

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
February 16, 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 Hunt 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; J.P. de la Montaigne, Andy Granger, Bill Mattingly, Brent Mattingly, Mark Nichols, Larry Ratcliff, Jeff Tyne, Glen Van Nimwegen, Scott Whyte, Claudia Luján and Rhonda Simmons.

Audience: Approximately 25 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. Councilmember Carlat and Councilmember Hunt presented Certificates of Appointment to the following Board and Commission members:

Elizabeth Gonzales appointed to the Youth Advisory Board;
Mariah Hearne appointed to the Youth Advisory Board;
Jasmine Bejarano appointed to the Youth Advisory Board; and
Meg Grose appointed to the Youth Advisory Board.

2. Presentation by Local First Arizona.

Scott Whyte, Economic Development Director, introduced Kimber Lanning, Founder and Director of Local First Arizona. Ms. Lanning explained the non-profit organization and how it helps local businesses. Ms. Lanning stated Local First Arizona helps consumers understand the importance of buying from local rather than national businesses.

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.

Vice Mayor Aames requested that Agenda Item 1C be removed from the Consent Agenda for separate discussion.

Motion was made by Councilmember Leone, seconded by Vice Mayor Aames, to approve the Consent Agenda with the exception of Agenda Item 1C.

Upon vote, the motion carried unanimously 7 to 0.

1C Code Amendment, Chapter 17, Shopping Carts

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

ORDINANCE NO. 2010-07

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 17-66 PERTAINING TO SHOPPING CARTS; RESTRICTIVE DEVICES REQUIRED; VIOLATIONS; PENALTIES AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

At the request of Vice Mayor Aames, Steve Burg, Chief Assistant City Attorney, explained that in 2007, the City required all new businesses in the City of Peoria to have a restrictive device placed on their shopping carts so that the carts cannot be removed from the premises. Existing Peoria businesses were given until 2013 to place the restrictive devices on their shopping carts. The recommendation before Council provides for an alternative for existing businesses to enter into a contract with a cart retrieval company in lieu of placing restrictive devices on their carts.

Vice Mayor Aames stated he requested Agenda Item 1C be pulled from the Consent Agenda in order to confirm that the City of Peoria is not relaxing the standards as it relates to shopping carts being removed from shopping premises.

Trish Hart, Arizona Food Market and Alliance, addressed Council in support of the alternative proposed.

Motion was made by Councilmember Evans, seconded by Vice Mayor Aames, to adopt **ORD. 2010-07** amending Chapter 17 of the Peoria City Code (1992 Edition) pertaining to shopping carts.

Upon vote, the motion carried unanimously 7 to 0.

2C Grant, WalMart, Peoria Library Teen Programs

- (a) Accepted a donation grant in the amount of \$1,250 from WalMart to provide funding to the Peoria Public Library for the purchase of incentives, program supplies, food and materials for teen programs (LCON01610); and
- (b) Approved a budget transfer in the amount of \$1,250 from the Proposed Grants Fund Contingency Account to the Main Library General Recreation Fund.

3C Grant, United States Department of Energy, Energy Efficiency and Conservation Block Grant

- (a) Authorized the City of Peoria to accept the U.S. Department of Energy's award totaling \$1,308,500 for the Energy Efficiency and Conservation Block Grant (LCON01710); and
- (b) Approved a budget amendment of \$1,308,500 from the Proposed Grant Contingency Account to various Fed DOE Energy Block Grant Fund Accounts.

4C Intergovernmental Agreement, Deer Valley Unified School District, Traffic Signal Installation Reimbursement, Happy Valley Road and the Terramar Elementary School Driveway

RESOLUTION NO. 2010-11

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH THE DEER VALLEY UNIFIED SCHOOL DISTRICT (DVUSD) AND THE CITY OF PEORIA (CITY) FOR REIMBURSEMENT OF COSTS FOR CONSTRUCTION OF HAPPY VALLEY ROAD SCHOOL/CHURCH IMPROVEMENTS.

Adopted **RES. 2010-11** approving an Intergovernmental Agreement with the Deer Valley Unified School District in an amount not-to-exceed \$129,464 for reimbursement of the traffic signal installation at Happy Valley Road and the Terramar Elementary School driveway (LCON01810).

5C Contract, Michael Baker, Jr., Intersection Widening Improvements, 75th Avenue and Thunderbird Road

Awarded a design services contract in the amount of \$633,612 to Michael Baker, Jr. for the design of the intersection widening improvements at 75th Avenue and Thunderbird Road (LCON01910).

6C Contract, Loris and Associates, Inc., New River Trail, Bell Road to Union Hills Drive

- (a) Awarded a design contract to Loris and Associates, Inc. in the lump sum of \$86,234 for the design of New River Trail from Bell Road to Union Hills Drive (LCON02010); and
- (b) Authorized an expenditure in the amount up to \$50,000 for other project related expenses.

