

**\*PLEASE NOTE: Since the Glendale City Council does not take formal action at the Workshops, Workshop minutes are not approved by the City Council.**



**MINUTES OF THE  
GLENDALE CITY COUNCIL WORKSHOP SESSION  
Council Chambers – Workshop Room  
5850 West Glendale Avenue  
June 07, 2011  
1:30 p.m.**

**PRESENT:** Mayor Elaine M. Scruggs, Vice Mayor Steven E. Frate and Councilmembers Norma S. Alvarez, Joyce V. Clark, Yvonne J. Knaack, H. Phillip Lieberman, and Manuel D. Martinez,

**ALSO PRESENT:** Ed Beasley, City Manager; Horatio Skeete, Assistant City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk

**1. COUNCIL ITEMS OF SPECIAL INTEREST**

This is the quarterly opportunity for City Council to identify topics of interest they would like the City Manager to research and assess for placement on a future workshop agenda.

On March 1, 2011, Council asked that staff provide information on items of special interest. The following items have been addressed:

- Adult Center 2<sup>nd</sup> Floor – This was addressed as part of the budget process.
- Marty Robbins Bronze Plaque – This was addressed through a request forwarded to the Historic Preservation Commission for their review and consideration, which is the customary process.
- Public Participation at the beginning of Council Meetings – This item will be postponed and brought back at the next Council Items of Special Interest to allow staff additional time to do further historical research.

The remaining items of special interest requested by Council will be addressed at today's workshop.

- Dinners/Meetings with Other Organizations
- Approval of Purchases over \$50,000
- Requirements for Tattoo and Massage Establishments
- Review of Code of Ethics
- Review of City Charter
- Reimbursement for Ticket Purchases

Staff is available to answer any questions regarding the information provided. Staff also requests Council to identify future items of interest for follow-up by staff during the next quarter.

Ed Beasley, City Manager; introduced the item.

Mayor Scruggs stated she would start with the first item, Dinners/Meetings with other Organizations. She asked for any comments.

Councilmember Lieberman noted he once again requested this item be brought before the Council for consideration. He indicated a recent article from Leadership West about the necessity of cities meeting with each other to find solutions to common problems. He believes in these economic times, they should be meeting with the surrounding cities on a much closer basis. He would like to include Luke Air Force Base in these meetings. He, as a member of the Council, did not know enough of the people at Luke to be able to work with them as closely as he would like. He believes they are not close enough, as a Council, or a city, to Luke or other cities. He noted there was a lot of goodwill they could create, if they have annual meetings with area cities.

Councilmember Alvarez stated her agreement with Councilmember Lieberman. However, she would not invest city money to meet with them. She believes each city should pay their own. She added it was good to have a working relationship with the surrounding cities and would like to meet at least once a year.

Vice Mayor Frate remarked he attended a function at Luke Air Force Base and sat with the General and his wife this weekend. He stated it was clear in their discussions that they are at war and very busy on the base. He indicated that if anything critical occurs, the city is contacted. He noted the base and the city do keep in close contact, however, possibly not as a group. He discussed the recent funeral he attended representing the city which was held at the base. In reference to meeting with other city councils, they all attend the National League of Cities and Towns which was created for cities to come together and exchange ideas. He added he currently exchanges information and speaks with colleagues from other cities on his own.

Mayor Scruggs explained the close working relationship the city has with Luke Air Force Base. She noted the city's fire, planning, environmental, transportation departments, etc. interact on a variety of issues. She wanted to make clear the city does have a close working relationship with Luke and what they were discussing on this item was getting together with the command. She explained a major issue with bringing this item forward was who in the city gets invited to Luke Air Force Base events. She noted Luke decides who attends events and ceremonies because of space requirements. She added the Base protocol office handles who was invited.

Councilmember Knaack stated she had attended four out of five events at Luke. She noted it was a perfect opportunity to speak to the General and his staff. She indicated she was part of the Arizona Municipal Water User Association and once a month she is in contact and shares information with nine other cities and their Mayors and Councilmembers. She explained there were many opportunities year round to meet with other cities and their counterparts. She believed the current opportunities were sufficient.

Councilmember Clark remarked she believes the city's interaction with Luke was sufficient for the present time. However, every two years, elected offices change, therefore, she sees nothing wrong with Glendale taking the lead and fostering better networking relationships. She stated they need to build a stronger West Valley coalition network that they seem to be lacking. She would like to start this and possibly start an annual tradition that can rotate from city to city. She believes this was something long overdue and they should think about doing it.

Mayor Scruggs stated she would like to add to this suggestion that she would prefer the meeting to not be food related because of the cost. She explained Councilmember Clark and Vice Mayor Frate had made suggestions at the last meeting using Glendale Glitters as an option to meet with other cities. She suggested they extend an invitation to other Councils to come, walk and socialize on the quiet nights of the event. Another idea that would not involve money would be to host a different city group in the city's suites. She suggested cities should be paired up with neighboring towns. Councilmember Clark stated she liked the idea of using the Jobing.com suite and possibly also the Camelback Ranch suite. She also likes the idea of pairing two towns together and believes it was a good first step.

