



**MINUTES OF THE  
GLENDALE CITY COUNCIL MEETING  
Council Chambers  
5850 West Glendale Avenue  
May 25, 2010  
7:00 p.m.**

The meeting was called to order by Mayor Elaine M. Scruggs, with Vice Mayor Manuel D. Martinez and the following Councilmembers present: Joyce V. Clark, Steven E. Frate, David M. Goulet, Yvonne J. Knaack, and H. Philip Lieberman.

Also present were Ed Beasley, City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk.

**COMPLIANCE WITH ARTICLE VII, SECTION 6(c) OF THE GLENDALE CHARTER**

A statement was filed by the City Clerk that the 7 resolutions and 3 ordinances to be considered at the meeting were available for public examination and the title posted at City Hall more than 72 hours in advance of the meeting.

**APPROVAL OF THE MINUTES OF THE MAY 11, 2010 CITY COUNCIL MEETING**

It was moved by Goulet, and seconded by Clark, to dispense with the reading of the minutes of the May 11, 2010 Regular City Council meeting, as each member of the Council had been provided copies in advance, and approve them as written. The motion carried unanimously.

**BOARDS, COMMISSIONS AND OTHER BODIES**

**BOARDS, COMMISSIONS AND OTHER BODIES**

This is a request for City Council to approve the recommended appointments to the following boards, commissions and other bodies that have a vacancy or expired term and for the Mayor to administer the Oath of Office to those appointees in attendance.

			<b>Effective</b>	<b>Expiration</b>
<b><u>Board of Adjustment</u></b>				
Douglas Berg	Sahuaro	Reappointment	06/30/2010	06/30/2012
Al DeLossa	Barrel	Reappointment	06/30/2010	06/30/2012
Al DeLossa - Chair	Barrel	Reappointment	06/30/2010	06/30/2011
Bert Schwind - Vice Chair	Yucca	Reappointment	06/30/2010	06/30/2011

**Citizens Advisory Commission on Neighborhoods**

Judy Atkins	Cactus	Reappointment	06/30/2010	06/30/2012
Sharon Brown	Sahuaro	Reappointment	06/30/2010	06/30/2012
Jo Ann Caufield	Cholla	Reappointment	06/30/2010	06/30/2012
Vickie Loya	Cholla	Reappointment	06/30/2010	06/30/2012
Sharon Sprague	Sahuaro	Reappointment	06/30/2010	06/30/2012
Matthew Versluis	Barrel	Reappointment	06/30/2010	06/30/2012
Sharon Sprague – Chair	Sahuaro	Reappointment	06/30/2010	06/30/2011
Vickie Loya - Vice Chair	Cholla	Reappointment	06/30/2010	06/30/2011

**Citizens Transportation Oversight Commission**

Opal Evans	Ocotillo	Appointment	05/25/2010	03/25/2012
Ricki Ray	Cactus	Appointment	05/25/2010	03/25/2011

**Commission On Persons With Disabilities**

Robert Steiger	Sahuaro	Appointment	05/25/2010	02/27/2011
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**Community Development Advisory Committee**

Glenn O'Bannon	Cactus	Reappointment	06/29/2010	06/29/2012
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**Judicial Selection Advisory Board**

Jerry Berntsen - Chair	Barrel	Appointment	05/25/2010	11/29/2010
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**Library Advisory Board**

Pascal Tjahjo – Teen	Cholla	Appointment	05/27/2010	05/27/2011
Cherie Hudson - Vice Chair	Yucca	Reappointment	05/25/2010	04/13/2011

**Parks & Recreation Advisory Commission**

Margaret George	Cactus	Reappointment	05/25/2010	04/09/2012
Elizabeth Fernandes – Teen	Yucca	Appointment	05/27/2010	05/27/2011

The recommendation is to make appointments to the boards, commissions and other bodies and administer the Oaths of Office.

**It was moved by Lieberman, and seconded by Frate, to appoint Douglas Berg, Al DeLossa and Bert Schwind to the Board of Adjustment; Judy Atkins, Sharon Brown, Jo Ann Caufield, Vickie Loya as Vice Chari, Sharon Sprague as chair, and Matthew Versluis to the Citizens Advisory Commission on Neighborhoods; Opal Evans and Ricki Ray to the Citizens Transportation Oversight Commission; Robert Steiger to the Commission on Persons with Disabilities; Glenn O'Bannon to the Community Development Advisory Committee; Jerry Berntsen as chair to the Judicial Selection Advisory Board; Pascal Tjahjo as the Teen member and Cherie Hudson as the Vice Chair to the Library Advisory Board; Margaret George and Elizabeth Fernandes as the Teen member to the Parks and**

**Recreation Advisory Commission, for the terms listed above. The motion carried unanimously.**

Mayor Scruggs called those in attendance forward and issued the oath of office.

## **CONSENT AGENDA**

**Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion.**

Mr. Beasley pulled items Nos. 11 and 12 from the agenda.

Mr. Ed Beasley, City Manager, read agenda item numbers 1 through 5 and Ms. Pamela Hanna, City Clerk, read consent agenda resolution item numbers 6 through 8 by number and title.

Lieberman requested item No. 5 be heard separately.

### **1. SPECIAL EVENT LIQUOR LICENSE, ASSYRIAN CHURCH OF THE EAST**

This is a request for City Council to approve a special event liquor license for the Assyrian Church of the East. These events will be held at Assyrian Church of the East located at 17334 North 63<sup>rd</sup> Avenue on June 5 and 20; October 2 and 30; and November 6 and 27, 2010. The purpose of this special event liquor license is for church fundraisers with live music held indoors.

If this application is approved, the total number of days expended by this applicant will be six of the allowed 10 days per calendar year. Under the provisions of A.R.S. § 4-203.02, the Arizona Department of Liquor Licenses and Control may issue a special event liquor license only if the Council recommends approval of such license.

