

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
May 4, 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 Carlat led the Pledge of Allegiance.

Members Present: Vice Mayor Ron Aames; Councilmembers Cathy Carlat, Joan Evans, Vicki Hunt, Carlo Leone and Dave Pearson.

Members Absent: Mayor Bob Barrett.

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; Kelly Corsette, J.P. de la Montaigne, Andy Granger, Bill Mattingly, Brent Mattingly, Larry Ratcliff, Wynette Reed, Tom Solberg, Jeff Tyne, Glen Van Nimwegen, Scott Whyte and Rhonda Simmons.

Audience: Approximately 30 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. Commendation presented to Kelly Corsette.

Carl Swenson, City Manager, noted that Kelly Corsette is leaving the City to go to the City of Scottsdale to serve as the Director of Communications. Mr. Swenson recognized Kelly Corsette for his 12 years of service to the City of Peoria as the City's first full-time Public Information Officer and then Communications Manager. Further, Mr. Swenson highlighted some of Mr. Corsette's significant accomplishments while working for the City.

Mr. Corsette thanked Council and the City of Peoria for their support during his tenure with the City.

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.

Vice Mayor Aames asked if any Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Councilmember Leone, seconded by Councilmember Carlat, to approve the Consent Agenda. Upon vote, the motion carried unanimously 6 to 0.

1C Disposition of Absence

Excused the absence of Vice Mayor Ron Aames from the Special City Council Meeting and Study Session held at 4:00 p.m. and from the Regular City Council Meeting held at 7:00 p.m. on April 20, 2010.

2C Memorandum of Understanding, American Federation of State, County and Municipal Employees, Local 3282, July 1, 2010 to June 30, 2013

Approved a Memorandum of Understanding with the American Federation of State, County and Municipal Employees, Local 3282 for a three-year contract from July 1, 2010 to June 30, 2013 (LCON04610).

3C Memorandum of Understanding, Peoria Police Officers Association, July 1, 2010 to June 30, 2013

Approved a Memorandum of Understanding with the Peoria Police Officers Association for a three-year contract from July 1, 2010 to June 30, 2013 (LCON04710).

4C Memorandum of Understanding, United Phoenix Firefighters Association, Local 493, July 1, 2010 to June 30, 2011

Approved a Memorandum of Understanding with the United Phoenix Firefighters Association, Local 493 for a one-year contract from July 1, 2010 to June 30, 2011 (LCON04810).

5C Intergovernmental Agreement Amendment, State of Arizona, Beardsley Road Extension

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** approving an intergovernmental agreement amendment with the State of Arizona for the construction of the Beardsley Road Extension (LCON05709A).

6C Contracts, J. Banicki Construction, Inc., Liberty High School Secondary Access and Pedestrian Refuge Median Island

Awarded two individual Job Order Contracts to J. Banicki Construction, Inc.:

- (a) In the amount of \$305,984 for construction of the Liberty High School Secondary Access; and
- (b) In the amount of \$133,191 for the Liberty High School Pedestrian Refuge Median Island (ACON55108P12) (ACON55108P11).

7C Contract, Christ's Church of the Valley, Reimbursement of a Traffic Signal Installation, Happy Valley Road and the Terramar Elementary School Driveway

RESOLUTION NO. 2010-27

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH THE CHRIST'S CHURCH OF THE VALLEY (CCV) AND THE CITY OF PEORIA (CITY) FOR REIMBURSEMENT OF COSTS FOR CONSTRUCTION OF HAPPY VALLEY ROAD SCHOOL/CHURCH IMPROVEMENTS.

Adopted **RES. 2010-27** approving a Roadway Improvement Agreement in the amount not-to-exceed \$129,464 with Christ's Church of the Valley for reimbursement of the traffic signal installation at Happy Valley Road and the Terramar Elementary School driveway (LCON04910).

8C Contract, EPS Group, Inc., 83rd Avenue Street and Drainage Improvements Project

- (a) Awarded a final design contract in an amount not-to-exceed \$840,000 to EPS Group, Inc. for design services associated with the 83rd Avenue Street and Drainage Improvements Project (LCON05010); and
- (b) Authorized a budget transfer in the amount of \$204,000 from the General Fund Contingency Account to the Federal Funded CIP Projects Fund Street System Account.

9C Contract, Arizona Public Service, Design and Construction Services, 83rd Avenue; Williams Road to Calle Lejos Widening Project

Authorized the City Manager to execute a design and construction services contract in the amount of \$101,947 to Arizona Public Service for the relocation of overhead power poles and underground facilities related to the 83rd Avenue; Williams Road to Calle Lejos Widening Project (LCON05110).

10C Contract, CS Construction, Inc., Fiber Cable Installation, Bell Road between 83rd Avenue and Loop 101 and 83rd Avenue between Olive Avenue and the City Hall Complex

Awarded an individual Job Order Contract in the amount of \$130,684 to CS Construction, Inc., for the installation of fiber cables to eliminate traffic communication delays at Bell Road between 83rd Avenue and Loop 101 and 83rd Avenue between Olive Avenue and the City Hall Complex (ACON68608P6).

