

# City of Glendale Council Meeting Agenda

## April 24, 2012 – 7:00 p.m.

City Council meetings are telecast live at 7:00 p.m. on the second and fourth Tuesday of the month. Repeat broadcasts are telecast the second and fourth week of the month – Wednesday at 2:30 p.m., Thursday at 8:00 a.m., Friday at 8:00 a.m., Saturday at 2:00 p.m., Sunday at 9:00 a.m. and Monday at 1:30 p.m. on Glendale Channel 11.

### Welcome!

We are glad you have chosen to attend this City Council meeting. We welcome your interest and encourage you to attend again.

### Form of Government

The City of Glendale has a Council-Manager form of government. Legislative policy is set by the elected Council and administered by the Council-appointed City Manager.

The City Council consists of a Mayor and six Councilmembers. The Mayor is elected every four years by voters city-wide. Councilmembers hold four-year terms with three seats decided every two years. Each of the six Councilmembers represent one of six electoral districts and are elected by the voters of their respective districts (see map on back).

### Council Meeting Schedule

The Mayor and City Council hold Council meetings to take official action two times each month. These meetings are held on the second and fourth Tuesday of the month at 7:00 p.m. Regular meetings are held in the Council Chambers, Glendale Municipal Office Complex, 5850 W. Glendale Avenue.

Agendas may be obtained after 4:00 p.m. on the Friday before a Council meeting, at the City Clerk's Office in the Municipal Complex. The agenda and supporting documents are posted to the city's Internet web site, [www.glendaleaz.com](http://www.glendaleaz.com)

### Questions or Comments

If you have any questions about the agenda, please call the City Manager's Office at (623) 930-2870. If you have a concern you would like to discuss with your District Councilmember, please call (623) 930-2249, Monday - Friday, 8:00 a.m. – 5:00 p.m.

### Public Rules of Conduct

The presiding officer shall keep control of the meeting and require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests, or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting. Personal attacks on Councilmembers, city staff, or members of the public are not allowed. It is inappropriate to utilize the public hearing or other agenda item for purposes of making political speeches, including threats of political action. Engaging in such conduct, and failing to cease such conduct upon request of the presiding officer will be grounds for ending a speaker's time at the podium or for removal of any disruptive person from the meeting room, at the direction of the presiding officer.

### How to Participate

The Glendale City Council values citizen comments and input. If you wish to speak on a matter concerning Glendale city government that is not on the printed agenda, please fill out a blue Citizen Comments Card located at the back of the Council Chambers and give it to the City Clerk before the meeting starts. The Mayor will call your name when the Citizen Comments portion of the agenda is reached. Because these matters are not listed on the posted agenda, the City Council may not act on the information during the meeting but may refer the matter to the City Manager for follow-up.

**Public Hearings** are also held on certain agenda items such as zoning cases, liquor license applications and use permits. If you wish to speak or provide written comments about a public hearing item on tonight's agenda, please fill out a gold Public Hearing Speakers Card located at the back of the Council Chambers and give it to the City Clerk before the meeting starts. The Mayor will call your name when the public hearing on the item has been opened.

**When speaking at the Podium**, please state your name and the city in which you reside. If you reside in the City of Glendale, please state the Council District you live in and present your comments in five minutes or less.



**\*\* For special accommodations or interpreter assistance, please contact the City Manager's Office at (623) 930- 2870 at least one business day prior to this meeting. TDD (623) 930-2197.**

**\*\* Para acomodacion especial o traductor de español, por favor llame a la oficina del adminsitrador del ayuntamiento de Glendale, al (623) 930-2870 un día hábil antes de la fecha de la junta.**

### Councilmembers

Norma S. Alvarez - Ocotillo District  
H. Philip Lieberman - Cactus District  
Manuel D. Martinez - Cholla District  
Joyce V. Clark - Yucca District  
Yvonne J. Knaack – Barrel District



