

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
PINE ROOM, CITY HALL
June 1, 2010

A **Special Meeting and Study Session** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 4:01 p.m.

Following a moment of silence, Mayor Bob Barrett 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; Andy Granger, Bill Mattingly, Wynette Reed, Jeff Tyne, Steve Burg, Carol Johnson, Bobbie Kimelton and Claudia Luján.

Audience: Approximately 2 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. Having no requests from Council, motion was made by Vice Mayor Aames, seconded by Councilmember Hunt, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

1C Disposition of Absence

Excused the absence of Mayor Bob Barrett 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 May 4, 2010.

2C Code Amendment, Chapter 12, 2009 Model City Tax Code

ORDINANCE NO. 2010-11

AN ORDINANCE OF THE CITY OF PEORIA MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 12 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 12-350.3 PERTAINING TO RECORDKEEPING: OUT-OF-CITY AND OUT-OF-STATE SALES; AMENDING SECTION 12-415 PERTAINING TO CONSTRUCTION CONTRACTING: PRIME CONTRACTORS; AMENDING SECTION 12- 416 PERTAINING TO CONSTRUCTION CONTRACTING: SPECULATIVE BUILDERS; AMENDING SECTION 12-417 PERTAINING TO CONSTRUCTION CONTRACTING: OWNER-BUILDERS WHO ARE NOT SPECULATIVE BUILDERS; AMENDING SECTION 12-450 PERTAINING TO RENTAL, LEASING, AND LICENSING FOR USE OF TANGIBLE PERSONAL PROPERTY; AND AMENDING SECTION 12-570 PERTAINING TO ADMINISTRATIVE REVIEW; PETITION FOR HEARING OR FOR REDETERMINATION; FINALITY OF ORDER AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 2010-11** amending Chapter 12 of the Peoria City Code (1992 Edition) pertaining to the City of Peoria Model City Tax Code.

3C Annexation Development Agreement, Southeast Corner of 139th Avenue and Dixileta Drive

Approved annexation agreement for approximately 640 acres located at the southeast corner of 139th Ave and Dixileta Drive alignments (LCON05410).

4C Grant Application, U.S. Department of Interior, Bureau of Reclamation, WaterSMART: Water and Energy Efficiency Grants

RESOLUTION NO 2010-29

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPROVING THE APPLICATION FOR THE 2010 WATERSMART: WATER AND ENERGY EFFICIENCY GRANT; AND ORDERING THE RECORDING OF SUCH RESOLUTION.

Adopted **RES. 2010-29** authorizing an application to the U.S. Department of Interior, Bureau of Reclamation for a 2010 WaterSMART: Water and Energy Efficiency Grant (LCON05510).

5C Memorandum of Understanding, Arizona Department of Public Safety, Connectivity to the Arizona Counter Terrorism Information Center Terrorism Liaison Officer Systems and Program Enhancements

Approved a Memorandum of Understanding with the Arizona Department of Public Safety to establish connectivity to the Arizona Department of Public Safety Arizona Counter Terrorism Information Center (ACTIC) Terrorism Liaison Officer (TLO) systems and enhanced the ACTIC TLO Program intelligence collection and domestic preparedness for Chemical, Biological, Radiological, Nuclear, Explosive response services concerning the activities of terrorism (LCON05610).

6C Intergovernmental Agreement, Maricopa County Department of Transportation, Repairs of the Peoria Avenue Bridge over New River

RESOLUTION NO. 2010-30

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION FOR THE REPAIR OF THE PEORIA AVENUE BRIDGE OVER NEW RIVER.

Adopted **RES. 2010-30** approving an Intergovernmental Agreement with the Maricopa County, Department of Transportation, for the repair of the Peoria Avenue Bridge over New River (Structure Number 9427) (LCON05710).

7C Intergovernmental Agreement, State of Arizona, Construction of the Beardsley Road Extension

RESOLUTION NO. 2010-31

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING REVISED 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. 2010-31** approving Revised Amendment No. 1 to the Intergovernmental Agreement with the State of Arizona for construction of the Beardsley Road Extension (LCON05709B).

8C Intergovernmental Agreement, State of Arizona, Pavement Preservation, 83rd Avenue and 99th Avenue and Union Hills Drive to Deer Valley Road

RESOLUTION NO. 2010-32

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 FOR THE CONSTRUCTION OF CERTAIN PAVEMENT PRESERVATION IMPROVEMENTS ALONG CERTAIN ROADWAYS LOCATED WITHIN THE CITY OF PEORIA.

Adopted **RES. 2010-32** approving Intergovernmental Agreement with the State of Arizona for the pavement preservation of certain roadways located in the vicinity between 83rd Avenue and 99th Avenue and Union Hills Drive to Deer Valley Road (LCON05810).

