

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
August 17, 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 7:01 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 Kemp, City Attorney; Mary Jo Waddell, City Clerk; Andy Granger, Bill Mattingly, Brent Mattingly, Larry Ratcliff, John Schell, Thomas Solberg, Jeff Tyne, Glen Van Nimwegen, Scott Whyte, Sherine Zaya, Claudia Luján and Rhonda Simmons.

Audience: Approximately 65 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. Board and Commission Certificates of Appointment

Mayor Barrett and Councilmember Carlat presented certificates of appointment to the following Board and Commission members:

Jack Lytle appointed to the Arts Commission;
Karen McDaniel appointed to the Board of Adjustment;
Vonda Culp appointed to the Economic Development Advisory Board;
Joya Kizer Clarke appointed to the Sister Cities Board; and
Thomas Prior appointed to the Youth Advisory Board.

Clerk's Note: Mark Hammons and Shelby Duplessis were not present to receive their certificates of appointment.

2. Presentation of appreciation plaque to Steve Yamamori for his work with Fighter Country Partnership

Mayor Barrett presented a “Key to the City” to Steve Yamamori in honor of his achievements as Executive Director of Fighter Country Partnership. Mr. Yamamori will depart the organization on August 31 to further his professional career.

Rusty Mitchell, Director of Luke Air Force Base Community Initiatives Team, spoke on behalf of Luke Air Force Base, to say goodbye and extend his gratitude to Mr. Yamamori.

Mr. Yamamori expressed his appreciation to the City.

Mayor Barrett recognized Fighter Country Partnership, a leading community support and advocacy group for the preservation of Luke Air Force Base, as one of the most important regional relationships with the City of Peoria.

3. Presentation on the 2010 Census

Al Macias, U.S. Census Bureau Partnership Specialist, presented a plaque to Mayor Barrett for the City’s support in the 2010 Census efforts.

4. Commendation presented to Mary Jo Waddell

Carl Swenson, City Manager, recognized Mary Jo Waddell upon her retirement for her service to the City as City Clerk during the past six and one-half years. Mr. Swenson highlighted some of Ms. Waddell’s accomplishments during her career in public service.

Ms. Waddell thanked Council and the City of Peoria for their support during her 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.

Mayor Barrett asked if any Councilmember wished to have an item removed from the Consent Agenda.

Councilmember Pearson requested that Agenda Item 17C be removed from the Consent Agenda for separate discussion.

Councilmember Carlat requested that Agenda Item 21C be removed from the Consent Agenda for separate discussion.

Motion was made by Vice Mayor Aames, seconded by Councilmember Hunt, to approve the Consent Agenda with the exception of Agenda Items 17C and 21C.

Upon vote, the motion carried unanimously 7 to 0.

1C Disposition of Absence

Excused the absence of Councilmember Cathy Carlat from the Study Session held at 4:00 p.m. and from the Regular City Council Meeting held at 7:00 p.m. on July 6, 2010.

2C Minutes

Approved the following minutes:

April 20, 2010 Amended Special Meeting and Study Session
May 4, 2010 Special Meeting and Study Session
May 4, 2010 Regular Meeting
June 1, 2010 Special Meeting and Study Session
June 15, 2010 Study Session Meeting
June 15, 2010 Special Meeting
June 15, 2010 Regular Meeting
June 29, 2010 Special Meeting

3C Appointments, Boards and Commissions

RESOLUTION 2010-63

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING GEOFF SCOTT TO THE ECONOMIC DEVELOPMENT ADVISORY BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2010-64

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING MIKE FUSCO TO THE HISTORIC PRESERVATION COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2010-65

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING AIMEE UPTON AND BRIAN DERRICK TO THE PARKS AND RECREATION BOARD AND ESTABLISHING THE TERM OF OFFICE.

Approved the recommendations from the Council Subcommittee on Boards and Commissions Appointments pertaining to the following appointments and adopted the Resolutions as presented:

Adopted **RES. 2010-63** appointing Geoff Scott, as a regular member, to the Economic Development Advisory Board;

Adopted **RES. 2010-64** appointing Mike Fusco, as a regular member, to the Historic Preservation Commission; and

Adopted **RES. 2010-65** appointing Aimee Upton and Brian Derrick, as regular members, to the Parks and Recreation Board.