**MAYOR ELAINE M. SCRUGGS**

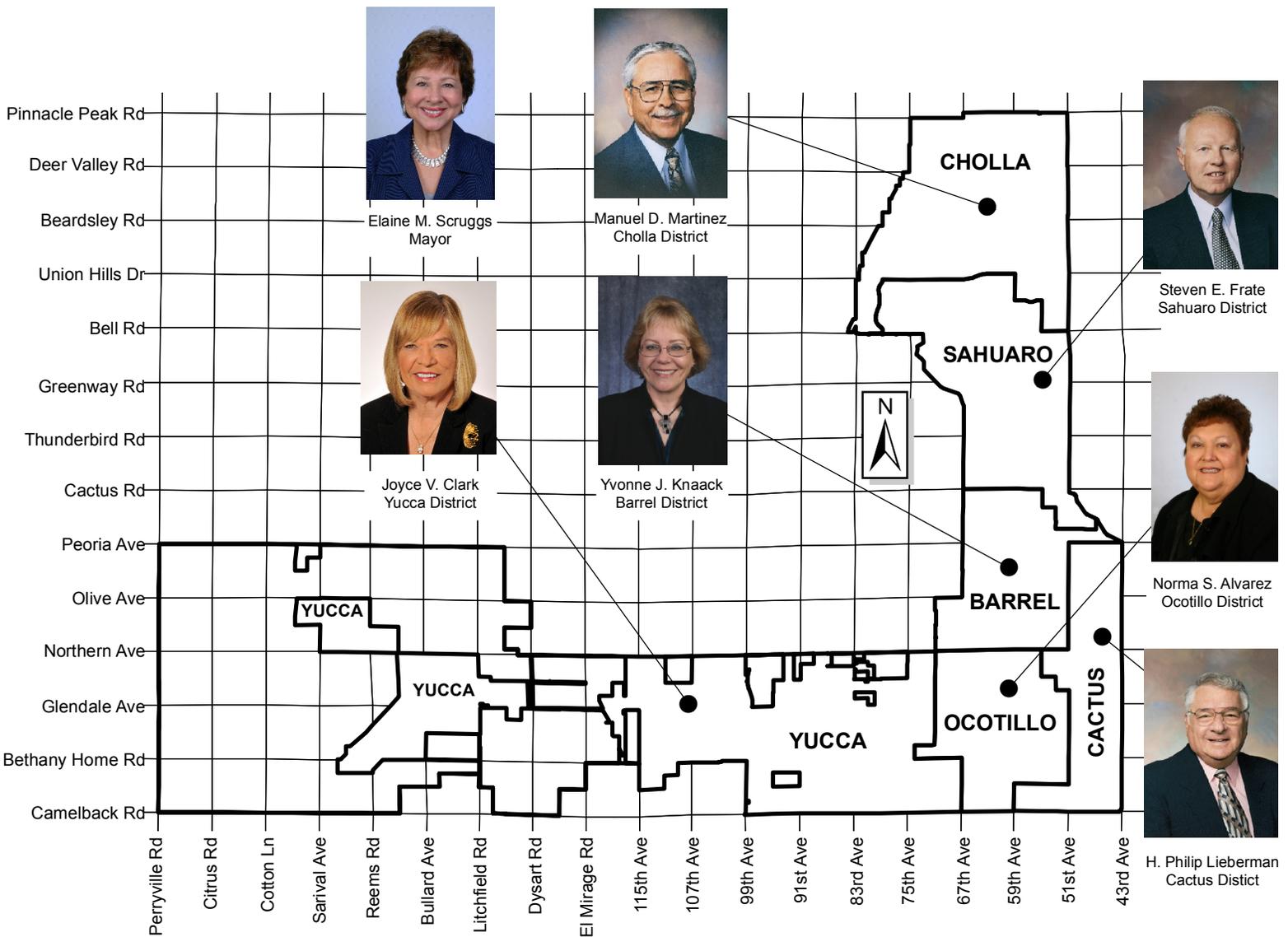
Vice Mayor Steven E. Frate - Sahuaro District

### Appointed City Staff

Ed Beasley – City Manager  
Craig Tindall – City Attorney  
Pamela Hanna – City Clerk  
Elizabeth Finn – City Judge



# Council District Boundaries





**GLENDALE CITY COUNCIL MEETING  
Council Chambers  
5850 West Glendale Avenue  
April 24, 2012  
7:00 p.m.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**APPROVAL OF THE [MINUTES OF April 10, 2012](#)**

