

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
November 17, 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, Boy Scout Troop 237 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; Steve Kemp, City Attorney; Mary Jo Waddell, City Clerk; Kelly Corsette, J.P. de la Montaigne, Andy Granger, Bill Mattingly, Brent Mattingly, Larry Ratcliff, John Schell, Thomas Solberg, Jeff Tyne, Glen Van Nimwegen, Scott Whyte, Claudia Luján and Rhonda Simmons.

Audience: Approximately 40 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. Luke Forward.

John Schell, Intergovernmental Affairs Director, introduced Steve Yamamori, Executive Director of Fighter Country Partnership. Mr. Yamamori informed Council of the presentation provided to the community by Fighter Country Partnership regarding Luke Air Force Base. Mr. Yamamori stated the main focus of their presentation is to inform residents of the importance and history of Luke Air Force Base. Mr. Yamamori presented on Luke Air Force Base and Arizona's Military Economy, the Barry M. Goldwater Range for training, F-16 Fighting Falcon, F-35 Lightning II (proposed replacement for F-16), Luke's Future and the F-35, Environmental Impact Study, the four phases of the Environmental Impact Study and Arizona's Support of Luke Air Force Base. Mr. Yamamori encouraged citizens to send letters of support or visit Lukeforward.com to support the Luke Forward mission.

Mayor Barrett informed that he met with the Deputy Secretary of the Air Force in Washington D.C. to emphasize the support Arizona has for Luke Air Force Base and to dispel concerns that there was a lack of public support. Mayor Barrett encouraged citizens to show their support for Luke Air Force Base.

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.

Councilmember Leone requested that Agenda Item 6C be removed for separate discussion.

Motion was made by Councilmember Hunt, seconded by Councilmember Aames, to approve the Consent Agenda with the exception of Agenda Item 6C. Upon vote, the motion carried unanimously 7 to 0.

1C Disposition of Absence

Excused the absence of Mayor Bob Barrett from the Special Study Session held at 4:00 p.m. and the Regular City Council Meeting held at 7:00 p.m. on November 3, 2009.

2C Minutes

Approved the following minutes:

October 6, 2009 Special Meeting and Special Study Session
October 6, 2009 Regular Meeting
October 20, 2009 Special Meeting and Study Session
October 20, 2009 Regular Meeting
October 24, 2009 Council Workshop

3C Code Amendment, Chapter 2, Design Review Appeals Board

ORDINANCE NO. 09-43

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTIONS 2-150 PERTAINING TO BOARDS AND COMMISSIONS; SCHEDULED BOARDS AND COMMISSIONS; TERMS AND SECTION 2-152 PERTAINING TO BOARDS AND COMMISSIONS; UNSCHEDULED BOARDS AND COMMISSIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 09-43** amending Chapter 2, Sections 2-150 and 2-152, of the Peoria City Code (1992 Edition) pertaining to Board and Commissions so as to convert the Design Review Appeals Board from a scheduled Board to an unscheduled Board.

4C Intergovernmental Agreement, Various Cities and Towns, E-Verify Audits Results

Entered into an Intergovernmental Agreement with several other cities and towns for sharing the results of E-Verify audits of public contract vendors conducted by the participating municipalities pursuant to the requirements of the Legal Arizona Workers Act, specifically A.R.S. § 41-4401 (LCON10409).

5C Intergovernmental Agreement, State of Arizona, Pavement Preservation Improvements Project, Various Locations

RESOLUTION NO. 09-130

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 OF CERTAIN PAVEMENT PRESERVATION IMPROVEMENTS ALONG CERTAIN ROADWAYS LOCATED WITHIN THE CITY OF PEORIA.

Adopted **RES. 09-130** approving an Intergovernmental Agreement with the State of Arizona for the Pavement Preservation Improvements Project for certain roadways located in the vicinity between 83rd Avenue and 99th Avenue and Union Hills Drive to Deer Valley Road (LCON10509).

6C Contract, ELS Construction Inc., Irrigation and Landscaping, Northern Avenue between 103rd Avenue and 106th Avenue

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

At the request of Councilmember Leone, Agenda Item 6C was pulled from the Consent Agenda for discussion.

In response to questions from Councilmember Leone, J.P. de la Montaigne, Community Services Director, stated that 107th Avenue from Alice and Country Meadows to Safeway is not included in the contract before Council.

Motion was made by Councilmember Leone, seconded by Councilmember Carlat to award an individual Job Order Contract in the amount of \$70,395 to ELS Construction Inc. for the installation of irrigation and landscaping along the north side of Northern Avenue right-of-way between 103rd Avenue and 106th Avenue (ACON29808P6).

Upon vote, the motion carried unanimously 7 to 0.

7C Contract, J. Banicki, Inc., Construction Services, State Route 303 Loop, Happy Valley Parkway to Lake Pleasant Parkway, (Westwing Access/Vistancia Extension)

Awarded an individual Job Order Contract in the amount of \$306,921 to J. Banicki, Inc. utilizing an existing Job Order Contract for construction of the access road connection from Happy Valley Parkway to Lake Pleasant Parkway (Westwing Access/Vistancia Extension) (ACON55108P4).

8C Fiscal Year 2010 Annual Sidewalk Improvement Program

- (a) Approved the Fiscal Year 2010 Annual Sidewalk Program; and
- (b) Authorized an expenditure in the amount of \$95,961 utilizing an existing on-call contract with Bunney's, Inc. (LCON09905) for the construction of concrete sidewalks at various locations.

