



GLENDALE CITY COUNCIL MEETING
Council Chambers
5850 West Glendale Avenue
March 13, 2007
7:00 p.m.

CALL TO ORDER – PLEDGE OF ALLEGIANCE

APPROVAL OF THE [MINUTES OF FEBRUARY 27, 2007](#)

PROCLAMATIONS

[AIR FORCE WEEK](#)

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. If you would like to comment on an item on the consent agenda, please come to the podium and state your name, address and item you wish to discuss.

1. [LIQUOR LICENSE NO. 3-1106 TOTAL WINE & MORE #1002](#)
2. [LIQUOR LICENSE NO. 3-1107 KOI SUSHI BAR.GRILL](#)
3. [SPECIAL EVENT LIQUOR LICENSE FOR HOSPICE OF THE VALLEY](#)
4. [PRE-CONSTRUCTION SERVICES CONTRACT FOR UTILITIES SECURITY UPGRADES](#)

CONSENT RESOLUTIONS

5. [INDUSTRIAL DEVELOPMENT AUTHORITY REVENUE AND REFUNDING BONDS FOR JOHN C. LINCOLN HEALTH NETWORK](#)
6. [AUTHORIZATION FOR LEASE FINANCING](#)
7. [ACQUISITION OF RIGHT-OF-WAY FOR THE GLENDALE ONBOARD TRANSPORTATION PROGRAM](#)

8. [JOINT-USE AGREEMENT WITH THE PEORIA UNIFIED SCHOOL DISTRICT](#)

ORDINANCES

9. [UTILITIES ORDINANCE REVISIONS](#)

10. [SALT RIVER PROJECT EASEMENTS](#)

REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION

CITIZEN COMMENTS

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COUNCIL COMMENTS AND SUGGESTIONS

ADJOURNMENT

Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (i) discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- (ii) discussion or consideration of records exempt by law from public inspection (A.R.S. §38-431.03 (A)(2));
- (iii) discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- (iv) discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (A)(4));
- (v) discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- (vi) discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

CALL TO ORDER – PLEDGE OF ALLEGIANCE

APPROVAL OF THE [MINUTES OF FEBRUARY 27, 2007](#)

PROCLAMATIONS

[AIR FORCE WEEK](#)

Purpose: This is a request for City Council to proclaim March 19 - 25, 2007 as Air Force Week in Glendale. The United States Air Force is celebrating its 60th anniversary, which commemorates 60 years of Air and Space Power in 2007.

Colonel David Orr, Vice Commander at Luke Air Force Base will be present to accept the proclamation.

Background: Glendale annexed Luke Air Force Base in 1995 in an effort to better manage the rapid population growth and development of what was once agricultural land near and around the base. Air Force Week is an event that gives citizens the opportunity to see and meet active duty officers and to listen to the amazing story of the Air Force. The inaugural Air Force Week took place last year in St. Louis and, due to its success, the Air Force Week program has expanded to six locations this year, including Glendale. Air Force Week is March 19 - 25, culminating with the Luke Days Air Show on March 24th and 25th.

Recommendation: Present the proclamation to Colonel Orr, proclaiming March 19 - 25, 2007 as Air Force Week in Glendale.

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1. [LIQUOR LICENSE NO. 3-1106 TOTAL WINE & MORE #1002](#)

Purpose: This is a request for City Council to approve a person-to-person transfer and a location transfer of this Series 6 (Bar – All Liquor) license for Total Wine & More #1002, located at 17700 North 75th Avenue, #300. The Arizona State application (number 06070275) was submitted by Nicholas Carl Guttilla.

Background: The 60-day deadline for processing this application is March 11, 2007. The location of the establishment will be 17700 North 75th Avenue, #300 and is within the Sahuaro District, zoned PAD (planned area development). New construction will take place at this location. This establishment location is over 300 feet from any school or church. This business will be a new upscale retail outlet wine and beverage store. The population density is 3,205 people per square mile. The approval of this license will increase the total number of liquor

licenses in this area by one. The number of liquor licenses within a one-mile radius is 32 as listed below:

Series	Type	Quantity
3	Microbrewery	2
9	Liquor Store - All Liquor	1
10	Liquor Store - Beer & Wine	6
12	Restaurant - All Liquor	23
	Total	<u>32</u>

Previous Council/Staff Actions: No previous action has occurred.

Public Input: No protests were received during the 20-day posting period.