Councilmember Martinez agreed with both ideas. He noted that at the December 10<sup>th</sup> meeting, they discussed this item at length. He had voted against a dinner meeting; however, agrees with these new ideas and believes it was a good use of the suites. He likes this venue more and believes they can get more done than just sitting around eating. He added that the door was always open if someone ever wants to meet with the Council and they don't need special dinner meetings. He also liked the idea regarding Glendale Glitters and inviting other city Councilmembers to the event.

Councilmember Knaack suggested they open up the City Council chamber lobby to have refreshments and socialize, then walk around and see the Glitters event. Mayor Scruggs added it should be for the member only and not include spouses, but she was open for discussion on that matter. She explained these events should be posted as meetings with possibly an agenda to comply with Open Meeting Laws.

Councilmember Lieberman agreed this was a great idea. As a matter of fact, twice in the past year, he had invited Congressional Representatives to the event. He agrees with opening the lobby area for Glendale Glitters and was willing to pay for invitations out of his district's budget. He explained he also sits on many committees; however, he could not say he has formed close relationships with those members. He discussed attending an event at Luke Air Force Base and how patriotic it was. He added he chose to remain in the audience and not sit with the General on this occasion. He reiterated his agreement with the ideas presented and was pleased his

efforts have been recognized after he has brought this item up for the last three or four years. Mayor Scruggs appreciated the fact he agreed with her suggestions.

Mayor Scruggs added on another matter she would like to make clear. She remarked on Councilmember Lieberman's comment of choosing not to sit with the General, but instead wanting to sit in the audience. She asked Councilmember Lieberman why he did not use the six seats he had requested staff members in her office to secure for him on short notice for the Tops in Blue Concert. She stated that he had first asked to use the city suite for his group but was told that the city suite would not be opened that night. Upon request from the Council Office staff on his behalf, staff in her office called Base personnel and asked that Councilmember Lieberman and his group be placed in the dignitary section. She stated it was important to have full disclosure when he was stating he did not want to sit with the General as special arrangements had been made for him and his party of six on extremely short notice. Councilmember Lieberman explained he was not aware those arrangements had been made for him and was told only he and his wife were invited. He reiterated he was never told about this arrangement and was told the opposite.

Councilmember Alvarez remarked she was not in favor of just socializing; however, was in favor of having business meetings. She reiterated her belief in getting to know their counterparts better in a business setting. She indicated she did not want to use taxpayer money even if it was from their Councilmember's budget since it was still taxpayer money. Mayor Scruggs asked if she would like this to be more of a business or a socializing event. Councilmember Alvarez stated she would like it to be kept to business with no food and no money spent. Councilmember Lieberman stated he wanted the networking and socializing aspect. Councilmembers Knaack, Clark, Martinez would like networking and getting to know people.

Mayor Scruggs stated a majority favors arrangements where they can get together with one or two cities at a time, without spouses. This is for the purpose of getting to know each other on a more sociable networking basis, with no money involved unless there are sponsorships. These events would take place in suites at Jobing.com and Camelback Ranch or council chambers lobby area. All Council agreed except for Councilmember Alvarez who prefers it to be solely business in nature. Mr. Ed Beasley agreed to present a plan of action for this item from staff at the next Special Interest meeting. Legal will also be involved in this process. Councilmember Lieberman thanked everyone for their interest and help today on this item.

Mayor Scruggs called for the next item, Approval of Purchases over \$50,000.

Councilmember Lieberman explained there was a time when the Council voted on purchases for \$67,000 as well as voted on contracts for lobbyists. He questioned, without wanting to offend Chief Conrad or Burdick, a purchase of five motorcycles for \$100,000 or the new fire truck two years ago for \$1 million. He noted he could not remember the last time he voted for a big piece of equipment and never sees these items come before the Council even if they are over \$50,000. He added he respects the fact the City Manager and City Attorney have a right to sign off on these items, however, he would like to be aware when these items are being purchased to let his constituents know where the money is going. Mr. Beasley stated he understood his concerns and would like to explain to him how the process works. He explained that in the budget process,

they identify the items that are needed and when it will be purchased. Therefore, the concept of just going out and purchasing or leasing an item was not accurate. He stated there was a process which clearly identifies the item and when and why it is needed. Councilmember Lieberman remarked he understood the process and that was not what he was asking. He explained that when he sees an item listed for \$6 million for transportation that does not tell his constituents what that money was for. He added those amounts showed up in one lump sum instead of voting publicly on each item.

Ms. Sherry Schurhammer, Budget Director, explained the fire truck and sanitation truck are examples specifically identified in the CIP as purchases that will occur in a year. Councilmember Lieberman reiterated he was aware and understood the process and that was not what he was after. Mayor Scruggs remarked that currently, the city has a process where they publicly identify what is going to be purchased; however, Councilmember Lieberman would like to have an actual action item at a Council meeting at which they approve each one of those item individually.

Councilmember Clark referred to page 37 which states that administration will issue a monthly report on purchases and actions issued by staff. She remarked that to her knowledge she has never received this report. She noted that either staff is prepared to issue the monthly report or she will ask for those items over \$50,000 to be put on a Council agenda for an evening meeting. Mayor Scruggs agreed it would be a good middle ground. Councilmember Clark stated Councilmember Lieberman was right, the Council does not know, other than reviewing the annual budget workshop, what major purchases are going to occur throughout the course of the year. She added this report would have been the solution, but it was never provided as promised. Mr. Beasley asked Ms. Schurhammer if they ever provided this report. Ms. Schurhammer stated she was not aware of a report ever being provided or required. She added for the future, staff can provide a report based on Council's direction. Councilmember Clark remarked she was not saying it was the budget departments fault. She stated that Council should know what is being purchased over \$50,000, at least after the fact.

