

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
January 18, 2011

A **Special Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:02 p.m.

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

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Thorpe, Deputy City Manager; Steve Kemp, City Attorney; Wanda Nelson, City Clerk; J.P. de la Montaigne, Bill Mattingly, Wynette Reed, Scott Whyte, Claudia Luján and Rhonda Geriminsky.

Audience: No 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.

Vice Mayor Carlat requested that Agenda Item 10C be removed from the ratification agenda.

Motion was made by Councilmember Aames, seconded by Vice Mayor Carlat, to approve the Consent Agenda with the exception of Agenda Item 10C. Upon vote, the motion carried unanimously 7 to 0.

1C RATIFICATION OF THE HOLDING OF A MEETING OF THE PUBLIC BODY IN VIOLATION OF THE OPEN MEETING LAW:

Ratified all actions with the exception of Agenda Item 10C from the January 4, 2011 Regular Council Meeting as follows:

1C Disposition of Absence

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

2C Minutes

Approved the following minutes:

October 19, 2010 Study Session
October 19, 2010 Regular Meeting
October 22, 2010 Workshop
November 16, 2010 Study Session
November 16, 2010 Regular Meeting
November 18, 2010 Special Meeting
December 7, 2010 Special Meeting and Study Session
December 7, 2010 Regular Meeting

3R Election of Vice Mayor

Established the term of office, nomination and election of a Vice Mayor.

4R Election of Mayor Pro Tem

Established the term of office, nomination and election of a Mayor Pro Tem to serve during the absence of both the Mayor and Vice Mayor. The Mayor Pro Tem will serve until the Mayor or Vice Mayor returns to the City of Peoria.

5C Appointment, Boards and Commissions

Approved the recommendation from the Council Subcommittee on Boards and Commissions Appointments pertaining to the following appointment and adopt the Resolution as presented:

Adopted RES. 2011-01 Reappointing Greg Loper, as a regular member, to the Planning and Zoning Commission to a term to expire December 2014.

6C Code Amendment, Chapter 14, Signs

Concurred with the Planning and Zoning Commission's recommendation to adopt ORD. 2011-01 amending Chapter 14 of the Peoria City Code (1977 Edition) by amending Article 14-34 'Signs' pertaining to Special Event Signs, Grand Opening Signs, and Flags.

7C Code Amendment, Chapter 14, Screening and Wall Standards

Concurred with the Planning and Zoning Commission's recommendation to adopt ORD. 2011-02 amending Chapter 14 of the Peoria City Code (1977 Edition) by amending Section 14-3-4 and Section 14-3-5 with respect to screening and wall standards. (TA 10-0132)

8C Public Utility Easement, Cotton Crossing Road Improvements, Monroe Street and Grand Avenue Frontage Road

Adopted RES. 2011-02 authorizing the City Manager to execute a Public Utility Easement associated with the Cotton Crossing Road Improvements at Monroe Street and Grand Avenue Frontage Road. (EN00069)

9C Single Source Justification and Agreement, Advanced Public Safety, Electronic Ticket Citation System

Approved single-source justification and agreement with Advanced Public Safety to expand the current electronic ticket citation system for the Police Department's mobile data computers to allow police officers to electronically generate and submit citations to the Court (LCON00111).

10C Establish 401(a) Money Purchase Plan with International City Management Association Retirement Corporation for City of Peoria Police Supervisors

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

Agenda Item 10C was pulled from the agenda at the request of Vice Mayor Carlat.

Motion was made by Vice Mayor Carlat, seconded by Councilmember Leone to carryover Agenda Item 10C pertaining to discussion and possible action to adopt RES. 2011-03 authorizing the City Manager to enter into agreement with the International City Management Association (ICMA) Retirement Corporation to provide a 401(a) Governmental Money Purchase Plan for the City of Peoria Police Supervisors (COPPS). Upon vote, the motion carried unanimously 7 to 0.

11C Maintenance Improvement District No. 1091, Terramar Parcel 9B, 75th Avenue and Happy Valley Road

Approved the Petition of Formation and adopted RES. 2011-04 intention and ordering formation of proposed Maintenance Improvement District No. 1091, Terramar Parcel 9B, located on 75th Avenue and Happy Valley Road; and adopted RES. 2011-05 ordering the improvements within the proposed Maintenance Improvement District.

12C Street Light Improvement District No. 1046, Terramar Parcel 9B, 75th Avenue and Happy Valley Road

Approved the Petition of Formation, and adopted RES. 2011-06 intention and ordering formation of proposed Street Light Improvement District No. 1046, Terramar, located on 75th Avenue and Happy Valley Road; and adopted RES. 2011-07 ordering the purchase of electricity for lighting streets and parks within the proposed Street Light Improvement District.

13R Public Hearing - Liquor License, Safeway Food and Drug, Various locations

Public Hearing: Re: (a) Adding a New Sampling Privileges to an existing Liquor Store (Series 09) for Safeway Food & Drug, located at 28455 N. Vistancia Boulevard. Applicant: Janice Martin. LL#10010640; and (b) adding a New Sampling Privileges to an existing Liquor Store (Series 09) for Safeway Food & Drug, located at 10641 W. Olive Avenue. Applicant: Janice Martin, LL#15811.

Council Action:

Recommended approval to the State Liquor Board for:

- (a) Adding a New Sampling Privileges to an existing Liquor Store (Series 09) for Safeway Food & Drug, located at 28455 N. Vistancia Boulevard. Applicant: Janice Martin. LL#10010640; and
- (b) Adding a New Sampling Privileges to an existing Liquor Store (Series 09) for Safeway Food & Drug, located at 10641 W. Olive Avenue. Applicant: Janice Martin, LL#15811.

14R City Council 2011 Meeting Schedule

Adopted RES. 2011-08 approving the City Council meeting schedule of regular meetings, special meetings and study sessions for the 2011 calendar year.

2C Authorization to Hold an Executive Session

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

- a) Discussion and consultation with City Staff and the City Attorney pursuant to A.R.S. § 38-431.03(A)(7) regarding negotiations for the possible acquisition of an assignable purchase option to acquire real property known as Peoria Place generally located at the southeast corner of Monroe Street and 83rd Avenue for the purpose of developing a residential university campus.
- b) Discussion and consultation with City Staff and the City Attorney pursuant to A.R.S. § 38-431.03(A)(7) regarding the possible assignment and amendment of existing ground leases for city-owned property located at 7797 W. Paradise Lane and 8866 West Thunderbird Road (inside the Rio Vista Recreation Center).
- c) Discussion and consultation with City Staff and the City Attorney pursuant to A.R.S. § 38-431.03(A)(4) regarding proposed condemnation of property located at 8455 Grand Avenue to eliminate a public nuisance; and
- d) Discussion and consultation with City Staff and the City Attorney pursuant to A.R.S. § 38-431.03(A)(3) for legal advice on pending litigation involving the following: Demeree vs. City of Peoria, Arizona; Brinks vs. City of Peoria, Arizona; Dodds vs. City of Peoria, Arizona; City of Peoria, Arizona vs. Larry & Jeff, LP, et al.

ADJOURNMENT

Being no further business to come before the Council, the meeting was duly adjourned at 5:04 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 events that occurred during the Special Meeting of the City Council of Peoria, Arizona held on the 18th day of January, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of March, 2011.

(Seal)

Wanda Nelson, City Clerk