**BOARDS, COMMISSIONS AND OTHER BODIES**

**[BOARDS, COMMISSIONS AND OTHER BODIES](#)**

PRESENTED BY: Councilmember Joyce Clark

**PROCLAMATIONS AND AWARDS**

**[PROCLAIM MAY 2, 2012 AS GLENDALE PEACE OFFICERS MEMORIAL DAY](#)**

PRESENTED BY: Office of the Mayor

ACCEPTED BY: Members of Fallen Officer Bradley Jones' squad

**[PROCLAIM MAY 2012 AS NATIONAL HISTORIC PRESERVATION MONTH](#)**

PRESENTED BY: Office of the Mayor

ACCEPTED BY: Ron Short, FAICP, Vice President of the Glendale Historical Society

**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. [SPECIAL EVENT LIQUOR LICENSE, VETERANS OF FOREIGN WARS](#)**

PRESENTED BY: Susan Matousek, Revenue Administrator

**2. [SPECIAL EVENT LIQUOR LICENSES, ST. THOMAS MORE PARISH](#)**

PRESENTED BY: Susan Matousek, Revenue Administrator

3. [LIQUOR LICENSE NO. 5-5478, M SUSHI BAR](#)

PRESENTED BY: Susan Matousek, Revenue Administrator

4. [LIQUOR LICENSE NO. 5-5658, WINCO FOODS #115](#)

PRESENTED BY: Susan Matousek, Revenue Administrator

5. [EXPENDITURE AUTHORIZATION FOR LEGAL DEFENSE OF A BOARD OF ADJUSTMENT DECISION](#)

PRESENTED BY: Craig Tindall, City Attorney

**CONSENT RESOLUTIONS**

6. [CALL OF 2012 FALL ELECTIONS](#)

PRESENTED BY: Pamela Hanna, City Clerk

RESOLUTION: 4561

7. [INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY ELECTIONS DEPARTMENT](#)

PRESENTED BY: Pamela Hanna, City Clerk

RESOLUTION: 4562

8. [INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA STATE FORESTRY DIVISION](#)

PRESENTED BY: Mark Burdick, Fire Chief

RESOLUTION: 4558

**BIDS AND CONTRACTS**

9. [AWARD OF PROPOSAL 12-22 FOR COURT-ORDERED SCREENING AND TREATMENT SERVICES](#)

PRESENTED BY: Elizabeth R. Finn, Presiding City Judge

10. [CONSTRUCTION AGREEMENT FOR PAVEMENT MAINTENANCE](#)

PRESENTED BY: Michelle Woytenko, Deputy Field Operations Director

**PUBLIC HEARING - RESOLUTIONS**

11. [COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM RECOMMENDATIONS AND ANNUAL ACTION PLAN \(RESOLUTION\) \(PUBLIC HEARING REQUIRED\)](#)

PRESENTED BY: Jim Colson, Deputy City Manager

RESOLUTION: 4563

12. [EMERGENCY SOLUTIONS GRANTS PROGRAM SUBSTANTIAL AMENDMENT TO THE FY 2011-2012 ANNUAL ACTION PLAN \(RESOLUTION\) \(PUBLIC HEARING REQUIRED\)](#)

PRESENTED BY: Jim Colson, Deputy City Manager

RESOLUTION: 4564

## RESOLUTIONS

### 13. OLIVE MARKETPLACE SETTLEMENT AGREEMENT FIRST AMENDMENT

PRESENTED BY: Jon M. Froke, AICP, Planning Director

RESOLUTION: 4565

### 14. AMENDMENT NO. 1 TO THE AGREEMENT WITH TEXACO, INC.

PRESENTED BY: Jon M. Froke, AICP, Planning Director

RESOLUTION: 4566

### 15. AUTHORIZATION TO PAY DEPOSIT IN THE CONDEMNATION ACTION TO ACQUIRE REAL PROPERTY FOR GLENDALE MUNICIPAL AIRPORT RUNWAY PROTECTION ZONE

