1,346,003 to PB Americas, Inc. for the Lake Pleasant Parkway Design Concept Report (DCR) Update from Westwing Parkway to State Route 74 (LCON00609). Upon vote, the motion carried unanimously.

**10C Contract Amendment, HDR Engineering, Cotton Crossing Pressure Reducing Valve Station, Grand Avenue and Cotton Crossing Road**

**Clerk's Note: This item was heard separately at the end of the Consent Agenda.**

At the request of Councilmember Pearson, this item was pulled from the Consent Agenda for discussion.

Shawn Kreuzwiesner, Engineering Manager, provided an overview of the request to approve a contract amendment with HDR Engineering for additional design and post construction phase services on the Cotton Crossing Pressure Reducing Valve station.

Motion was made by Councilmember Pearson, seconded by Councilmember Hunt, to approve Contract Amendment No. 1 in an amount not to exceed \$9,042 with HDR Engineering for additional design and post construction phase services on the Cotton Crossing Pressure Reducing Valve station located at the intersection of Grand Avenue and Cotton Crossing Road (ACON45807A). Upon vote, the motion carried unanimously.

**11C Contract Amendment, A DYE Design, Osuna Park Renovation**

**Clerk's Note: This item was heard separately at the end of the Consent Agenda.**

At the request of Councilmember Pearson, this item was pulled from the Consent Agenda for discussion.

Jeff Sargent, Park Projects Administrator, provided an overview of the request for a contract amendment with A DYE Design for an update to the conceptual master plan and for construction documents for the remaining phases of the Osuna Park renovation. Mr. Sargent stated the contract amendment is for Osuna Park renovations that will provide an event space for the theater and encompasses the west end of the current park site.

Motion was made by Councilmember Hunt, seconded by Councilmember Carlat, to approve Contract Amendment No. 2 for an amount not to exceed \$99,264.68 to A DYE Design for an update to the conceptual master plan and to provide construction documents for the remaining phases of the Osuna Park renovation (LCON02006B). Upon vote, the motion carried 6 to 1, Councilmember Aames voting "no".

**12C Contract Amendment, Premier Engineering, 83rd Avenue and Deer Valley Road Intersection Project**

**Clerk's Note: Agenda Items 12C and 13C were heard together at the end of the Consent Agenda.**

At the request of Councilmember Pearson, this item was pulled from the Consent Agenda for discussion.

Councilmember Pearson inquired about the revisions to the contracts and whether the City can better project the final contract amounts in order to avoid frequent contract amendments. Andy Granger, City Engineer, responded to Councilmember Pearson's inquiries explaining the design contract process. Mr. Granger stated that, in the future, Council will be notified in the original contracts that the project will come back for future contract amendments for final design services and post-construction design services.

Motion was made by Councilmember Pearson, seconded by Councilmember Aames, to approve Contract Amendment No. 4 in the not-to-exceed amount of \$40,916 with Premier Engineering for post-design services for the 83rd Avenue and Deer Valley Road Intersection Project (LCON06107D). Upon vote, the motion carried unanimously.

**13C Contract Amendment, Premier Engineering, Deer Valley Road Street and Drainage Improvement Project**

**Clerk's Note: Agenda Items 12C and 13C were heard together at the end of the Consent Agenda.**

At the request of Councilmember Pearson, this item was pulled from the Consent Agenda for discussion.

Motion was made by Vice Mayor Evans, seconded by Councilmember Pearson, to approve Contract Amendment No. 4 in the not-to-exceed amount of \$68,932 with Premier Engineering for post-design services for the Deer Valley Road Streets and Drainage Improvement Project (LCON01406D). Upon vote, the motion carried unanimously.

**14C Contract Amendment, Wood Patel and Associates, Construction Survey, 107th Avenue and Rose Garden Lane Drainage Improvements**

**Clerk's Note:** This item was heard separately at the end of the Consent Agenda.

At the request of Councilmember Pearson, this item was pulled from the Consent Agenda for discussion.

Councilmember Pearson stated he does not need a presentation on this item as his question for this item relates to the questions that were raised during the discussion on items 12C and 13C.

Motion was made by Councilmember Pearson, seconded by Councilmember Carlat, to approve Contract Amendment No. 9 in the not-to-exceed amount of \$18,399 with Wood, Patel and Associates for additional construction survey services associated with the Rose Garden Lane Drainage Improvement Project (LCON06804I). Upon vote, the motion carried unanimously.

**15C Deeds and Easements, Various Locations**

RESOLUTION NO. 09-16

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. 09-16** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

**16C Designate Roadways, Establish Rights-of-Way, Various Locations**

RESOLUTION NO. 09-17

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. 09-17** 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 public streets.

**17C Utility and Temporary Access Easement, New Cingular Wireless, Quintero Golf Course**

RESOLUTION NO. 09 -18

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A UTILITY EASEMENT AND TEMPORARY ACCESS EASEMENT AGREEMENT TO NEW CINGULAR WIRELESS.

