

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
October 19, 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 Evans 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; Steve Burg, Chief Assistant City Attorney; Linda Blas, Acting City Clerk; J.P. de la Montaigne, Andy Granger, Bill Mattingly, Brent Mattingly, Larry Ratcliff, Thomas Solberg, Jeff Tyne, Glen Van Nimwegen, Scott Whyte, Claudia Luján and Anthony Alejandro.

Audience: Approximately 100 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:

- Judy Fahey appointed to the Employee Benefits Trust Board
- Lisa Wakefield appointed to the Veterans Memorial Board
- Jacob Jelinek appointed to the Youth Advisory Board
- Honorable Joseph Welty appointed to the Judicial Advisory Selection Board

Clerk's Note: The Honorable Joseph Welty was not present to receive his certificate of appointment.

2. Sister City Young Ambassador Youth Exchange Presentation

Claudia Luján, Assistant to the City Manager, provided background on the Young Ambassador Program. The student exchange program with the Borough of Ards, Northern Ireland, provides high school youth with a two-week cultural experience abroad and a two-week experience hosting exchange students in Peoria.

Ms. Luján recognized the following host families in attendance: Bill and Teresa Staley, Rich and Darcy Smart, Tom and Stacie Sahhar, Craig and Carolyn Day, Greg and Anne Yost and Ken and Tracy Bott.

Kelsey Smart, Daniel Sahhar, Elijah Day and Shelbie Staley, the 2010 Young Ambassador delegation, gave a presentation on the highlights of their Sister City exchange visit.

3. Constitution Contest Winners Presentation

Mayor Barrett, Councilmember Evans, and Uncle Sam (portrayed by Mike Lindquist) presented certificates to the Constitution Contest winners from local schools. The following students received certificates:

Kindergarten

Devin Anderson – Cotton Boll Elementary – First Place
Skylar Trompeter – Oasis Elementary – Second Place
Ethan Bradley – Ira Murphy Elementary – Third Place

First and Second Grade

Nathan Edlebeck – West Wing Elementary – First Place
Kawehi Chang – West Wing Elementary – Second Place
Andrew Staley – Oasis Elementary – Third Place

Third and Fourth Grade

Trinity Harris – Sundance Elementary – First Place
Darrah Worobey – Apache Elementary – Second Place
Chase Hanson – West Wing Elementary – Third Place

Fifth and Sixth Grade

Danielle Wiley – Oakwood Elementary – First Place
Katrina Leber – Vistancia Elementary – Second Place
Abbie McRae – Vistancia Elementary – Third Place

Seventh and Eighth Grade

Stephen Wiley – Oakwood Elementary – First Place
Michelle To – Alta Loma Elementary – Second Place
Morgan Chrisman – Alta Loma Elementary – Third Place

Ninth and Tenth Grade

Ashley Trow – Peoria High School – First Place
Alec Williams – Centennial High School – Second Place
Elyse Smith – Peoria High School – Third Place

Eleventh and Twelfth Grade

Mai Phuong Truong – Sunrise Mountain High School – First Place
Angela Jimenez – Centennial High School – Second Place
Emily Pecilunas – Centennial High School – Third Place

GRAND PRIZE WINNER

Josh Hontz – Centennial High School
Mr. Hontz received a \$1,500 college scholarship

Mayor Barrett declared a short recess at 7:20 p.m. and reconvened the meeting at 7:26 p.m.

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 3C be removed from the Consent Agenda for separate discussion.

Motion was made by Vice Mayor Aames, seconded by Councilmember Leone, to approve the Consent Agenda with the exception of Agenda Item 3C.

Upon vote, the motion carried unanimously 7 to 0.

1C Appointment, Boards and Commissions

RESOLUTION 2010-88

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA,
APPOINTING THOMAS CAMPBELL TO THE PERSONNEL
BOARD AND ESTABLISHING THE TERM OF OFFICE.

Approved the recommendation from the Council Subcommittee on Boards and Commissions Appointments pertaining to the following appointment and adopted **RES. 2010-88** appointing Thomas Campbell, as a regular member, to the Personnel Board for a partial term to expire June 2012.

2C Code Amendment, Chapter 14, Definitions, Truck Traffic

ORDINANCE NO. 2010-29

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 14-68 PERTAINING TO PERMISSIBLE ROUTES, UNLAWFUL ACTS AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **ORD. 2010-29** amending Chapter 14 of the Peoria City Code (1992) amending Article 14-68 pertaining to permissible routes.

3C Code Amendment, Chapter 2, Forfeited Unclaimed Property

Clerk's Note: This item was heard separately at the end of the consent agenda.

