

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
October 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 7:00 p.m. Following a moment of silence, Vice Mayor Evans led the Pledge of Allegiance.

Members Present: Mayor Bob Barrett, Vice Mayor Joan Evans, Councilmembers Cathy Carlat, Vicki Hunt, Carlo Leone, Dave Pearson

Members Absent: Councilmember Ron Aames

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Steve Kemp, City Attorney; Mary Jo Kief, City Clerk; Kelly Corsette, J. P. de la Montaigne, Andy Granger, John Imig, Bill Mattingly, Brent Mattingly, Larry Ratcliff, Wynette Reed, Thomas Solberg, 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. 2009 National Teen Outreach Award – Peoria Boys & Girls Club.

Councilmember Hunt presented an award to members of the Keystone Club from the Peoria Boys and Girls Club in recognition of receiving the 2009 Teen Outreach Award at the National Keystone Conference held in Atlanta, Georgia. Keystone Club members Edisa Miyirel; Felissa Olivo, President; Terasi Niholmbele, Vice President; Janelle Suarez, Treasurer; Earnie Hohl, Teen Program Director and Keystone Advisor; and David Bergeson, Branch Manager from the Peoria Boys and Girls Club were in attendance to receive the award.

2. Presentation on Leadership West.

Kathy Knecht, Executive Director, provided a brief overview of Leadership West. Ms. Knecht emphasized the organization's vision, mission and guiding principles and Ms. Knecht highlighted City employees, Peoria business leaders and community members who are alumni of the Leadership West Program.

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.

Mayor Barrett 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 Vice Mayor Evans, to approve the Consent Agenda. Upon vote, the motion carried unanimously 6 to 0.

1C Disposition of Absence

Excused the absence of Mayor Bob Barrett from the Special Meeting and Study Session held at 4:00 p.m. and the Regular City Council Meeting held at 7:00 p.m. on September 15, 2009.

2C Minutes

Approved the following minutes:

April 7, 2009 Special Meeting
April 7, 2009 Regular Meeting
August 25, 2009 Special Meeting
September 15, 2009 Special Meeting and Study Session
September 15, 2009 Regular Meeting

3C Code Amendment, Chapter 2, Special Allowances

ORDINANCE NO. 09-37

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 3 PERTAINING TO FEES; CITY ATTORNEY SERVICES AND BY AMENDING SECTION 2-3, PERTAINING TO TRAVEL AND REIMBURSEMENT AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 09-37** amending Chapter 2 of the Peoria City Code (1992 Edition) pertaining to special allowances.

4C Lease Agreement, Maricopa County Municipal Water Conservation District Number One Fire Station, Pleasant Harbor at Lake Pleasant

Approved and authorized the City Manager to execute the City of Peoria and Maricopa County Municipal Water Conservation District Number One Fire Station Lease Agreement at Pleasant Harbor at Lake Pleasant. (LCON08009)

5C Grant Application, Arizona State Forestry Division, Community Challenge Grants

(a) Authorized applications to the Arizona State Forestry Division for three Community Challenge Grants and (b) approved a budget transfer in the amount of \$12,750 from the Proposed Grants Fund Contingency Account to the Recreation Trails Grant Fund, Grounds Repair and Maintenance Account. (LCON08109) (LCON08209) (LCON08309)

6C VOID

7C Intergovernmental Agreement, Arizona Department of Transportation, Hybrid Fiber to Wireless Project

Authorized the execution of an Intergovernmental Agreement in the amount of \$461,548 with the State of Arizona Department of Transportation (ADOT) for the purchase and installation of equipment for the Hybrid Fiber to Wireless Project. (LCON08509)

8C Contract, Blue Cross Blue Shield of Arizona, Benefits Administration

(a) Authorized the City Manager to approve the contract authorizing Blue Cross Blue Shield of Arizona to provide benefits administration and access to their medical network to support the City's self-funded medical benefits (LCON08609) and (b) authorized budget amendments of \$338,544 from the General Fund Contingency Account to the Other Professional Services Account in the Self-Insured Health Insurance Fund for benefit administration; \$360,432 from the General Fund Contingency Account to the Health Care Insurance Account in the Self-Insured Health Insurance Fund for a Stop Loss insurance policy; and \$4,400,000 from the General Fund Contingency Account to the Other Professional Services Account in the Self-Insured Health Insurance Fund to support estimated claim activity in this fiscal year.