The City of Glendale Planning, Police, and Fire Departments have reviewed the application and determined that it meets all technical requirements.

Based on the information provided under the background, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

### **2. OFF-TRACK WAGERING LICENSE NO. 4-4080, YAVAPAI DOWNS AT PRESCOTT VALLEY**

This is a request for City Council to approve a new person and location transferable Off-Track Wagering (Teletracking and Pari-Mutuel System) license. Yavapai Downs at Prescott Valley is requesting to operate within Arizona Pizza Company located at 8110 West Union Hills Drive, Suite B3-350. The application was submitted by Gary D. Spiker.

The location of the establishment will be inside the Arizona Pizza Company at 8110 West Union Hills Drive, Suite B3-350, and is located within the Cholla District. The property is zoned C-2 (General Commercial). The population density within a one-mile radius is 15,526. Under the provisions of A.R.S. Title 5, Chapter 1, the Arizona Department of Racing may issue a permit to operate an additional wagering facility only if the Council recommends approval of such license.

If this application is approved, it will allow Yavapai Downs at Prescott Valley to operate off-track wagering inside Arizona Pizza Company from Memorial Day to Labor Day. Currently, Turf Paradise operates off-track wagering at this location during the months of September through May.

The City of Glendale Planning, Police, Building Safety and Fire Departments have reviewed the application and determined that it meets all technical requirements.

On August 11, 2009, Council approved an Off-Track Wagering (Teletracking and Pari-Mutuel System) license for Turf Paradise to be located within the Arizona Pizza Company to operate during September through May.

Based on information provided under the background, it is staff's recommendation to forward this application to the Arizona Department of Racing with a recommendation of approval.

### 3. AGREEMENT WITH BINARY OFFICE, INC.

This is a request for City Council to authorize the City Manager to enter into an agreement with Binary Office, Inc. The agreement will include the purchase of software and consulting services to extend the existing Documentum system's document storage and retrieval functionality.

This request supports Council's goal of a city with high-quality services for citizens by maintaining an image of the Sales Tax and License and Utility scanned documents.

The City Clerk's Office purchased the Documentum system from Binary Office, Inc. through a cooperative contract with Arizona State University on May 22, 2002. The purchase established an imaging software standard for document management. The agreement with Binary Office, Inc. expands the application of their software and services. This will provide enterprise-wide consistency and standardization of document management and is in the best interest of the city. The addition of this functionality in the Finance Department will promote uniformity of documents throughout the city, by utilizing the same storage and retrieval system as the City Clerk's Office.

Electronic retrieval of documents will allow city staff to respond to inquiries from citizens and businesses more quickly and accurately as images of scanned documents will be available for electronic access. Greater internal efficiency and staff productivity will be realized as manual retrieval of paper documents is significantly eliminated. Additionally, physical storage space required for paper documents will be reduced.

One-time funds are available in the FY 2009-10 Capital Improvement Plan and the Utilities Department operating budget to make the initial purchase. The software and related licenses will result in new operating costs estimated at \$12,157, beginning in FY 2011-12.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X	X	X		\$79,846

**Account Name, Fund, Account and Line Item Number:**

Customer Service, Account No. 2360-17020-518200, \$8,190  
 Sales Tax System, Account No. 1000-81055-518200, \$71,656

The recommendation is to authorize the City Manager to enter into an agreement with Binary Office, Inc. in an amount not to exceed \$79,846.

**4. PROFESSIONAL SERVICES AGREEMENT - NEW RIVER WATERLINE**

This is a request for City Council to authorize the City Manager to enter into a Professional Services Agreement with Dibble & Associates Consulting Engineers, Inc. to provide design and construction administration services for a new 12-inch potable waterline.

One of Council’s goals is one community with high-quality services for citizens. This agreement will allow the city to continue to provide high-quality water to citizens.

This project will install a new 12-inch potable waterline within an easement on the Flood Control District of Maricopa County property, starting from the intersection of Glendale and 103<sup>rd</sup> avenues to the proposed intersection of Ball Park Boulevard and Maryland Avenue.

The installation ensures compliance with the federally mandated Stage 2 Disinfectants and Disinfection Byproducts Rule which has an effective date of 2012. The project timeline allows for design and construction and will be completed by the end of 2011. Hydraulic and water quality modeling conducted by Black & Veatch Corporation indicates that looping the waterline on the east side of the airport enhances the water quality in this section of the city.

The Engineering Department issued a Request for Proposals in January 2010 for this project and received sixteen responses. A committee comprised of Engineering and Utilities Department staff selected Dibble & Associates Consulting Engineers, Inc. as the most qualified firm to perform these services.

This project will benefit the community by ensuring the continued delivery of high-quality water.

Funding is available in the FY 2010-11 Capital Improvement Plan. The operating cost associated with this project is minimal once completed and will be absorbed by the Utilities Department operating budget.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
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	X	X	X		\$199,650
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**Account Name, Fund, Account and Line Item Number:**  
 New River Waterline Crossing, Account No. 2400-61044-550800, \$199,650

The recommendation is to authorize the City Manager to enter into a Professional Services Agreement with Dibble & Associates Consulting Engineers, Inc. for the New River Waterline in an amount not to exceed \$199,650.

**CONSENT RESOLUTIONS**

**6. TRANSPORTATION ENHANCEMENT GRANT APPLICATION**

This is a request for City Council to adopt a resolution authorizing the City Manager to submit an application and accept a 2010 Transportation Enhancement Grant for an at-grade crossing connecting the New River and Grand Canal multiuse pathways. The Arizona Department of Transportation (ADOT) requires a formal resolution from the City of Glendale authorizing submission of the application and the required matching funds.

This grant application supports Council’s goal of enhancing the quality of life of Glendale residents by improving and providing safe transportation options within the city.

