

**MINUTES OF THE PEORIA CITY COUNCIL**  
CITY OF PEORIA, ARIZONA  
COUNCIL CHAMBER  
December 7, 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 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; Rhonda Simmons, Acting City Clerk; J. P. de la Montaigne, Andy Granger, Bill Mattingly, Brent Mattingly, Larry Ratcliff, Wynette Reed, John Schell, Thomas Solberg, Jeff Tyne, Glen Van Nimwegen, Scott Whyte, Claudia Luján and Linda Blas.

**Audience:** Approximately 50 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. Mission Brief by Brigadier General J.D. Harris, Luke Air Force Base.

Brigadier General J. D. Harris provided history regarding Luke Air Force Base, its mission, F-16 bases throughout the world, personnel deployment, its size, airspace, commitments and economic impact.

**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 Evans, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

**1C Disposition of Absence**

Excused the absence of Councilmember Vicki Hunt from the Special City Council Meeting held at 5:00 p.m. on November 18, 2010.

**2C Minutes**

Approved the following minutes:

July 6, 2010 Study Session  
July 6, 2010 Regular Meeting  
August 17, 2010 Special Meeting  
August 17, 2010 Regular Meeting  
September 7, 2010 Special Meeting and Study Session  
September 21, 2010 Joint Study Session Meeting  
September 21, 2010 Special Meeting and Study Session  
September 21, Regular Meeting  
October 5, Special Meeting and Study Session

**3C Appointments, Boards and Commissions**

RESOLUTION 2010-97

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING LEONARD SPRAKER TO THE BOARD OF ADJUSTMENT AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2010-98

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING DAVID DEMMER TO THE BUILDING BOARD OF APPEALS AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2010-99

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING CRAIG WISMER TO THE CITIZENS COMMISSION ON SALARIES FOR ELECTED CITY OFFICIALS AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2010-100

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REAPPOINTING GARY NELSON TO THE HISTORIC PRESERVATION COMMISSION AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2010-101

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING CARLA CARLSON TO THE LIBRARY BOARD AND ESTABLISHING THE TERM OF OFFICE.

RESOLUTION 2010-102

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

RESOLUTION 2010-103

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING SEAN PROIA 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. 2010-97** reappointing Leonard Spraker, as a regular member, to the Board of Adjustment to a term to expire December 2014;

Adopted **RES. 2010-98** reappointing David Demmer, as a regular member, to the Building Board of Appeals to a term to expire December 2014;

Adopted **RES. 2010-99** reappointing Craig Wismer, as a regular member, to the Citizens Commission on Salaries for Elected City Officials to a term to expire December 2014;

Adopted **RES. 2010-100** reappointing Gary Nelson, as a regular member, to the Historic Preservation Commission to a term to expire December 2014;

Adopted **RES. 2010-101** appointing Carla Carlson, as a regular member, to the Library Board to a partial term to expire June 2013;

Adopted **RES. 2010-102** reappointing Lisa Wakefield, as a regular member, to the Veterans Memorial Board to a term to expire December 2014; and

Adopted **RES. 2010-103** appointing Sean Proia, as a regular member, to the Youth Advisory Board to a partial term to expire June 2011.

**4C Code Amendments, Chapters 2 and 25, Utility Deposits and Collection of Utility Service Charges**

ORDINANCE 2010-35

AN ORDINANCE OF THE CITY OF PEORIA MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTERS 25 AND 2 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 25-1 PERTAINING TO WATER; DEFINITIONS; AMENDING SECTION 25-119 PERTAINING TO SEWER SERVICE ONLY DEPOSITS; AMENDING SECTION 25-122 PERTAINING TO DUE DATE; COLLECTION PROCEDURES AND REMEDIES; AMENDING SECTION 2-406 PERTAINING TO UTILITY SERVICES; DEPOSITS; AMENDING SECTION 2-407 PERTAINING TO UTILITY SERVICES; BILLING PROCEDURES; AMENDING SECTION 2-410 PERTAINING TO UNPAID UTILITY SERVICE CHARGES; LIENS, ASSESSMENTS, COLLECTION; AMENDING SECTION 2-224 PERTAINING TO UTILITIES DEPARTMENT; SERVICE CONNECT AND TERMINATION CHARGES; AND AMENDING A PORTION OF TABLE 2-224 PERTAINING TO UTILITIES DEPARTMENT; STANDARD COST AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Adopted **Ord. 2010-35** amending the Peoria City Code (1992 Edition) Chapter 25 Sections 25-1, 25-119, 25-122 and Chapter 2, Sections 2-406, 2-407, 2-410, 2-224 and Table 2-224 regarding utility deposits and collection of utility service charges.