Adopted **RES. 09-18** authorizing the City Manager to execute a Utility Easement and Temporary Access Easement Agreement to New Cingular Wireless for the installation of utilities through City-owned property to an adjacent wireless site located on the Quintero Golf Course (LCON00709).

**18C Final Plat, Tramonto Bello, 75th Avenue and Thunderbird Road**

Approved the Final Plat for Tramonto Bello, located on the east side of 75th Avenue, north of Thunderbird Road, subject to stipulations (Project R080046).

**19C Replat, Mendenhall Manor Lot 10 Amended, 83rd Avenue and Cactus Road**

Approved Mendenhall Manor Lot 10 Amended, a re-plat of Lots 10, 11 and 12 of Mendenhall Manor, located on the east side of 83rd Avenue, south of Cactus Road, subject to stipulations (Project R080083).

## REGULAR AGENDA

### NEW BUSINESS

**20R Contract Amendment, Layton Construction Company, Municipal Court Expansion**

Bill Mattingly, Public Works Director, provided background information about the Municipal Court Expansion project and introduced Ed Striffler, Design and Construction Manager. Mr. Striffler provided details regarding the contract amendment with Layton Construction Company regarding the construction of the Municipal Court Expansion and the schedule related to that project.

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

- (a) Approve Contract Amendment No. 1 for a Guaranteed Maximum Price (GMP) of \$8,400,000 with Layton Construction Company for construction of the Municipal Court expansion;

- (b) \$145,460 for construction administration (LCON00708A); and
- (c) Authorize an expenditure of City-paid project related expenses in an amount up to \$1,134,349.

Upon vote, the motion carried unanimously.

**21R Sale of City of Peoria, Arizona, General Obligation Bonds**

RESOLUTION NO. 09-19

RESOLUTION ORDERING THE SALE OF CITY OF PEORIA, ARIZONA GENERAL OBLIGATION BONDS (PROJECTS OF 2000 AND 2005), SERIES A (2009), IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$70,000,000, FIXING THE DATE AND HOUR OF SALE OF SUCH BONDS, DELEGATING TO THE CHIEF FINANCIAL OFFICER OF THE CITY AUTHORITY TO FINALIZE MATTERS IN THE NOTICE OF SALE OF SUCH BONDS AND AUTHORIZING THE PREPARATION, USE AND DISTRIBUTION OF AN OFFICIAL STATEMENT RELATING TO SUCH BONDS.

Brent Mattingly, Chief Financial Officer, stated Resolution 09-19 orders the sale of \$68.4 million of General Obligation Bonds, provides authority to the Chief Financial Officer to finalize all matters regarding the Notice of Sale for those bonds, and it authorizes the finalization and distribution of all of the required bond documents and the Preliminary Offering Official Statement.

The projects that would be financed from the sale of these bonds include \$47 million in street projects, \$14 million in storm drain projects, a portion of the Municipal Court Expansion, and approximately \$1 million for park and trail projects.

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

- (a) Adopt **RES. 09-19** ordering the sale of General Obligation Bonds, (Projects of 2000 and 2005), Series A (2009) in the total aggregate principal amount not to exceed \$70,000,000;
- (b) Fixing the date and hour of sale of such bonds;
- (c) Delegating to the Chief Financial Officer of the City authority to finalize matters in the Notice of Sale of such bonds; and
- (d) Authorizing the preparation, use and distribution of an Official Statement relating to such bonds.

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. Peoria First Update

Steve Prokopek, Economic Development Director, and Grady Miller, Communications and Public Affairs Director, presented on the status of the Peoria First Shopping Program, the City's program to encourage citizens to spend their dollars in the City of Peoria. Mr. Prokopek stated the City is focusing efforts on educating citizens about the importance of sales tax and what it does in providing services to the general public. Mr. Miller introduced a Public Service Announcement that has been prepared and will be shown on Channel 11.

**Reports from City Council:**

Councilmember Leone reported on the various City of Peoria activities he attended and encouraged residents to go to the Farmer's Market at Park West which is held every third Saturday of the month.

Councilmember Hunt reported on the various City of Peoria activities she attended. Councilmember Hunt praised Emanuel Martinez's work on the mural he is painting in Oldtown Peoria.

Councilmember Aames reported on the various City of Peoria activities he attended. Councilmember Aames stated he attended the Cardinals Championship game and was excited to see them go to the Super Bowl.

**Reports from the Mayor:**

Mayor Barrett stated he gave the State of the City speech at the Chamber lunch, which gave him an opportunity to plug the Peoria First Program. Mayor Barrett reminded that residents should spend their money in Peoria because when they do, it is used to enhance City services. Mayor Barrett stated the Relay for Life Volunteer Kickoff will be held at the Rio Vista Community Recreation Center on January 29th. Mayor Barrett encouraged participation in order to help fight cancer.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 8:43 p.m.

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Bob Barrett, Mayor

ATTEST:

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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 20th 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)

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Mary Jo Kief, City Clerk