The Grand Canal and New River pathways are currently in design and are included in the Glendale Transportation Plan and in regional plans. This application is to fund the design and construction of an at-grade crossing of Ball Park Boulevard that will connect these two trails. The project includes a connecting pathway and installing a signalized pedestrian crossing. These improvements will allow expanded use of planned and existing multi-use pathways in Glendale as well as connected pathways throughout the West Valley region. The design and construction of this connecting segment between the two planned pathways will be coordinated with other infrastructure improvements including the construction of a waterline and Ball Park Boulevard roadway improvements.

On September 26, 2006 Council approved a Professional Services Agreement for design of the New River Pathway and the Grand Canal Pathway. The design of this at-grade crossing of Ball Park Boulevard is part of the Grand Canal and New River pathway projects.

This project will attract pedestrians and bicyclists to make short local trips along the New River and Grand Canal Pathways as well as longer, regional trips by more experienced cyclists on the overall, off-road pathway system.

There is a \$31,895 local match required for this funding. Funds for the local match are available in the FY 2010-11 GO Transportation Capital Improvement Plan. On-going maintenance costs will be funded by the GO Transportation Program.

<b>Grants</b>	<b>Capital Expense</b>	<b>One-Time Cost</b>	<b>Budgeted</b>	<b>Unbudgeted</b>	<b>Total</b>
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X	X				\$527,661
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**Account Name, Fund, Account and Line Item Number:**

A specific project account will be established in Fund 1650, Transportation Grants, once the \$527,661 grant agreement is formally executed.

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to submit an application and accept a 2010 Transportation Enhancement Grant from the Arizona Department of Transportation in the amount of \$527,661.

**Resolution No. 4378 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE SUBMISSION OF A 2010 TRANSPORTATION ENHANCEMENT GRANT APPLICATION, ALONG WITH MATCHING FUNDS, TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS THAT WILL ALLOW EXPANDED USE OF PLANNED AND EXISTING MULTI-USE PATHWAYS IN GLENDALE; AND AUTHORIZING THE ACCEPTANCE OF SAID GRANT IF AWARDED.**

**7. AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR CHILDHOOD IMMUNIZATIONS**

This is a request for City Council to adopt a resolution authorizing the City Manager to approve Amendment No. 1 to the Intergovernmental Agreement (IGA) with Maricopa County Department of Public Health for childhood immunization services by the Glendale Fire Department. This IGA will be extended for an additional year beginning May 31, 2010 through June 2, 2011, for a budget amount of \$75,000.

The intergovernmental agreement addresses Council’s goal of one community focused on public safety for citizens and visitors by providing immunizations to children in order to prevent childhood diseases.

Since approving this IGA in 2009, paramedics have immunized 4,095 children against seasonal influenza and childhood diseases in 20 Glendale Elementary School based clinics. The Glendale Fire Department (GFD) has also conducted immunization clinics in cooperation with the Maricopa County Public Health Department at their Glendale facility.

In 2002, GFD was designated as a Metropolitan Medical Response System (MMRS) city by the Federal Emergency Management. As part of the MMRS Biological Response Plan, GFD is expected to participate in public immunizations and to provide staffing at vaccination clinics. GFD is required to set up and operate vaccination clinics in times of crisis.

On June 23, 2009, Council authorized the City Manager to enter into an Intergovernmental Agreement with Maricopa County Department of Public Health for childhood immunization services.

As a part of our ongoing commitment to provide immunizations to children, the Glendale Fire Department’s ongoing participation in childhood immunization clinics and ability to organize and operate vaccination clinics benefits the community.

There has been no cost to the city for providing childhood immunizations during the first year of this agreement. The county will continue to provide federal pass through funding (currently \$15.00) for each child that Glendale Fire Department vaccinates. The federal funding will cover all costs including off duty staff for the additional year beginning May 31, 2010 through June 2, 2011. Total annual compensation is not to exceed \$75,000. The Maricopa County Public Health Department will continue to provide mentorship and guidance toward the operation of Glendale based immunization clinics for the life of this agreement.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X					\$75,000

**Account Name, Fund, Account and Line Item Number:**

A specific project account will be established in Fund 1840, the city’s grant fund, once the amendment to the IGA is formally executed.

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to approve Amendment No. 1 to the Intergovernmental Agreement with Maricopa County Department of Public Health for childhood immunization services by the Glendale Fire Department.

**Resolution No. 4379 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL AGREEMENT WITH THE MARICOPA COUNTY DEPARTMENT OF PUBLIC HEALTH FOR CHILDHOOD IMMUNIZATION SERVICES BY THE GLENDALE FIRE DEPARTMENT.**

**8. ACCEPTANCE OF ARIZONA SPORTS AND TOURISM AUTHORITY GRANT**

This is a request for City Council to adopt a resolution authorizing the City Manager to accept and administer a grant in the amount of \$100,000 awarded by the Arizona Sports and Tourism Authority (AZSTA). The grant will be utilized to help fund the renovation of an athletic field at O’Neil Park, located at 64<sup>th</sup> and Missouri avenues.

The O’Neil Community Park improvements support the Council’s goals of one community with strong neighborhoods and providing high-quality services for its citizens. The park improvements are also consistent with the Parks and Recreation Master Plan strategy to encourage cooperation between the Parks and Recreation Department and other public and private entities as it relates to development, maintenance, and shared use of recreational facilities and services.

In response to changing needs and population growth, the city has periodically improved facilities and amenities within O’Neil Park. This renovation project would restore approximately 150,960 square feet of grass field playing area to accommodate structured games and multi-use practice sports field opportunities. The improved turf conditions and irrigation measures will enhance the overall recreational experience for the users in the area. Glendale is one of 18 community-based organizations to receive an AZSTA Youth and Amateur Sports Biennial Grant. The 2010 grant program awarded a total of \$1.56 million for projects that serve the youth and amateur sports throughout Maricopa County.