PRESENTED BY: Jamsheed Mehta, AICP, Executive Director, Transportation Services

RESOLUTION: 4567

### 16. AMENDMENTS TO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR THE SHARING OF TELECOMMUNICATIONS FACILITIES

PRESENTED BY: Mark Burdick, Fire Chief

RESOLUTION: 4568

## ORDINANCES

### 17. FIREWORKS ORDINANCE

PRESENTED BY: Mark Burdick, Fire Chief

ORDINANCE: 2801

## REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION

## CITIZEN COMMENTS

**If you wish to speak on a matter concerning Glendale city government that is not on the printed agenda, please fill out a Citizen Comments Card located in the back of the Council Chambers and give it to the City Clerk before the meeting starts. The City Council can only act on matters that are on the printed agenda, but may refer the matter to the City Manager for follow up. Once your name is called by the Mayor, proceed to the podium, state your name and address for the record and limit your comments to a period of five minutes or less.**

## 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 AND MOMENT OF SILENCE**

**APPROVAL OF THE [MINUTES OF April 10, 2012](#)**

**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.

**Ad-Hoc Water and Sewer Task Force**

John Arnett	Barrel	Appointment	04/24/2012	12/31/2012
Jack Bethel	Barrel	Appointment	04/24/2012	12/31/2012
Theodora Hackenberg	Barrel	Appointment	04/24/2012	12/31/2012
Al Lenox	Barrel	Appointment	04/24/2012	12/31/2012
Becky Shady	Barrel	Appointment	04/24/2012	12/31/2012
Marlene Versluis	Barrel	Appointment	04/24/2012	12/31/2012
Matthew Versluis	Barrel	Appointment	04/24/2012	12/31/2012
William Wilkinson	Barrel	Appointment	04/24/2012	12/31/2012
Michael Wood	Barrel	Appointment	04/24/2012	12/31/2012
James Grose	Cholla	Appointment	04/24/2012	12/31/2012
Pattie Johnston	Cholla	Appointment	04/24/2012	12/31/2012
David Wright	Cholla	Appointment	04/24/2012	12/31/2012
Bernadette Bolognini	Ocotillo	Appointment	04/24/2012	12/31/2012
Brian Gallimore	Sahuaro	Appointment	04/24/2012	12/31/2012
Roger Schwierjohn	Sahuaro	Appointment	04/24/2012	12/31/2012
Marlowe Myers Garay	Mayoral	Appointment	04/24/2012	12/31/2012
Gail Meyers	Mayoral	Appointment	04/24/2012	12/31/2012
Charlene Sharp	Mayoral	Appointment	04/24/2012	12/31/2012

**Arts Commission**

Anne Owens	Barrel	Appointment	04/24/2012	08/23/2012
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**Board of Adjustment**

Jessica Galbavy	Yucca	Appointment	04/24/2012	06/30/2013
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**Citizens Bicycle Advisory Committee**

Donna Williams	Mayoral	Appointment	04/24/2012	03/05/2014
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**Citizens Transportation Oversight Commission**

John Ferguson	Cholla	Appointment	04/24/2012	03/26/2014
Theodora Hackenberg	Barrel	Reappointment	04/24/2012	03/25/2014

**Commission on Persons with Disabilities**

Laura Hirsch	Mayoral	Appointment	04/24/2012	02/27/2014
Beverly Marshall	Barrel	Appointment	04/26/2012	04/26/2014

**Community Development Advisory Committee**

Cherie Hudson	Yucca	Appointment	04/24/2012	04/24/2014
Richard Schwartz – Chair	Yucca	Appointment	04/26/2012	04/26/2013
Arthur Swander Jr. – Vice Chair	Ocotillo	Appointment	04/26/2012	04/26/2013

**Historic Preservation Commission**

Lillian Mickey Lund	Barrel	Appointment	04/24/2012	04/13/2014
Marshall Pimentel	Yucca	Appointment	04/24/2012	04/13/2014
Jacoba Worsdell	Ocotillo	Reappointment	04/24/2012	04/13/2014

**Industrial Development Authority**

Robert Holmes	Cholla	Appointment	04/24/2012	08/23/2014
Michael Mitchum	Cholla	Appointment	04/24/2012	08/23/2016

