MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
January 19, 2010

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 Evans led the Pledge of Allegiance.

Members Present: Mayor Bob Barrett; Vice Mayor Ron Aames; Councilmembers Cathy Carlat, Joan Evans, 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; Brian Biesemeyer, Andy Granger, Brent Mattingly, Larry Ratcliff, Wynette Reed, Tom Solberg, Jeff Tyne, Glen Van Nimwegen, Scott Whyte, Claudia Luján and Rhonda Simmons.

Audience: Approximately 75 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 Joan Evans as outgoing Vice Mayor.

   Mayor Barrett presented flowers and a plaque to Councilmember Evans in recognition of her service as Vice Mayor in 2009.

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 Evans requested that Agenda Item 11C be removed as it has been pulled at staff request.

Motion was made by Councilmember Evans, seconded by Vice Mayor Aames, to approve the Consent Agenda with the exception of Agenda Item 11C. Upon vote, the motion carried unanimously.

1C Disposition of Absence

Excused the absence of Mayor Bob Barrett from the Special City Council Meeting and Special Study Session held at 4:00 p.m. and from the Regular City Council Meeting held at 7:00 p.m. on January 5, 2010.

2C Minutes

Approved the following minutes: December 15, 2009 Special Meeting and Study Session December 15, 2009 Regular Meeting.

3C Appointments, Boards and Commissions

RESOLUTION NO. 2010-04

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING ELIZABETH GONZALES AND MARIAH HEARNE TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERMS OF OFFICE.

RESOLUTION NO. 2010-05

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING JASMINE BEJARANO AND MEG GROSE TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERMS OF OFFICE.

Approved the recommendations from the Council Subcommittee on Boards and Commissions Appointments pertaining to the following appointments and adopted the Resolutions as presented:

Adopted **RES. 2010-04** appointing Elizabeth Gonzales, as a regular member, to the Youth Advisory Board for a partial term to expire June 2010 and appointing Mariah Hearne, as a regular member, to the Youth Advisory Board for a partial term to expire June 2011.

Adopted **RES. 2010-05** appointing Jasmine Bejarano and Meg Grose, as alternate members, to the Youth Advisory Board for partial terms to expire June 2011.

4C **Code Amendment, Chapter 2, Boards and Commissions, Interim Appointments**

ORDINANCE NO. 2010-01

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 2-150 PERTAINING TO BOARDS AND COMMISSIONS; SCHEDULED BOARDS AND COMMISSIONS; TERMS; INTERIM APPOINTMENTS AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 2010-01** amending Chapter 2 of the Peoria City Code (1992 Edition) by amending Section 2-150 to provide for interim appointments of Boards and Commissions members to serve in place of members called to active duty military service.

5C **Code Amendment, Chapter 14, Speed Limit Change, Happy Valley Road**

ORDINANCE NO. 2010-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 14-80 PERTAINING TO LOCAL SPEED LIMITS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Adopted **ORD. 2010-02** amending Chapter 14 of the Peoria City Code (1992 Edition) by amending section 14-80 pertaining to speed limits on Happy Valley Road.

6C **Code Amendment, Chapter 17, Nuisances**

ORDINANCE NO. 2010-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 17 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 17-51 PERTAINING TO NUISANCE ENFORCEMENT; VIOLATION AND PENALTIES AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 2010-03** amending Chapter 17 of the Peoria City Code (1992 Edition) pertaining to Nuisances, Penalties and Violations.

7C **Code Amendment, Chapter 25, Water and Wastewater, Payment of Development Fees**

ORDINANCE NO. 2010-04

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 25 OF THE PEORIA CITY CODE (1992) BY ENACTING SECTION 25-14 PERTAINING TO WATER AND WASTEWATER; PAYMENT OF DEVELOPMENT FEES OVER TIME; AND PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

Adopted **ORD. 2010-04** amending Chapter 25 of the Peoria City Code (1992 Edition) by enacting Section 25-14 pertaining to water and wastewater; payment of development fees over time; and providing for severability and declaring an emergency.

8C **Contract, Land-Tech Construction, Bell Park Privacy Wall**

(a) Awarded a contract in the not-to-exceed amount of $162,352 to Land-Tech Construction for the construction of the Bell Park Privacy Wall (LCON01410); and
(b) Authorized an expenditure in the not-to-exceed amount of $20,000 for Owner's Contingency for unforeseen conditions.

9C **Contract, EPS Group, Inc. Study and Design Services, 112th Avenue Truck Road Reliever**

Awarded a contract in the not-to-exceed amount of $940,328 to EPS Group, Inc. for the study and design of the 112th Avenue Truck Road Reliever from Rose Garden Lane to Pinnacle Peak Road and 107th Avenue intersection (LCON01510).