Recommendation: The City of Glendale Planning and Police Departments, as well as the Maricopa County Health Department have reviewed the application and determined that it meets all technical requirements. Therefore, it is staff’s recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

2. [LIQUOR LICENSE NO. 3-1107 KOI SUSHI BAR.GRILL](#)

Purpose: This is a request for City Council to approve a new Series 12 (Restaurant – All Liquor) license for Koi Sushi Bar.Grill, located at 4372 West Olive Avenue. The Arizona State application (number 12076987) was submitted by Chimee Lena Ko.

Background: The 60-day deadline for processing this application is March 26, 2007. The location of the establishment is 4372 West Olive Avenue and is within the Cactus District, zoned PAD (planned area development). This location was previously Mena’s Mexican Buffet LLC from August 2003 to December 2006. El Chilaquil LLC was in business at this location from June 2002 to December 2002. There was no previous liquor license at this location. The population density is 6,957 people per square mile. The approval of this license will increase the total number of liquor licenses in this area by one. The number of liquor licenses within a one-mile radius is 38 as listed below:

Series	Type	Quantity
6	Bar – All Liquor	12
7	Bar – Beer & Wine	3
9	Liquor Store – All Liquor	8
10	Liquor Store – Beer & Wine	5
12	Restaurant – All Liquor	10
	Total	<u>38</u>

Previous Council/Staff Actions: No previous action has occurred.

Public Input: No protests were received during the 20-day posting period.

Recommendation: The City of Glendale Planning and Police Departments, as well as the Maricopa County Health Department have reviewed the application and determined that it meets all technical requirements. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

3. [SPECIAL EVENT LIQUOR LICENSE FOR HOSPICE OF THE VALLEY](#)

Purpose: This is a request by Carole S. Lindly for City Council to approve a special event liquor license for Hospice of the Valley. This application is for a fundraising event. This event will be held at Arrowhead Country Club located at 19888 North 73rd Avenue on Monday, April 2, 2007 from 3:00 to 10:00 p.m.

Background: If this license is approved, the total days expended by this applicant will be one of the allowed 10 days this year.

Under the provisions of Arizona Revised Statutes Sec. 4-203.02, the Arizona Department of Liquor Licenses and Control may issue a special event liquor license only if Council recommends approval of such license.

Recommendation: Forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for this special event liquor license for Hospice of the Valley.

4. [PRE-CONSTRUCTION SERVICES CONTRACT FOR UTILITIES SECURITY UPGRADES](#)

Purpose: This is a request for City Council to approve the pre-construction services contract with Barton Malow as the Construction Manager at Risk for the water system security project.

Council Strategic Goals or Key Objectives Addressed: One of Council's strategic goals is high quality service for citizens. This contract will allow the city to continue to provide high quality water to its citizens by enhancing the security of the water production facilities.

Background: Water is a key resource for the community and the city's Utilities Department is responsible for providing and protecting water services to the citizens in a manner consistent with federal and state regulations.

As part of these provided services, the Utilities Department completed an assessment of the city's water system. The assessment analyzed each of the city's water system facilities and provided recommendations. Following the assessment and recommendations, the professional engineering firm CH2M Hill, Inc. was hired to provide the security system design services and construction administration services for the security system improvements.

The Utilities Department is now prepared to proceed with the pre-construction services following the security design. Three submittals were received and reviewed. Barton Malow was selected as the best qualified firm by a selection committee comprised of the Utilities and Engineering Departments' staff, an independent engineer and an independent contractor.

Previous Council/Staff Actions: On April 25, 2006, Council approved the professional services agreement with CH2M Hill, Inc. for the design and construction administration services for the security system improvements to the city's water facilities.

Community Benefit: The construction and implementation of the Utilities Security System will further enhance the security of Glendale's water system.

Budget Impacts & Costs: The Engineering and Utilities Departments' staff developed a scope of work and negotiated the fee for the pre-construction services in an amount not to exceed \$99,263. Funds for these services are available in the FY 2006-07 Capital Improvement Plan, Water System Security.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$99,263

Account Name, Fund, Account and Line Item Number:

Water System Security, Account No. 2400-61023-550800

Recommendation: Authorize the City Manager to enter into the pre-construction services contract with Barton Malow as the Construction Manager at Risk for the water system security project in an amount not to exceed \$99,263.

CONSENT RESOLUTIONS

5. [INDUSTRIAL DEVELOPMENT AUTHORITY REVENUE AND REFUNDING BONDS FOR JOHN C. LINCOLN HEALTH NETWORK](#)

Purpose: This is a request for City Council to adopt a resolution authorizing the Industrial Development Authority (IDA) to issue and sell bonds in an amount not to exceed \$90,000,000 for the benefit of John C. Lincoln Health Network (Lincoln).