**Library Advisory Board**

Misty Drake	Mayoral	Appointment	04/24/2012	04/13/2014
Holly Fallucca	Cholla	Appointment	04/24/2012	04/13/2014
Susan Shelly	Barrel	Appointment	04/24/2012	04/13/2014
Charlene Sharp – Chair	Sahuaro	Appointment	04/24/2012	04/13/2013

**Parks & Recreation Advisory Commission**

Samantha Cooke – Teen	Sahuaro	Reappointment	05/27/2012	05/27/2013
John Krystek	Sahuaro	Appointment	04/24/2012	06/28/2013
Gail Meyers	Mayoral	Appointment	04/24/2012	04/09/2014
Allison Tedford – Teen	Cholla	Reappointment	05/27/2012	05/27/2013
Jamie Aldama – Vice Chair	Yucca	Appointment	04/24/2012	02/26/2013

**Planning Commission**

David Penilla	Barrel	Reappointment	04/24/2012	03/25/2014
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**Recommendation:** Make appointments to the boards, commissions and other bodies and administer the Oaths of Office.

**PROCLAMATIONS AND AWARDS**

**[PROCLAIM MAY 2, 2012 AS GLENDALE PEACE OFFICERS MEMORIAL DAY](#)**

**Purpose:** This is a request for City Council to proclaim May 2, 2012 as Glendale Peace Officers Memorial Day. Through this proclamation, Glendale will honor law enforcement officers and their families who, through their courageous deeds, have made the ultimate sacrifice.

Members of Fallen Officer Bradley Jones' squad will be present to accept the proclamation.

**Background:** On May 15, 1982, the first National Peace Officers' Memorial Day Service was held on Capitol Hill in Washington DC to honor those fallen officers who lost their lives in the line of duty. In 1991, the National Law Enforcement Officers' Memorial was dedicated in Judiciary Square in Washington DC and carries the names of over 19,000 fallen law enforcement officers, including Glendale's own fallen heroes: Sergeant Patrick L. Campbell and Officer Anthony J. Holly. This year, Officer Bradley R. Jones' name will be etched onto the memorial. On October 28, 2011, Officer Jones lost his life in the line of duty.

The men and women of the Glendale Police Department play an essential role in safeguarding the rights and freedoms of all citizens. May 2, 2012, is a day dedicated to paying tribute to the courageous men and women who have lost their lives protecting the community, and honor all those who wear the badge and keep the peace.

**Recommendation:** Present the proclamation to members of Fallen Officer Bradley Jones' squad recognizing May 2, 2012 as Glendale Peace Officers Memorial Day.

#### **PROCLAIM MAY 2012 AS NATIONAL HISTORIC PRESERVATION MONTH**

**Purpose:** This is a request for City Council to proclaim May 2012 as National Historic Preservation Month in Glendale. Ron Short, FAICP, Vice President of the Glendale Historical Society, will accept this proclamation on behalf of the Glendale Historic Preservation Commission.

**Background:** Since 2005, the National Trust for Historic Preservation celebrates May as National Historic Preservation Month. Each year is distinguished with a theme representing some aspect of historic preservation to promote national and community pride. The theme for 2012 is "Discover America's Hidden Gems."

Historic preservation helps stabilize older communities, connecting people with the past and one another. The City of Glendale is committed to preserving and maintaining its historic heritage for future generations to enjoy. Historic preservation adds to the quality of life making for a more vibrant and livable community. There are economic, cultural, environmental, and educational benefits of preservation planning. It contributes to the creation of more jobs, increases tax revenue, and raises property values. It also encourages community reinvestment and revitalizes urban cores.

Glendale is a community filled with quaint historic neighborhoods and a vibrant historic downtown. Recognizing the value of these historic resources and the city's on-going support of preservation planning is expressed by joining communities across the nation in celebrating May 2012 as National Historic Preservation Month.

**Recommendation:** Present the proclamation recognizing May 2012 as National Historic Preservation Month in Glendale, to Ron Short, FAICP, Vice President of the Glendale Historical Society, on behalf of the Glendale Historic Preservation Commission.