Councilmember Martinez asked if staff would come back to Council should there be a change in the CIP purchasing process. Ms. Schurhammer replied if the budget amount was exceeded or there was a protest, it would come back to Council for approval and review. She added this rarely happens since staff was very thorough in their research before it ever is placed in the CIP. She noted regardless if it comes to Council or not, it is competitively bid. Staff also uses cooperative purchasing agreements. Councilmember Martinez stated he was satisfied with the process currently being used. However, he sees no problem with a report being issued on purchases that have already been approved, if the Council moves in that direction.

Councilmember Alvarez remarked if a monthly report is required in the ordinance, then it should be issued. If not, they should change the ordinance. Ms. Schurhammer explained the monthly report was not in the ordinance. She explained it was a commitment made in 2001 with whoever was over purchasing. Councilmember Alvarez indicated that her only remark was to go with whatever was directed by the ordinance.

Mayor Scruggs explained this was not part of an ordinance as previously thought; therefore, they have to decide among three actions. The first is to bring every single item before Council over \$50,000; second, be provided a monthly report on purchases over \$50,000; or thirdly, do nothing and leave things as they are. Councilmember Alvarez stated she had no problem keeping it as is.

Councilmember Knaack stated all purchases are in the budget with Council approval; therefore it would be cumbersome and very inefficient to try and vote on each individual item. She added she had no problem with the monthly report. She asked Mr. Beasley for his opinion. Mr. Beasley stated he was not aware of this report ever being done and he was not the city manager back then. However, it might be a good idea and worth a try. He would like to see what this report would look like and how much time it would take.

Councilmember Clark reiterated this was an alternative to get Council more information. She stated she was disappointed this had not occurred to staff before but now staff was prepared to see if they can make it work. Therefore, if this is brought back and found that it cannot be done, she will suggest they go back to the old system. Mr. Beasley remarked that he did not say maybe. He noted what he did say was that under previous manager administration, that practice was discussed. As far as staff not creating this report, there are times staff might miss something; therefore, they would be happy to look into it and provide that information. However, in all fairness to staff and Council, they would like to first analyze and examine how long and what time frame the report would be.

Mayor Scruggs stated that so far they have Councilmember Alvarez as fine with keeping things the way they are. Councilmembers Knaack and Martinez want to give staff the opportunity to analyze what it would take to set up and create a process to do what was offered in 2001. Councilmember Clark would like to immediately have a report issued monthly.

Councilmember Lieberman noted he was not against a monthly report so they could possibly put it on the internet. However, they can also place these purchases on the Consent Agenda. He explained if they add four additional items on Tuesday's list for purchases over \$50,000, he did not see how this would be detrimental to anyone.

Vice Mayor Frate remarked he would like staff to look into the monthly report. As far as approving every line item over \$50,000, he believes this was cumbersome and might be difficult for staff's process and timeframe.

Councilmember Alvarez stated since this was not in the ordinance, they can agree to a report every three months instead of every month to make it easier for staff. Mayor Scruggs stated they were looking for a majority to come to a consensus on whether to have a report or not. Councilmember Alvarez stated she believes they receive enough reports as it is. She explained with most issues, she looks up the information herself when she needs an answer.

Mayor Scruggs stated the majority would like staff to look into a process similar to 2001 which could be monthly or quarterly. She personally liked the idea of putting it on the internet so vendors who want to do business with the city of Glendale can see it.

Mayor Scruggs asked staff to bring this back for the next Council Items of Special Interest meeting with an option for a report on purchases over \$50,000. She noted the majority of Council selected not to vote on every purchase at a Council meeting.

Mayor Scruggs called for the next item, Requirements for Tattoo and Massage Establishments.

Councilmember Alvarez stated her concern on some tattoo and massage parlors not following procedures and endangering the safety and health of citizens. She explained at one time, the state legislature had this issue on their agenda, however, it was dropped. She would like to see the city pursue this issue and try to put it back on the state's legislative agenda. She asked who they would report to if a citizen were to get infected by a dirty needle. Mr. Horatio Skeete, Deputy City Manager, stated that, as far as he is aware, the city was not responsible for inspecting or regulating these establishments. Staff would have to research who would be contacted.

Councilmember Knaack stated they should call the Maricopa Health Department since this industry was not regulated. Councilmember Alvarez asked if the city was legally responsible since the city issues a license to these businesses. Mr. Craig Tindall, City Attorney, stated it would be hard to maintain an action against the city for that type of situation.

Mayor Scruggs stated Councilmember Alvarez would like action taken at the state level. The state has not been interested in taking action in the past. She explained the Council can indicate if they would like to have this issue raised again by the Intergovernmental Programs Director. The city can seek other cities that are willing to sign on in order for a resolution to be presented to the League of Cities and Towns. Councilmember Martinez asked if this had already been done through the League of Cities and Towns. Mayor Scruggs replied yes and added the legislature has decided not to act on it. Councilmember Alvarez remarked she had already contacted some legislators that will introduce this item, however, just wanted to know if the city was liable in any way.