Under the provisions of A.R.S. § 35-832, the city is not liable or obligated for the payment of the revenue bonds issued by the IDA.

Background: Under the provisions of A.R.S. § 35-721.B., the proceedings of the IDA for its issuance of bonds require the approval of the Council, acting as the governing body of the IDA. The IDA is empowered to issue bonds and to finance "projects" as defined in A.R.S. § 35-701. A "project" may be within or outside the State of Arizona.

Previous Council/Staff Actions: In 2005, Council approved IDA revenue bonds to assist Lincoln in financing new hospital facilities and to assist in refunding indebtedness previously incurred by Lincoln.

Public Input: The IDA held an open board meeting on February 21, 2007 to consider and approve the financing for the issuance of the bonds. Also the public hearing required by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) was held on March 6, 2007.

Recommendation: Waive reading beyond the title and adopt a resolution approving the proceedings of the Industrial Development Authority for the issuance of its revenue and refunding bonds in an amount not to exceed \$90,000,000 for the benefit of John C. Lincoln Health Network.

6. AUTHORIZATION FOR LEASE FINANCING

Purpose: This is a request for City Council to adopt a resolution authorizing the lease financing of various sanitation equipment to include two (2) side loader refuse trucks, one (1) front loader refuse truck, one (1) tractor; and fire equipment including one (1) ladder tender, and fourteen (14) thermal imaging cameras. The resolution authorizes the execution and delivery of the lease, and awards the lease to the best proposal from a reasonable bidder. The lease proceeds will fund acquisition of equipment included in the Council-adopted Capital Improvement Plan (CIP).

Background: It is the city's practice to finance the acquisition of certain assets with the use of lease financing, to help address the council goal of financial stability. The use of lease financing allows the City to maintain reserves at acceptable levels and financial flexibility in future years. It also allows matching of revenues from sanitation operations each year with the cost of providing service. Budget and Finance staff evaluated several financing options including cash purchasing. It was determined that lease financing was the most cost effective method to use.

Lease proposals were received on March 8, 2007. Finance Department staff and the city's financial advisor, JNA Consulting Group, evaluated and verified the bids received to assure their accuracy and benefit to the city. Council can accept the lowest, most responsive bid by adopting the lease resolution. The lease will be paid from Sanitation fund revenues for their equipment, and from General fund for the fire equipment.

Budget Impacts & Costs: Funds are available in the existing base budgets for Fire and Sanitation to cover the annual debt service payments for the equipment purchased with this lease financing.

Recommendation: Waive reading beyond title and adopt a resolution authorizing the issuance of lease financing in an amount not to exceed \$1,400,000, and declaring an emergency.

7. ACQUISITION OF RIGHT-OF-WAY FOR THE GLENDALE ONBOARD TRANSPORTATION PROGRAM

Purpose: This is a request for City Council to authorize the purchase of a portion of a property at 43rd and Peoria avenues to complete a Glendale Onboard (GO) intersection improvement at a total cost of \$2,460 for intersection improvement projects previously identified in the GO Program as approved by voters in 2001. The city needs to obtain right-of-way to construct related street improvements that include extending the bus bay pullout and sidewalk.

Council Strategic Goals or Key Objectives Addressed: One of Council’s goals is “A City with High Quality Services for Citizens.” Improving and providing transportation options within the city will assist in achieving this goal.

Background: The property to acquire for 43rd Avenue improvements is described below:

Southwest corner of 43rd and Peoria avenues

Target Corporation, owners of property located at the southwest corner of 43rd and Peoria avenues, will sell approximately 164 square feet of property for \$2,460.

Community Benefit: O Program improvements are being made to streets, transit, and pedestrian facilities. This project will provide an extended bus pullout and sidewalk.

Public Input: The GO Program provides multiple opportunities for public input. In 2006, an annual report was sent to all Glendale households; a transportation fair was held on April 9, 2006; and a community meeting for the annual report was held on April 19, 2006.

Budget Impacts & Costs: Funds for right-of-way acquisition and improvements are budgeted as part of the GO Transportation Program.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$2,460

Account Name, Fund, Account and Line Item Number:

43rd Ave Bethany Hme to Peoria, Account No. 2210-65050-550400

Recommendation: Waive reading beyond the title and adopt a resolution authorizing the City Manager to execute all documents necessary to purchase the right-of-way for the Glendale Onboard (GO) Transportation Program in an amount not to exceed \$2,460.

