

MINUTES OF PEORIA CITY COUNCIL
Regular City Council Meeting Minutes
COUNCIL CHAMBER
May 19, 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 7:00 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 Daluddung, Deputy City Manager; Susan Thorpe, Deputy City Manager; John F. Wenderski, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Simmons, Acting City Clerk, Stephen Bontrager, Andy Granger, Bill Mattingly, Grady Miller, Larry Ratcliff, Jeff Tyne, Glen Van Nimwegen, Claudia Luján and Linda Blas.

Audience: Approximately 20 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. Bill Weigt's "America's Most Wanted All Star" award.

Mayor Barrett and Larry Ratcliff, Police Chief, presented a proclamation to Investigator Bill Weigt recognizing Investigator Weigt for being honored by the television show "America's Most Wanted All Star". Investigator Weigt was paralyzed during a 2005 incident following a drug-related shooting and now works as a Police Investigator in the Criminal Investigations Section.

Investigator Weigt thanked Chief Ratcliff and the Mayor and Council for the opportunities they provided to him after the incident.

2. Donation from Southwest Ambulance for swimming lessons.

Representatives from Southwest Ambulance presented a \$5,000 donation to the "Learn to Swim" program for Peoria children. Mayor Barrett accepted the donation on behalf of the City of Peoria. The donation will cover registration fees for City of Peoria youth in beginning swim lessons, which includes Pre-School and Level 1, at the Peoria Pool.

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

Wayne Baxter appointed to the Arts Commission; and
Joseph Hull reappointed to the Economic Development Advisory Board; and
Shelley Bade appointed to the Economic Development Advisory Board and reappointed to the Industrial Development Authority; and
Jay Cross appointed to the Economic Development Advisory Board; and
Caron Holmes-Sada reappointed to the Industrial Development Authority; and
Ryan Mercer appointed to the Industrial Development Authority; and
Barry Spiegel reappointed to the Library Board; and
Jon Sears reappointed to the Parks and Recreation Board; and
William Collett reappointed to the Parks and Recreation Board; and
Mark Hughes reappointed to the Personnel Board; and
Rebecca Potter reappointed to the Public Defender Contract Review Committee; and
David Block reappointed to the Public Safety Retirement Boards – Fire & Police; and
Anthony Tosca reappointed to the Volunteer Firefighter Pension Board; and
Shelby Park reappointed to the Youth Advisory Board; and
Amy Andelin reappointed to the Youth Advisory Board; and
Maggie Matheson reappointed to the Youth Advisory Board; and
Kelly Shea Jasper reappointed to the Youth Advisory Board; and
Tana Hatfield reappointed to the Youth Advisory Board; and
Jared Hummel reappointed to the Youth Advisory Board; and
Victoria Johnson appointed to the Youth Advisory Board; and
Ramon Mendoza appointed to the Youth Advisory Board; and
Anthony Silva appointed to the Youth Advisory Board.

Clerk's Note: Wayne Baxter, Jay Cross, Caron Holmes-Sada, Ryan Mercer, Barry Spiegel, Jon Sears, William Collett, Mark Hughes, Rebecca Potter, David Block, Shelby Park, Amy Andelin, Maggie Matheson, Kelly Shea Jasper, Tana Hatfield and Jared Hummel were not present to receive their certificates.

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.

CONSENT AGENDA

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

Councilmember Hunt requested that Agenda Item 3C be removed for separate discussion.

Motion was made by Councilmember Hunt, seconded by Councilmember Leone, to approve the Consent Agenda with the exception of Agenda Item 3C. Upon vote, the motion carried unanimously 7 to 0.

1C Void

2C Contract, Pinnacle Risk Management Services, Worker's Compensation Claims

Awarded a contract to Pinnacle Risk Management Services as Third Party Administrator for Workers' Compensation claims (LCON04209).

3C Property Acquisition, 84th Avenue; Peoria Avenue and Madison Street, 84th Avenue Streetscape Improvements

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

RESOLUTION NO. 09-67

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 84TH AVENUE BETWEEN PEORIA AVENUE AND MADISON STREET 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.

At the request of Councilmember Hunt, Agenda Item 3C was pulled from the Consent Agenda in order to allow Andy Granger, Engineering Director, to provide an explanation of the project. Mr. Granger explained the need for temporary construction easements on 84th Avenue, which will allow streetscape improvements to be constructed between Peoria Avenue and Monroe Street.

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

- (a) Adopt **RES. 09-67** authorizing the acquisition of Temporary Construction Easements (TCE's) on 84th Avenue to accommodate the streetscape improvements to be constructed between Peoria Avenue and Monroe Street by donation, outright purchase, or the exercise of the power of eminent domain; and
- (b) Authorize a budget transfer within the project in the amount of \$10,000 from the Project Construction Account to the Project Land Account.

Upon vote, the motion carried unanimously 7 to 0.

4C Grant Application, Maricopa Association of Governments, Path Construction, New River; Northern Avenue and Olive Avenue

RESOLUTION NO. 09-65

RESOLUTION OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPROVING THE APPLICATION FOR TRANSPORTATION ENHANCEMENT FUNDS FOR CONSTRUCTION AND LANDSCAPING OF THE NEW RIVER PATH BETWEEN NORTHERN AVENUE AND OLIVE AVENUE.