In December 2008, Arizona Youth Football Federation (AYFF) – Pop Warner, the Arizona Cardinals, and the City of Glendale partnered to apply for a Local Initiatives Support Corporation’s (LISC) - NFL Grassroots Program Grant. An official receipt of that grant was announced in July 2009 in the amount of \$70,000. Required matching funds of \$70,000 for this project are allocated within the City of Glendale Parks and Recreation FY 2009-10 Capital Improvement Plan.

With the growth of football, soccer, and other field sports in Glendale, the supply of quality sports fields are in high demand. Based on football field utilization statistics within the 2009 USA Football / National Parks and Recreation Association Youth Football HUB Community Report, the renovation of O’Neil’s field will result in accommodating up to 15,600 annual football field users of all ages. Adding a competition level multipurpose field and additional practice space for general use and rentals at O’Neil Park will contribute to the ability of these sports to continue to grow and positively serve more youth in the community. Local residents will gain access to a high-quality sports facility within walking distance of their neighborhoods. Glendale youth and adult sport facility users and park neighbors alike will benefit from the availability of a high-quality playing surface and aesthetic improvements.

The \$100,000 AZSTA grant will be combined with \$70,000 in Capital Improvement Plan funding available in an existing parks capital project, and an additional \$70,000 grant from the LISC/NFL Grass Roots program that was awarded in July 2009. All of these resources will be combined to complete the O’Neil Park athletic field renovation project. There are no additional one-time or ongoing operating costs associated with the implementation of this grant.

<b>Grants</b>	<b>Capital Expense</b>	<b>One-Time Cost</b>	<b>Budgeted</b>	<b>Unbudgeted</b>	<b>Total</b>
X	X				\$100,000

**Account Name, Fund, Account and Line Item Number:**

A specific project account will be established within Fund 1840, the city’s grant fund, once the agreements for the AZSTA grant are formally executed - \$100,000

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to accept a FY 2009-10 grant in the amount of \$100,000 awarded by the Arizona Sports and Tourism Authority (AZSTA) for the renovation of an athletic field at O’Neil Park.

**Resolution No. 4380 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE ARIZONA SPORTS AND TOURISM AUTHORITY IN THE AMOUNT OF \$100,000 FOR THE O'NEIL COMMUNITY PARK RENOVATION PROJECT.**

**It was moved by Frate and seconded by Knaack, to approve the recommended actions on Consent Agenda Item Nos. 1 through 4 and 6 through 8, including the approval and adoption of Resolution No. 4378 New Series, Resolution No. 4379 New Series, and Resolution No. 4380 New Series; and to forward Special Event Liquor License Application for the Assyrian Church of the East for a fundraiser to be held at 17334 N 63 Ave on June 5 and 20, October 2 and 30 and November 6 and 27, 2010 to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval and Off-Track Wagering License 4-4080 for Yavapaid Downs at Prescott Valley at the Pizza Company to the Arizona Department of Racing with the recommendation for approval. The motion carried unanimously.**

**5. GLENDALE FAMILY ADVOCACY CENTER LEASE**

Steve Conrad, Police Chief, presented this item.

This is a request for City Council to authorize the City Manager to enter into a five-year lease agreement with TriStar Properties for a commercial property located at 4610 West Glendale Avenue to house the Glendale Family Advocacy Center.

Entering into this lease will address Council's goal of one community with high-quality services for citizens by providing victims with a one-stop location that is in a safe and comforting environment and that is necessary for these very personal and sensitive types of investigations.

The city has been operating an advocacy center since 2000. The center is formally known as the West Valley Advocacy Center. The city is changing the name of the center to the Glendale Family Advocacy Center, which is a better reflection of the community it serves.

The rental rate of the current location is set to increase to \$17.19 per square foot. In addition to outgrowing the current building, we could not reach a successful negotiation with the landlord. The new location provides a more affordable rate, better meets the space needs for staff, is in better physical condition and is in the heart of downtown Glendale. The rate for the first year is \$10.00 per square foot. This rate gradually increases over the life of lease. The average rate per square foot over the five-year lease period is \$11.06.

On June 6, 2009 Council authorized a one-year lease renewal for the previous location at 6829 North 57<sup>th</sup> Avenue, which the city had been renting since 2000.

The benefit to having the Glendale Family Advocacy Center is to provide a convenient location and the necessary resources for the victims of these crimes (i.e., exams, shelter, counseling,

personal items, support, etc.). The Glendale Advocacy Center touches the lives of many families in the city on a daily basis.

Funding is available in the Police Department FY 2010-11 operations budget. Entering into this lease will allow the city to save approximately \$13,658 during the first year.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$110,110

<p><b><u>Account Name, Fund, Account and Line Item Number:</u></b>          Crime Investigations, Account No. 1000-12150-528600          Patrol Special Revenue, Account No. 1700-12310-528600</p>
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The recommendation is to authorize the City Manager to enter into a five-year lease agreement with TriStar Properties for a commercial property located at 4610 West Glendale Avenue to house the Glendale Advocacy Center.

Councilmember Lieberman remarked that the center will be staffed with sworn officers most of the time it is open. He inquired as to the hours of operations. Chief Conrad stated the hours for the center were flexible and opened Monday through Friday at 7:00am. The center may be used by officers on the weekends or after hours if victims need additional services. Councilmember Lieberman commented that the location was proposed by an outside entity as a parole training center with overnight stays which the public did not approve of. He wanted to ensure the public that this facility will not be used for overnight stays and that this was a different community program. Chief Conrad explained the program was for an entirely different use and they do not envision using it to house anyone overnight.

Councilmember Goulet asked if this move was predicated because the lease was expiring. Chief Conrad replied yes. He reiterated that the major factor for the move was increased space.