7C Contract, The Wadley Donovan Group, Economic Development Implementation Strategy

Awarded a professional services contract in an amount not-to-exceed \$107,000 to The Wadley Donovan Group for the purpose of conducting a comprehensive Economic Development Implementation Strategy (LCON02210).

8C Authorize Expenditure, Operational Improvements to City Office Space

Authorized an expenditure in an amount not-to-exceed \$572,000 to be used for operational improvements to city office space utilizing authorized contracts.

9C Authorize Expenditure, Replace/Upgrade Security Camera Systems, City Hall East and West Parking Structures

Authorized an expenditure in an amount not-to-exceed \$229,000 to replace/upgrade security camera systems in east and west parking structures utilizing authorized existing contracts.

10C Quarterly Investment Report, Period Ended December 31, 2009

Approved the Quarterly Investment Report for the Period Ended December 31, 2009.

11C Fiscal Year 2010 Second Quarter Budget Amendments

Approved Fiscal Year 2010 Second Quarter Budget Amendments.

12C Power Distribution Easement, Salt River Project Agricultural Improvement and Power District, Olive Avenue and Loop 101 Traffic Interchange Improvements

RESOLUTION NO. 2010-12

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A POWER DISTRIBUTION EASEMENT TO SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT TO RELOCATE AND UNDERGROUND ELECTRIC TRANSMISSION LINES RELATED TO THE WIDENING OF OLIVE AVENUE BETWEEN THE LOOP 101 FREEWAY AND 94TH AVENUE.

Adopted **RES. 2010-12** authorizing the City Manager to execute a Power Distribution Easement to Salt River Project Agricultural Improvement and Power District associated with the relocation and undergrounding of an existing power line in conjunction with the Olive Avenue and Loop 101 Traffic Interchange Improvement Project.

13C Power Distribution Easements, Salt River Project Agricultural Improvement and Power District, 67th Avenue Improvements between Peoria Avenue and Redfield Road

RESOLUTION NO. 2010-13

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF THREE POWER DISTRIBUTION EASEMENTS TO THE SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT FOR IRRIGATION FACILITIES TO RELOCATE AND UNDERGROUND ELECTRIC TRANSMISSION LINES RELATED TO THE 67TH AVENUE IMPROVEMENTS BETWEEN PEORIA AVENUE AND REDFIELD ROAD.

Adopted **RES. 2010-13** authorizing the City Manager to execute three Power Distribution Easements to Salt River Project Agricultural Improvement and Power District associated with the relocation and undergrounding of an existing power line in conjunction with the 67th Avenue Improvements between Peoria Avenue and Redfield Road.

NEW BUSINESS

14R PUBLIC HEARING - Liquor License, Streets of New York, 9249 W. Union Hills Drive

Staff Report/Public Comment:

Brent Mattingly, Finance Director, reported that the property was 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 the request for a New Restaurant Liquor License (Series 12) for Streets of New York, located at 9249 W. Union Hills Drive. Applicant: Lorraine Glaeser. LL#10016614.

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

COUNCIL ACTION:

Motion was made by Vice Mayor Aames, seconded by Councilmember Carlat to recommend approval to the State Liquor Board for a New Restaurant Liquor License (Series 12) for Streets of New York, located at 9249 W. Union Hills Drive. Applicant: Lorraine Glaeser. LL#10016614.

Upon vote, the motion carried unanimously 7 to 0.

15R Contract, Absolute Wind Power, LLC, Lake Pleasant Pilot Wind Energy Project

Ed Striffler, Design and Construction Manager, provided an overview of the contract for the Lake Pleasant Pilot Wind Energy Project. Mr. Striffler informed that the Department of Energy provided a grant for this project. Mr. Striffler presented project imagery and stated the project is expected to be completed by June 2010. Mr. Striffler explained that the total project cost is \$55,000; the Department of Energy provided \$50,000 and the City of Peoria provided \$5,000.

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

- (a) Award a construction contract in the amount of \$44,995 to Absolute Wind Power, LLC, for the Lake Pleasant Pilot Wind Energy Project, located within Pleasant Harbor Marina at Lake Pleasant (LCON02110);
- (b) Authorize an expenditure in the amount of \$10,005 for other project related expenses;
- (c) Authorize the use of reserves; and
- (d) Approve a budget transfer in the amount of \$5,000 for landscape improvements from the General Fund Contingency Account to the General Fund Capital Improvements Account.

Upon vote, the motion carried unanimously 7 to 0.

16R Contract, Brignall Construction, Community Center Building Addition

Clerk's Note: Items 16R and 17R were presented together.

Ed Striffler, Design and Construction Manager, presented regarding Agenda Item 16R and 17R, providing an update on the project, the budget and schedule. The Community Center Building addition is anticipated to be completed in the Fall of 2012.

Discussion ensued regarding LEED Certification standards and how those standards will be implemented with the currently existing building.