## 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. [SPECIAL EVENT LIQUOR LICENSE, VETERANS OF FOREIGN WARS](#)

**Purpose:** This is a request for City Council to approve a special event liquor license for the V.F.W. The event will be held at the V.F.W. located at 7618 North 63<sup>rd</sup> Avenue on Saturday, April 28, 2012 from 10:00 a.m. to 2:00 a.m. The purpose of this special event liquor license is for a fundraiser.

**Background:** If this application is approved, the total number of days expended by this applicant will be one 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.

**Recommendation:** 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. [SPECIAL EVENT LIQUOR LICENSES, ST. THOMAS MORE PARISH](#)

**Purpose:** This is a request for City Council to approve two special event liquor licenses for St. Thomas More Parish. The events will be held at St. Thomas More Parish located at 6180 West Utopia Road on Saturdays, May 5 and October 20, 2012, from 6 p.m. to 11 p.m. The purpose of these special event liquor licenses is for fundraisers.

**Background:** If these applications are approved, the total number of days expended by this applicant will be two 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 these applications and determined that they meet all technical requirements.

**Recommendation:** Based on the information provided under the background, it is staff's recommendation to forward these applications to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

3. [LIQUOR LICENSE NO. 5-5478, M SUSHI BAR](#)

**Purpose:** This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license for M Sushi Bar located at 18555 North 59<sup>th</sup> Avenue, Suite 124. The Arizona Department of Liquor Licenses and Control application (No. 12079053) was submitted by Sangchul Hwang.

**Background:** The location of the establishment is 18555 North 59<sup>th</sup> Avenue, Suite 124 in the Cholla District. The property is zoned SC (Shopping Center). The population density within a one-mile radius is 14,201. This series 12 is a new license, therefore, the approval of this license will increase the number of liquor licenses in the area by one. The current number of liquor licenses within a one-mile radius is as listed below.

<b>Series</b>	<b>Type</b>	<b>Quantity</b>
06	Bar - All Liquor	3
07	Bar - Beer and Wine	1
09	Liquor Store - All Liquor	3
10	Liquor Store - Beer and Wine	1
12	Restaurant	19
	<b>Total</b>	<b>27</b>

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

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

**Recommendation:** Based on 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.

4. [LIQUOR LICENSE NO. 5-5658, WINCO FOODS #115](#)

**Purpose:** This is a request for City Council to approve a person-to-person, location-to-location transferable series 9 (Liquor Store - All Liquor) license for WinCo Foods #115 located at 5023 West Peoria Avenue. The Arizona Department of Liquor Licenses and Control application (No. 09078000) was submitted by Nicholas Carl Guttilla.

**Background:** The location of the establishment is 5023 West Peoria Avenue in the Cactus District. The property is zoned C-2 (General Commercial). The population density within a one-mile radius is 22,619. This series 9 is a new license, therefore, the approval of this license will increase the number of liquor licenses in the area by one. The current number of liquor licenses within a one-mile radius is as listed below.

Series	Type	Quantity
06	Bar - All Liquor	5
07	Bar - Beer and Wine	2
09	Liquor Store - All Liquor	5
10	Liquor Store - Beer and Wine	6
12	Restaurant	4
	<b>Total</b>	<b>22</b>

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

**Public Input:** One written protest was received during the 20-day posting period and will be forwarded to the Arizona Department of Liquor Licenses and Control.

**Recommendation:** Based on 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.

5. [EXPENDITURE AUTHORIZATION FOR LEGAL DEFENSE OF A BOARD OF ADJUSTMENT DECISION](#)

**Purpose:** This is a request for City Council to authorize the expenditure of legal fees and costs incurred in the defense of the Board of Adjustment's decision in the matter of *PP Wellness Center v. City of Glendale, et al.*, LC2012-000176-001 DT; and to authorize the transfer of budget appropriation for this legal defense in the amount of \$25,000.

**Background:** On March 25, 2011, PP Wellness Center filed an application for a medical marijuana dispensary on the northwestern corner of Union Hills Drive and 81<sup>st</sup> Avenue. Pursuant to Section 7.802(G) of the Zoning Ordinance of the City of Glendale, a medical marijuana dispensary is permitted in a C-2 district, subject to a 500 foot spacing requirement from residentially zoned property. The proposed site is 350 feet from a residentially zoned property on the west and 450 feet from a residentially zoned property on the east.