9C Authorize Expenditure, 99th Avenue Wastewater Interceptor Upgrade

(a) Authorized an expenditure in the amount of \$455,940.69 for final construction costs for the 99th Avenue Wastewater Interceptor Upgrade and (b) approved a budget transfer in the amount of \$441,960.69 from the Wastewater Reserve Fund to the Wastewater Operating Fund.

10C Authorize Expenditure, Peoria Municipal Court Enhancement, New Security Equipment

(a) Authorized an expenditure of Peoria Municipal Court Enhancement Funds in the amount of \$35,800 to purchase new security equipment, including an X-ray machine for baggage and parcel inspection and a magnetometer walk-through metal detector, for the new court building expansion and (b) authorized a budget amendment of \$35,800 from the General Fund Contingency Account to the Peoria Municipal Court Enhancement Fund Electronic Equipment Account for expenditure authority.

11C RePlat, Sonoran Mountain Ranch Parcel 15, Dixileta Drive and 75th Avenue

Approved the RePlat for Sonoran Mountain Ranch Parcel 15, located north of Dixileta Drive and east of the 75th Avenue alignment, subject to stipulations.

NEW BUSINESS

12R PUBLIC HEARING - Liquor Licenses, Various Locations

PUBLIC HEARING: RE: (a) A New Wine and Beer Liquor License (Series 10) for Circle K Store #1788, located at 6710 W. Thunderbird Road. Applicant: Kim K. Kwiatkowski, LL#4440; (b) a New Restaurant Liquor License (Series 12) for Wong's JR., located at 8317 W. Peoria Avenue. Applicant: Jia R. Huang, LL#10014903; and (c) a New Restaurant Liquor License (Series 12) for Lakes Restaurant, located at 19260 N. Westbrook Parkway. Applicant: Douglas R. Bratsch, LL#10015957.

Staff Report:

Mary Jo Kief, City Clerk, reported that the properties were posted in accordance with Arizona law, all reviewing departments recommended approval, all fees were paid 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 the following:

- (a) A New Wine and Beer Liquor License (Series 10) for Circle K Store #1788, located at 6710 W. Thunderbird Road. Applicant: Kim K. Kwiatkowski, LL#4440;
- (b) a New Restaurant Liquor License (Series 12) for Wong's JR., located at 8317 W. Peoria Avenue. Applicant: Jia R. Huang, LL#10014903; and
- (c) a New Restaurant Liquor License (Series 12) for Lakes Restaurant, located at 19260 N. Westbrook Parkway. Applicant: Douglas R. Bratsch, LL#10015957.

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

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

- (a) A New Wine and Beer Liquor License (Series 10) for Circle K Store #1788, located at 6710 W. Thunderbird Road. Applicant: Kim K. Kwiatkowski, LL#4440;
- (b) A New Restaurant Liquor License (Series 12) for Wong's JR., located at 8317 W. Peoria Avenue. Applicant: Jia R. Huang, LL#10014903; and
- (c) A New Restaurant Liquor License (Series 12) for Lakes Restaurant, located at 19260 N. Westbrook Parkway. Applicant: Douglas R. Bratsch, LL#10015957.

Upon vote, the motion carried unanimously 6 to 0.

13R Contract Amendment, J. Banicki, Inc., Construction Services, Olive Avenue and Loop 101 Traffic Interchange Improvements

Andy Granger, Engineering Director, presented an overview of the request to amend the contract with J. Banicki, Inc. for utility relocation and noise wall construction associated with the Olive Avenue and Loop 101 traffic interchange improvements.

Motion was made by Councilmember Hunt, seconded by Vice Mayor Evans to approve Contract Amendment No. 1 in the amount of \$1,268,090 to J. Banicki, Inc. for construction services as a part of the Olive Avenue and Loop 101 Traffic Interchange Improvements Project (ACON55108P3A). Upon vote, the motion carried unanimously 6 to 0.