9C **Loan, Water Infrastructure Finance Authority, Pinnacle Peak Waterline Project**

RESOLUTION NO. 09-131

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA FROM ITS DRINKING WATER REVOLVING FUND PROGRAM; DELEGATING THE DETERMINATION OF CERTAIN MATTERS RELATING THERETO TO THE CHIEF FINANCIAL OFFICER OF THE CITY; PROVIDING FOR THE TRANSFER OF CERTAIN MONEYS AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY SUCH LOAN AGREEMENT AND THIS RESOLUTION AND DECLARING AN EMERGENCY.

Adopted **RES. 09-131** authorizing a loan agreement in the amount of \$1,780,000 with the Water Infrastructure Finance Authority from its Drinking Water Revolving Fund Program to finance the Pinnacle Peak Waterline Project (LCON10609).

10C **Neighborhood Traffic Management Program, Additional Residential Traffic Control Area**

RESOLUTION NO. 09-132

A RESOLUTION OF THE MAYOR AND THE COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AUTHORIZING THE ESTABLISHMENT OF A RESIDENTIAL TRAFFIC CONTROL AREA FOR THE FAIRWOOD NEIGHBORHOOD (AREA BOUNDED BY CHOLLA STREET TO THE NORTH, 67TH AVENUE TO THE EAST, SHANGRI LA ROAD TO THE SOUTH, AND 69TH DRIVE TO THE WEST).

Adopted **RES. 09-132** establishing one additional Residential Traffic Control Area for the Neighborhood Traffic Management Program (NTMP) as follows: Fairwood – area bounded by Cholla Street to the north, 67th Avenue to the east, Shangri La Road to the south and 69th Drive to the west.

11C Quarterly Investment Report

Approved the Quarterly Investment Report for the Period Ended September 30, 2009.

12C Deeds and Easements, Various Locations

RESOLUTION NO. 09-133

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. 09-133** accepting deeds and easements for various real property interests acquired by the city and previously recorded by the Maricopa County Recorder's Office.

13C Designate Roadways, Establish Rights-of-Way, Various Locations

RESOLUTION NO. 09-134

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. 09-134** 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.

14C RePlat, Lots 33, 40 and 41 of Vistancia Village A Parcel G3, Lone Mountain Road and Westland Road

Approved the RePlat of Lots 33, 40 and 41 of Vistancia Village A Parcel G3, located north of Lone Mountain Road and west of Westland Road, subject to stipulations.

UNFINISHED BUSINESS

15R Contract, ELS Construction Inc., 67th Avenue; Thunderbird Road to Arizona Canal Diversion Channel Project Improvements (15C, September 15, 2009)

Andrew Granger, Engineering Director, provided an overview of the request to award an individual Job Order Contract for 67th Avenue Right-of-Way improvements. Mr. Granger outlined the proposed schedule for the project, which is scheduled, upon approval, to begin in December 2009 with a completion of April 2010.

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

- (a) Award an individual Job Order Contract in the amount of \$322,730 to ELS Construction Inc. for the construction of the 67th Avenue improvements from Thunderbird Road north to the Arizona Canal Diversion Channel (ACDC) (ACON29808P5); and
- (b) Approve a budget transfer in the amount of \$322,730 from the 67th Avenue; Olive Avenue to Thunderbird Road General Obligation Bond Fund Street System Account to the 67th Avenue; Thunderbird Road to the ACDC General Obligation Bond Fund Street System Account.

Upon vote, the motion carried unanimously 7 to 0.

NEW BUSINESS

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Kim Kovach addressed Council regarding Chapter 11 Licenses. Ms. Kovach stated she was informed that her Peoria business, a woman's consignment store, is in violation of Chapter 11 business regulations because she has not registered her business as a pawn shop. Ms. Kovach stated she obtained the licenses she was told she needed by the City of Peoria. Ms. Kovach stated that in her research, no other cities require consignment stores to act as pawn shops. Ms. Kovach inquired regarding the goals of the Chapter 11 license regulations.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation
3. Informational

Carl Swenson, City Manager, informed Council that their Agenda packet contains information related to the following item:

- a. Disbursement of Art Grants Funds to selected non-profit Peoria organizations.

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone encouraged citizens to attend the Farmer's Market at Park West every Thursday, from 4:00 p.m. to 7:00 p.m. until April 27th.

Councilmember Hunt reported on the various City of Peoria activities she attended.

Councilmember Aames reported on the various City of Peoria activities he attended and provided an update on commuter rail issues.

Councilmember Pearson reported on the various City of Peoria activities he attended and congratulated staff on the Veterans Day Ceremony.

Councilmember Carlat reported that the Veterans Day Ceremony at Rio Vista was a success. Councilmember Carlat encouraged citizens to attend the Happy Valley Road Grand Opening on November 21st beginning at Noon at Lake Pleasant Parkway and Happy Valley Road.

Vice Mayor Evans wished citizens a Happy Thanksgiving and Black Friday. Vice Mayor Evans encouraged citizens to shop in Peoria.

Reports from the Mayor:

Mayor Barrett presented on his trip to Washington D.C. to rally support for Luke Air Force Base. Mayor Barrett expressed his appreciation to City staff for the Veterans Day Ceremony.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 7:43 p.m.

Bob Barrett, Mayor

Regular City Council Meeting Minutes

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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 17th day of November, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 15th day of December, 2009.

(Seal)

Mary Jo Waddell, City Clerk