ORDINANCE NO. 2010-30

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 2-322 PERTAINING TO PROCUREMENT; SALE, LEASE OR DISPOSAL OF SURPLUS OR OBSOLETE CITY OR PERSONAL PROPERTY, DISPOSAL OF DANGEROUS WEAPONS, DANGEROUS INSTRUMENTS OR EXPLOSIVES BY SALE, LEASE OR DISPOSAL PROHIBITED AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

At the request of Councilmember Pearson, Agenda Item 3C was pulled from the Consent Agenda for separate discussion.

Larry Ratcliff, Police Chief, provided an overview of the Police Department's policy regarding the destruction of confiscated weapons.

Motion was made by Councilmember Pearson, seconded by Vice Mayor Aames, to adopt **ORD. 2010-30** amending Chapter 2 of the Peoria City Code (1992) pertaining to disposition of forfeited unclaimed property consisting of guns and dangerous weapons.

Upon vote, the motion carried unanimously Z to Q.

4C Annexation, Right of Way, 83rd Avenue; Olive Avenue to Las Palmaritas Drive

ORDINANCE NO. 2010-31

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. 2010-31** approving the annexation of right-of-way on 83rd Avenue between Olive Avenue and Las Palmaritas Drive (EN00313).

5C Grant, Governor's Office of Highway Safety, Police Department Enforcement and Safety Projects

- (a) Authorized the City Manager to accept four grants totaling \$75,328.33 from the Governor's Office of Highway Safety to be used by the Police Department for speed enforcement, DUI enforcement, and other highway safety projects (LCON09710) (LCON09810) (LCON09910) (LCON10010); and
- (b) Approved a budget amendment in the amount of \$75,328.33 from the Proposed Grants Contingency Account to the Occupant Protection Enforcement Program Grant Overtime Account in the amount of \$66,500 and to the Occupant Protection Enforcement Program Grant Operational Supplies Account in the amount of \$8,828.33 to provide expenditure authority.

6C Property Exchange, Bureau of Reclamation, Peoria Avenue; 91st Avenue to 95th Avenue

RESOLUTION NO. 2010-89

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE EXCHANGE OF REAL PROPERTY WITH THE UNITED STATES OF AMERICA THROUGH THE BUREAU OF RECLAMATION TO ACCOMMODATE THE RELOCATION OF A USA IRRIGATION CANAL LOCATED BETWEEN 91ST AVENUE AND 95TH AVENUE ALONG THE SOUTH SIDE OF PEORIA AVENUE.

Adopted **RES. 2010-89** authorizing the City Manager to execute any documents necessary to exchange City-owned property with the Bureau of Reclamation, as required by Salt River Project, to perfect irrigation rights associated with the relocation of a USA fee irrigation canal on the south side of Peoria Avenue between 91st and 95th Avenues.

7C Contract, National Demographics Consulting, Redistricting

Approved a contract in an amount not-to-exceed \$57,000.00 with National Demographics Consulting for redistricting consultant services (LCON10110).

8C Contract, Atlas Advertising, Redesign of Citywide and Economic Development Websites

Approved a contract in the amount of \$45,000 to Atlas Advertising for the redesign of the citywide website and economic development website (LCON10210).

9C Contract, AECOM Technical Services, Open Space Prioritization Decision Support

Approved a contract in an amount not-to-exceed \$80,655 with AECOM Technical Services for Open Space Prioritization Decision Support professional services (Solicitation P11-0030) (LCON10310).

10C Contract, ELS Construction Inc., Landscaping and Irrigation, 107th Avenue; Union Hills Drive to Beardsley Road

Awarded an individual Job Order Contract in the amount of \$124,163 to ELS Construction Inc. for the installation of irrigation and landscaping in the City maintained right of way on the east side of 107th Avenue between Union Hills Drive and Beardsley Road (ACON29808P11).

11C Contract, J. Banicki Construction, Inc., Washington Street Storm Drainage Alley Project, 83rd Avenue and Grand Avenue

- (a) Approved a Job Order Contract in the amount of \$329,362 with J. Banicki Construction, Inc. for the Washington Street Storm Drainage Alley project to construct drainage and utility improvements within the existing alleyway (ACON55108P12B); and
- (b) Authorized staff to enter into utility agreements with Arizona Public Service and Qwest for the conversion of existing overhead electrical and telecommunication facilities to underground in the estimated amount of \$232,157 (EN00286).