9C Contract, Hays Companies, Benefits Consultant Services

Awarded a one (1) year term contract with four (4) one-year extensions to Hays Companies with an annual fee of \$52,000 for benefits consultant services, effective July 1, 2010 (LCON05910).

10C Contract, Pacific Municipal Consultants, Osuna Park, 83rd Avenue and Washington Street

Awarded a professional services contract in the not-to-exceed amount of \$100,515 to Pacific Municipal Consultants for design and construction administration services for Osuna Park, located at 83rd Avenue and Washington Street (LCON06010).

11C Contract, D'Onofrio Monh Environmental, L.L.C., 91st Avenue; Thunderbird Road to Greenway Road Noise Study

- (a) Awarded a contract in the amount of \$16,939 to D'Onofrio Monh Environmental, L.L.C. for the 91st Avenue; Thunderbird Road to Greenway Road Noise Study (LCON06110);
- (b) Authorized the use of reserves;
- (c) Approved a budget transfer in the amount of \$16,939 from the General Fund Contingency Account to the Engineering Services Division, Other Professional Services Account.

12C Authorize Expenditure, Server Replacements, PeopleSoft Human Capital Management System Upgrade

- (a) Authorized the early procurement of two computer servers in the not-to-exceed amount of \$22,000 for the upgrade of the PeopleSoft Human Capital Management System;
- (b) Authorized a budget transfer in the amount of \$22,000 from the General Fund Contingency Account to the IT Reserve for System Computer Equipment Capital Outlay Computer Hardware Account.

13C Fiscal Year 2010 Budget Amendments

Approved amendments in fiscal year 2010, third quarter budget, for cleanup items, operating category, capital, carryover-capital, other and CIP - charge backs.

14C Tentative Fiscal Year 2011 Budget

RESOLUTION NO. 2010-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING THE TENTATIVE BUDGET FOR THE FISCAL PERIOD BEGINNING JULY 1, 2010, AND ENDING JUNE 30, 2011 SPECIFYING THE OBJECT AND PURPOSE FOR WHICH SUCH BUDGET IS MADE; AND DIRECTING THE CITY CLERK TO PUBLISH SAID PROPOSED BUDGET IN ACCORDANCE WITH ARIZONA STATE STATUTES.

Adopted **RES. 2010-28** authorizing tentative fiscal year 2011 budget in the amount of \$455,000,000.

15C Capital Improvement Program, Fiscal Year 2011-2010

RESOLUTION NO. 2010-33

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING THE TEN-YEAR \$521,956,122 CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2011.

Adopted **RES. 2010-33** approving Fiscal Year 2011-2020 Capital Improvement Program.

16C Reimbursement of Capital Project Costs

RESOLUTION NO. 2010-34

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING FOR PURPOSE OF SECTION 1.150-2 OF THE FEDERAL TREASURY REGULATIONS, OFFICIAL INTENT TO BE REIMBURSED IN CONNECTION WITH CERTAIN CAPITAL EXPENDITURES.

Adopted **RES. 2010-34** authorizing the reimbursement of \$34,943,014 in capital project costs with the proceeds of bond issues.

17C Sale of General Obligation Bonds, Series 2010

RESOLUTION NO 2010-35

RESOLUTION ORDERING THE SALE OF CITY OF PEORIA, ARIZONA GENERAL OBLIGATION BONDS (PROJECTS OF 2000, 2005 AND 2008), SERIES 2010, IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$31,000,000, FIXING THE DATE AND HOUR OF SALE OF SUCH BONDS, DELEGATING TO THE CHIEF FINANCIAL OFFICER OF THE CITY AUTHORITY TO FINALIZE MATTERS IN THE NOTICE OF SALE OF SUCH BONDS AND AUTHORIZING THE PREPARATION, USE AND DISTRIBUTION OF AN OFFICIAL STATEMENT RELATING TO SUCH BONDS.

- (a) Adopted **RES. 2010-35** authorizing the sale of City of Peoria, General Obligation Bonds (Projects of 2000, 2005, and 2008) Series 2010 in the total aggregate principal amount of not to exceed \$31,000,000;
- (b) Fixing the date and hour of sale of such bonds;
- (c) Delegating to the Chief Financial Officer of the City authority to finalize matter in the Notice of Sale of such bonds;
- (d) Authorizing the preparation, use and distribution of an Official Statement relating to such bonds.

18C Deeds and Easements, Various Locations

RESOLUTION NO. 2010-36

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION FORMALLY ACCEPTING DEEDS AND EASEMENTS FOR PROPERTY RIGHTS CONVEYED TO THE CITY OF PEORIA.

Adopted **RES. 2010-36** 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, Agave Courts, South of Jomax Road and East of 75th Ave

Approved a Final Plat for Agave Courts, located south of Jomax Road and east of 75th Avenue, subject to stipulations.

