

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
December 15, 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 Pearson 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 Burg, Chief Assistant City Attorney; Mary Jo Waddell, City Clerk; J.P. de la Montaigne, Andy Granger, Bill Mattingly, Brent Mattingly, Larry Ratcliff, Tom Solberg, Jeff Tyne, Glen Van Nimwegen, Scott Whyte, Claudia Luján and Rhonda Simmons.

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.

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 Aames, seconded by Vice Mayor Evans, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

1C Minutes

Approved the following minutes:

November 17, 2009 Special Meeting and Study Session
November 17, 2009 Regular Meeting

2C Appointments, Boards and Commissions

RESOLUTION 09-141

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING KEVIN KADLEC TO THE BOARD OF ADJUSTMENT AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 09-142

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING NANNETTE FLORES TO THE PARKS AND RECREATION BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 09-143

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING GENE SWEENEY TO THE PERSONNEL BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 09-144

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING GENE SWEENEY TO THE PLANNING AND ZONING COMMISSION 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. 09-141 - RES. 09-144** as presented:

Adopted **RES. 09-141** appointing Kevin Kadlec, as a regular member, to the Board of Adjustment for a term to expire December 2013;

Adopted **RES. 09-142** appointing Nannette Flores, as a regular member, to the Parks and Recreation Board for a partial term to expire June 2013;

Adopted **RES. 09-143** appointing Gene Sweeney, as a regular member, to the Personnel Board for a partial term to expire June 2010; and

Adopted **RES. 09-144** appointing Gene Sweeney, as a regular member, to the Planning and Zoning Commission for a partial term to expire December 2013.

3C Grant Application, Environmental Protection Agency, National Clean Diesel Funding Assistance Program

Authorized an application to the Environmental Protection Agency (EPA) for the National Clean Diesel Funding Assistance Program grant and the expenditure of such funds (LCON11509).

4C Grant, Governor's Office of Highway Safety, 402-Funding, Speed Enforcement Program

RESOLUTION 09-145

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE ACCEPTANCE OF TWO FEDERAL 402-FUNDING GRANTS IN THE AMOUNT OF \$41,610 FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY, FOCUSING ON IDENTIFYING AND TAKING ENFORCEMENT ACTION ON AGGRESSIVE DRIVERS, IMPAIRED DRIVERS, OCCUPANT PROTECTION, SPEEDING, AND OTHER HIGHWAY SAFETY RELATED LAWS TO REDUCE INJURIES AND FATALITIES THROUGHOUT PEORIA.

- (a) Adopted **RES. 09-145** authorizing the City of Peoria Police Department to accept two grants in the amount of \$41,610 from the Governor's Office of Highway Safety for 402-Funding to be utilized in a speed enforcement program (LCON11309); and
- (b) Approved a budget amendment of \$41,610 from the Proposed Grants Contingency Account to the Occupant Protection Enforcement Program Grant, Overtime Account in the amount of \$15,000 and the Occupant Protection Enforcement Program Grant, Operational Supplies Account in the amount of \$26,610 to provide expenditure authority.

5C Grant, Oversight Council on Driving or Operating Under the Influence Abatement, Grant Program

RESOLUTION NO. 09-146

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ACCEPT AN AWARD OF A SUPPLEMENTAL GRANT IN THE AMOUNT OF \$27,000 FROM THE OVERSIGHT COUNCIL ON DRIVING OR OPERATING UNDER THE INFLUENCE ABATEMENT, GRANT PROGRAM.

- (a) Adopted **RES. 09-146** authorizing the City of Peoria Police Department to accept a DUI Grant in the amount of \$27,000 from the Oversight Council on Driving or Operating Under the Influence Abatement, Grant Program (LCON11409); and
- (b) Approved a budget transfer of \$27,000 from the Proposed Grants Contingency Account to the DUI Abatement Grant Fund, Overtime Account to establish appropriation to expend the funds.