11C Contract, Felix Construction Company, Pavement Repairs, Greenway Water Treatment Plant

Awarded a Job Order Contract in an amount not-to-exceed \$72,940 to Felix Construction Company for pavement repairs at the Greenway Water Treatment Plant (ACON23908P17).

12C Contract Amendment, Felix Construction Company, Sports Complex Well Modification

Approved Contract Amendment No. 1 for a Guaranteed Maximum Price of \$806,808 to Felix Construction Company for construction services associated with the Sports Complex Well Modification (ACON23908P14).

13C Contract Amendment, Quest Civil Constructors, Beardsley Water Reclamation Facility Recharge Basin

Approved Contract Amendment No. 1 to Quest Civil Constructors for a Guaranteed Maximum Price of \$1,100,176 for construction services associated with the Beardsley Water Reclamation Facility Recharge Basin (ACON25008P9).

14C Contract Amendment, ITS Engineers and Constructors, Inc., Street Lights, 91st Avenue; Peoria Avenue to Grand Avenue

Approved Contract Amendment No. 1 in an amount not-to-exceed \$69,547 to ITS Engineers and Constructors, Inc. for the installation of street lights along the west side of 91st Avenue from Peoria Avenue to Grand Avenue (ACON68808P6).

15C Quarterly Investment Report, Period Ended March 31, 2010

Approved the Quarterly Investment Report for the period ended March 31, 2010.

NEW BUSINESS

16R PUBLIC HEARING - Annexation, 139th Avenue (Litchfield Road) and Dixileta Drive Alignments

ORDINANCE NO. 2010-10

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF PEORIA OF MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF PEORIA, AND PROVIDING FOR SEVERABILITY.

Staff Report/Public Comment:

Scott McCoy, property owner representative, addressed Council regarding the proposed annexation, provided a brief overview of the project and thanked City staff for their efforts.

Glen Van Nimwegen, Planning and Community Development Director, summarized a request to annex approximately 640 acres, located at the southeast corner of the 139th Avenue (Litchfield Road) and Dixileta Drive alignments.

PUBLIC HEARING:

Vice Mayor Aames opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a proposed annexation of approximately 640 acres, located at the southeast corner of the 139th Avenue (Litchfield Road) and Dixileta Drive alignments.

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

COUNCIL ACTION:

Motion was made by Councilmember Carlat, seconded by Councilmember Evans to adopt **ORD. 2010-10** approving the annexation of approximately 640 acres, located at the southeast corner of the 139th Avenue (Litchfield Road) and Dixileta Drive alignments. (ANX 08-02)

Upon vote, the motion carried unanimously 6 to 0.

17R Contract, Latka Studios, Sunrise Mountain Library Public Art Project

David Hunenberg, Library Manager, provided an overview of the Sunrise Mountain Library Public Art Project and outlined the selection process. The project criteria included the quality of artwork, track record with public art projects and the artists' ability to meet project budget and schedule. The project scope includes the design, preparation, transportation and installation of the sculpture; installation is scheduled for October 2010.

Scott Campbell addressed Council regarding the Sunrise Mountain Library Public Art Project stating the money used for this project could be better used to help Peoria schools fund textbooks, graffiti cleanup and new laptops.

Councilmember Pearson explained that the money funding the Sunrise Mountain Library Public Art Project is expended from the 1 percent Arts Fund, which is a fund dedicated for the sole purpose of funding art projects for the City.

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

- (a) Approve the recommendation from the Peoria Arts Commission to select Latka Studios to produce an exterior sculpture to be located in the front of Sunrise Mountain Library; and
- (b) Authorize the City Manager to execute an artist agreement in an amount not-to-exceed \$100,000 (LCON05210).

Upon vote, the motion carried unanimously 6 to 0.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Becky Gurule, addressed Council stating she is trying to get damage caused by a flood in her guest home repaired. The guest home is located on a county island. Ms. Gurule stated this is the second flood she has had in her guest home due to an error made by the City of Peoria.

Vice Mayor Aames requested Susan Thorpe, Deputy City Manager, speak with Ms. Gurule after the meeting regarding this issue.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation

None.

3. Informational

Carl Swenson, City Manager, informed Council that they have been provided a document produced by the Center for the Future of Arizona entitled "Arizona We Want" which outlines an opportunity for the City of Peoria. Mr. Swenson stated Council has also been provided a copy of an article that was written by two City of Peoria employees, Katie Gregory and Peter Christiansen; the article discusses budgeting and sustainability and was published in "The Government Finance Review".

Reports from City Council:

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

Councilmember Evans thanked Scott Campbell for addressing Council regarding the Sunrise Mountain Library Art project. Councilmember Evans stated education in Peoria is superb, the quality of the workforce is important in the City. Councilmember Evans

stated schools do not have money for the things they need; Proposition 100 will help with this problem.

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

Councilmember Carlat reported that a mining operation withdrew its application to conduct business within the City of Peoria due to the efforts of City of Peoria residents. Councilmember Carlat expressed appreciation for the efforts of the citizens.

Vice Mayor Aames reported on the various City of Peoria activities he attended.

Reports from the Mayor:

None.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 7:45 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 4th day of May, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17th day of August, 2010.

(Seal)

Mary Jo Waddell, City Clerk