4C Annexation, Right of Way, Deer Valley Road between 85th and 91st Avenues

ORDINANCE NO. 2010-19

AN ORDINANCE OF THE CITY OF PEORIA, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF PEORIA, ARIZONA, 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 THE RECORDING OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE FOR THE ANNEXATION.

Adopted **ORD. 2010-19** approving the annexation of Deer Valley Road between 85th and 91st Avenues.

5C Annexation, Crossings at Arrowhead North, 81st Avenue and the Beardsley Road Connector Alignment

ORDINANCE NO. 2010-20

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REPEALING ORDINANCE 2010-08 AND ANNEXING CERTAIN REAL PROPERTY, APPROXIMATELY 16.36 ACRES OF LAND, LOCATED AT THE SOUTHEAST CORNER OF 81ST AVENUE AND THE BEARDLSEY 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. 2010-20** repealing Ordinance 2010-08 and approving the annexation of approximately 16.36 acres, located at the southeast corner of 81st Avenue and the Beardsley Road connector alignment (ANX09-03).

6C Deannexation, Crossings at Arrowhead North, East of New River Corridor, West of Loop-101 and South of Beardsley Road

ORDINANCE NO. 2010-21

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REPEALING ORDINANCE 2010-09 AND 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. 2010-21** repealing Ordinance 2010-09 and approving the deannexation of approximately 4.56 acres located east of the New River corridor, west of Loop-101 and south of Beardsley Road (ANX09-04).

7C Grant, Arizona State Library, Archives and Public Records, Literacy Kiosk

- (a) Accepted a grant in the amount of \$25,000 from the Library Services and Technology Act, administered by the State Library, Archives and Public Records to provide funding for Sunrise Mountain Library to purchase an interactive literacy kiosk and other child-friendly furnishings and activities (LCON02610A); and
- (b) Authorized a budget adjustment in the amount of \$25,000 from the Proposed Grant Contingency Account to the Library Office Equipment and Furniture Account.

8C Grant, Arizona Peace Officer Standards and Training Board

RESOLUTION NO. 2010-70

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, TO ACCEPT A GRANT IN THE AMOUNT OF \$11,400 FROM THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD (AZ POST) TO UPGRADE OFFICER TRAINING EQUIPMENT.

- (a) Adopted **RES. 2010-70** authorizing the City of Peoria Police Department to accept \$11,400 from the Arizona Peace Officer Standards and Training Board (AZ POST) Peace Officer Training Fund to purchase upgrades to the Multiple Interactive Learning Objective (MILO) firearms training system and purchase a Trainee Action Capture (TAC) camera (LCON07010); and
- (b) Approved a budget amendment of \$11,400 from the Proposed Grants Contingency Account to the Youth and Support Services Account, to provide expenditure authority for the accounts listed below:
- Electronic Equipment for \$600
 - Computer Hardware for \$10,800

9C Grant, Maricopa Association of Governments, PM-10 Certified Street Sweeper Purchase

- (a) Accepted a grant from Maricopa Association of Governments in the amount of \$197,225 for the purchase of a PM-10 certified street sweeper (LCON07710); and
- (b) Approved a budget transfer in the amount of \$252,195 from the Proposed Grants Fund Contingency Account to the Street/Transit Equipment Replacement Fund Trucks and Vans Account.

10C Intergovernmental Agreement, Peoria Unified School District, Cheyenne Field Lighting

Approved an Intergovernmental Agreement with the Peoria Unified School District to operate and maintain the Ball Field Lighting System at Cheyenne Elementary School (LCON07810).

11C Intergovernmental Agreement, Peoria Unified School District, Coyote Hills Field Lighting

Approved an Intergovernmental Agreement with the Peoria Unified School District to operate and maintain the Ball Field Lighting System at Coyote Hills Elementary School (LCON07910).

