

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
April 20, 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 Pearson led the Pledge of Allegiance.

Members Present: Mayor Bob Barrett; Councilmembers Cathy Carlat, Joan Evans, Vicki Hunt, Carlo Leone and Dave Pearson.

Members Absent: Vice Mayor Ron Aames.

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, Bill Mattingly, Brent Mattingly, Larry Ratcliff, Wynette Reed, John Schell, Tom Solberg, Jeff Tyne, Glen Van Nimwegen, Scott Whyte, Claudia Luján and Rhonda Simmons.

Audience: Approximately 180 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. Mayor Barrett and Councilmember Carlat presented a Certificate of Appointment to Joe McCord for his appointment to the Veteran's Memorial Board.
2. Senator John Nelson, District 12 Representative, provided an overview of the State budget. Senator Nelson stated the State has been dealing with a \$3.8 billion deficit between expenditures and revenues. Senator Nelson stated there have been 323,700 jobs lost since December 2007 and foreclosures are still too high. Senator Nelson presented the steps the State has taken to deal with the budget shortfall. The estimated FY 2011 shortfall equals \$2.63 billion. The federally mandated healthcare issue continues to be an unknown variable in the State's budget.

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 Pearson requested that Agenda Item 5C be removed for separate discussion.

Motion was made by Councilmember Evans, seconded by Councilmember Pearson, to approve the Consent Agenda with the exception of Agenda Item 5C. Upon vote, the motion carried unanimously 6 to 0.

1C Minutes

Approved the following minutes:

March 2, 2010 Special Meeting and Study Session
March 2, 2010 Regular Meeting

2C Annexation, Crossings at Arrowhead North, 81st Avenue and the Beardsley Road Connector Alignment

ORDINANCE NO. 2010-08

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ANNEXING CERTAIN REAL PROPERTY, APPROXIMATELY 16.36 ACRES OF LAND, LOCATED AT THE SOUTHEAST CORNER OF 81ST AVENUE AND THE BEARDSLEY ROAD CONNECTOR, CONTINGENT UPON DEANNEXATION OF SAID PROPERTY BY THE CITY OF GLENDALE, ARIZONA, PURSUANT TO THE PROVISIONS OF A.R.S. §9-471.02.

Adopted **ORD. 2010-08** approving the annexation of approximately 16.36 acres that is pending deannexation from the City of Glendale, located at the southeast corner of 81st Avenue and the Beardsley Road connector alignment (ANX09-03).

3C Deannexation, Crossings at Arrowhead North, East of the New River Corridor, West of Loop-101 and South of Beardsley Road

ORDINANCE NO. 2010-09

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA DEANNEXING CERTAIN REAL PROPERTY, APPROXIMATELY 4.56 ACRES OF LAND, LOCATED SOUTH OF BEARDSLEY ROAD, EAST OF NEW RIVER, WEST OF LOOP 101 FREEWAY, CONTINGENT UPON ANNEXATION OF SAID PROPERTY BY THE CITY OF GLENDALE, ARIZONA, PURSUANT TO THE PROVISIONS OF A.R.S. §9-471.02.

Adopted **ORD. 2010-09** approving the deannexation of approximately 4.56 acres that is pending annexation to the City of Glendale, located east of the New River corridor, west of Loop-101 and south of Beardsley Road (ANX09-04).

4C Settlement Agreement, Desert Winds Assisted Living v. City of Peoria

- (a) Approved a settlement of Desert Winds Assisted Living v. City of Peoria (TX 2006-000334) in the amount of \$50,000 (LCON03710); and
- (b) Approved of a budget transfer in the amount of \$50,000 from the General Fund Contingency Account to the Settlement Claims Account.

5C Bailment Agreement, West Valley Art Museum, Storing of Art Collection

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

Susan Daluddung, Deputy City Manager, provided an overview of the bailment agreement with West Valley Art Museum. Ms. Daluddung stated the West Valley Art Museum building has been sold, requiring the artwork to find a new home. Ms. Daluddung stated that a bailment agreement is essentially a storage agreement where the City will be working with the West Valley Art Museum to establish a relationship and discuss using some of the art in the City's new gallery.

