

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
March 2, 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, Boy Scout Troop #237 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 Kemp, City Attorney; Mary Jo Waddell, City Clerk; J.P. de la Montaigne, Andy Granger, Bill Mattingly, Brent Mattingly, Rocky Smith, 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.

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

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

1C Minutes

Approved the following minutes: January 19, 2010 Special Meeting and Study Session
January 19, 2010 Regular Meeting.

2C Appointments, Boards and Commissions

Approved the recommendation from the Council Subcommittee on Boards and
Commissions Appointments pertaining to the following appointment and adopted the
Resolution as presented:

RESOLUTION 2010- 14

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA,
APPOINTING JOSEPH MCCORD TO THE VETERANS
MEMORIAL BOARD AND ESTABLISHING THE TERM OF
OFFICE.

Adopted **RES. 2010-14** appointing Joseph McCord, as a regular member, to the
Veterans Memorial Board for a partial term to expire December 2012.

3C Grant, 2009 Assistance to Firefighters Grant

Accepted the 2009 Assistance to Firefighters Grant in the amount of \$228,510
(LCON02510).

**4C Contract, ELS Construction Inc., Installation of Irrigation and Landscaping,
Median of Lake Pleasant Road north of Beardsley Road to Rose Garden
Lane**

Awarded an individual Job Order Contract in the amount of \$68,430 to ELS
Construction Inc., to install irrigation and landscaping in the median of Lake Pleasant
Road, north of Beardsley Road to Rose Garden Lane (ACON29808P7).

5C Charter Amendment, Article II, Sections 12, 16, and 17, Pertaining to Journals

RESOLUTION NO. 2010-15

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE II, SECTION 12, ARTICLE II, SECTION 16, AND ARTICLE II, SECTION 17 PERTAINING TO THE COUNCIL.

Adopted **RES. 2010-15** proposing an amendment to the Peoria City Charter pertaining to journals and placing the charter amendment on the August 24, 2010 ballot.

6C Charter Amendment, Article III, Section 3, Pertaining to Appointments of Deputy City Managers and Department Directors

RESOLUTION NO. 2010-16

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE III, SECTION 3 PERTAINING TO CITY MANAGER; POWERS AND DUTIES.

Clerk's Note: Agenda Item 6C was removed from the Consent Agenda for separate discussion and was heard after the Consent Agenda.

Steve Kemp, City Attorney, provided a brief overview of the proposed charter amendment pertaining to appointments of Deputy City Managers and Department Directors. Mr. Kemp explained that, if approved, this proposed charter amendment will be placed on the August 24, 2010 election ballot for consideration by the voters.

Vice Mayor Aames and Councilmember Leone expressed concern stating that Directors and Deputy City Managers should come before the City Council for confirmation of appointment.

Motion was made by Vice Mayor Aames to deny adopting **RES. 2010-16** to change the Peoria City Charter pertaining to appointments of Deputy City Managers and Department Directors and to deny placing the charter amendment on the August 24, 2010 ballot.

Motion died for lack of a second.

Motion was made by Councilmember Pearson, seconded by Councilmember Carlat to adopt **RES. 2010-16** proposing an amendment to the Peoria City Charter pertaining to appointments of Deputy City Managers and Department Directors and placing the charter amendment on the August 24, 2010 ballot.

Upon vote, the motion carried 5 to 2 with Vice Mayor Aames and Councilmember Leone voting "no".

7C Charter Amendment, Article VII, Section 4, Pertaining to Ordinances; Enacting Style

RESOLUTION NO. 2010-17

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE VII, SECTION 4 PERTAINING TO ORDINANCES AND RESOLUTIONS; ENACTING STYLE.

Adopted **RES. 2010-17** proposing an amendment to the Peoria City Charter pertaining to ordinances; enacting style and placing the charter amendment on the August 24, 2010 ballot.

8C Charter Amendment, Article VII, Section 16, Pertaining to Copies of City Code

RESOLUTION NO. 2010-18

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE VII, SECTION 16 ORDINANCES AND RESOLUTION; CODIFICATION OF ORDINANCES.

Adopted **RES. 2010-18** proposing an amendment to the Peoria City Charter pertaining to copies of City Code and placing the charter amendment on the August 24, 2010 ballot.