14R Quintero Golf and Country Club Litigation

Steve Kemp, City Attorney, summarized the request to proceed with litigation against the Quintero Golf and Country Club to preserve the City's rights and attempt to collect unpaid utility bills and unpaid transaction privilege taxes.

Motion was made by Vice Mayor Evans, seconded by Councilmember Hunt to authorize the Office of the City Attorney to commence litigation against the Quintero Golf and Country Club to collect amounts due and owing to the City. Upon vote, the motion carried unanimously 6 to 0.

15R Confirmation - City Manager Appointment of Economic Development Services Director

Carl Swenson, City Manager, introduced Scott Whyte as the new Economic Development Services Director for the City of Peoria and provided background on Mr. Whyte's professional experience and qualifications.

Motion was made by Councilmember Carlat, seconded by Councilmember Hunt to confirm the City Manager appointment of Scott Whyte as Economic Development Services Director, effective Wednesday, October 7, 2009. Upon vote, the motion carried unanimously, 6 to 0.

Mr. Whyte addressed Council stating he is excited to be at the City of Peoria, and he looks forward to putting together an economic development agenda that will place Peoria at the top in the Valley as the new economic cycle emerges.

16R Confirmation - City Manager Appointment of Information Technology Director

Carl Swenson, City Manager, introduced John Imig as the new Information Technology Director and provided background on Mr. Imig's professional experience and qualifications.

Motion was made by Vice Mayor Evans, seconded by Councilmember Carlat to confirm the City Manager appointment of John Imig as Information Technology Director, effective Wednesday, October 7, 2009. Upon vote, the motion carried unanimously 6 to 0.

Mr. Imig expressed his appreciation to the Council and stated he is looking forward to leading one of the finest Information Technology Departments in the Valley.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Edris Klucher addressed the Council and voiced her opinion regarding water issues in the Desert Harbor community. Ms. Klucher explained that the rate of \$1.40 for water is causing an undue financial burden for residents of the community.

Reports from the City Manager:

1. Council Calendar

2. Reports with Presentation

a. Financial Overview.

Jeff Tyne, Management and Budget Director, provided information related to revenue trends and cost issues impacting the City. Mr. Tyne discussed sales tax, state-shared income tax, assessed valuation, growth-related revenue, and operating expenditures.

3. Informational

Carl Swenson, City Manager, provided a reminder for the grand opening of the Skunk Creek Underpass and dedication of the Thunderbird Bridge mural to be held on Saturday, October 10, 2009 beginning at 8:00 a.m. at the Rio Vista Recreation Center. Mr. Swenson encouraged the citizens of Peoria to attend the event.

Reports from City Council:

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

Councilmember Hunt reported on recent activities in the Acacia District. Councilmember Hunt extended her appreciation to the Diversity Committee for their participation in the Fiestas Patrias Celebration.

Councilmember Pearson extended his congratulations to Karlene Edwards, a Librarian at Sunrise Mountain High School, for being recognized as the Follett Librarian of the Year.

Councilmember Carlat stated that the road construction on Deer Valley Road should be completed within 30 days and the intersection of Happy Valley Road and the Loop 303 is scheduled for completion in November.

Vice Mayor Evans encouraged participation at the grand opening of the Skunk Creek Underpass project and recognition of the Thunderbird Road Bridge mural.

Reports from the Mayor:

Mayor Barrett reported on a meeting with the Assistant Secretary of Housing and Urban Development (HUD). The City of Peoria has submitted an application to HUD for a \$10 million grant. If awarded, the grant will be used to purchase foreclosed homes to be refurbished and resold.

Mayor Barrett informed he had been re-elected to a two-year term on the Executive Committee of the League of Arizona Cities and Towns and was elected as

Secretary/Treasurer of the Board of Directors for the Arizona Municipal Water Users Association.

Mayor Barrett announced he was one of ten mayors nationwide to be invited to participate in an international economic forum in northeastern China and had been requested to speak at the forum as a representative of American mayors on sustainable development and renewable energy.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 7:58 p.m.

Bob Barrett, Mayor

ATTEST:

Mary Jo Waddell, 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 October, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of November, 2009.

(Seal)

Mary Jo Waddell, City Clerk