Constance McMillin addressed the Council expressing appreciation for the Council's ongoing vision for the arts in both good and challenging economic times.

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

- (a) Approve a Bailment Agreement with the West Valley Art Museum to store an approximately 1,651 object art collection for two years (LCON03810);

- (b) Approve the necessary expenditures as needed to implement the Bailment Agreement (i.e., approximately \$1,747 to provide electrical circuits to the storage area, \$1,654 to install security fencing around the storage area and approximately \$1,300 for the purchase of insurance for storage of the collection on City property);
- (c) Authorize the use of General Fund reserves and transfer funds from the General Fund Contingency Account to the Arts Commission Account in the amount of \$3,401;
- (d) Authorize the use of funds in the amount of \$1,300 from the Liability Insurance Account; and
- (e) Direct staff to undertake such actions as required to implement the Bailment Agreement.

Upon vote, the motion carried unanimously 6 to 0.

6C Intergovernmental Agreement, City of Phoenix, Equipment Loan Agreement

Approved an Intergovernmental Agreement with the City of Phoenix for an equipment loan agreement for the purposes of assisting with the implementation of the Bulk/Loose Trash Collection Program with the option to administratively approve future agreements should the terms remain unchanged (LCON03910).

7C Intergovernmental Agreement Amendment, City of Phoenix, Processing Recyclable Materials

Approved an Intergovernmental Agreement with the City of Phoenix for processing recyclable materials with the option to administratively approve a second one-year extension should the amendment remain unchanged in 2011 (LCON07907A).

8C Contract, Pioneer Roofing Company, Roof Repairs, Greenway Water Treatment Plant

Utilized an existing on call contract in an amount not-to-exceed \$85,167 with Pioneer Roofing Company for roof repairs at the Greenway Water Treatment Plant (ACON17506).

9C Contract, Brown and Caldwell, Consulting Services, Wastewater Pipeline Inspection Program

Awarded a contract in an amount not-to-exceed \$245,025 to Brown and Caldwell for consulting services related to a Wastewater Pipeline Inspection Program (LCON04010).

10C Contract, ELS Construction, Landscape Improvements, 107th Avenue between Northern Avenue and Olive Avenue

Awarded an individual Job Order Contract in the amount of \$301,684 to ELS Construction Inc., to install irrigation and landscaping in the rights-of-way along 107th Avenue between Northern Avenue and Olive Avenue (ACON29808P8).

11C Contract, J. Banicki Construction, Longitudinal Cracks Repairs, Cactus Road from 67th Avenue to 83rd Avenue

Awarded an individual Job Order Contract in an amount not-to-exceed \$199,480 to J. Banicki Construction for the longitudinal crack repair along Cactus Road from 67th Avenue to 83rd Avenue (ACON55108P10).

12C Contract, Institutions of Higher Learning Recruitment

Authorized the City Manager to enter into a professional services contract in an amount not-to-exceed \$51,000 with the University Realty Advisors for the purpose of recruiting institutions of higher learning to the City (LCON04110).

13C Contracts, Employee Insurance Benefits, Various Providers

Approved and authorized term contracts with the following insurance providers for employee benefits:

- (a) Vision Benefit with SightCare for one (1) year with four (4) one-year extensions (LCON04210);
- (b) Basic Life & AD&D and Voluntary Life & AD&D with UNUM for one (1) year with four (4) one-year extensions (LCON04310); and
- (c) Short-term Disability with Sun Life for one (1) year with four (4) one-year extensions (LCON04410).

14C Contract Amendment, Kimley-Horn and Associates, Design Services, Beardsley Road Widening; 99th Avenue to Lake Pleasant Road

Approved Contract Amendment No. 1 in an amount not-to-exceed \$115,915.02 to Kimley-Horn and Associates for the Beardsley Road Widening; 99th Avenue to Lake Pleasant Road (LCON02109A).

15C Contract Amendment, Strand and Associates, Inc., Post-Construction Services, 91st Avenue and Beardsley Road 24-inch Waterlines Project

Approved Contract Amendment No. 5 in an amount not-to-exceed \$6,800 to Strand and Associates, Inc. for post-construction services associated with the 24-inch waterlines on 91st Avenue from Beardsley Road to Union Hills Drive and on Beardsley Road from 87th Avenue to Lake Pleasant Road (LCON01705E).