10C **Contract, J. Banicki Construction, Deer Valley Road Reconstruction and Overlay, 83rd Avenue to Hillcrest Boulevard**

Awarded an individual Job Order Contract in an amount not-to-exceed $500,160 to J. Banicki Construction for the Deer Valley Road Reconstruction and Overlay from 83rd Avenue to Hillcrest Boulevard (ACON55108P8).

11C Contract Amendment, Carter and Burgess, Inc., Professional Services, Phase I of the Beardsley Road Extension

Councilmember Evans requested that Agenda Item 11C be pulled from the agenda due to staff request.

No discussion was held or action taken to approve Contract Amendment No. 7 in the amount of $134,457 to Carter and Burgess, Inc. for professional services associated with Phase I of the Beardsley Road Extension Project (LCON01610).

In response to questions from Council, Andy Granger, Engineering Director, explained that Agenda Item 11C was pulled at staff request due to the fact that the Arizona Department of Transportation (ADOT) will be funding this portion of the project.

12C Contract Amendment, Salt River Project, Construction Services, 91st Avenue and Olive Avenue Intersection Improvement Project

(a) Authorized the City Manager to execute Amendment No. 1 in the amount of $285,511 to Salt River Project (SRP) for construction services associated with the 91st Avenue and Olive Avenue Intersection Improvement Project; and

(b) Authorized a budget transfer in the amount of $350,000 from the Proposed General Obligation Bond Fund Contingency Account to the 91st Avenue and Olive Avenue Intersection Improvement Project General Obligation Bond Fund Street System Account (LCON16908A).

13C Code Amendment, Chapter 19, Employee Organizations

ORDINANCE NO. 2010-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 19 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 19-16 PERTAINING TO EMPLOYEE ORGANIZATION; MEET AND CONFER PROCESS; DEFINITIONS AND AMENDING CHAPTER 19 BY CODIFYING SECTION 3 OF ORDINANCE NO. 88-13, SECTION 3 ORDINANCE 88-14 AND SECTION 3 ORDINANCE 87-57 AS SECTION 19-17 PERTAINING TO EMPLOYEE ORGANIZATIONS; CITY MANAGEMENT RIGHTS AND AMENDING CHAPTER 19 BY CODIFYING SECTION 4 OF ORDINANCE NO. 88-13, SECTION 4 ORDINANCE 88-14 AND SECTION 4 ORDINANCE 87-57 AS SECTION 19-18 PERTAINING TO EMPLOYEE ORGANIZATIONS; PUBLIC EMPLOYEES'

RIGHTS AND AMENDING CHAPTER 19 BY CODIFYING SECTIONS 8 AND 9 OF ORDINANCE NO. 88-13, SECTIONS 8 AND 9 OF ORDINANCE 88-14 AND SECTIONS 8 AND 9 (A) (B) AND (D) ORDINANCE 87-57 AS SECTION 19-19 PERTAINING TO EMPLOYEE ORGANIZATIONS; UNFAIR LABOR RELATIONS PRACTICES and AMENDING CHAPTER 19 BY CODIFYING SECTION 10 OF ORDINANCE NO. 88-13, SECTION 10 ORDINANCE 88-14 AND SECTION 10 ORDINANCE 87-57 AS SECTION 19-20 PERTAINING TO EMPLOYEE ORGANIZATIONS; DECERTIFICATION AMENDED BY RENUMBERING EXISTING SECTION 19-17 AND AMENDING EXISTING SECTION 19-17 PERTAINING TO MEMORANDUM OF UNDERSTANDING; SCOPE; TERM; RATIFICATION; SUBMISSION TO CITY, AS SECTION 19-21 AND BY RENUMBERING EXISTING SECTION 19-18 PERTAINING TO CONCERTED WORK INTERRUPTIONS (STRIKES), AS SECTION 19-22 AND BY RENUMBERING EXISTING SECTION 19-19 PERTAINING TO EMPLOYEE ORGANIZATION; MEET AND CONFER PROCESS; DATES, AS SECTION 19-23 AND BY RENUMBERING EXISTING SECTION 19-19 PERTAINING TO EMPLOYEE ORGANIZATION; MEET AND CONFER PROCESS; RESOLUTION PROCEDURES; CITY COUNCIL DETERMINATION, AS SECTION 19-24 AND BY RENUMBERING EXISTING SECTION 19-21 PERTAINING TO EMPLOYEE ORGANIZATION; MEET AND CONFER PROCESS; RESOLUTION PROCEDURES; CITY COUNCIL DETERMINATION, AS SECTION 19-25 AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION NO. 2010-07

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA RECOGNIZING THE CITY OF PEORIA POLICE SUPERVISORS ASSOCIATION (COPPS) AS THE DESIGNATED EMPLOYEE REPRESENTATIVE FOR POLICE SERGEANTS HOLDING A PEACE OFFICER CERTIFICATION EMPLOYED BY THE CITY OF PEORIA, ARIZONA AND PROVIDING FOR AN EFFECTIVE DATE.