Councilmember Lieberman stated he would like to see tattoo parlors separated by a quarter mile from each other as was done with check cashing establishments. He noted Glendale was fast becoming the tattoo parlor of Arizona. Councilmember Alvarez stated there were 46 tattoo parlors in Glendale.

Mayor Scruggs stated she agreed with Councilmember Alvarez on the dangers of needles. She was glad she had some legislators that will be introducing this item. She will also write letters to encourage its consideration and believes it was long overdue. Councilmember Clark suggested they take it a step further and continue to get additional cities to support this item.

Mayor Scruggs stated resolutions to the League are due June 17<sup>th</sup>. She asked if there was any interest in asking staff to find other cities to sign on. The majority of Council supported that action. Mayor Scruggs asked Mr. Beasley to bring forth the process of presenting a resolution by June 17<sup>th</sup> to the League.

Mayor Scruggs asked for direction on spacing requirements for tattoo parlors as per Councilmember Lieberman's suggestion. Mr. Tindall explained this was looked at some time ago. It was deemed that the type of land use involved does not create a situation that lends to a lot of legal support for introducing things like spacing.

Councilmember Knaack explained tattoo parlors already here would be grandfathered in from any new requirements. Councilmember Clark stated that having spacing requirements might be helpful in the future even if the ones that are here will be grandfathered in. She cited how the new requirements helped to reduce check cashing businesses. Councilmember Knaack noted that massage therapists were a separate issue and most are licensed by the state.

Mayor Scruggs stated there was no legal authority to impose spacing requirements and asked Council if they were asking the attorney to find legal authority. Councilmember Martinez stated they had already been told there was no legal support for this matter.

Councilmember Lieberman expressed his support for spacing requirements to at least a quarter mile. He added he was not clear why there was no legal support and what that meant. Mayor Scruggs asked Mr. Tindall to explain. Mr. Tindall explained the purpose of zoning is to address the certain types of impacts that uses have on land and surrounding areas. He noted that businesses were classified in different ways based on those criteria. He explained tattoo parlors have low impact and do not require a lot of spacing. He added he was not aware of any cases that would allow the city a strong basis to apply for particular zoning requirements for tattoo parlors.

Mayor Scruggs asked if tattoo parlors were addressed in the Centerline overlay. Mr. Jon Froke, Planning Department Director, stated the overlay does address tattoo parlors and it will come before Council next Tuesday night. He added tattoo parlors will be prohibited if a property owner chooses to use the overlay district. Councilmember Lieberman asked if the existing parlors would be grandfathered in. Mr. Froke replied yes.

Councilmember Clark said she would like to take issue with legal on tattoo parlors being low impact. She noted the same could be said about check loan businesses; however, spacing requirements were created. Mr. Tindall noted the Pay Loan industry chose not to challenge the spacing requirements. Councilmember Clark asked if it was possible to pursue spacing requirements for tattoo parlors. Mr. Tindall stated it was possible; however, he would still have to look into it and note if anything has changed from three years ago. He added that for now, he was not aware of any legal support for the city to mandate spacing requirements. Mayor Scruggs noted that Payday Loans had other issues against them.

Mayor Scruggs asked for a consensus for tattoo parlor spacing requirements. Councilmembers Lieberman and Clark stated they would like staff to look into it. Mayor Scruggs stated there wasn't a majority request to look at spacing requirements.

Vice Mayor Frate explained he had no problem with legal looking into it, however, he does not want the city to be facing a lawsuit for discriminating against a certain profession. He wondered if other cities had spacing requirements. He indicated the only reason tattoo parlors were popular was that many everyday people use them.

Mayor Scruggs asked if the majority of Council wished to move to the next item. The majority of Council voiced agreement to move forward.

Mayor Scruggs called for the next item, Requirements for Massage Establishments.

Councilmember Alvarez stated she knew that massage parlors were licensed by the state therefore that was not the issue. She asked if a person has a complaint, would they go to the Police Department. She also asked if the city has inspections for these businesses. She indicated she had concerns with these establishments being open all night and asked if this was allowed by the city. Mr. Froke stated from a zoning perspective, massage parlors would be allowed in the various commercial districts. Ms. Diane Goke, Finance Director, stated if there are complaints about the establishments, they can notify the police department. Mayor Scruggs asked if hours of operations in the city's zoning ordinance for massage parlors were specified. Mr. Froke replied no. Mayor Scruggs noted that at this point, if these establishments are open 24 hours a day, unless there is something in their deed restriction, they have to assume that was legal.

Councilmember Alvarez asked if the Fire Department does inspections on these businesses. The Fire Department inspects those establishments like any other business, such as compliance with sprinkler systems. Councilmember Alvarez asked if this would be done by the Fire Marshall. Chief Burdick responded yes and added inspection depends on the type of business. Councilmember Alvarez asked how the city regulates who had a working license in the establishments. Ms. Goke explained the city licenses the establishment and the state was responsible for licensing the individual.

Councilmember Lieberman asked who they would report a complaint to. Ms. Goke stated they should report it to the state board.

