

**MINUTES OF THE PEORIA CITY COUNCIL**  
CITY OF PEORIA, ARIZONA  
COUNCIL CHAMBER  
September 21, 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; 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; Rhonda Simmons, Acting City Clerk; J.P. de la Montaigne, Andy Granger, John Imig, Bill Mattingly, Brent Mattingly, Larry Ratcliff, Tom Solberg, Jeff Tyne, Glen Van Nimwegen, Wynette Reed, Claudia Luján and Linda Blas.

**Audience:** Approximately 15 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. Proposed Ruling from Environmental Protection Agency regarding Air Quality

Dennis Smith, Executive Director of the Maricopa Association of Governments, provided an overview of the Environmental Protection Agency's (EPA) proposed ruling regarding air quality.

Mr. Smith outlined the EPA's proposal for partial denial and partial approval of the plan due to emissions inventory. Mr. Smith reviewed the timeline of PM-10 air quality actions between 2006 and 2011 and discussed the consequences of plan disapproval action, as well as the 5 percent plan for PM-10.

2. Board and Commission Certificates of Appointment

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

Geoff Scott appointed to the Economic Development Advisory Board;  
Aimee Upton appointed to the Parks and Recreation Board; and  
Brian Derrick appointed to the Parks and Recreation Board

Clerk's Note: Mike Fusco was not present to receive his certificate of appointment.

**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 Ames, seconded by Councilmember Evans, 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 Meeting and Study Session held at 4:00 p.m. on September 7, 2010.

**2C Appointments, Boards and Commissions**

RESOLUTION NO. 2010-75

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING JUDY FAHEY TO THE EMPLOYEE BENEFITS TRUST BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION NO. 2010-76

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

RESOLUTION NO. 2010-77

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING JACOB JELINEK TO THE YOUTH ADVISORY 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. 2010-75** appointing Judy Fahey, as a regular member, to the Employee Benefits Trust Board;

Adopted **RES. 2010-76** appointing Lisa Wakefield, as a regular member, to the Veterans Memorial Board; and

Adopted **RES. 2010-77** appointing Jacob Jelinek, as a regular member, to the Youth Advisory Board.

**3C Grant, Arizona State Library, Archives and Public Records, Patron Materials**

- (a) Accepted a grant in the amount of \$3,260 from the Library Services and Technology Act (LSTA), administered by the State Library, Archives and Public Records to provide special one-time funding for additional materials for the collection; and
- (b) Authorized a budget adjustment in the amount of \$3,260 from the Proposed Grant Contingency Account to the Library Books, Periodicals and Subscriptions Account. (LCON09110)

**4C Intergovernmental Agreement, Arizona Department of Transportation, Lake Pleasant Parkway; Dynamite Boulevard (Westwing Parkway) to Central Arizona Project Canal**

RESOLUTION NO. 2010-78

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE DESIGN OF LAKE PLEASANT PARKWAY FROM DYNAMITE BOULEVARD TO CENTRAL ARIZONA PROJECT (CAP) CANAL.

Adopted **RES. 2010-78** approving an Intergovernmental Agreement with the Arizona Department of Transportation for the final design of Lake Pleasant Parkway; Dynamite Boulevard (Westwing Parkway) to the Central Arizona Project Canal (Engineering Project No. EN00241, IGA/JPA 10-075-I, TRACS No.:SS 880 03D) (LCON09210).

**5C Intergovernmental Agreement, Maricopa County Flood Control District, Pinnacle Peak Road Channel and Basin Improvements, 99th Avenue to Agua Fria River**

RESOLUTION NO. 2010-79

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, ADOPTING A RESOLUTION APPROVING THE INTERGOVERNMENTAL AGREEMENT WITH THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY FOR THE CONSTRUCTION OF CERTAIN REGIONAL DRAINAGE IMPROVEMENTS ALONG PINNACLE PEAK ROAD LOCATED, IN PART, WITHIN UNINCORPORATED MARICOPA COUNTY AND, IN PART, WITHIN THE CITY OF PEORIA.

- (a) Adopted **RES. 2010-79** approving an Intergovernmental Agreement with the Flood Control District of Maricopa County for the construction, construction management, operation and maintenance for Pinnacle Peak Road Channel and Basin improvements, 99th Avenue to Agua Fria River; and
- (b) Authorized the City Manager to execute the agreement (LCON09310).

**6C Establish 401(a) Money Purchase Plan with International City Management Association Retirement Corporation for Fire Chief**

RESOLUTION NO. 2010-80

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE EXECUTION OF AN ADOPTION AGREEMENT WITH INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION (ICMA-RC) PROVIDING FOR THE ESTABLISHMENT OF A 401(a) MONEY PURCHASE RETIREMENT PLAN FOR THE FIRE CHIEF AND AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN TRUST DOCUMENTS ON BEHALF OF THE CITY FOR THE ADMINISTRATION OF THE PLAN.

Adopted **RES. 2010-80** authorizing the City Manager to enter into an agreement with the International City Management Association (ICMA) Retirement Corporation to provide a 401(a) Governmental Money Purchase Plan for the Fire Chief.

**7C Contract, ICMA, 401(a) Money Purchase Plan and Trust Agreement**

Approved the ICMA Money Purchase Plan Agreement and Trust Adoption Agreement (LCON09410 and LCON09410A).

**8C Contract, Quest Civil Constructors, Trunk Sewer Rehabilitation Project**

Awarded an individual Job Order Contract to Quest Civil Constructors in an amount not to exceed \$500,000 for sewer rehabilitation services associated with the trunk sewer rehabilitation project (UT00296, Solicitation No. P08-0050AP7) (ACON46108P7).