12C Contract, Gensler, Entertainment District Signage, Theming & Identity Improvements

Approved a contract in an amount not-to-exceed \$110,000 with Gensler to create an implementation plan for the Entertainment District to include improvements in signage, pedestrian connectivity, theming, and identity (Solicitation P10-0044) (LCON10510).

13C Contract, Mobile Concept Technologies LLC and Emergidata Incorporated, Electronic Patient Care Reporting

- (a) Authorized expenditure authority in the amount of \$114,000 to Mobile Concept Technologies LLC for the purchase of electronic patient care reporting (ePCR) hardware utilizing an existing General Services Administration Contract GS-35-0143R;
- (b) Awarded a one-year term contract with four one-year extensions to Emergidata Incorporated in a not-to-exceed amount of \$85,000 for related ePCR software (RFP P10-0057) in conjunction with the 2009 Assistance to Firefighters Grant (EMW-2009-FO-10344) (LCON10610); and
- (c) Authorized a budget adjustment in the amount of \$65,000 to allocate funding for these purchases.

14C Deeds and Easements, Various Locations

RESOLUTION NO. 2010-90

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. 2010-90** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

15C Designate Roadways, Establish Rights-of-Way, Various Locations

RESOLUTION NO. 2010-91

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF PUBLIC STREETS, TO BE OPENED AND MAINTAINED BY THE CITY.

Adopted **RES. 2010-91** designating various real properties to be used as City roadways and authorized the establishment of public rights-of-way to be opened and maintained by the City as public streets.

16C Water Conservation Rebate Program Modification

Approved modifications to the water conservation rebate program to strengthen awareness and promote greater water conservation.

17C Utility Easement, Arizona Public Service, Utility Booster Station; Peoria Sports Complex

RESOLUTION NO. 2010-92

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A UTILITY EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY TO INSTALL UNDERGROUND ELECTRIC TRANSMISSION LINES AND FACILITIES RELATED TO A BOOSTER STATION AT THE PEORIA SPORTS COMPLEX.

Adopted **RES. 2010-92** granting a utility easement to Arizona Public Service associated with providing electric services for the new utility booster station at the Peoria Sports Complex located at 16101 N. 83rd Avenue (UT00297).

18C Final Plat, Trilogy at Vistancia - Bathen Parcel, Dixileta Parkway and Trilogy Boulevard

Approved a Final Plat of Trilogy at Vistancia - Bathen Parcel, located on Dixileta Parkway west of Trilogy Boulevard, subject to stipulations.

23C Grant-in-Aid Fiscal Agent Agreement, Tohono O'odham Nation and Peoria Unified School District

- (a) Approved a Grant-in-Aid Fiscal Agent Agreement with the Tohono O'odham Nation on behalf of the Peoria Unified School District (LCON10710); and
- (b) Authorized a budget transfer in the amount of \$150,000 from the Proposed Grant Contingency Account to the General Fund Non-Departmental - Community Promotions Account to allow for the payment to the Peoria Unified School District.

24C Grant-in-Aid Fiscal Agent Agreement, Tohono O'odham Nation and Peoria Diamond Club

- (a) Approved a Grant-in-Aid Fiscal Agent Agreement with the Tohono O'odham Nation on behalf of the Peoria Diamond Club (LCON10810); and
- (b) Authorized a budget transfer in the amount of \$50,000 from the Proposed Grant Contingency Account to the General Fund Non-Departmental - Community Promotions Account to allow for the payment to the Peoria Diamond Club.

NEW BUSINESS

19R 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 request for:

- (a) A New Restaurant Liquor License (Series 12) for The Links Neighborhood Grill, located at 18823 N. Country Club Parkway. Applicant: Gabriel E. Rodriguez-Rivas, LL#10018096;
- (b) A New Restaurant Liquor License (Series 12) for Blu Agave, located at 28615 N. El Mirage Road Suite 102. Applicant: Randy D. Nations, LL#10018586;
- (c) A New Restaurant Liquor License (Series 12) for Carvers, located at 8258 W. Thunderbird Road Suite 206. Applicant: Todd M. Cunningham, LL#10018129; and
- (d) A Location and Person Transfer for an On-Sale All Liquor License (Series 06) for AMF Peoria Lanes, located at 8475 W. Olive Avenue. Applicant: Michael V. Mantilla, LL#18623.