Councilmember Alvarez remarked on a very good ordinance recently passed by the city of Mesa concerning this matter. Mayor Scruggs asked her to have copies made for the Council and anyone interested.

Mayor Scruggs asked for a 10 minute break. This meeting was called back to order.

Mayor Scruggs called for the next item, Review of Code of Ethics

Councilmember Alvarez stated she would like to have clarification and also had some questions on the Code of Ethics. She asked for information on the conduct of Councilmembers and how it was enforced. She noted that at times, Councilmembers are not respectful to one another. Mayor Scruggs asked for clarification on what exact information Councilmember Alvarez was seeking. She asked if Councilmember Alvarez would like to discuss this issue with Mr. Bowers or the city attorney. Mayor Scruggs added that these codes were all developed through a very long process facilitated by Mr. Bowers. They can also have a special workshop session on this matter. Councilmember Alvarez remarked she would like a review of the Code of Ethics since she believes many are being broken. Mayor Scruggs restated her question on how she would like to handle the issue. Councilmember Alvarez asked if she was the only one that had

concerns with this issue or does everyone believe things run smoothly. She remarked they all had to go by the Code of Ethics, just like they go by ordinances.

Councilmember Martinez explained the process if someone violates the Code of Ethics. He noted it was spelled out very clearly. Councilmember Alvarez noted she was still not clear on the process.

Councilmember Clark stated this might not be a matter of process but of substance, therefore, since it has been three years since this had been adopted, it was time for a review and workshop to bring the new Councilmember up to speed.

Councilmember Alvarez reiterated her concern on the conduct of some Councilmembers and the poor image they might be projecting, sometimes with body language. She added the Council needed to project the image to the public as working together while behaving civilly.

Vice Mayor Frate suggested it would be a good idea for someone to sit with Councilmember Alvarez one-on-one to bring her up to speed on this issue since the rest of the Council has been through this exercise already. He stated it would make it easier for her to ask questions and become informed. As far as body language, that was something also discussed in the workshop with Mr. Bowers, of what was allowed and freedom of speech. Additionally, he personally does not want to go through each item again since he does not believe any major infractions have been made in the three years since they have adopted this initiative.

Councilmember Martinez agreed with Vice Mayor Frate that perhaps Mr. Bowers should have a meeting with Councilmember Alvarez and go over this issue. He added he had been very involved in this item and was the one who brought it up. He stated he would be happy to assist in the meetings if she so desires. Councilmember Alvarez stated she accepts someone explaining this issue to her; however, still believes there are problems that needed to be addressed on the Council regarding conduct. She remarked Councilmembers should review the Code of Ethics regularly since she had heard from the community that there was an issue. Councilmember Martinez indicated that if she feels so strongly about this issue or with some Councilmembers, she should voice her concerns since that was the way the ordinance was designed. Councilmember Alvarez believes it more appropriate to discuss this in Executive Session. She added her main concern was how the public perceives the Council.

Mayor Scruggs stated she too believes there are a lot of problems; however, most on the Council have chosen individually to not voice them in order to do exactly what Councilmember Alvarez wants which is to give the impression that the Council is working together more harmoniously. She noted there were many instances where she could have used the process, however, has chosen not to and was sure others feel the same way. She explained this process took the Council about a year before consensus was achieved. She noted Councilmember Martinez was their designated lead member of the Council to work with Mr. Bowers and keep things moving. She explained Councilmember Alvarez's comments were that Councilmembers were not following the Code of Ethics; however no one was using the process that has been identified to bring the matter forward for discussion. She agrees that in many instances she has opted not to address the issue formally, and she suspects the same from others. Mayor Scruggs stated the

guidelines in the Code of Ethics are fine; however, Councilmember Alvarez would like Councilmembers to follow them. Councilmember Alvarez stated she was correct. Mayor Scruggs asked everyone to take Councilmember Alvarez's suggestion and review and follow the code more closely.

Mayor Scruggs called for the next item, Review of City Charter.

Councilmember Alvarez discussed the process to amend the City Charter with a citizens' Charter review committee. She stated her research showed that an amendment can also be done by referendum and included in the Charter. Mayor Scruggs asked what action would she like staff to take on this matter. Councilmember Alvarez explained she was currently reviewing the Charter and had found many items enacted since 1957; therefore she would like a committee established to review the Charter and possibly find inconsistencies. Some of her questions referenced term limits, Vice Mayor re-election, bids etc. She remarked the last time the Charter was revised was in 1988.

Mayor Scruggs asked Mr. Tindall to clarify before they went any further.

Mr. Tindall explained the City Charter serves as a source of law for the City of Glendale which was similar to the Constitution of the State. It provides the ability to govern to the extent that it was not inconsistent with the legislature. He noted ordinances have to be consistent with the Charter or they are not valid. He explained ordinances were the law of the city and added Resolutions are non-legislative acts and constitute the will of Council. Mayor Scruggs asked if ordinances become part of the Charter. Mr. Tindall responded no. Mayor Scruggs noted the state can preempt their Charter and had been doing so regularly.