(a) Adopted **ORD. 2010-05** amending Chapter 19 of the Peoria City Code (1992 Edition) pertaining to employee organizations; and

(b) Adopted **RES. 2010-07** recognizing City of Peoria Police Supervisors as the Employee Organization subject to the enactment of the amendments to Chapter 19 of the Peoria City Code.

14C Vistancia Development and Annexation Agreement

Consented to the assignment and transfer of certain rights and obligations of the Vistancia Development and Annexation Agreement to Vistancia Land Holdings, L.L.C (LCON14601B).

REGULAR AGENDA

15R PUBLIC HEARING: General Plan Amendment, Land Use Map, 83rd Avenue & Jomax Road

Mayor Barrett announced that the developer has requested that Agenda Item 15R be pulled from the agenda and remanded back to the Planning and Zoning Commission to allow for public comment and discussion regarding the request to amend the General Plan Land Use Map from Residential/Low Density to Neighborhood Commercial Mixed Use for approximately 78 acres located south of the southeast corner of 83rd Avenue and Jomax Road.

Motion was made by Councilmember Carlat, seconded by Vice Mayor Aames, to remand Agenda Item 15R regarding an amendment to the General Plan Land Use Map for a site encompassing approximately 78 gross acres, located south of the southeast corner of 83rd Avenue & Jomax Road, from Residential/Low Density (2-5 du/ac, target 3.0 du/ac) to Neighborhood Commercial Mixed Use (GPA 08-02) back to the Planning and Zoning Commission for public input on February 4th.

Upon vote, the motion to remand the item to the Planning and Zoning Commission carried unanimously 7 to 0.

Mayor Barrett acknowledged members of the public that requested to speak regarding Agenda Item 15R and inquired if they wished to speak since the item was remanded back to the Planning and Zoning Commission. No audience members wished to speak at this time.

16R Fiscal Year 2010 Operating Budget, Mid-Year Adjustments

Jeff Tyne, Budget Director, provided an overview of the mid-year adjustments to the Fiscal Year 2010 Operating Budget. Mr. Tyne outlined efforts taken by the City to reduce the operating budget and included a history of Peoria's operating budget. Mr. Tyne summarized the focus on organizational restructuring which includes: preserving and enhancing services, reducing costs and implementing City Council Policy Goals.

Motion was made by Councilmember Evans, seconded by Councilmember Carlat, to approve mid-year adjustments to the Fiscal Year 2010 Operating Budget.

Upon vote, the motion carried unanimously 7 to 0.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Jerry Lewkowitz addressed Council and complimented City staff for their handling of an agenda item that will be before Council on February 2nd.

Reports from the City Manager:

1. Council Calendar

2. Reports with Presentation

   a. 2010 Census Update.

      Sherine Zaya, Public Information Officer, presented regarding the 2010 Census and outlined the efforts the City has taken to promote the 2010 Census.

      Vice Mayor Aames reminded citizens that personal information provided for census data remains confidential.

      Mayor Barrett reminded citizens of the importance of completing the census forms upon receipt. Mayor Barrett stated that the more people completing and returning the forms, the more money that comes to the City to pay for, at a minimum, police officers, streets and recreation.

3. Informational

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

   a. Arts Project Update.
   b. GFOA Distinguished Budget Award.
   c. Energy Efficiency and Conservation Block Grant.

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended and encouraged citizen attendance at the Farmers' Markets held at Park West.

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

Councilmember Evans encouraged citizens to take advantage of the Channel 11 programming offered by the City of Peoria. Councilmember Evans expressed the importance of being counted in the 2010 Census.

Councilmember Pearson congratulated Councilmember Evans on her one-year term as Vice Mayor. Councilmember Pearson thanked Councilmember Hunt for planning the Martin Luther King, Jr. event.

Councilmember Carlat stated that Council has awarded the first funding for the truck route on 112th Avenue in order to hire a contractor to complete the design concept report. Councilmember Carlat notified residents that the speed limit on Happy Valley road has changed from 40 mph to 45 mph; new signs will go up shortly to reflect the change.

Vice Mayor Aames reported on the various City of Peoria activities he attended and provided an update on the walls that are being painted, erected and/or heightened in the Palo Verde District.

Reports from the Mayor:

Mayor Barrett expressed his appreciation to the Peoria Chamber of Commerce for allowing him to do the State of the City address at their luncheon. Further, Mayor Barrett thanked Ventana Lakes for allowing him to present a condensed State of the City address at their Home Owners' Association meeting. Mayor Barrett encouraged attendance at Theater Works, which is rapidly becoming the social event of the season.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 7:49 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 January 19, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 2nd day of March, 2010.

(Seal)

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Mary Jo Waddell, City Clerk