16C Authorize Expenditure, Advanced Public Safety Annual Maintenance, Software of E-citation Handheld Units

- (a) Authorized the expenditure of Peoria Court Enhancement Funds (PCEF) in the amount of \$9,608 for Advanced Public Safety Annual Maintenance for software of E-citation handheld units; and
- (b) Approved a budget transfer in the amount of \$9,608 from the General Fund Contingency Account to the Peoria Municipal Court Enhancement Fund Computer Software Support and Maintenance Account to provide expenditure authority only.

17C Authorize Expenditure, Peoria Sports Complex, LED Retrofit of Stadium Scoreboard

- (a) Authorized an expenditure from the Stadium Surcharge Account for the LED (Light-Emitting Diode) retrofit of the Peoria Sports Complex stadium scoreboard;
- (b) Approved the use of reserves in the amount of \$34,412.55 from the Sports Complex Improvement Reserve Surcharge Fund; and
- (c) Authorized a budget transfer in the amount of \$34,412.55 from the Sports Complex Improvement Reserve Contingency Account to the Sports Complex Improvement Reserve Grounds Detention Repair and Maintenance Account.

18C Deeds and Easements, Various Locations

RESOLUTION NO. 2010-26

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING AMENDMENT NO. ONE TO THE INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA AND THE CITY OF PEORIA FOR CONSTRUCTION OF THE BEARDSLEY ROAD EXTENSION, KNOWN AS BEARDSLEY ROAD CONNECTION BY ADOT, PEORIA'S PHASE I OF THE BEARDSLEY EXTENSION PROJECT.

Adopted **RES. 2010-26** accepting Deeds and Easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

19C Final Plat, Arrowhead Commerce Center, 83rd Avenue and Thunderbird Road

Approved a Final Plat of Arrowhead Commerce Center Amended, located on the northeast corner of 83rd Avenue and Thunderbird Road, subject to stipulations.

20C Final Plat, Griffith Commerce Center, 83rd Avenue and Thunderbird Road

Approved a Final Plat of Griffith Commerce Center Amended, located on the northeast corner of 83rd Avenue and Thunderbird Road, subject to stipulations.

NEW BUSINESS

21R Contract, Professional Medical Transport, Inc., Emergency Transportation Services

Dan Zenko, Materials Management Supervisor, provided a background of the current contract with Southwest Ambulance and the Request for Proposal for ambulance services that was initiated on January 12, 2010. Mr. Zenko presented an overview of the Request for Proposal design and process, Peoria's expectations, response times, goals, City oversight, ambulance safety requirements, station locations and options for joint staffing. Mr. Zenko detailed the selection process.

Discussion ensued regarding deployment differences, the Request for Proposal process and standard practices in the selection process.

Roy Ryals, Executive Vice President and Executive Director for Southwest Ambulance, addressed Council in support of Southwest Ambulance for the ambulance services Request for Proposal.

Pat Cantelme, Owner of Professional Medical Transport, Inc., addressed Council in support of Professional Medical Transport for the ambulance services Request for Proposal.

Joe Manning, on behalf of Peoria, addressed Council in support of Professional Medical Transport for the ambulance services Request for Proposal.

Motion was made by Councilmember Leone to postpone the decision on this issue until the next Council meeting. The motion died for lack of a second.

Discussion ensued regarding Southwest Ambulance and Professional Medical Transport, Inc.

Councilmembers provided comments regarding their votes.

Motion was made by Councilmember Evans, seconded by Councilmember Carlat to approve staff's recommendation of the award for Proposal P10-0041 for a three (3) year term contract with a two (2) year extension to Professional Medical Transport, Inc. (PMT) for emergency transportation services (LCON04510).

Upon vote, the motion carried 5 to 1 with Councilmember Leone voting "no".