**9C Contract, ITS Engineers and Constructors of Utah, Inc., Fiscal Year 2011 Traffic Signal Program**

Awarded a Job Order Contract in an amount not-to-exceed \$735,103 to ITS Engineers and Constructors of Utah, Inc. for the Fiscal Year 2011 Traffic Signal Program (EN000170, P08-0117BP8) (ACON68808P8).

**10C Budget Transfer, Information Technology Center, Uninterruptible Power Supply Battery Replacement**

Approved a budget transfer in the amount of \$63,647 from the General Fund Non-Departmental Contingency Account to the Facilities Maintenance Technical Operations Fund Operational Supplies/Equipment Account for the replacement of uninterruptible power supply batteries for the Information Technology Center.

**11C Budget Amendment, Contractual Services**

- (a) Approved the creation of 2.9 Full Time Equivalent (FTE) regular employee positions utilizing existing part-time and contractual budget authority; and
- (b) Approved transferring existing part-time and contractual authority to appropriate salary accounts.

**12C Maintenance Improvement District No. 1112, Sunset Ranch IIB, 99th Avenue and Williams Road**

RESOLUTION NO. 2010-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1112, SUNSET RANCH IIB, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2010-82

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1112, SUNSET RANCH IIB; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

Approved the Petition of Formation and adopted **RES. 2010-81** intention and ordering formation of proposed Maintenance Improvement District No. 1112, Sunset Ranch IIB, 99th Avenue and Williams Road; and adopted **RES. 2010-82** ordering the improvements within the proposed Maintenance Improvement District.

**13C Street Light Improvement District No. 1055, Sunset Ranch IIB, 99th Avenue and Williams Road**

RESOLUTION NO. 2010-83

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS WITHIN THE PROPOSED DISTRICT AND THAT THE COST OF THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS, BE ASSESSED UPON A CERTAIN IMPROVEMENT DISTRICT TO BE KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1055, SUNSET RANCH IIB; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

RESOLUTION NO. 2010-84

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1055, SUNSET RANCH IIB, PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

Approved the Petition of Formation and adopted **RES. 2010-83** intention and ordering formation of proposed Street Light Improvement District No. 1055, Sunset Ranch IIB, located on 99th Avenue and Williams Road; and adopted **RES. 2010-84** ordering the purchase of electricity for lighting streets and parks within the proposed Street Light Improvement District.

### **UNFINISHED BUSINESS**

#### **14R Conditional Use Permit Appeal, Wireless Communication Facility, Clearwire Heritage Mortuary - 6830 W. Thunderbird Road (32R, August 17, 2010)**

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

Motion was made by Vice Mayor Aames, seconded by Councilmember Hunt, to grant a closed-end continuance of a Conditional Use Permit appeal for a proposed 65-foot high wireless communication facility and associated ground equipment to be located at 6830 W. Thunderbird Road, subject to conditions.

Upon vote, the motion carried unanimously 7 to 0.

### **NEW BUSINESS**

#### **15R 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 On the Border, located at 7873 W. Bell Road. Applicant: Clare H. Abel, LL#10017853; and
- (b) A New Restaurant Liquor License (Series 12) for Lakes Restaurant, located at 19260 N. Westbrook Parkway. Applicant: Ramzi I. Odesho, LL#10018076.

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 Leone, to recommend approval to the State Liquor Board for:

- (a) A New Restaurant Liquor License (Series 12) for On the Border, located at 7873 W. Bell Road, Applicant, Clare H. Abel, LL#10017853; and
- (b) A New Restaurant Liquor License (Series 12) for Lakes Restaurant, located at 19260 N. Westbrook Parkway. Applicant: Ramzi I. Odesho, LL#10018076.

Upon vote, the motion carried unanimously 7 to 0.

**16R PUBLIC HEARING - Off-Track Wagering License Renewals, Turf Paradise, Various Locations**

**Staff Report:**

Brent Mattingly, Finance Director, reported that 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 request for Off-Track Wagering License Renewals for the Ramada Inn, 8955 NW Grand Avenue; McDuffy's Sports Bar, 15814 N. 83rd Avenue; and Gallaghers Food and Fun, 6750 W. Peoria Avenue.

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

**Council Action:**

Motion was made by Vice Mayor Aames, seconded by Councilmember Leone, to recommend approval to the Arizona Racing Commission for Off-Track Wagering License Renewals for the Ramada Inn, 8955 NW Grand Avenue; McDuffy's Sports Bar, 15814 N. 83rd Avenue; and Gallaghers Food and Fun, 6750 W. Peoria Avenue.

Upon vote, the motion carried unanimously 7 to 0.

**CALL TO THE PUBLIC: (NON-AGENDA ITEMS)**

Rachelle Barrett addressed Council on behalf of the Peoria Sunset Lions Foundation. The Foundation will be sponsoring a "Christmas for the Troops" event and will be collecting items during the months of November and December to ship overseas in support of our troops. Ms. Barrett requested that the City consider allowing the use of City properties as collection stations.

**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 item:

- a. Smithsonian Exhibit/Gallery Space

**Reports from City Council:**

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone reminded citizens of the traffic on Olive Avenue and urged them to allow additional time when travelling.

Councilmember Hunt reported on the various City of Peoria events she attended.

**Reports from the Mayor:**

Mayor Barrett commented on the Christmas for the Troops.

**ADJOURNMENT**

Being no further business to come before the Council, the meeting was duly adjourned at 7:40 p.m.

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Bob Barrett, Mayor

ATTEST:

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Rhonda Geriminsky, Acting City Clerk

CERTIFICATION

Regular City Council Meeting Minutes  
September 21, 2010 7:00 p.m.  
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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 21st day of September, 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)

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Rhonda Geriminsky, Acting City Clerk