Adopted **RES. 09-65** authorizing an application for a Transportation Enhancement Grant to Maricopa Association of Governments (MAG) for construction of approximately one mile of path along New River between Northern Avenue and Olive Avenue (LCON04109).

5C Grant, Governor's Office of Highway Safety, Occupant Protection Enforcement Program

RESOLUTION 09-66

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE ACCEPTANCE OF A \$10,000 OCCUPANT PROTECTION ENFORCEMENT PROGRAM, A GRANT FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY, FOCUSING ON OVERTIME TO ENFORCE OCCUPANT RESTRAINT VIOLATIONS, IN THE CITY OF PEORIA.

- (a) Adopted **RES. 09-66** authorizing the City of Peoria Police Department to accept \$10,000 from the Governor's Office of Highway Safety for participation in the Occupant Protection Enforcement Program (LCON03809); and
- (b) Approved a budget amendment of \$10,000 from the Proposed Grants Contingency Account to the Occupant Protection Enforcement Program Grant, Overtime Account to establish the appropriation to expend the funds.

6C Intergovernmental Agreement, State of Arizona, New Traffic Signal, State Route 74 and Lake Pleasant Parkway

RESOLUTION NO. 09-68

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A TRAFFIC SIGNAL AT STATE ROUTE 74 AND LAKE PLEASANT PARKWAY.

Adopted **RES. 09-68** approving an Intergovernmental Agreement with the State of Arizona for the construction, operation and maintenance of a new traffic signal at State Route 74 and Lake Pleasant Parkway (LCON03609).

7C Intergovernmental Agreement Amendment, Maricopa County Library District, Reciprocal Borrowing Program

Approved the Third Amendment to the Intergovernmental Agreement with the Maricopa County Library District for the Reciprocal Borrowing Program, effective July 1, 2009 – June 30, 2010 (LCON09101C).

8C Contract, FNF Construction, Pre-Construction Services, 83rd Avenue Widening; Williams Road to Calle Lejos

- (a) Awarded a Construction Manager at Risk contract in the not-to-exceed amount of \$47,800 to FNF Construction for pre-construction services for roadway and drainage improvements for the construction of 83rd Avenue Widening; Williams Road to Calle Lejos (LCON03709); and
- (b) Authorized an expenditure for contingencies in the not-to-exceed amount of \$5,000 for additional owner related items.

9C Contract Amendment, ITS Engineers and Constructors of Utah, Inc., High-Intensity Activated Walk (HAWK) Pedestrian Beacon Installation, 91st Avenue and Tumblewood Drive

Approved Contract Amendment No. 1 in the amount of \$250,817 to ITS Engineers and Constructors of Utah, Inc. for the construction of the HAWK beacon at 91st Avenue and Tumblewood Drive (ACON68808A).

10C Contract Amendment, Brooks Strand Associates, Construction Services, 91st Avenue and Beardsley Road Waterlines

Approved Contract Amendment No. 4 in the not-to-exceed amount of \$119,259 to Brooks Strand Associates, Inc. for construction related services for the Beardsley Road and 91st Avenue 24-inch waterlines (LCON01705D).

11C Purchase Agreement, 67th Avenue, Thunderbird Road to Arizona Canal Diversion Channel Project, 67th Avenue and Acoma Drive

- (a) Authorized the purchase of 2,541 square feet of land located at 67th Avenue and Acoma Drive in the total amount of \$12,700 plus closing costs for the 67th Avenue, Thunderbird Road to Arizona Canal Diversion Channel Project (LCON04009); and
- (b) Approved a budget transfer within the project in the amount of \$9,000 from the Design Account to the Land Account.

12C Assignment, Assumption and Transfer Agreement, Phoenix Motor Company

Authorized an Assignment, Assumption and Transfer Agreement to transfer the existing Development Agreement rights and obligations from Phoenix Motor Company to Peoria Motor Company (LCON14404A).

13C Authorize Expenditure, Goodmans Interior Structures, Skyline Builders & Restoration, and Diversified Flooring, City Hall Renovations

Authorized an expenditure up to \$228,856 to Goodmans Interior Structures, Skyline Builders & Restoration, and Diversified Flooring for detailed furniture design, minor construction, and carpeting within City Hall utilizing State of Arizona contracts.

14C Budget Transfer, Water and Wastewater

- (a) Approved the use of reserves;
- (b) Authorized a budget transfer in the amount of \$130,000 from the Water Fund Contingency Account to the Greenway Water Treatment Plant (WTP) Account for chemical supplies;
- (c) Authorized a budget transfer in the amount of \$50,000 from the Quintero Treatment Plant Account for electricity to the Greenway WTP Account for treatment plant supplies;
- (d) Authorized a budget transfer in the amount of \$130,000 from the Butler Drive Water Reclamation Plant (WRF) Account for electricity to the Beardsley WRF Account for treatment plant parts; and
- (e) Authorized a budget transfer in the amount of \$45,000 from the Butler Drive WRF account for diesel fuel to the Butler Drive WRF Account for other capital equipment.