On April 8, 2011, PP Wellness Center received a first review letter with comments from the Planning Administrator because it did not meet zoning requirements. PP Wellness Center filed for review of the Planning Director's decision to the City of Glendale Board of Adjustment. PP Wellness Center requested a variance from the 500 feet distance requirement because the residentially zoned properties are occupied by the SR101 Freeway on the east and the New River Floodway on the west. The Board heard this matter on March 8, 2012 and denied PP Wellness Center's request for a variance.

On March 26, 2012, PP Wellness Center filed an action in Maricopa County Superior Court, now designated as *PP Wellness Center v. City of Glendale, et al.*, LC2012-000176-001 DT, to overturn the Board of Adjustment's decision. PP Wellness Center is also seeking an injunction in very short order because the Arizona Department of Health will soon be accepting applications for dispensary registration certificates.

**Budget Impacts & Costs:** The City Attorney’s Office does not have the resources available in-house to address this matter within the timeframes that will be set by the court. As a result, the city has retained the law firm of Fennemore Craig PC to defend the city and the Board of Adjustment in this matter. Legal fees and costs are dependent upon court decisions and are, therefore, difficult to estimate with certainty. The requested amount represents the best estimate of fees and costs at this time. Amounts not expended will be returned to the General Fund. Appropriation will be transferred from the General Fund, Non-Departmental account to the General Fund, Account No. 1000-10615-518200 for legal fees and costs in the amount of \$25,000.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
		X		X	\$25,000

**Account Name, Fund, Account and Line Item Number:**  
 Non-Departmental, Account No. 1000-11801-510200, \$25,000

**Recommendation:** Authorize the expenditure of legal fees and costs incurred in the defense of the Board of Adjustment’s decision in the matter of *PP Wellness Center v. City of Glendale, et al.*, LC2012-000176-001 DT; and to authorize the transfer of budget appropriation for this legal defense in the amount of \$25,000.

**CONSENT RESOLUTIONS**

6. [CALL OF 2012 FALL ELECTIONS](#)

**Purpose:** This is a request for City Council to adopt a resolution to call Glendale’s 2012 Fall Elections. The Primary Election is scheduled for August 28, 2012 and the General Election for November 6, 2012.

**Background:** Key dates and information included in the resolution are:

- Wednesday, May 30, 2012 is the last day candidates may file nomination papers;
- Monday, July 30, 2012 is the last day to register to vote for the Primary Election;
- Tuesday, August 28, 2012, is the date set for the Primary Election;
- Tuesday, November 6, 2012, is the date set for the General Election.

**Community Benefit:** Municipal elections promote increased citizen involvement in all aspects of municipal government.

**Recommendation:** Waive reading beyond the title and adopt a resolution calling for City of Glendale’s 2012 Fall Elections.

7. [INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY ELECTIONS DEPARTMENT](#)

**Purpose:** This is a request for City Council to adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement with the Maricopa County Elections Department (County) for election services for the Primary Election to be held August 28, 2012 and the General Election, if necessary, to be held November 6, 2012.

**Background:** The city has contracted with the County to supply various levels of election-related services since the early 1980's. The County will obtain and provide personnel for all polling places on the day of the election as well as be responsible for supplying all ballots and equipment necessary.

The General Election would be necessary if a runoff is required in one of the four races to be decided: Mayor, Cactus, Sahuaro and Yucca.

**Community Benefit:** The City of Glendale is able to consolidate election services with the County which improves voter convenience and increases voter turnout while reducing costs to the residents.

**Budget Impacts & Costs:** The funds for these services are budgeted within the General Fund and will be recorded in the City Clerk Election Division. The contract amount will not be known until after the election, as the costs are based on the total number of registered voters at the time of the election. The cost per voter is .50 and the city currently has 106,725 registered voters; however, the last day to register to vote for the Primary Election is July 30, 2012. Based on the current number of registered voters, the city can expect to pay approximately \$53,363 for each election.

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement with Maricopa County Elections Department to provide election services for the 2012 Primary and General Elections.