6C Intergovernmental Agreement Amendment, Arizona Department of Transportation, State Route 303 Loop Aesthetic Improvements

Authorized an Intergovernmental Agreement Amendment in the amount of \$187,976 to the Arizona Department of Transportation (ADOT) for aesthetic improvements to the State Route 303 Loop (SR 303L) from Happy Valley Parkway (Milepost 25.17) to Lake Pleasant Parkway (Milepost 31.47) (LCON13708A).

7C Expenditure Authority, Utility Services Company, Potable Water Reservoirs

Approved expenditure authority and use a term contract (ACON57409) with Utility Services Company in an amount not-to-exceed \$100,000 for the inspection and repair of various Potable Water Reservoirs.

8C Contract, Felix Construction Company, Sunnyboy Well and Reservoir Site Improvements

Awarded a Job Order Contract in an amount not-to-exceed \$237,420 to Felix Construction Company for the design and construction of improvements at the Sunnyboy Well and Reservoir Site (ACON23908P13).

9C Contract, KUV Consultants, LLC., Security Vulnerability Assessment of Water and Wastewater Facilities

Awarded a contract in an amount not-to-exceed \$75,000 to KUV Consultants, LLC. utilizing existing City of Scottsdale Contract #2005-001-COS for the development of a Security Vulnerability Assessment of Water and Wastewater Facilities.

10C Contract Amendment, Pacific Municipal Consultants, Osuna Park, 83rd Avenue and Washington Street

Approved Contract Amendment No. 4 in the amount of \$37,000 to Pacific Municipal Consultants (PMC) for community engagement and master planning services for Osuna Park, located at 83rd Avenue and Washington Street (LCON15308D).

11C Neighborhood Traffic Management Program, Additional Residential Traffic Control Area

RESOLUTION NO. 09-147

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 ALTA VISTA ESTATES NEIGHBORHOOD (AREA BOUNDED BY WILLIAMS ROAD TO THE NORTH, 105TH AVENUE TO THE EAST, DEER VALLEY ROAD TO THE SOUTH AND 107TH AVENUE TO THE WEST).

Adopted **RES. 09-147** establishing one additional Residential Traffic Control Area for the Neighborhood Traffic Management Program (NTMP) as follows: Alta Vista Estates - area bounded by Williams Road to the north, 105th Avenue to the east, Deer Valley Road to the south and 107th Avenue to the west.

12C Right-of-Way Abandonment, 95th Avenue and Happy Valley Road

RESOLUTION NO. 09-148

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING THAT CERTAIN PUBLIC RIGHTS-OF-WAY TO BE EXCESS PROPERTY AND NO LONGER REQUIRED TO BE RETAINED BY THE CITY AND DIRECTING THAT SUCH UNNECESSARY PUBLIC RIGHTS-OF-WAY BE DISPOSED OF IN THE MANNER PROVIDED BY LAW AND PROVIDING FOR AN EFFECTIVE DATE.

- (a) Adopted **RES. 09-148** abandoning a 5-foot strip of right-of-way located on the north side of Happy Valley Road and east of 95th Avenue; and
- (b) Authorized the City Manager to execute the Quit Claim Deed to transfer the property.

13C Veterans Memorial Wall Inscription

Approved an inscription to be etched into the Veterans Memorial Wall at Rio Vista Community Park, which recognizes the contributions of the United States Navy, Armed Guard.

14C Maintenance Improvement District No. 1109, Vistancia Parcel C6, Trilogy Boulevard and Dixileta Parkway

RESOLUTION NO. 09-149

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1109, VISTANCIA PARCEL C6, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 09-150

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1109, VISTANCIA PARCEL C6; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

Approved the Petition of Formation and adopted **RES. 09-149** intention and ordering formation of proposed Maintenance Improvement District No. 1109, Vistancia Parcel C6, located at Trilogy Boulevard and Dixileta Parkway; and adopted **RES. 09-150** ordering work within the proposed Maintenance Improvement District.

15C Perpetual Water Line Easement, Flood Control District of Maricopa County, Thunderbird Road and Loop 101

Authorized the City Manager to execute documents accepting a Perpetual Water Line Easement from the Flood Control District of Maricopa County that will formalize an existing 12-inch waterline that extends from the Triana Development located south of Thunderbird Road and west of Loop 101.