Councilmember Alvarez asked if the bidding process was consistent with the Charter. Mr. Tindall stated he was not aware of any purchasing ordinances that were not consistent with the Charter. Councilmember Alvarez asked if the city required bids for everything that happened with the city as per the Charter. Mayor Scruggs read directly from the Charter specific to Councilmember Alvarez's concern. She explained the Charter directs the Council to establish by ordinance formal guidelines regulating the purchase of goods and services to the city. She suggested someone meet with Councilmember Alvarez and show the ordinance that has been developed and voted on by City Council to her.

Councilmember Alvarez asked if the city bids out for lawyers or are they selected. Mr. Tindall indicated that professional service contracts are not bid out under the ordinance. Councilmember Alvarez asked if the contract to take care of the Coyote arena was bid out. Mr. Tindall explained that the contracts with the management services were consistent with the ordinance and he would be happy to discuss specifics with her at her convenience. Councilmember Alvarez stated she would like clarification from legal. Additionally, she would like clarification on who decides contracts on lobbyists since bids are not required. Mr. Tindall explained it depends on the department and what services are provided. He added legal services would fall to the city attorney. Mr. Tindall explained the legal department follows Council's directions. He indicated that for some specific types of services, he would have the discretion, within reason, to determine who would be the best individuals to render those types of professional services.

Councilmember Alvarez remarked she was only trying to get answers to questions her constituents are asking. They want to know where the city was spending taxpayer money and why the city has hired two lobbyists for one issue. Mr. Tindall stated he would be more than happy to set up a meeting and explain any specific issue with her.

Councilmember Clark asked a question and read from page one in the memo regarding Council redistricting. She asked why current redistricting used equal numbers of population and not electors per district. She wondered if the state mandated that it had to be an equal number of electors and that was why there was this provision in the Charter. Additionally, if this was not the case, why are they not following what is written in the Charter for redistricting? Mr. Tindall explained the process and added the requirement that there be equal population comes from the U.S. Constitution and federal law. He added there could be other parameters considered when formulating the districts and one of those can be the number of electors. Councilmember Clark explained her concerns on the population versus electors and reiterated her problem with not reconciling the Charter with what they are doing as required by federal and state law. Mr. Tindall reiterated this was not inconsistent with the Charter and once again explained the process and that ultimately, it was based on population.

Councilmember Clark indicated this just highlights for her the fact that they have a Charter that no longer reflects much of what was being done in the city. She suggested they consider a citizens' charter review commission to look at the Charter and try bringing it into compliance with actual practices occurring within the city. This committee can meet periodically every ten years.

Councilmember Lieberman, following on the same topic as Councilmember Clark, read from the Charter stating the office of Mayor will commence in December; however, they have moved that to January. Mr. Tindall explained the state legislature passed a law which preempted the city's Charter so the change was required. Councilmember Lieberman read from the Charter referring to a very important paragraph left out when the change occurred which noted the definition of the Council. Councilmember Clark asked if there was any support for a periodic Charter review committee. Councilmember Lieberman agreed.

Councilmember Knaack explained to Councilmember Lieberman that not all resolutions were included in the summation changes he was reading from. As for forming a committee, she would like further information on what changes the current Council or staff thought needed to be made. Councilmember Clark cited other actions not stated in the Charter that were currently being done regarding the Mayor's office and Councilmember duties. She believes clear guidelines need to be established and clarified in the Charter.

Mayor Scruggs explained many cities place Charter revisions on their ballots on a regular basis for clean up and administrative matters. She believes a citizens' Charter review committee would be much more comprehensive and look to change the way government occurs in the city. She indicated some changes have occurred by vote of the public regarding the salaries and term of the Mayor and Council, which is reflected in the City Charter. She stated other changes that have been preempted by the state are not in the city Charter. She remarked the city can change any inconsistencies to reflect them in the Charter and have it voted on by the public. She stated

the issues mentioned thus far can be done administratively to make the Charter a more useful document if the Council decides to do so. Councilmember Clark reiterated her comment of the importance of having a citizens' Charter review committee to take up issues that have been floating around for a long time.

Councilmember Martinez agreed they should look at the Charter administratively and possibly have referendums that can address some issues. Therefore, he does not believe they need a full review of the whole Charter by a committee at this time. Mayor Scruggs asked Councilmember Alvarez if she was satisfied with the discussion on this item. Councilmember Alvarez noted she was not satisfied, however, will accept it. Mayor Scruggs asked if she would like to continue the discussion. Councilmember Alvarez replied no, even though she does not like the answer.

Mayor Scruggs called for the next item, Reimbursement for Ticket Purchases.

Mayor Scruggs stated her concerns about Councilmembers who RSVP when a table cost the city \$500 to \$1000. She explained there seemed to be no financial responsibility when they decide not to show up. Therefore, she believes if an elected official RSVPs and chooses not to show up, the cost of that person's seat and their spouse's should be deducted from their budget. Ms. Krey responded that determination can be done at the discretion of the Council.

Councilmembers Knaack, Martinez and Frate all agreed with Mayor Scruggs. Mayor Scruggs noted that in the future, if anyone RSVPs and does not show up, they will be deducted the cost. Councilmember Clark stated her understanding of the issue, however, what if someone is sick and cannot call. She believes this was a non-issue since she cannot believe this happens very often. She thinks this was being portrayed as a much bigger problem than it was. Mayor Scruggs suggested they also include in the amendment exceptions for extenuating circumstances that would be taken into consideration. Councilmember Knaack remarked that when she first was appointed to Council, she could not believe how much this occurred and believes it was very disrespectful to the city's money. She stated it has happened a lot; however, in the last year, there have not been many invitations, possibly because of the economy.