20C Final Plat, Community of Grace Lutheran Church, Pinnacle Peak Road, East of 107th Avenue

Approved the Final Plat for Community of Grace Lutheran Church, located on Pinnacle Peak Road, east of 107th Avenue, subject to stipulations.

21C Final Plat, Garrett's Place, 93rd Avenue South of Jomax Road

Approved the Final Plat of Garrett's Place, located at 93rd Avenue south of Jomax Road, subject to stipulations.

22C Final Plat, Peoria Grand Mini Storage Market Street, Market Street South of Peoria Avenue

Approved the Final Plat for Peoria Grand Mini Storage Market Street, located on Market Street, south of Peoria Avenue, subject to stipulations.

23C Replat, Amended Plat of Arrowhead Auto Plaza, Southwest Corner of Bell Road and 88th Drive

Approved the Replat for Arrowhead Auto Plaza, located on southwest corner of Bell Road and 88th Drive, subject to stipulations.

24C Authorization to Hold an Executive Session

Authorized the holding of an Executive Session for the purpose of:

- (a) Discussion with Legal Counsel for legal advice pertaining to the Quintero Golf and Country Club (Pursuant to A.R.S. § 38-431.03.A.3);
- (b) Discussion with Legal Counsel for legal advice pertaining to Desert Harbor (Pursuant to A.R.S. § 38-431.03.A.3)

Note: Executive Session was held after the adjournment of the 4:00 p.m. City Council Special Meeting and Study Session.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

ADJOURNMENT:

Being no further business to come before Council on the Consent Agenda, Mayor Barrett adjourned the Special Meeting at 4:02 p.m.

Mayor Barrett convened the **Study Session Meeting** of the City Council of the City of Peoria, Arizona at 8401 West Monroe Street in open and public session at 4:02 p.m.

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

Members Absent: None.

STUDY SESSION AGENDA

Subjects for Discussion Only:

1. Apprenticeship Program

Carol Johnson, Apprenticeship Program Coordinator, explained the apprenticeship program as a training strategy used to produce highly skilled workers to meet demands of employers. Programs being developed are:

- Water Treatment Plant Operators - 6150 hours (Approximately 3-4 years)
- Wastewater Treatment Plant Operators – 6150 hours (Approximately 3-4 years)
- Water System, Operators - 6179 hours (Approximately 3-4 years)
- Wastewater System Operators – 6199 hours (Approximately 3-4 years)

Ms. Johnson reported that there are four phases in order to have a validated apprenticeship program. The program is scheduled to be validated by the end of 2011.

Bill Mattingly, Public Works Director, informed that the Department of Environmental Quality has four levels of study with regard to water/wastewater operations; the apprenticeship program will work closely with the four levels of study. Current staff will obtain on-the-job training within these four levels through the apprenticeship program.

2. Mining

Steve Kemp, City Attorney, identified Arizona State Lands and explained land consists of:

- Physical land;
- Mineral and water rights below and appurtenant to the physical land; and
- Rights, such as air corridors - vision above the land

Mr. Kemp summarized different aspects of the state lands and provided a comparison between state and federal lands. Mr. Kemp provided information regarding considerations for entering into a Memorandum of Understanding with the State Land Department.

Mayor Barrett declared a short recess at 5:23 p.m. and resumed the meeting at 5:33 p.m.

3. Redistricting

Mr. Kemp provided information related to changes in the legal environment that will impact redistricting.

Discussion ensued regarding minority population regression and the fact that the U.S. Department of Justice will more critically evaluate districts with minority population regression.

Mr. Kemp outlined information collected in the redistricting process which includes:

- Information regarding annexations since 2000 - population, minority population, projected housing development
- Past elections, including canvasses, voting patterns, minority or majority block voting
- Communities of interest, areas that are viewed as a local community
- Development patterns since 2000 – how population and minority population may have been impacted

Mr. Kemp provided information regarding the next steps in the redistricting process on a short-term basis (within six months). These steps include:

- Citizen input meetings by district
- Citizen kit submission to allow citizens to submit their own district proposals
- Councilmember interviews regarding expectations
- Working with the County regarding precinct boundaries
 - Identify changes in natural and physical landmarks that may be suitable for district lines
- Networking with minority interest groups
 - MALDEF - Mexican American Legal Defense and Education Fund
 - NAACP - National Association of Advancement of Colored People
 - LULAC - League of United Latin American Citizens

Mr. Kemp provided information regarding the next steps in the redistricting process on a longer-term basis (six months and beyond). These steps include:

- Receipt of initial census information in April 2011
- Develop initial redistricting concepts
- Public input regarding redistricting concepts
- Council Study Session to identify preferred final options
- Review of final options for legal and elections conformity; submit recommended option for Council approval
- Submit approved option to the U.S. Department of Justice for preclearance

Mr. Kemp stated the new boundaries will apply in the 2012 elections.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 6:15 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 June 15, 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