**It was moved by Lieberman, and seconded by Clark, to approve and authorize the City Manager to enter into a five-year lease agreement with Tri-Star Properties for a commercial property located at 4610 West Glendale Avenue to house the Glendale Advocacy Center. The motion carried unanimously.**

**PUBLIC HEARING – LAND DEVELOPMENT ACTIONS**

9. GENERAL PLAN AMENDMENT GPA08-10 (RESOLUTION) AND REZONING APPLICATION ZON08-23 (ORDINANCE) URBAN 95 – 5406 NORTH 95<sup>TH</sup> AVENUE (PUBLIC HEARING REQUIRED)

Jon Froke, AICP, Planning Director presented this item.

This is a request by LVA Urban Design Studio for City Council to conduct a public hearing and adopt a resolution to amend the General Plan Land Use Map from Business Park and Planned Commercial to Entertainment Mixed Use and adopt an ordinance to rezone from Business Park and Community Shopping Center to Planned Area Development for the property located at the southwest corner of 95<sup>th</sup> and Missouri avenues.

The proposed General Plan Amendment and Rezoning are consistent with Council's goal of one community with quality economic development by providing a mixed-use employment center with complementary retail, hotel, entertainment, and housing.

The 45 acre mixed-use development includes office, commercial, hotel, residential land uses and open space. The development plan titled Urban 95 will create a project that contains complementary land uses unified by architecture, landscaping, signage, lighting, and open space.

The Planning Commission recommended approval of GPA08-10 and ZON08-23 at their meeting on April 1, 2010.

The project will allow the continued growth of the city's Sports and Entertainment District and contribute to a strong office, residential, retail, and hotel core that can be an economic resource to the community.

A Notice of Public Hearing for the City Council hearing was published in *The Glendale Star* on May 6, 2010, and the property was posted on May 7, 2010. Postcards were mailed to 236 adjacent property owners and interested parties on May 7, 2010. Three individuals spoke in support of these applications at the Planning Commission public hearing on April 1, 2010.

The recommendation is to conduct a public hearing, waive reading beyond the titles and adopt a resolution for General Plan Amendment GPA08-10 and adopt an ordinance for rezoning application ZON08-23 subject to the stipulations as recommended by the Planning Commission.

Mr. Jon Froke, AICP, Planning Director, explained a last minute stipulation submitted by Mr. Mike Curley, the applicant for CBD 101, the adjoining property owner to the north of Urban 95 regarding the signage on Loop 101. He noted that everyone involved appears to be satisfied with the new proposal. He stated the applicant's representatives were here to answer any questions.

Councilmember Goulet asked staff to clarify stipulation 13, regarding the provisions on how many billboards and pylon signs are acceptable. Mr. Froke explained that ZTA09-01 was in reference to the ongoing Zoning Ordinance Update that was winding its way through the Planning Commission process. He stated there was a provision in the document that includes a comprehensive sign ordinance that will carry through with the proposal being brought forward today.

Mr. Nick Wood, applicant's representative with Snell and Wilmer LLP, stated that the Council had a resolution before them that had been achieved by the collaborative efforts of all the property owners. This partnership achieves the city's vision, for an integrated, exciting, sports entertainment center. He believes their collaboration has accomplished something exciting that

fits very well within the vision of the city. On the issue of signage and stipulation 13, he wanted to make clear, that they cannot have both types of signs. He indicated they had to choose one and once that option is made, the other alternative goes away. He thanked Mr. Froke, Mr. Mike Curley, city staff, the CBD 101 Team and the Pendergast Community for their collaboration on this project.

**Resolution No. 4381 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE GENERAL PLAN MAP OF THE CITY OF GLENDALE, ARIZONA, BY APPROVING GENERAL PLAN AMENDMENT GPA08-10 FOR PROPERTY LOCATED AT 5406 NORTH 95<sup>TH</sup> AVENUE.**

**Ordinance No. 2725 New Series was read by number and title only, it being AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING PROPERTY FROM BP (BUSINESS PARK) AND CSC (COMMUNITY SHOPPING CENTER) TO PAD (PLANNED AREA DEVELOPMENT) FOR A DEVELOPMENT PLAN TITLED “URBAN 95” LOCATED AT 5406 NORTH 95<sup>TH</sup> AVENUE; AMENDING THE ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.**

**Mayor Scruggs opened the public hearing on Agenda Item No.9.**

Ms. Cynthia Halsey stated her support of this project. She remarked that she had explained her concerns early on and the developers had responded very quickly. She approves of the new landscape along 95<sup>th</sup> Avenue as well as this project. She wanted everyone to know how much the community appreciates how the city and the developers had worked closely with the neighborhoods and had allowed them to become involved in the process. She especially thanked Councilmember Clark for her participation.

Councilmember Clark asked to read a prepared statement from Ms. Chris Jon from the Pendergast Community. Statement: “I am unable to make the City Council meeting this evening. I want to make known my support of the Urban 95 project, at the west end of our neighborhood. Mr. Bailey and his team had nothing but concern, and were willing to work with our neighborhood, on neighborhood issues and concerns regarding the project. They have kept us informed and included, every step of the way, meeting with several neighbors prior to the “official” neighborhood meeting, which was held a year ago at Desert Mirage Golf Club. The neighbors on Missouri Avenue, which is the street I live on, were mostly concerned about keeping our road closed. As you know, the CBD 101 project already has stipulations attached which provide our neighborhood with a cul-de-sac and a wall to prevent our road from ever connecting with 95<sup>th</sup> Avenue when that development comes to fruition. At our request, Mr. Bailey, through his attorney, Nick Wood, also gave us a letter in writing, agreeing to support these stipulations as currently outlined, in particular, they agree to support the closure of Missouri Avenue where it would connect with 95<sup>th</sup> Avenue. They also addressed some neighbor’s concerns about the height of the apartments and modified them to be two stories high, at the corner of 95<sup>th</sup> Avenue and Missouri, graduating at higher levels, as you get further away from the neighborhood. This was greatly appreciated as well. I did attend the Planning and

Zoning meeting and expressed support of this project and wish to again express support of the Urban 95 project, at the City Council meeting tonight. Thank you.” End statement.