Councilmember Alvarez noted if the city were to do away with the city's community events budget, they would not have this problem. She added should the Mayor or Councilmembers decide to attend an event; they should pay out of their private funds since they receive a salary. She believes this should be done in a time of furloughs and bad economy. She remarked that one should never RSVP when they are not going to attend. She added she herself does not care for ribbon cutting events.

Mayor Scruggs asked Mr. Beasley to explain the community event budget and why the city purchases tables and the expectations of doing that. Mr. Beasley stated he did not have the list of events at the moment; however, he will be happy to provide the list and explain the process and the purpose behind it. He provided an example of the value and importance of having the city's presence at these types of events. Councilmember Alvarez stated she chooses very carefully which events she attends and which she deems important and pays for them herself out of her personal budget.

Councilmember Martinez commented on the importance of attending some social events and having an official presence from the city. As for ribbon cutting events, no cost is associated with the event; therefore they are not an issue. Councilmember Knaack remarked that if someone is to receive an award from an organization, they need to be present.

Mayor Scruggs summarized that in the future, if anyone RSVPs to an event and does not attend, they will be charged from their personal funds for their seats, unless they have extenuating circumstances. There was unanimous support for this proposal.

Mayor Scruggs ask for new Items of Special Interest.

Councilmember Lieberman stated his item had been turned down before; however, he would still like to request \$1,500 for Glendale's Veterans Coalition ceremony on November 6<sup>th</sup> at Westgate. If not, he would like the city to consider waiving the permit fees for the event.

Councilmember Clark asked for an update for the prescription card discount program Council approved. Mayor Scruggs directed staff to update Councilmember Clark.

Councilmember Alvarez asked staff to examine how to bring the State Special Olympics to Glendale, similar to what Mesa and Peoria have formed. Additionally, she would like staff to find ways to bring more festivals to the downtown area such as Oktoberfest and a Mexican Fiesta. Councilmember Knaack commented that some surrounding cities have held various Special Olympic events.

Mayor Scruggs stated her request was for complete and specific information on what the city's expenses would be to operate the city-owned arena without the Coyotes hockey team as the anchor tenant. This request was specific to inform the public and Council on the clear and transparent facts on this matter. She explained that on May 11, 2010 and again on May 10, 2011, Council agreed to provide \$25 million to the hockey league to cover expenses for their management and operation of Glendale's arena. She noted that in 2010 the Council vote was unanimous, however, in 2011 the vote was split 5 to 2. In both instances, Council relied on information and assurances from management that without the expertise of a professional management organization, the city would have to assume the cost internally within the operating budget. She stated information was posted on the website explaining Glendale's agreement with the NHL; however, the information provided to the public has not been disseminated effectively, nor been enough. She explained just as the Council no longer unanimously supports the agreement for management and operations, she sees continued diminished support from residents. She stated that a further deterioration of public understanding has occurred because the issue has been allowed to be characterized as the city paying for hockey team losses. She remarked this type of citizen concern must be addressed fully and as quickly as possible. She requested staff to put together a presentation for the next Items of Special Interest workshop to show the facts of the costs Glendale would incur if it had to manage the arena including the offsets of any revenue generated. Additionally, the damage if the team was no longer the main anchor tenant, as well as what expenses are being paid with the taxpayer's \$25 million and the cost if a professional management team was not involved. Mayor Scruggs stated to those who would ask why this information cannot be provided sooner, this is the only forum/manner in

which a request such as this can be made and have it acted upon. For sound reasons, administrative staff does not respond to complex and time-consuming requests from a single member of the City Council but rather from a majority. A majority of the City Council cannot decide to make a request in other than an open meeting without violating the Open Meeting Law. These quarterly opportunities for Council to present their requests are in compliance with the above limitations.

Mayor Scruggs stated her second request is that a citizens' task force be formed to learn about, study, analyze and present recommendations, if they deem appropriate, on Glendale's water and sewer rates and policies. She explained this was another area where citizen dissatisfaction and lack of confidence have grown greatly. The imposition of two rate increases in less than twelve months was the greatest catalyst for citizens' concerns. While the announcement that there will be no rate increases this year is welcome, it is also confusing because it contradicts the reasons given for why the previous two rate increases were absolutely unavoidable. This request is also one that is not tied to the city's budget process. Rates for utilities services have always been a matter of concern --- particularly the cost of water. When she first ran for Glendale City Council, the negative issue voters raised most often had to do with their water rates. This was in 1990. The provision of utilities and the pricing for those services is extremely complex. The Mayor expressed her wish for the residents to have the opportunity to learn as much as they can about how the city of Glendale buys water, cleans it, distributes it to every household and business in the city, disposes of it, meets all governmental regulations, assures that there will be enough water for future residents and businesses, and conserves precious resources. She noted that she first discussed the idea for a citizens' task force with the City Manager last fall. He brought up valid issues that the Utilities Director had left and a replacement had not been hired and that staff's time was limited due to the reduction in workforce and the mandatory furlough days. The City now has a Utilities Director and furlough days are going to be reduced. Mayor Scruggs requested that staff provide information on how a citizens' task force can be structured and staffed at the next workshop that includes Council Items of Special Interest. She expressed the hope that a majority of the Council will agree that this will be a valuable component of the city's commitment to citizen participation.