16C Utility Easement, Arizona Public Service, Stone Street Well, 83rd Avenue and Stone Street

RESOLUTION NO. 09-151

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A UTILITY EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY TO INSTALL UNDERGROUND ELECTRIC TRANSMISSION LINES AND FACILITIES RELATED TO THE IMPROVEMENTS AT THE STONE STREET WELL.

Adopted **RES. 09-151** authorizing the City Manager to execute a Utility Easement to Arizona Public Service associated with providing electric services for the Stone Street Well located on Stone Street west of 83rd Avenue.

17C Deeds and Easements, Various Locations

RESOLUTION NO. 09-152

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. 09-152** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

18C Designate Roadways, Establish Rights-of-Way, Various Locations

RESOLUTION NO. 09-153

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. 09-153** 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.

19C Final Plat, 75th Avenue Business Park, 75th Avenue and the Butler Drive Alignment

Re-approved the Final Plat for 75th Avenue Business Park, located on the east side of 75th Avenue north of the Butler Drive alignment, previously approved by Council on January 6, 2009 and August 25, 2009, subject to stipulations.

NEW BUSINESS

20R Old Town Peoria Revitalization Plan

RESOLUTION NO. 09-154

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA APPROVING AND ADOPTING THE OLD TOWN PEORIA REVITALIZATION PLAN.

Glen Van Nimwegen, Planning and Community Development Director, presented the Old Town Peoria Revitalization Plan to Council and addressed the next steps to take regarding this plan. Next steps include a specific area plan, stress test plan with private sector developers and amendments to zoning and design review. Mr. Van Nimwegen reviewed the land use map, circulation plan and the design plan.

Discussion ensued regarding the schedule for the plan, marketing strategies and whether additional changes can be made to the plan.

Charlie Gyder addressed Council expressing support for Old Town Peoria and the Downtown Revitalization Plan.

Thom Gyder addressed Council expressing support for Old Town Peoria, the Downtown Revitalization Plan and the Council's efforts.

Jack Lytle, representing Theater Works, addressed Council expressing support for Old Town, the Downtown Revitalization Plan and the Council's efforts related thereto. Mr. Lytle encouraged Council to take the next steps to complete the downtown area.

Motion was made by Councilmember Hunt, seconded by Councilmember Carlat to adopt **RES. 09-154** establishing the Old Town Peoria Revitalization Plan as the City's guiding document to support revitalization and redevelopment of the Old Town Peoria area.

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. Organizational Strategic Plan.

Katie Gregory, Development Agreement Coordinator, presented regarding the Organizational Strategic Plan. The Organizational Strategic Plan is considered a blueprint for how to build future activities. Development of the Organizational Strategic Plan process included participation from City employees. Ms. Gregory presented the updates made to the plan at Council's request.

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone stated he judged the gingerbread contest held at City Hall and congratulated the winners. Councilmember Leone reminded about the Farmer's Market held every Thursday at Park West from 5:00 p.m. to 8:00 p.m. and encouraged citizens to attend Mama's Organic Market every third Saturday of the month at Park West.

Councilmember Hunt reported on the various City of Peoria activities she attended and encouraged citizens to attend a theatrical event at Broadway Dinner Theatre and Theater Works to help promote the arts in Peoria.

Councilmember Aames reported on the various City of Peoria activities he attended as well as improvement projects in progress within the City.

Councilmember Pearson congratulated the Community Services Department and the Peoria Arts Commission for the dedication to Peoria's latest art in Rio Vista.

Councilmember Carlat informed that construction on Happy Valley Road and the 303 will be finished in two weeks.

Vice Mayor Evans reported that she attended the "Shop With A Cop" event and encouraged citizens to donate time or money to charity this season.

Reports from the Mayor:

Mayor Barrett encouraged citizens to volunteer their time or donate money, clothing, blankets or services to families in need.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 7:39 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 15th day of December, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19th day of January, 2010.

(Seal)

Mary Jo Waddell, City Clerk