12C Intergovernmental Agreement, Drug Enforcement Administration Task Forces

RESOLUTION NO. 2010-71

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, TO RENEW TWO INTERGOVERNMENTAL AGREEMENTS WITH THE DRUG ENFORCEMENT ADMINISTRATION (DEA) AND ACCEPT OVERTIME REIMBURSEMENT NOT TO EXCEED \$34,404.50.

- (a) Adopted **RES. 2010-71** authorizing the renewal of two Intergovernmental Agreements between the Peoria Police Department and the Drug Enforcement Administration (DEA) and assign two officers to DEA Task Forces for a period of not less than two years (LCON08010 and LCON08110); and
- (b) Approved a budget amendment in the amount of \$34,404.50 from the Proposed Grants Contingency Account to the Federal DEA Fund Overtime Account to provide expenditure authority.

13C Intergovernmental Agreement, City of Phoenix, Intelligence Data

- (a) Approved an Intergovernmental Agreement with the City of Phoenix for the purchase and installation of an Intel Lead software module utilizing funds received from the State of Arizona Homeland Security Grant Program; and
- (b) Approved the sole source purchase of the Intel Lead software module through Knowledge Computing Corporation in the amount of \$169,689.98.

14C Intergovernmental Agreement, State of Arizona Game and Fish Department, Rio Vista Community Park

Approved a four-year Intergovernmental Agreement with the State of Arizona, Game and Fish Department to maintain Rio Vista Community Park as a facility in the State of Arizona Urban Fishing Program (LCON08210).

15C Intergovernmental Agreement Amendment, Maricopa County Library District, Reciprocal Borrowing Program

Approved the Fourth Amendment to the Intergovernmental Agreement with the Maricopa County Library District, effective July 1, 2010 – June 30, 2011 (LCON09101D).

16C Intergovernmental Agreement Amendment, State of Arizona, Roadway Widening Improvements at Olive Avenue and Loop 101

RESOLUTION NO. 2010-66

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 AMENDMENT WITH THE STATE OF ARIZONA FOR THE CONSTRUCTION OF CERTAIN IMPROVEMENTS AT OLIVE AVENUE AND LOOP 101.

Adopted **RES. 2010-66** approving Intergovernmental Agreement Amendment No. 1 with the State of Arizona for construction of roadway widening improvements at Olive Avenue and Loop 101 (LCON11009A).

17C Exclusive Negotiating Agreement for Peoria Place

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

Scott Whyte, Economic Development Services Director, provided a brief overview of the request to enter into an Exclusive Negotiating Agreement with Ottawa University to explore the possibility of establishing a residential campus for the university at Peoria Place.

Motion was made by Councilmember Hunt, seconded by Vice Mayor Aames, to authorize the City Manager to enter into an Exclusive Negotiating Agreement with Ottawa University and the Ellman Companies for the Peoria Place site.

Upon vote, the motion carried unanimously 7 to 0.

18C Contract, EPS Group, Inc., 83rd Avenue Reclaimed Waterline

Approved a contract in an amount not-to-exceed \$207,242 for EPS Group, Inc. for design services associated with the 83rd Avenue Reclaimed Waterline project (LCON08310).

19C Contract, Lake Pleasant Parkway, 87th Avenue to 91st Avenue, Landscape and Irrigation System Improvements

Awarded a Job Order Contract in the amount of \$148,350 to ELS Construction, Inc. for the construction of landscape and irrigation system improvements along the south side of Lake Pleasant Parkway, between 87th Avenue and 91st Avenue (ACON29808P9).

20C Contract, Logan Simpson Design Inc. Professional Services, Skunk Creek Trailhead and Sports Complex Trail

Awarded a professional services contract in an amount not-to-exceed \$209,353 to Logan Simpson Design Inc. for the design of the Skunk Creek Trailhead and Sports Complex Trail, located at 83rd Avenue, south of the Peoria Sports Complex (LCON08410).

21C Contract, Logan Simpson Design Inc., Palo Verde Park Environmental Consultant Services

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

Kirk Haines, Parks Manager, summarized the request to hire an environmental consultant for cultural data recovery at the Palo Verde Park site.