22R PUBLIC HEARING - Liquor Licenses, 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 Restaurant Liquor License (Series 12) for Squid Ink Sushi Bar, located at 9947 W. Happy Valley Parkway, Suite 109. Applicant: Schuyler O. Estes, LL#10016907 and
- (b) A Location and Person Transfer for an On-Sale Wine & Beer Liquor License (Series 07) for Sardella's Pizza & Wings, located at 8278 W. Lake Pleasant Parkway, Suite 100. Applicant: David P. Sardella, LL#10005482.

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 Councilmember Pearson to recommend approval to the State Liquor Board for:

- (a) A New Restaurant Liquor License (Series 12) for Squid Ink Sushi Bar, located at 9947 W. Happy Valley Parkway, Suite 109. Applicant: Schuyler O. Estes, LL#10016907; and

- (b) A Location and Person Transfer for an On-Sale Wine & Beer Liquor License (Series 07) for Sardella's Pizza & Wings, located at 8278 W. Lake Pleasant Parkway, Suite 100. Applicant: David P. Sardella, LL#10005482.

Upon vote, the motion carried unanimously 6 to 0.

23R Citizens Commission on Salaries for Elected City Officials Report and Recommendations

Mary Jo Waddell, City Clerk, stated the Citizens Commission on Salaries for Elected City Officials' recommendation is that no salary increases be approved for the Mayor and Council at this time, and that if City employees receive salary reductions, the Council should receive the same percentage of reduction.

Motion was made by Councilmember Evans, seconded by Councilmember Hunt, to accept the recommendations of the Citizens Commission on Salaries for Elected City Officials and approve no increase to salaries for Mayor and Council for 2010 through 2012, and in the event there are salary reductions for City employees that the same percentage reduction be applied to Mayor and Council salaries.

Upon vote, the motion carried unanimously 6 to 0.

24R Reconsideration of Charter Amendment, Article III, Section 3, Pertaining to Appointments of Deputy City Managers and Department Directors (6C, March 2, 2010)

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.

RESOLUTION NO. 2010-16A

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.

Motion was made by Councilmember Pearson, seconded by Councilmember Leone to

- (a) Reconsider **RES. 2010-16**, changing 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, previously adopted by Council on March 2, 2010; and
- (b) Consider **RES. 2010-16A** to change the Peoria City Charter pertaining to appointments of Deputy City Managers and Department Directors and to place the charter amendment on the August 24, 2010 ballot.

Upon vote, the motion failed 3 to 3 with Mayor Barrett and Councilmembers Evans and Carlat voting "no".

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Joe McCord addressed Council stating that an asphalt plant has requested a permit to build less than a mile from Ventana Lakes. Mr. McCord stated that contaminants from the asphalt plant may be released in the air which may have potential adverse affects on humans. Mr. McCord requested that the Mayor issue a proclamation in support of not approving the requested permit.

Carol Coleman addressed Council regarding the noise level from Salty Seniorita every Thursday, Friday and Saturday night.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation
 - a. Spring Training 2010.

Chris Calcaterra, Sports Facilities Manager, provided a status report on the 2010 Spring Training season. Mr. Calcaterra provided information regarding attendance, Spring Training revenue and local economic impact.

- b. Enhanced Notification for Zoning and Conditional Use Permits.

Chris Jacques, Planning Manager, provided an overview of a plan to engage the public regarding enhanced notification for zoning and conditional use permits that will increase neighborhood involvement. Mr. Jacques provided information regarding the notification process and an expansion to the notification area, conditional use permit neighborhood meetings, notification tools and an online interactive development map.

3. Informational

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

- a. Preserve America Community Designation.
- b. Peoria Spring Festival.
- c. Peoria's Earth Day Celebration and Arbor Day Recognition.
- d. Solid Waste Recycling Program Update.

Reports from City Council:

Councilmember Leone reported on the various City of Peoria activities he attended.

Councilmember Evans reminded citizens about Proposition 100, a one cent tax on retail items for three years, and encouraged citizens to look into it.

Councilmember Carlat invited citizens to attend the Budget Study Sessions as the City continues to have a balanced budget.

Reports from the Mayor:

Mayor Barrett reminded citizens that Saturday is Arbor Day and the Spring Festival as well as the Relay for Life, which is a fundraiser for the American Cancer Society.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 8:53 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 April 20, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 15th day of June, 2010.

(Seal)

Mary Jo Waddell, City Clerk