8. [JOINT-USE AGREEMENT WITH THE PEORIA UNIFIED SCHOOL DISTRICT](#)

Purpose: This is a request for City Council to enter into a Joint-Use Agreement (JUA) with the Peoria Unified School District to share the use of the Sahuaro Ranch Park north parking lot and ballfields, and the use of Sahuaro Ranch Elementary School meeting rooms and gymnasium, located at 10401 N. 63rd Avenue, for city-sponsored recreation programs.

Council Strategic Goals Or Key Objectives Addressed: This agreement furthers Council’s goals of one community with strong neighborhoods and a city with high quality services for citizens. The JUA also supports the Parks and Recreation Department’s master plan goal of cooperating with other public agencies and private entities as it relates to development, maintenance and shared use of recreational facilities and services.

Background: Sahuaro Ranch Elementary School does not have facilities to efficiently provide egress and ingress for parents when they are transporting their children to and from school. By entering into this JUA the school will have shared use of the Sahuaro Ranch Park parking lot and ball fields that are owned and maintained by the city. In return, the city will have use of the Sahuaro Ranch Elementary School gymnasium, classrooms, open outdoor play areas and stage at no charge during school and non-school hours for activities, such as after-school and special interest programs, sports, and cultural arts. The city and district agree to indemnify each other.

Community Benefit: The JUA creates egress and ingress for students being transported to school and provides the city use of the school facilities at no charge for additional programming opportunities for citizens.

Recommendation: Waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into a Joint-Use Agreement with the Peoria Unified School District.

ORDINANCES

9. [UTILITIES ORDINANCE REVISIONS](#)

Purpose: This is a request for City Council to adopt an ordinance approving proposed code revisions to Chapter 33, Article III, Division 1, Sec. 33-101 and Sec. 33-233 of the Glendale City Code.

In order to ensure the city remains in compliance with the Environmental Protection Agency (EPA) as to what is discharged into the wastewater system, the ordinance needs to be updated and its language clarified. Also, under the Sub-Regional Operating Group (SROG) inter-jurisdictional agreements, the city must amend its City Code on, or after, January 1, 2007 to reflect the above-described changes and other wording changes found in Section 33-233. The other participating SROG cities have already made the required changes to their City Codes.

Background: In June 2005, the Pretreatment Streamlining Rule was finalized by the EPA and published on October 14, 2005 in the Code of Federal Register. This rule allows for changes to the definition of the term “significant noncompliance” (SNC). The SROG Technical Advisors recommended changing the definition of SNC as outlined in the attached proposed ordinance. The Streamlining Rule also allows certain industries to be regulated with best management practices, as determined by the National Pretreatment Industry Standards and implemented by the city’s Pretreatment Program, instead of numeric limitations. This ordinance will also include violation of best management practices as criteria within the definition of SNC. In addition, the ordinance will include the term “instantaneous limitations,” which is important because the city’s local discharge limitations are instantaneous limitations.

Recommendation: Waive reading beyond the title and adopt an ordinance amending Chapter 33, Article III, Division 1, Sec. 33-101 and Sec. 33-233 of the Glendale City Code.

10. SALT RIVER PROJECT EASEMENTS

Purpose: This is a request for City Council to adopt an ordinance granting the following underground power distribution easements in favor of Salt River Project (SRP); 1) southwest corner of 43rd and Olive avenues; 2) south side of Northern at 43rd Avenue; 3) south side of Bethany Home Road at 43rd Avenue; and 4) northeast corner of 83rd Avenue and Bethany Home Road.

Background: Glendale Onboard (GO) Program has begun GO-6 intersection improvements along 43rd Avenue between Bethany Home Road and Peoria Avenue, which began construction in February 2007. The city requested SRP to underground electrical service at the intersections along 43rd Avenue at Bethany Home Road, Northern Avenue, and Olive Avenue. SRP agreed to accommodate this request and is requesting an underground power distribution easement for the installation and protection of its facilities.

Western Area Regional Park, Phase 2 is currently under construction and the city has requested SRP provide electrical service to the new facilities at the northeast corner of 83rd Avenue and Bethany Home Road. SRP agreed to accommodate this request and is requesting an underground power distribution easement for the installation and protection of its facilities.

Recommendation: Waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute underground power distribution easements in favor of Salt River Project; 1) southwest corner of 43rd and Olive avenues; 2) south side of Northern at 43rd Avenue; 3) south side of Bethany Home Road at 43rd Avenue; and 4) northeast corner of 83rd Avenue and Bethany Home Road.

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