**5C City of Peoria Police Supervisors (COPPS) Memorandum of Understanding (MOU), July 1, 2010 to June 30, 2013**

Approved and authorized the Memorandum of Understanding (MOU) with the City of Peoria Police Supervisors (COPPS) for a two and one half-year contract for January 2011 through Fiscal Year 2013 (LCON12310).

**6C Contract, Simmons Construction, LLC, Scotland Yard Neighborhood Park, 91st Avenue and Grand Avenue**

Awarded a contract to Simmons Construction, LLC in the not-to-exceed amount of \$1,116,188.65 for the construction of the Scotland Yard Neighborhood Park (Project No. CS00123, Solicitation No. P11-0027) (LCON12410).

**7C Contract Amendment, Kimley-Horn and Associates, Inc., 91st Avenue and Olive Avenue Intersection Improvements**

Approved Contract Amendment No. 5 with Kimley-Horn and Associates, Inc. for the 91st Avenue and Olive Avenue Intersection Improvement Project in the amount of \$28,622 (PW00245, P05-0064) (LCON07405E).

**8C Amended Lease, KLOS Enterprise, LLC, Arizona Broadway Theatre**

Authorized the City of Peoria to enter into an amended lease with KLOS Enterprise, LLC (Arizona Broadway Theatre) for the approximately four acres of real property owned by the City located at 7701 West Paradise Lane and authorized the City Manager to execute the lease documents (ACON17903E).

**9C Authorize Receipt of and Expenditure, Local Judicial Collection Enhancement Fund, Electronic Citation**

- (a) Authorized the receipt from the Arizona Administrative Office of the Courts of Local Judicial Collection Enhancement Fund in the amount of \$218,385 and any applicable sales tax for expansion of the E-citation to 90 patrol vehicles;
- (b) Approved a budget transfer in the amount of \$218,385 from the Proposed Grant Contingency Account to the Local Judicial Collection Enhancement Fund IT Technology Systems Account; and
- (c) Approved a budget transfer for applicable sales tax from the Proposed Grant Contingency Account to the Local Judicial Collection Enhancement Fund IT Technology Systems Account.

**10C Annual Financial Report, Fiscal Year Ended June 30, 2010**

Approved the Comprehensive Annual Financial Report, Single Audit Report and Management Letter for the Fiscal Year ended June 30, 2010.

**11C Economic Development Investment Policy**

Adopted the proposed Economic Development Investment Policy.

**12C Maintenance Improvement District No. 1115, Vistancia Parcel C9, Trilogy Boulevard and Claret Cup Road**

RESOLUTION NO. 2010-104

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. 1115, VISTANCIA PARCEL C9, 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. 2010-105

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. 1115, VISTANCIA PARCEL C9; 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 for Formation and adopted **RES. 2010-104** intention and ordering formation of proposed Maintenance Improvement District No. 1115, Vistancia Parcel C9, located at Trilogy Boulevard and Claret Cup Road; and adopted **RES. 2010-105** ordering the improvements within the proposed Maintenance Improvement District.

**13C Deeds and Easements, Various Locations**

RESOLUTION NO. 2010-106

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. 2010-106** accepting deeds and easements for various real property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office.

**14C Irrigation Easement and Access Easement, Salt River Project, Osuna Park, 83rd Avenue and Washington Street**

RESOLUTION NO. 2010-107

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF AN IRRIGATION EASEMENT AND ASSOCIATED ACCESS EASEMENT LOCATED IN OSUNA PARK, 83<sup>RD</sup> AVENUE AND WASHINGTON STREET.

Adopted **RES. 2010-107** authorizing the City Manager to execute an Irrigation Easement and Access Easement necessary to allow the City to replace an existing irrigation pipe required by Salt River Project and grant ingress and egress to all utility companies for maintenance purposes.

**15C Final Plat, Trilogy at Vistancia Parcel C12, Trilogy Boulevard and Vistancia Boulevard**

Approved a Final Plat of Trilogy at Vistancia - Parcel C12, located on Trilogy Boulevard west of Vistancia Boulevard, subject to stipulations.

**NEW BUSINESS**

**16R Ground Lease, Salty Seniorita, 8011 West Paradise Lane**

Brent Mattingly, Finance Director, provided an overview of the proposed amendment to a ground lease with Salty Seniorita that would allow the City to consider a change to the liquor license for the restaurant.

Motion was made by Councilmember Carlat, seconded by Vice Mayor Aames, to authorize the City Manager to execute the First Amendment to the Ground Lease dated September 14, 2006, that would allow the City to approve a (Series 6) Bar Liquor License for the Salty Seniorita restaurant (LCON09406B).