NEW BUSINESS

9R PUBLIC HEARING - Liquor Licenses, Walgreens, Various Locations

Staff Report/Public Comment:

Brent Mattingly, Finance Director, reported that the properties were 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 requests for the following:

- (a) A New Wine and Beer Liquor License (Series 10) for Walgreens #05353, located at 20266 N. Lake Pleasant Road, Randy A. Guse, Applicant, LL#15775;
- (b) A New Wine and Beer Liquor License (Series 10) for Walgreens #05222, located at 9040 W. Peoria Avenue, Randy A. Guse, Applicant, LL#14551;
- (c) A New Wine and Beer Liquor License (Series 10) for Walgreens #10241, located at 28516 N. El Mirage Road, Randy A. Guse, Applicant, LL#10012994;
- (d) A New Wine and Beer Liquor License (Series 10) for Walgreens #05887, located at 6739 W. Cactus Road, Randy A. Guse, Applicant, LL#17050;
- (e) A New Wine and Beer Liquor License (Series 10) for Walgreens #04742, located at 8310 W. Deer Valley Road, Randy A. Guse, Applicant, LL#16029; and
- (f) A New Wine and Beer Liquor License (Series 10) for Walgreens #04019, located at 7455 W. Peoria Avenue, Randy

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 Vice Mayor Aames to recommend approval to the State Liquor Board for:

- (a) A New Wine and Beer Liquor License (Series 10) for Walgreens #05353, located at 20266 N. Lake Pleasant Road, Randy A. Guse, Applicant, LL#15775;

- (b) A New Wine and Beer Liquor License (Series 10) for Walgreens #05222, located at 9040 W. Peoria Avenue, Randy A. Guse, Applicant, LL#14551;
- (c) A New Wine and Beer Liquor License (Series 10) for Walgreens #10241, located at 28516 N. El Mirage Road, Randy A. Guse, Applicant, LL#10012994;
- (d) A New Wine and Beer Liquor License (Series 10) for Walgreens #05887, located at 6739 W. Cactus Road, Randy A. Guse, Applicant, LL#17050;
- (e) A New Wine and Beer Liquor License (Series 10) for Walgreens #04742, located at 8310 W. Deer Valley Road, Randy A. Guse, Applicant, LL#16029; and
- (f) A New Wine and Beer Liquor License (Series 10) for Walgreens #04019, located at 7455 W. Peoria Avenue, Randy A. Guse, Applicant, LL#11318.

Upon vote, the motion carried unanimously Z to Q.

10R PUBLIC HEARING - City of Peoria General Plan 2010, Recognizing and Approving the General Plan

Clerk's Note: Agenda Items 10R and 11R were presented together.

RESOLUTION NO. 2010-19

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ADOPTING THE GENERAL PLAN ENTITLED 'CITY OF PEORIA GENERAL PLAN 2010' DATED JANUARY, 2001, DEVELOPED UNDER THE GROWING SMARTER AND GROWING SMARTER 'PLUS' LEGISLATION; AND FORMALLY PLACING THE SAID FINAL DRAFT BEFORE THE PEORIA ELECTORATE IN THE AUGUST, 2010 BALLOT PROCEEDINGS.

Staff Report/Public Comment:

Glen Van Nimwegen, Planning and Community Development Director, provided an overview of the major amendments made to the General Plan and stated that the amendments performed to the General Plan are required to be ratified by the voters every ten years.

Mr. Van Nimwegen stated that Agenda Item 11R recommends adoption of the Resolution that places the General Plan Amendments on the August 24th, 2010 ballot. The Council will not consider any amendments to the General Plan until the election is finished.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the 2010 Peoria General Plan.

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

Council Action:

Motion was made by Councilmember Evans, seconded by Councilmember Hunt to adopt **RES. 2010-19** formally acknowledging and accepting the General Plan in advance of the City Council's action to place the Plan on the August 24, 2010 ballot.

Upon vote, the motion carried unanimously 7 to 0.

11R PUBLIC HEARING - City of Peoria General Plan 2010, Placement on August 24, 2010 Ballot

Clerk's Note: Staff Report is included in the joint presentation and discussion for Agenda Item 10R.

RESOLUTION NO. 2010-20

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA FORMALLY PLACING THE GENERAL PLAN ENTITLED "CITY OF PEORIA GENERAL PLAN 2010" DATED JANUARY 2010 BEFORE THE PEORIA ELECTORATE IN THE AUGUST 2010 BALLOT PROCEEDINGS.

PUBLIC HEARING:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the 2010 Peoria General Plan.

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

COUNCIL ACTION:

Motion was made by Councilmember Evans, seconded by Councilmember Hunt to adopt **RES. 2010-20** formally placing the General Plan on the August 24, 2010 ballot for voter ratification.

Upon vote, the motion carried unanimously 7 to 0.