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

- (a) Award a preconstruction services contract in the amount of \$204,769 to Brignall Construction for the Community Center Building Addition, located at 84th Avenue and Jefferson Street (LCON02310); and
- (b) Authorize an expenditure in the amount of \$88,980 for other project related expenses.

Upon vote, the motion carried unanimously 7 to 0.

17R Contract, Gabor Lorant Architects Inc., Community Center Building Addition

Clerk's Note: Staff Report is included in the joint discussion for Agenda Item 16R.

Motion was made by Councilmember Hunt, seconded by Vice Mayor Aames, to award a professional services contract in the amount of \$929,950 to Gabor Lorant Architects Inc., for the design of the Community Center Building Addition, located at 84th Drive and Jefferson Street (LCON02410).

Upon vote, the motion carried unanimously 7 to 0.

18R Contract Amendment, FNF Construction, 83rd Avenue Widening; Williams Road to Calle Lejos Project

Clerk's Note: Items 18R and 19R were presented together.

Karl Zook, Engineering Project Manager, presented an overview stating this project will provide for increased roadway cross section from a 2-lane to a 5-lane roadway, improve drainage, enlarge the intersection at Pinnacle Peak and add sidewalk to sections on the East side of 83rd Avenue between Williams and Calle Lejos. Mr. Zook stated the roadway work will be open to public use by January 2011.

Discussion ensued regarding the funding for this project. Dan Nissen, Assistant City Engineer, provided a history of the roadwork performed on 83rd Avenue.

Motion was made by Councilmember Carlat, seconded by Councilmember Hunt, to award Contract Amendment #1 for the Guaranteed Maximum Price (GMP) for a Construction Manager at Risk (CMAR) contract with FNF Construction in the not-to-exceed amount of \$4,159,112 for construction services related to roadway and drainage improvements for the construction of 83rd Avenue Widening; Williams Road to Calle Lejos (LCON03709A).

Upon vote, the motion carried unanimously 7 to 0.

19R Contract Amendment, PB Americas, 83rd Avenue Widening; Williams to Calle Lejos Project

Clerk's Note: Staff Report is included in the joint discussion for Agenda Item 18R.

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

- (a) Approve Contract Amendment No. 3 in the not-to-exceed amount of \$25,454 to PB Americas for post design services for the 83rd Avenue Widening; Williams to Calle Lejos Project (ACON50908B); and
- (b) Authorize an expenditure in the not-to-exceed amount of \$5,000 for Owner's Contingency for unforeseen conditions.

Upon vote, the motion carried unanimously 7 to 0.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Craig Wismer addressed Council stating that he continues to be concerned about what he perceives as chronic speeding on 91st Avenue between Thunderbird and Bell Road. Mr. Wismer requested that Council approve funding to enforce the speed limits in this area.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation
 - a. Fleet Solutions Group – Final Report of Budgetary Savings.

Susan Thorpe, Deputy City Manager, provided an overview of the efforts made by the Fleet Solutions Group to reduce Citywide fleet expenditures. Ms. Thorpe informed that, through efforts of the Fleet Solutions Group, 79 fleet vehicles were eliminated. Other efforts included limiting take-home vehicles, extended vehicle life from 7 to 10 years, implemented a shop rate charge system and a fuel card program. Ms. Thorpe informed that \$1,035,000 in total ongoing savings was realized through these efforts. Further, these efforts have gained national recognition from the International City/County Management Association.

b. Peoria Sports Complex Area Urban Design Study Update.

Chris Jacques, Planning Manager, provided an overview of the Urban Design Plan which took into account the plan goals, local area interests and public and Council input. Mr. Jacques summarized the plan elements for completion, which includes developing regulations/design elements, identifying green development opportunities, analyzing traffic and proposing a circulation plan, a parking plan, thematic elements plan and a Skunk Creek Environment Enhancement Plan. Mr. Jacques informed Council that a complete implementation plan will be provided to Council with a goal of adopting an Urban Design Plan in the Spring of 2010.

3. Informational

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

- a. Annual Report on Identity Theft Prevention Program.
- b. City Clerk Staff Professional Certification.

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended and encouraged residents to attend the Farmer's Market and Mama's Organic Market held at Park West.

Councilmember Hunt reminded that the Northwest Black History Multicultural Music Festival will be held beginning on February 27th at City Hall. Councilmember Hunt stated that residents interested in receiving the Acacia District newsletter can sign up by sending her an email.

Councilmember Evans encouraged residents to get out and enjoy the weather at a park.

Councilmember Carlat encouraged residents to enjoy the weather and get out and explore Lake Pleasant.

Vice Mayor Aames reported on the various City of Peoria activities he attended and provided an update on the commuter rail efforts.

Reports from the Mayor:

Mayor Barrett encouraged citizens to show their support for Luke Air Force Base by attending the upcoming scoping hearings or by visiting www.LukeForward.com.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 8:18 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 February 16, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of April 2010.

(Seal)

Mary Jo Waddell, City Clerk