Mayor Scruggs stated her third request was for staff to examine if the city has kept up with new technology. She asked if the city was ready to go paperless similar to how other cities have opted to save paper and money. In particular, a portal was going to be set up by the RPTA for committee members and the question was asked if all members had the technological capabilities. Mr. Beasley explained four years ago making the agenda paperless was brought up; however, at that time, Council decided they would rather have the documents. He added staff can once again look into it. The Mayor asked if the city was ready to move forward with technology if the various other entities that the city belongs to, move forward.

Councilmember Clark agreed everyone was moving to a paperless society and they should follow suit. She noted in regards to the first special item request, she has all that information regarding the Coyote's arena and expenses and all one has to do was research it. Mayor Scruggs remarked she also has the information and she may have been misunderstood. She advised that the information is on the website; however, believes the city has not been aggressive enough in putting it out to the public and has allowed the media to mischaracterize the information. They

have also allowed opponents, who chose not to support the Council's decision, to misrepresent the city. Additionally, some believe this money can be used for parks and furlough days, which was not the case. Somehow people do not seem to understand the facility needs to be managed and does not run itself. She reiterated that the city has not done a good enough job of explaining the reality of what will happen if the team leaves or if there is no anchor tenant and no revenue but the city is still supporting the arena. She reiterated her request to staff. Councilmember Clark asked that if what was being requested was a work plan for better publicity. Mayor Scruggs said that was not what was being requested. What is being requested is a detailed presentation of what expenses and revenues stay and/or go if the anchor tenant is not there. The facility must be managed as it does not run itself; from cleaning to contracts with concessionaires someone must ensure these things get done. Mayor Scruggs continued that a lot of people want to comment on it; however, very few seemed to have the correct information. Councilmember Alvarez asked if this will also be explained to the community. Mayor Scruggs reviewed the Council Items of Special Interest process. She noted that once staff makes their presentation to Council to review and develop a plan, anyone can watch it on the internet or television and become informed. The Mayor does not believe the majority of the public understands the actions taken by the Council have been to protect the City. Councilmember Alvarez believes Mayor Scruggs was underestimating the public and thinks they do understand. However, the city does need to do a better job of explaining why that money cannot be used for anything other than the arena. Mayor Scruggs agreed that was exactly what she wants to explain in order to restore the public's confidence. Councilmember Alvarez stated it was not a matter of not believing the city, but of having proof on paper that the \$25 million, and now the \$50 million, cannot be used for anything else other than the arena. Mayor Scruggs agreed once again. She reiterated that the next meeting of Council Items of Special Interest should include a detailed report of what happens if the anchor tenant is not here and to include all expenses and revenues that the City would then be responsible for or receive. The majority of Council agreed to support the Mayor's requests.

## 2. CITY COUNCIL GUIDELINES: COUNCIL COMMITTEES

Mayor and Council adopted the City Council Guidelines at the May 26, 2009 Council meeting. The Guidelines state that at the first workshop in June of each year Council will appoint membership to standing Council committees for the following fiscal year.

Mayor Scruggs asked Councilmembers what committee they would like to serve on.

Councilmember Knaack stated she would like to retain her seat on the Sustainability Committee.

Vice Mayor Frate stated he would like to retain his seat on the Sustainability Committee.

Councilmember Clark stated she would like to stay on the Government Services Committee.

Councilmember Alvarez stated she would like a seat on the Government Services Committee, if there is an opening.

Councilmember Lieberman stated he would like to stay on the Government Services Committee.

Councilmember Martinez stated he would like to stay on the Government Services Committee.

Mayor Scruggs noted there was not an open seat on the Government Services Committee.

Councilmember Alvarez stated she will stay on the Sustainability Committee.

Mayor Scruggs indicated everyone will remain on the same committees and select their own chairpersons.

### 3. CITY COUNCIL GUIDELINES: VICE MAYOR APPOINTMENT

Mayor and Council adopted the City Council Guidelines at the May 26, 2009 Council meeting. The Guidelines state that at the first workshop in June of each year Mayor and Council are to consider the appointment of a Vice Mayor for the following fiscal year.

As stated in the City Council Guidelines, if nominations are indicated by Councilmembers at this workshop, a formal nomination and selection process will be placed on the agenda for the next regular Council meeting.

Pursuant to City Council Guidelines, discussion of appointment of a Vice Mayor.

Mayor Scruggs asked for nominations for Vice Mayor.

Councilmember Knaack nominated Steven Frate as Vice Mayor for the next fiscal year.

Councilmember Alvarez nominated Phil Lieberman for Vice Mayor.

Mayor Scruggs explained these nominations will move forward to a formal nomination and selection process to be placed on the agenda for the next regular meeting following the workshop.

As no further business was discussed, Mayor Scruggs adjourned the meeting.

### ADJOURNMENT

The meeting was adjourned at 5:10 p.m.