12R Charter Amendment, Article VII, Section 10 and Article VIII, Section 4, Pertaining to Publication of Official Notices

RESOLUTION NO. 2010-21

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA PROPOSING AN AMENDMENT TO THE CITY OF PEORIA, ARIZONA, CITY CHARTER, AMENDING ARTICLE VII, SECTION 10 PERTAINING TO PUBLICATION OF ORDINANCES AND RESOLUTIONS AND AMENDING ARTICLE VIII, SECTION 4, PERTAINING TO CONTRACT FOR OFFICIAL ADVERTISING.

Steve Kemp, City Attorney, provided an overview of the proposed Charter Amendment, which requires the City to publish official notices in an official newspaper. Mr. Kemp explained that the proposal will give the City an option to place certain items on the Web page in place of an official newspaper. Because this is a proposed amendment to the City Charter, Peoria voters must approve the amendment. The proposal would not preclude the City from publishing official notices; rather, it removes the requirements to publish official notices in the official newspaper. Mr. Kemp reviewed average City expenditures for publishing items in the newspaper.

Councilmember Evans stated she would like the most transparent method and the Web site would provide that, but would like to have them published in the newspaper for those without access to the Web site.

Discussion ensued regarding the types of documents required to be published and the typical length of the documents.

Councilmember Pearson stated publication in the official newspapers was required when there were no other methods for notifying the public; this is not a transparency issue, but a money issue.

Councilmember Hunt stated concerns that this proposed amendment would aid in the deterrent of reading the newspaper. Councilmember Hunt stated that residents of her district do not depend on electronic devices for their news.

Councilmember Carlat stated the newspaper option should not be taken away from the citizens without replacing it with an alternative.

Motion was made by Councilmember Carlat, seconded by Councilmember Evans to deny considering **RES. 2010-21** pertaining to publication of official notices and to deny placing the charter amendment on the August 24, 2010 ballot.

Upon vote, the motion to deny placing the charter amendment on the August 24, 2010 ballot carried 4 to 3 with Mayor Barrett and Councilmembers Pearson and Leone voting "no".

13R Community Facilities District Application

Scott Whyte, Economic Development Services Director, provided background regarding the request to approve the recommendation of the Economic Development Advisory Board for the formation of the Meadows Community Facilities District. Mr. Whyte provided an economic development analysis, which includes bringing indirect economic development by increasing demographics and adding retail demand in proximity to the Camino A Lago retail center and retail nodes at Lake Pleasant Parkway and Happy Valley Road.

Discussion ensued regarding the formation of the Community Facilities District, the District Board and the fact that Council's approval would only allow the application to be filed and is not considered a preliminary approval of the application itself.

Motion was made by Councilmember Carlat, seconded by Councilmember Hunt to approve the recommendation of the Economic Development Advisory Board regarding the application for formation of the Meadows Community Facilities District.

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

None.

3. Informational

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

- a. Maricopa County HOME Consortium Grant Award.
- b. Bravo Peoria!

In addition, Mr. Swenson provided information regarding City Council Budget Workshop dates and the 17th Annual Spring Training Charity Game between the Seattle Mariners and the San Diego Padres.

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone encouraged residents to volunteer at the Peoria Sports Complex, and reminded that March 8th is Doggie Day at the Ballpark.

Councilmember Hunt reported on the various City of Peoria activities she attended. Councilmember Hunt informed that the Old Main Hearing will be held on March 25th at 6:00 p.m. at the Peoria Unified School District office. Councilmember Hunt stated that April 10th is the Annual Pioneer Days Parade, which will end with a boxed lunch on the grounds of the Historical Society.

Councilmember Evans encouraged citizens to enjoy the weather and outdoor activities.

Councilmember Pearson encouraged citizens to attend the Dedication of the new Solar Facility Pilot Project on March 13. Councilmember Pearson stated that the pilot project will provide a portion of the electricity at the Beardsley facility.

Councilmember Carlat called attention to a volunteer opportunity called Kids Against Hunger; 200 volunteers put together 100,000 food packages. 40% of these meals go to the West Valley Food Bank and others will go to Haiti. Councilmember Carlat encouraged residents to donate by contacting her office.

Vice Mayor Aames reported on the various City of Peoria activities he attended and provided an update of the Neighborhood Pride Project in Scotland Yard.

Reports from the Mayor:

Mayor Barrett informed that the Luke Air Force Base scoping hearings are designed to inform the public about the F-35; several scoping hearings will be held throughout the valley. Mayor Barrett expressed his appreciation to the Peoria Fire Fighters and Peoria Chamber of Commerce for their efforts and support of Luke Air Force Base; individuals can pledge support at www.lukeforward.com.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 8:04 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 March 2, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of April, 2010.

(Seal)

Mary Jo Waddell, City Clerk