Motion was made by Councilmember Carlat, seconded by Vice Mayor Aames, to award an environmental consultant services contract in an amount not-to-exceed \$199,074 to Logan Simpson Design Inc. for cultural data recovery at Palo Verde Park (LCON08510).

Upon vote, the motion carried unanimously 7 to 0.

22C Contract Amendment, Nelson/Nygaard Inc., Multi-Modal Transportation Plan

- (a) Approved Contract Amendment No. 1 in an amount not-to-exceed \$9,433 with Nelson/Nygaard Inc. to obtain additional transit ridership information on the routes within, or adjacent to Peoria, and to extend the contract from October 25, 2010 to December 31, 2010 (LCON09409A); and
- (b) Approved a budget transfer in an amount not-to-exceed \$9,433 from the Transportation Sales Tax Fund Contingency Account to the Multi-Modal Transportation Master Plan project, Transportation Sales Tax Other Professional Services Account.

23C Authorize Expenditure, Deca Southwest, Energy Efficiency and Conservation Block Grant LED Street/Park Lighting

Authorized an expenditure in the amount of \$141,540 utilizing an existing Mohave Educational Services Cooperative Job Order Contracting contract through Deca Southwest to retrofit each of the existing high pressure sodium pedestrian lights in Old Town Peoria with new energy efficient light emitting diode light replacement fixtures.

24C Authorize Expenditure, Various Vendors, Scotland Yard, Palo Verde and Braewood Neighborhood Park Playground Systems

Authorized an expenditure in an amount not-to-exceed \$223,977 to Micon Construction, Dave Bang Associates, Inc. and Shade 'n Net for the Scotland Yard, Palo Verde and Braewood Neighborhood Park playground systems utilizing Mohave Educational Services contracts and a City of Phoenix contract.

25C Authorize Expenditure, ITS Engineers and Constructors, Hybrid Wireless/Fiber Communications System

Authorized an expenditure in an amount not-to-exceed \$432,870 utilizing an existing State Contract with ITS Engineers and Constructors for the installation of a hybrid wireless/fiber communications system, to provide signalized connectivity for 36 intersections to the City of Peoria Traffic Management Center.

26C Budget Transfer, Engineering Department, Arterial Life Cycle Program Funding Changes, Various Locations

Approved the following budget transfers for the 75th Avenue and Thunderbird Road Intersection Improvements, 83rd Avenue Street and Drainage Improvements and the Lake Pleasant Parkway; Westwing to Loop 303:

- a) \$5,577,000 from the Federal Funded Capital Projects Fund Street System Account to the County Transportation Tax Fund Street System Account in the amount of \$4,054,000 and to the General Fund Contingency Account in the amount of \$1,523,000;
- b) \$5,915,000 from the Federal Funded Capital Projects Fund Land Acquisition Account to the County Transportation Tax Fund Land Acquisition Account in the amount of \$866,608; to the General Obligation Bonds 2009 Fund Land Acquisition Account in the amount of \$2,861,642; to the General Fund Contingency Account in the amount of \$2,186,750; and
- c) \$2,000,358 from the General Obligation Bonds 2009 Fund Land Acquisition Account to the General Fund Contingency Account.

27C Revision to the Fiscal Year 2011 Property Tax Levy

RESOLUTION NO. 2010 -67

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, APPROVING ORDINANCE 2010-22.

ORDINANCE NO. 2010 -22

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA, SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS AND

PROVIDING FUNDS FOR GENERAL MUNICIPAL EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2011, AND DECLARING AN EMERGENCY.

- (a) Adopted a revised property tax levy based on the latest assessed valuation figures provided by the Property Tax Oversight Commission; and
- (b) Adopted **RES. 2010-67** and **ORD. 2010-22** adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for Fiscal Year 2011 and declaring an emergency.

28C Investment Report for the Year Ended June 30, 2010

Accepted the Annual Investment Report for the Year Ended June 30, 2010.

29C Request for Exemption from Requirement to Post Security for Self-Insured Workers' Compensation Claims

Authorized the City Manager to provide a certified statement from the City of Peoria requesting exemption from the requirement to post security for pending self-insured workers' compensation claims.