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 Councilmember Carlat, to recommend approval to the State Liquor Board for:

- (a) A New Restaurant Liquor License (Series 12) for The Links Neighborhood Grill, located at 18823 N. Country Club Parkway. Applicant: Gabriel E. Rodriguez-Rivas, LL#10018096;
- (b) A New Restaurant Liquor License (Series 12) for Blu Agave, located at 28615 N. El Mirage Road Suite 102. Applicant: Randy D. Nations, LL#10018586;
- (c) A New Restaurant Liquor License (Series 12) for Carvers, located at 8258 W. Thunderbird Road Suite 206. Applicant: Todd M. Cunningham, LL#10018129; and
- (d) A Location and Person Transfer for an On-Sale All Liquor License (Series 06) for AMF Peoria Lanes, located at 8475 W. Olive Avenue. Applicant: Michael V. Mantilla, LL#18623.

Upon vote, the motion carried unanimously 7 to 0.

20R Public Hearing - Conditional Use Permit Appeal, 12-Pump Gas Station and Convenience Store - Mountainside Crossing Shopping Center, Lake Pleasant Parkway and Happy Valley Road

Mayor Barrett announced that a request for continuance of the Conditional Use Permit appeal was submitted on behalf of the applicant.

Motion was made by Councilmember Carlat, seconded by Councilmember Hunt, to carry over to November 16, 2010 the Public Hearing on a Conditional Use Permit appeal for a proposed 12-pump gas station and convenience store to be located in the Mountainside Crossing Shopping Center at Lake Pleasant Parkway and Happy Valley Road (CU 10-0045).

Upon vote, the motion carried unanimously 7 to 0.

21R Economic Development Implementation Strategy

Scott Whyte, Economic Development Services Director, provided an overview of the Economic Development Implementation Strategy (EDIS). The EDIS provides an implementation-based road map for achieving the economic development goals of the City.

Motion was made by Councilmember Carlat, seconded by Councilmember Hunt, to adopt the Economic Development Implementation Strategy.

Upon vote, the motion carried unanimously 7 to 0.

22R Commercial Rehabilitation Program

Scott Whyte, Economic Development Services Director, reported on the proposed Commercial Rehabilitation Program designed to promote and assist in the improvement of commercial properties in order to preserve the heritage and revitalize the commercial district in the Old Town area.

Priscilla Cook addressed Council in support of the restoration and preservation of Old Town Peoria.

Harold McKisson spoke in favor of the Commercial Rehabilitation Program and expressed his belief that Old Town could be an incubator for new business within the City.

Discussion ensued regarding the merits and drawbacks of the proposed program, the funding source for the rehabilitation and the question raised by the Goldwater Institute regarding the legality of a subsidized program.

Motion was made by Councilmember Pearson, seconded by Vice Mayor Aames, to table the issue regarding the Commercial Rehabilitation Program in order to allow staff to review the program with the Goldwater Institute.

The motion failed by a vote of 2 to 5 with Mayor Barrett, Councilmember Carlat, Councilmember Evans, Councilmember Hunt and Councilmember Leone voting "no."

Motion was made by Councilmember Hunt, seconded by Councilmember Leone, to adopt the Commercial Rehabilitation Program.

Upon vote, the motion carried 5 to 2 with Vice Mayor Aames and Councilmember Pearson voting "no."

CALL TO THE PUBLIC: (NON-AGENDA ITEMS)

None.

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 items:

- a. Special Event Signs Zoning Ordinance Update
- b. Peoria's Veterans Day Ceremony
- c. 2010 Halloween Monster Bash and Balloon Illumination
- d. Peoria Beer Festival

At the request of Mr. Swenson, J. P. de la Montaigne, Community Services Director, gave a brief overview of the Peoria Veterans Day Ceremony, 2010 Halloween Monster Bash and Balloon Illumination and Peoria Beer Festival.

Reports from City Council:

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

Councilmember Hunt thanked the public who are interested in the Old Town area for attending the Council meeting. Councilmember Hunt announced that the Historical Society would be holding its annual yard sale on Saturday, October 23, 2010.

Councilmember Evans urged citizens to vote in the general election on Tuesday, November 2, 2010.

Councilmember Pearson reported on his attendance at the Police and Fire Public Safety Night and congratulated Chief Ratcliff and Chief Solberg on the success of the event.

Vice Mayor Aames announced he would be a judge at the upcoming Halloween Monster Bash on October 30, 2010.

Reports from the Mayor:

Mayor Barrett congratulated Councilmember Hunt on her appointment to the State Arts Commission.

Mayor Barrett mentioned he was invited by the Northwest Valley Veterans Association to be the guest speaker at the upcoming Veterans Day ceremony to be held at Sunland Memorial Park in Sun City.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 9:10 p.m.

Bob Barrett, Mayor

ATTEST:

Wanda Nelson, 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 19th day of October, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of January, 2011.

(Seal)

Wanda Nelson, City Clerk