**Mayor Scruggs closed the public hearing.**

**It was moved by Clark, and seconded by Lieberman, to pass, adopt and approve Resolution No. 4381 New Series. The motion carried unanimously.**

**It was moved by Clark, and seconded by Lieberman, to approve Ordinance No. 2725 New Series with the additional stipulation number 13 which states, notwithstanding, anything contained in the Urban 95 PAD document relating to billboards and / or freeway pylon signage, the subject PAD will be subject to the City’s adopted Zoning Ordinance Update (ZTA09-01) related to freeway oriented billboard and freeway pylon signage; provided, that ZTA09-01 does not prohibit at least one billboard or freeway pylon sign in Urban 95.**

Councilmember Clark offered her congratulation to everyone involved in this project. She stated they all had worked very hard for a very long time to bring this to final acceptance.

Councilmember Frate also thanked everyone involved. He stated that this was an exciting project with a vision for the future.

**Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Knaack, Martinez, Frate, and Scruggs. Members voting “nay”: none.**

## **ORDINANCES**

### **10. EXTENDED OCCUPANCY AGREEMENT FOR W.S. TRUCKING, INC.**

Jamsheed Mehta, AICP, Transportation Director presented this item.

This is a request for City Council to adopt an ordinance authorizing the City Manager to extend an occupancy agreement with W.S. Trucking, Inc. for property located at 6501 West Northern Avenue. This property was acquired by the City of Glendale for access control and beautification along Grand Avenue and right-of-way protection for Northern Parkway.

This request addresses Council’s goals of one community with high-quality services for citizens and one community with quality economic development by improving and providing transportation options within Glendale.

The W.S. Trucking, Inc. property (located near the southeast corner of Grand and Northern avenues) was approved by Council for acquisition on February 9, 2010. Glendale obtained title to this property upon close of escrow on March 17, 2010.

The property owner is in the process of relocating to a new site in Glendale. An extended occupancy agreement is necessary because the business needs more time to relocate. In accord with appraised rental value, the rental rate will be \$1,300 per month and the lease payments will

be deposited into the GO Transportation Program. The extension will not exceed 180 days from the close of escrow, and will not impact the scheduled construction of Grand Avenue improvements.

The Grand Avenue project provides access control to better manage the growing traffic volumes and to upgrade the appearance of this roadway through central Glendale. This is also a joint project with the Arizona Department of Transportation (ADOT). The property was acquired by the city to protect future right-of-way needed to complete the connection between Grand Avenue and the Northern Parkway.

On February 9, 2010, Council approved the acquisition of the W.S. Trucking, Inc. property.

On October 9, 2007, Council approved the preparation of a Design Concept Report by DMJM Harris for Grand Avenue between 43<sup>rd</sup> and 71<sup>st</sup> avenues. At this meeting, Council also authorized an Intergovernmental Agreement with ADOT to compensate the city for the preparation of this report and to coordinate the Grand Avenue design and right-of-way responsibilities.

The proposed improvements on Grand Avenue will help improve traffic flow and enhance safety. It will also improve the appearance of Grand Avenue with landscaping, sign upgrades, sidewalks, and under-grounding of utilities.

The recommendation is to waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute an extended occupancy agreement with W.S. Trucking, Inc.

**Ordinance No. 2726 New Series was read by number and title only, it being AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE CITY MANAGER AND CITY CLERK TO EXECUTE AN EXTENDED OCCUPANCY AGREEMENT WITH W. S. TRUCKING, INC. FOR PROPERTY LOCATED AT 6501 WEST NORTHERN AVENUE; AND ORDERING THAT THE EXTENDED OCCUPANCY AGREEMENT BE RECORDED.**

**It was moved by Martinez, and seconded by Frate, to approve Ordinance No. 2726 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Knaack, Martinez, Frate, and Scruggs. Members voting “nay”: none.**

11. PAWN SHOP AND SECONDHAND STORE ORDINANCE – Removed administratively.

This is a request for City Council to adopt an ordinance amending Glendale City Code Chapter 21 relating to pawnshop operators and secondhand dealers.

## RESOLUTIONS

### 12. PAWN SHOP AND SECONDHAND STORE TRANSACTION FEE RESOLUTION – Removed administratively.

This is a request for City Council to adopt a resolution establishing the transaction report fee for pawnshop operators and secondhand dealers. The proposed code changes and related transaction report fee would become effective July 15, 2010.

### 13. FISCAL YEAR 2010-11 PRELIMINARY BUDGET

Sherry Schurhammer, Management and Budget Director presented this item.

This is a request for City Council to review the FY 2010-11 preliminary budget and adopt a resolution formally approving the preliminary operating, capital, debt service, and contingency appropriation budget and giving notice of the date for public hearings on the preliminary budget and property tax levy and the adoption of the property tax levy.

Once Council approves the preliminary budget it will be published in a newspaper of general circulation for two weeks along with notice of hearings on the preliminary budget and the property tax levy scheduled for June 8, 2010. The actual adoption of the property tax levy will occur at the June 22, 2010, evening meeting.

Council's goals continue to serve as the foundation for the development of the city's annual budget regardless of whether the economy is growing or contracting. Vision, innovation, partnerships, and dedicated employees continue to play a central role in making the city's efforts over the past year rewarding and successful in areas of key importance to Council.

Council approval of the preliminary budget will set the maximum level of expenditures for FY 2010-11. Adjustments and reallocation of appropriation authority may be made after adoption of the preliminary budget, but the total amount of appropriation cannot be increased.