Upon vote, the motion carried unanimously 7 to 0.

**17R Public Hearing - Liquor License, Salty Seniorita Peoria, 8011 W. Paradise Lane**

**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 approximately 900 comments were received from the public in support of the liquor license and 5 comments were received from the public in opposition of the liquor license.

**PUBLIC HEARING:**

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request for a Location and Person Transfer for an On-Sale All Liquor License (Series 06) for Salty Seniorita Peoria, located at 8011 W. Paradise Lane. Applicant: Randy D. Nations, LL#10007939.

Edward Zubow addressed Council to advise that the proprietors of Salty Seniorita have been responsive to the community's concerns regarding noise issues.

Having no further 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 Carlat, to recommend approval to the State Liquor Board for a Location and Person Transfer for an On-Sale All Liquor License (Series 06) for Salty Seniorita Peoria, located at 8011 W. Paradise Lane. Applicant: Randy D. Nations, LL#10007939.

Upon vote, the motion carried unanimously 7 to 0.

**18R Confirmation, City Manager's Appointment of City Clerk**

Carl Swenson, City Manager, introduced Wanda Nelson for selection of City Clerk and provided background on Ms. Nelson's professional experience and qualifications.

Motion was made by Vice Mayor Aames, seconded by Councilmember Hunt, to confirm the City Manager's appointment of Wanda Nelson as City Clerk, effective Wednesday, December 8, 2010.

Upon vote, the motion passed 6 to 1, with Councilmember Leone voting "no".

**19R Select Name for Community Park, Olive and 83rd Avenue**

J. P. de la Montaigne, Community Services Director, provided an overview of the process for selecting names for Council to consider for naming Community Park No. 2.

Discussion ensued regarding the final selection of names recommended by the Parks and Recreation Board for the Community Park.

Motion was made by Councilmember Hunt, seconded by Councilmember Evans, to remand the item back to the Parks and Recreation Board for further review.

Upon vote, the motion passed 6 to 1, with Councilmember Leone voting “no”.

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

Priscilla Cook thanked Councilmember Hunt for her service to the City.

**Reports from the City Manager:**

1. Council Calendar
2. Reports with Presentation
  - a. Capital Improvement Program (CIP) End of Year Update

Andy Granger, Engineering Director, provided an overview of the Capital Improvement Program and highlighted the projects completed during the past year.

3. Informational

Carl Swenson, City Manager, recognized and commended Rhonda Geriminsky for her work as Acting City Clerk.

Mr. Swenson informed Council that their Agenda packet contains information related to the following item:

- a. Designation of Assured Water Supply for the City of Peoria

**Reports from City Council:**

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

Councilmember Hunt, expressed her appreciation to the Community Services Department staff for the success of the recent Old Town Holiday Festival. Councilmember Hunt encouraged citizens to attend a holiday-oriented performance produced by Theater Works.

Councilmember Evans reminded that December 7th, 2010 is the 69th anniversary of the bombing of Pearl Harbor and stressed the importance of honoring our veterans. Councilmember Evans encouraged citizens to attend the upcoming Festival of Cheer at the Peoria Sports Complex.

Councilmember Pearson congratulated staff on the successful holiday event in Old Town. Councilmember Pearson announced that the second annual Spring Festival will be held on February 26, 2011. Councilmember Pearson reported that the cultural event to promote business in the entertainment district was scheduled on the same day as the Fan Fest, which marks the beginning of spring training in Peoria.

Councilmember Carlat complimented Vistancia on its First Annual Sonoma Wine and Jazz Festival. Councilmember Carlat reported that the construction on 83rd Avenue between Deer Valley Road and Happy Valley road has been completed.

Vice Mayor Aames reported on his attendance at a meeting with other elected officials in Denver, Colorado, to review a rail system planned for development by 2016. Vice Mayor Aames informed that he would be in attendance at the upcoming Festival of Cheer on Saturday, December 11th.

**Reports from the Mayor:**

Mayor Barrett commented on his attendance at the Nutcracker Ballet and thanked Theater Works and the Arizona Youth Ballet for the production. Mayor Barrett expressed his gratitude on behalf of the Peoria Sunset Lions Foundation for all the donations received in support of the "Christmas for the Troops" drive. Mayor Barrett extended condolences to former Mayor Ken Forgia and his wife on the loss of their son.

**ADJOURNMENT**

Being no further business to come before the Council, the meeting was duly adjourned at 8:15 p.m.

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Bob Barrett, Mayor

ATTEST:

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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 7th day of December, 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)

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Wanda Nelson, City Clerk