15C 2009 Water and Wastewater Capital Improvement Program

Approved changes to the Fiscal Year 2009 Water and Wastewater Capital Improvement Program.

16C Quarterly Investment Report

Approved the Quarterly Investment Report for the period ending March 31, 2009.

17C Redemption of Bonds

RESOLUTION NO. 09 - 69

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AUTHORIZING ALL MATTERS NECESSARY FOR REDEMPTION OF CERTAIN STREET AND HIGHWAY REVENUE BONDS AND GENERAL OBLIGATION BONDS OF THE CITY.

Adopted **RES. 09-69** authorizing the Redemption of Certain Street and Highway Revenue Bonds and General Obligation Bonds of the City of Peoria.

18C Automobile Sales Use Policy, Peoria Sports Complex Parking Lots

Amended the Automobile Sales Use Policy for the Peoria Sports Complex parking lots.

19C Master Plat, Mack Arrowhead, Thunderbird Road; 83rd Avenue and 91st Avenue

Approved the Master Plat of Mack Arrowhead, located north of Thunderbird Road between 83rd Avenue and 91st Avenue, subject to stipulations.

20C Final Plat, Kirby Street Habitat for Humanity, 79th Avenue and Kirby Street

Approved the Final Plat of Kirby Street Habitat for Humanity, located at the northeast corner of 79th Avenue and Kirby Street, subject to stipulations.

21C Final Plat, CVS Store, 99th Avenue and Peoria Avenue

Approved the Final Plat of CVS Store # 9237, located at the northeast corner of 99th Avenue and Peoria Avenue, subject to stipulations.

NEW BUSINESS

22R Public Hearing - Liquor License, Sandbar Mexican Grill

Staff Report/Public Comment:

Rhonda Simmons, Acting City Clerk, reported that the properties were posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval, and no comments were received from the public.

PUBLIC HEARING: Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on requests for a Person and Location Transfer for an On-Sale All Liquor License (Series 06) for Sandbar Mexican Grill, located at 9868 W. Northern Avenue. Applicant: Randy D. Nations. LL#10009687.

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 Aames to recommend approval to the State Liquor Board for a Person and Location Transfer for an On-Sale All Liquor License (Series 06) for Sandbar Mexican Grill, located at 9868 W. Northern Avenue. Applicant: Randy D. Nations. LL#10009687.

Upon vote, the motion carried unanimously 7 to 0.

23R Artist Agreement, Rio Vista Recreation Center

Grady Miller, Communications and Public Affairs Director, provided background information regarding the decision to place art at the Rio Vista Recreation Center and the selection process.

John Buonagurio, Chair of the Arts Commission, presented information on Valerie Theberge who is the artist recommended to produce a mosaic that will be located at the Rio Vista Recreation Center.

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

- (a) Approve the recommendation of the Peoria Arts Commission to commission artist Valerie Theberge to produce a mosaic to be located in the Rio Vista Recreation Center;
- (b) Approve a budget transfer in the amount of \$50,000 from the Percent for the Arts Fund Contingency Account to the Percent for the Arts Capital Improvement Account; and
- (c) Authorize the City Manager to execute an artist agreement in an amount not-to-exceed \$50,000 (LCON03909).

Upon vote, the motion carried unanimously 7 to 0.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

Reports from the City Manager:

1. Council Calendar

2. Reports with Presentation

a. Neighborhood Traffic Management Program 2008 Update

Carl Swenson, City Manager, introduced Jamal Rahimi, City Traffic Engineer, who provided an update on the Neighborhood Traffic Management Program.

3. Informational

a. 2009 Cinco de Mayo Celebration

Carl Swenson, City Manager, informed Council of the Cinco de Mayo celebration held at the amphitheatre behind City Hall.

b. Employee Service Awards

Carl Swenson, City Manager, informed Council that the 2009 Employee Service Awards ceremony was conducted on May 8th in the Council Chamber. Mr. Swenson informed Council that new categories were added and he announced the winners for each category.

Mr. Swenson introduced Claudia Luján. Ms. Luján is the new Assistant to the City Manager.

Reports from City Council:

Councilmember Leone congratulated the attendees of the Peoria Leadership Institute after completing a ten-week course. Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone encouraged that all neighborhoods should have a Block Watch program. Councilmember Leone reminded that he will attend a neighborhood meeting in Sun Valley on June 4th.

Councilmember Hunt stated the Historical Society presented their Walking Peoria Event. Councilmember Hunt stated the event was well done and encouraged residents to attend.

Councilmember Aames reported that he has attended the Regional Transportation Board meetings in order to protect Peoria's interests.

Councilmember Pearson reported on the various City of Peoria activities he attended.

Councilmember Carlat reminded that Memorial Day is upcoming and Peoria will have DUI checkpoints; do not drink and drive or operate a boat.

Vice Mayor Evans reminded that Peoria schools are out and summer activities will begin.

Reports from the Mayor:

Mayor Barrett reminded that Memorial Day is Monday, May 25th.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 8:02 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 19th day of May, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 16th day of June, 2009.

(Seal)

Mary Jo Kief, City Clerk