A series of Council budget workshops were conducted in February and March 2010 to review the proposed FY 2011 budget for revenues and expenditures.

While the current economic environment has presented its share of challenges for local and state government, the City of Glendale continues to look towards the future with optimism, flexibility and resilience. Vision, innovation, partnerships, and dedicated employees continue to play a central role in making the city's future efforts rewarding and successful despite the difficult economy.

This outlook is a result of City Council's continued focus on enhancing fiscal strength through quality economic development and the continuation of strategic investments that build upon those made over the last several years. This outlook also is the result of the strategic management of constrained city resources. Consequently, the city's FY 2011 budget continues to provide resources to maintain high quality, core services while moving forward with efforts that ensure a positive, sustainable future.

The FY 2011 operating and capital budgets are based on Council's continued vision of 'one community' and the supporting strategic goals that Council reconsidered at a December 2009 retreat.

The budget strategy for FY 2011 is built around a strategic, business-based and service-based approach that will be implemented in phases over several months. This approach includes a mix of ongoing and one-time budget measures that result in a balanced budget. The phased budget strategy is appropriate for a service organization like the city because it takes us through a series of steps that are designed to attain a fiscally responsible budget while not severely diminishing the valuable services we provide to the community.

This budget strategy also sustains core city services as defined by City Council strategic goals. These core services are health and safety related such as emergency response services provided by the Police and Fire Departments. This strategy was confirmed by input from citizens through three communitywide public meetings that were held to solicit feedback on the proposed service and program adjustments.

In conjunction with the expenditure reduction measures are efforts to enhance revenue opportunities to improve cost recovery and to pursue innovative means for seeking additional revenue sources. The revenue enhancement measures total \$2.9 million of new revenue expected for FY 2011.

Even with the program and service adjustments included in the FY 2011 budget, employees will remain focused on implementing City Council's strategic goals.

The second budget workshop was held on March 30, 2010. The items addressed at the meeting were the proposed capital improvement plan and follow up items from the March 23, 2010 budget workshop.

The first budget workshop was held on March 23, 2010. The following items were presented at the meeting:

- The proposed operating budget for all departments and all funds.
- The proposed service and program adjustments for the General Fund totaling \$14.7 million.
- The written report about the community's feedback regarding the proposed program and service adjustments.
- The proposed revenue enhancement opportunities.

Council was provided the FY 2011 budget workbook during the week of March 15, 2010.

On February 16, 2010, Council reviewed the strategy for balancing the GF operating budget for FY 2010-11 in preparation for the first budget workshop scheduled for March 23, 2010.

Glendale's budget is an important financial, planning and public communication tool. It gives residents and businesses a clear and concrete view of the city's direction for public services, operations and capital facilities and equipment. It also provides the community with a better understanding of the city's ongoing needs for stable revenue sources to fund public services, ongoing operations and capital facilities and equipment.

The budget provides Council, residents and businesses with a means to evaluate the city's financial stability.

All budget workshops were open to the public and were posted publicly per state requirements. The Council budget workbook materials were posted publicly along with the meeting agenda.

Community-wide public meetings on the proposed program and service adjustments for FY 2010-11 occurred on March 3, 4, and 8. A document summarizing the \$14.7 million in proposed program and service adjustments was posted publicly in advance of the meetings. The public also was given the opportunity to provide feedback on the proposed program and service adjustments through the city's website and a telephone hotline, both of which were available through the close of business on March 11, 2010. A total of 200 responses were received plus 52 citizens spoke at the public meetings.

The annual budget (all funds) for the city is divided into four major components that include all appropriations for the city. The total budget, including all four components, is \$676 million for FY 2011. The four components and their respective total amounts for FY 2011 are as follows:

- The *operating budget* finances the day-to-day provision of city services and totals \$339.5 million.
- The *capital improvement budget* funds the construction and repair of city assets including roads, public amenities and other infrastructure throughout the city. The capital improvement budget totals \$194.2 million.
- The *debt service budget* is used to repay money borrowed by the city, primarily for capital improvements, and amounts to \$84.8 million.
- The final component of the budget is the *contingency appropriation*, which is made up of fund reserves and is available to cover emergency expenses or revenue shortages should they arise during the fiscal year. The contingency appropriation for this fiscal year totals \$57.5 million.

The recommendation is to waive reading beyond the title and adopt a resolution approving the FY 2010-11 preliminary budget, directing publication of the preliminary budget, giving notice of the date for public hearings on the preliminary budget and property tax levy and of the date for the adoption of the property tax levy.

**Resolution No. 4381 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A PRELIMINARY BUDGET OF THE AMOUNTS REQUIRED FOR THE PUBLIC EXPENSE FOR THE CITY OF GLENDALE FOR THE FISCAL YEAR 2010-2011; SETTING FORTH THE REVENUE, THE AMOUNT TO BE RAISED BY DIRECT PROPERTY TAXATION FOR THE VARIOUS PURPOSES; AND GIVING NOTICE OF THE TIME FOR HEARING TAXPAYERS AND FOR FIXING TAX LEVIES.**

**Mayor Scruggs opened the public hearing on Agenda Item No. 13. As there were no comments, Mayor Scruggs closed the public hearing.**

**It was moved by Frate, and seconded by Knaack, to pass, adopt and approve Resolution No. 4381 New Series. The motion carried unanimously.**

Councilmember Clark remarked that no city's budget this year had passed without some pain. She remarked that the city has had to face hard decisions such as furloughs as well as cutting hours. However, overall the impact to citizens has been extremely minimal. She commended Mr. Beasley, Ms. Schurhammer, Mr. Skeete and all the members of staff who worked on this budget. She noted that it had been a very difficult budget and year. She explained how other cities were resorting to harsh tactics in order to balance their budgets, however, the City of Glendale had not. She noted it spoke highly of the role city management and Council had to be able to remain fiscally prudent through very difficult times.