30C 2009 Maricopa County Multi-jurisdictional Hazard Mitigation Plan, Jurisdictional Summary for the City of Peoria

RESOLUTION NO. 2010-68

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AUTHORIZING ADOPTION OF THE MARICOPA COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN 2009 WHICH PEORIA PARTICIPATED IN AND IS INCLUDED AND WHICH WAS PREPARED IN COMPLIANCE WITH SECTION 322 OF THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT OF 1988.

Adopted **RES. 2010-68** authorizing the 2009 Maricopa County Multi-jurisdictional Hazard Mitigation Plan prepared in compliance with Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) in cooperation with the Maricopa County Department of Emergency Management and 28 participating jurisdictions.

NEW BUSINESS

31R Public Hearing - Liquor Licenses, Various Locations

Staff Report:

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 the requests for:

- (a) A New Restaurant Liquor License (Series 12) for Red Brick Pizza, located at 9823 W. Northern Avenue Suite 1650. Applicant: Kyle T. Walker, LL#10017424; and
- (b) A New Restaurant Liquor License (Series 12) for Cousin Vinny Pizza and Pasta, located at 8267 W. Lake Pleasant Parkway. Applicant: Angel Iordanoff, LL#10017812.

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

Council Action:

Motion was made by Councilmember Leone, seconded by Vice Mayor Aames, to recommend approval to the State Liquor Board for:

- (a) A New Restaurant Liquor License (Series 12) for Red Brick Pizza, located at 9823 W. Northern Avenue Suite 1650. Applicant: Kyle T. Walker, LL#10017424; and
- (b) A New Restaurant Liquor License (Series 12) for Cousin Vinny Pizza and Pasta, located at 8267 W. Lake Pleasant Parkway. Applicant: Angel Iordanoff, LL#10017812.

Upon vote, the motion carried unanimously 7 to 0.

32R Public Hearing - Conditional Use Permit Appeal, Wireless Communication Facility, Clearwire Heritage Mortuary, 6830 W. Thunderbird Road

Glen Van Nimwegen, Planning and Community Development Director, outlined a request for a continuance of a Conditional Use Permit appeal for a proposed wireless communication facility at Heritage Mortuary.

Motion was made by Councilmember Hunt, seconded by Vice Mayor Aames, to carry over to September 21 the Public Hearing on a Conditional Use Permit appeal for a proposed 65-foot high Wireless Communication Facility and associated ground equipment located at 6830 W. Thunderbird Road (CU 10-0044).

Upon vote, the motion carried unanimously 7 to 0.

33R Public Hearing - Grant, United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant

RESOLUTION NO. 2010-69

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, TO ACCEPT A GRANT AWARD IN THE AMOUNT OF \$40,741 FROM US DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) TO FUND LAW ENFORCEMENT OPERATIONS.

Staff Report:

Larry Ratcliff, Police Chief, provided an overview of a grant awarded by the United States Department of Justice to supplement police activities.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a resolution authorizing the City of Peoria Police Department to accept \$40,741 from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) to supplement police programs and purchase equipment to enhance strategic law enforcement operations.

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

Council Action:

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

- (a) Adopt **RES. 2010-69** authorizing the City of Peoria Police Department to accept \$40,741 from the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG) to supplement police programs and purchase equipment to enhance strategic law enforcement operations; and
- (b) Approve a budget amendment of \$40,741 from the Proposed Grants Contingency account to the JAG Award account, to provide expenditure authority for the accounts listed below:

- Special Events – Overtime - \$12,000
- Lot Clean Up - \$6,431
- Office & General Supplies - \$9,200
- Operational Supplies & Equipment - \$1,110
- Weapons and Accessories - \$12,000

Upon vote, the motion carried unanimously, 7 to 0.

34R Code Amendment, Chapter 14, Definitions, Land Use Types and Standards

Clerk's Note: Agenda Items 34R and 35R were presented together.

ORDINANCE NO. 2010-23

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLE 14-2 DEFINITIONS AND ARTICLE 14-9 NON-RESIDENTIAL DISTRICTS, PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Ed Boik, Planner, outlined the proposed amendments to Chapter 14 of the Peoria City Code.