Councilmember Lieberman thanked Mr. Skeete and Ms. Schurhammer for spending their time answering his questions in regards to the budget. He stated it had been an excellent meeting as well as very informative.

Councilmember Goulet indicated that some time back, he had requested from staff that they make the budget process public. Staff agreed, even if it meant they would face some additional challenges. He acknowledged that this had been a very challenging year, however, with best business practices and Council's recommendations, they were able to produce a budget that provides the services and the quality of life decisions that residents of Glendale are accustomed to. He commended Mr. Beasley, senior management, department heads and all the staff who worked so hard to bring these issues out in public and answer the questions that needed to be answered.

## **PUBLIC HEARING RESOLUTION**

### **14. PROPOSED INCREASE IN IRRIGATION RATES (RESOLUTION) (PUBLIC HEARING REQUIRED)**

Roger Bailey, P.E., Utilities Director presented this item.

This is a request for City Council to conduct a public hearing and adopt a resolution implementing an irrigation rate increase effective with the July 2010 irrigation billing cycle.

One of Council's goals is one community that is fiscally sound. This adjustment will help to ensure that the city has the financial resources to continue to provide irrigation services to Glendale citizens.

In 2009 and 2010, staff conducted an assessment of the irrigation system. The results of this assessment were presented at the March 2, 2010 Council Workshop and placed on file for public review in the City Clerk's office. At the workshop, Council authorized staff to begin the process to increase irrigation rates as presented, effective with the July 2010 billing cycle.

Typically, the irrigation watering schedule runs April through October of each year. A total of 317 customers received irrigation services from the city in 2009, and 235 customers contracted for irrigation service in the 2010 irrigation watering schedule. This rate increase will be effective with the July 2010 irrigation billing cycle.

On April 27, 2010, Council conducted a public hearing and adopted a resolution increasing the water and sewer rates effective July 2010. The public hearing for a proposed increase in irrigation rates was tabled at that time to May 25, 2010. Notices for this public hearing postponement were mailed to 235 irrigation water customers on April 19, 2010. A Notice of Public Hearing was published in *The Glendale Star* on April 29, 2010 for the May 25, 2010 Council meeting.

On March 23, 2010, Council adopted a resolution declaring the city's intent to increase the water, sewer, and irrigation rates effective July 2010 and setting the public hearing for April 27, 2010. A Notice of Public Hearing was published in *The Glendale Star* on April 1, 2010 for the April 27, 2010 Council meeting.

A written report explaining the proposed increase in irrigation rates was made available for public review and inspection on April 13, 2010 in the City Clerk's Office and on the City of Glendale Utilities Department web page.

The recommendation is to conduct a public hearing, waive reading beyond the title and adopt a resolution implementing irrigation rate adjustments effective with the July 2010 irrigation billing cycle.

Councilmember Clark inquired if irrigation customers had to turn their water on and off or does the city do that. Mr. Roger Bailey, P.E., Utilities Director, stated that customers do not have to adjust their water. He explained that the city contracts with an outside company that turns the water on and off. Councilmember Clark commented that she believes this rate structure was extremely fair and not out of line. She noted that in her neighborhood, they were responsible to turn their water on and off at the required time.

**Resolution No. 4384 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA**

**COUNTY, ARIZONA, ESTABLISHING IRRIGATION RATES PURSUANT TO GLENDALE CITY CODE; AND SETTING FORTH THE EFFECTIVE DATE.**

**Mayor Scruggs opened the public hearing on Agenda Item No. 14.**

Mr. Robert Gehl, an Ocotillo resident, stated he had no objection with the irrigation rate increase. He asked Council to continue to support customers that use the irrigation system. He also had questions regarding the irrigation water rate study. He explained its released was disingenuous since it never addresses the fact that the vast majority of the cost was based on private contracts to the Salt River Irrigation Company. He thanked Councilmember Goulet for all his assistance in his district.

**Mayor Scruggs closed the public hearing.**

**It was moved by Goulet, and seconded by Clark, to pass, adopt and approve Resolution No. 4384 New Series. The motion carried unanimously.**

**REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION**

**It was moved by Martinez, and seconded by Knaack, to hold a City Council Workshop at 1:30 p.m. in Room B-3 of the City Council Chambers on Tuesday, June 1, 2010, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried unanimously.**

**CITIZEN COMMENTS**

None

**COUNCIL COMMENTS AND SUGGESTIONS**

Councilmember Clark commented on two projects that were approved in her district tonight. The first was The O'Neil Community Park and the second is the Grand Canal and New River pathways. Both projects will greatly enhance the quality of life for the community. She thanked staff for making both projects a reality.

Councilmember Goulet reminded everyone that summer vacation for children was here. He asked the community to be cautious while driving.

Vice Mayor Martinez thanked Mr. Beasley and staff for their work on the budget. He acknowledged all the sacrifices made by the employees and community.

Councilmember Frate commented on three drowning that occurred in Glendale in the last two weeks. He explained that all the pools had barriers and supervision, however, people still died. He believes it's because people were becoming complacent and they needed to do a better job. He implored people to please watch children around water. He added that Glendale Fire

Department will be holding their Annual Water Safety Day, Friday, June 4<sup>th</sup> at Foothills Aquatic Center. He encouraged everyone interested to attend.

Councilmember Knaack reiterated Councilmember Frate's plea to keep watch over children around water. She reminded everyone that most schools were out and to watch out for kids on the street as well as the importance of buckling them up in their vehicles. She thanked Mr. Beasley and staff for an outstanding job on the budget. She believes citizens will not notice a huge difference in services this year and if they do, she asks them to be patient.

Mayor Scruggs wished everyone a happy and safe Memorial Day weekend.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:05 p.m.

Pamela Hanna

Pamela Hanna - City Clerk