Motion was made by Councilmember Pearson, seconded by Councilmember Carlat, to adopt **ORD. 2010-23** amending Chapter 14 of the Peoria City Code (1977 Edition) by amending Article 14-2 and Article 14-9 pertaining to tobacco retailers, retail liquor stores, outdoor patios, drive-through restaurants, gas stations, bars, taverns and lounges, electric vehicle charging equipment and charter schools.

Upon vote, the motion carried unanimously 7 to 0.

35R Code Amendment, Chapter 14, Enhanced Civic Engagement Requirements and Administrative Protocols

ORDINANCE NO. 2010-24

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLES 14-2 "DEFINITIONS"; 14-33 "PLANNED AREA DEVELOPMENT (P.A.D.) DISTRICT"; 14-36 "PLANNED COMMUNITY (PC) DISTRICT", AND 14-39 "ADMINISTRATIVE PROCEDURES" OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Vice Mayor Aames, seconded by Councilmember Hunt, to adopt **ORD. 2010-24** amending Chapter 14 of the Peoria City Code (1977 Edition) by amending Article 14-2, Article 14-33, Article 14-36 and Article 14-39 pertaining to enhanced civic engagement requirements and administrative protocols.

Upon vote, the motion carried unanimously 7 to 0.

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

Dr. Richard T. Reckmeyer addressed Council regarding the Conditional Use Permit appeal for the wireless communication facility. Dr. Reckmeyer informed Council that research conducted showed there are elevated levels of cancers due to the radiation emitted by signal sending towers.

Ron Kolb spoke in opposition to the cell tower and voiced his opinion that the only groups to benefit from the cell tower would be the mortuary and the owner of the cell tower. Mr. Kolb stated his belief that there are better locations for the tower.

Kevin Phillips addressed Council regarding the cell tower, expressing concern that Clearwire will request additional cell towers be placed throughout the City. Mr. Phillips stated that the City of Peoria ordinance should increase the setback of the towers.

Paul Aubuchon spoke in opposition of the cell tower because it negatively impacts the value of the homes in the neighborhood.

Janet Reckmeyer addressed Council in opposition of the cell tower.

Ed Registrato illustrated a scale model of the tower in comparison to the homes and expressed his opposition regarding the look of the tower.

Erica Melissa addressed Council in opposition of the cell tower.

Angela Phillips read a letter to Council to express her opposition to the proposed monopole at the Heritage Funeral Home due to potential health risks.

Reports from the City Manager:

1. Council Calendar
2. Reports with Presentation
 - a. Community Center Building Addition

Ed Striffler, Design and Construction Manager, provided an overview of the development of the Community Center building design. Mr. Striffler presented images of the proposed site plan, building plan and renderings of the facility. The Community Center addition is currently scheduled to be completed by Fall 2012.

3. Informational

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

- a. ICMA CPM Certificate of Excellence
- b. Development Forum

Reports from City Council:

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

Councilmember Hunt informed the public about the roadway improvements and beautification efforts in the Acacia District.

Councilmember Evans reported on the importance of civic engagement and urged citizens to vote in the primary election on Tuesday, August 24, 2010.

Councilmember Pearson thanked the Public Works Department for the cleanup efforts after the recent microburst.

Councilmember Carlat recognized Mary Jo Waddell and thanked her for her service to the City. Councilmember Carlat reported that the two school districts in the City are in session and urged the public to drive carefully.

Vice Mayor Aames informed the public about the roadside work and beautification efforts in the Palo Verde District.

Reports from the Mayor:

Mayor Barrett extended his appreciation to Mary Jo Waddell for her service. Mayor Barrett announced that a counseling center for veterans will be opening in Peoria in approximately six weeks. Mayor Barrett stated it was his honor to be invited by the Northwest Valley Veterans Association to be the guest speaker at the Veterans Day ceremony.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:37 p.m.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, Acting City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Regular Meeting of the City Council of Peoria, Arizona held on the 17th day of August, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of December, 2010.

(Seal)

Rhonda Geriminsky, Acting City Clerk