8. [INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA STATE FORESTRY DIVISION](#)

**Purpose:** This is a request for City Council to adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement titled Cooperative Fire Rate Agreement, with the Arizona State Forestry Division for the prevention and suppression of wildland fires.

**Background:** The Arizona State Forestry Division has developed a comprehensive incident management system which oversees and manages forest and wildland fires. Fire departments that are called to assist with forest and wildland fires have firefighters who have attended training and have been approved by the state as wildland firefighters. Glendale firefighters who are approved as wildland firefighters bring back valuable firsthand experience on how to manage large scale events to include becoming familiar with the national response system, ordering system, and the exposure of working directly with national teams. By choosing to enter into this

agreement, the Glendale Fire Department will be able to provide emergency fire suppression assistance during large scale events on Arizona state lands. Costs incurred by the department while assisting in these events are reimbursable through the Arizona State Forester's Office.

**Previous Council/Staff Actions:** On May 11, 2010, Council authorized the Cooperative Fire Rate Agreement with the Arizona State Forestry Division to provide fire protection to state forests and wildlands.

Council has entered into cooperative fire rate agreements with the Arizona State Forestry Division since 2002.

**Community Benefit:** By choosing to enter into this agreement, the Glendale Fire Department will be able to provide emergency fire suppression assistance if needed during large scale events on state lands. In return, the city will have access, at no charge, to state-owned fire equipment if needed during periods of extreme brush fire danger in large parks and open areas in Glendale.

**Recommendation:** Waive reading beyond the title and adopt the resolution authorizing the City Manager to enter into an intergovernmental agreement titled Cooperative Fire Rate Agreement with the Arizona State Forestry Division for fire protection to state forests and wildlands.

## **BIDS AND CONTRACTS**

### 9. [AWARD OF PROPOSAL 12-22 FOR COURT-ORDERED SCREENING AND TREATMENT SERVICES](#)

**Purpose:** This is a request for City Council to award RFP 12-22 and authorize the City Manager to enter into a two-year contract for court-ordered screening and treatment services with Community Support Services, Inc.

**Background:** Court-ordered screening and treatment services include domestic violence offender screening and treatment programs, anger management programs, alcohol abuse and substance abuse programs.

Four offers were received in response to RFP 12-22. An evaluation committee comprised of staff from Glendale City Court and a nonprofit community service provider reviewed the offers. Specific evaluation factors considered in the review included capabilities of firm and staff, prior experience, proposal questionnaire responses, class and assessment schedules, fees, references, and non-English speaking services. Community Support Services, Inc. was the highest scoring offer. The initial term of the contract is for two years and contains an option that will permit the City Manager, at his discretion, to extend the contract for an additional three years, in one-year increments.

**Previous Council/Staff Actions:** In April 2007, City Council awarded RFP 07-01, Court-Ordered Screening and Treatment Services, to Justice Services Holdings, LLC.

**Budget Impacts & Costs:** No budgeted funds are involved, because violators are responsible for direct payment of services to the agency.

**Recommendation:** Award RFP 12-22 and authorize the City Manager to enter into a two-year contract for court-ordered screening and treatment services with Community Support Services, Inc., and to renew the contract, at his discretion, for an additional three years, in one-year increments.

#### 10. [CONSTRUCTION AGREEMENT FOR PAVEMENT MAINTENANCE](#)

**Purpose:** This is a request for City Council to authorize the City Manager to enter into a construction agreement with Southwest Slurry Seal, Inc. in an amount not to exceed \$2,000,000 for the repair and surface treatment of city-maintained roadways.

**Background:** he City of Glendale has just over 102 miles of arterial roadways and 615 miles of collector and residential roadways. In October 2011, staff provided Council with a pavement management report recommending surface treatments on various city residential roadways.

Glendale intends to repair and apply surface treatments to various roadways by utilizing a cooperative purchase clause in the City of Scottsdale solicitation for bids, Street Repairs IFB # 12PB018. The Scottsdale bid resulted in the award of bid to Southwest Slurry Seal, Inc. for street repairs, and was determined to be the most cost effective for the treatments needed. The surface treatments would be applied to the 18 neighborhoods identified in the October 2011 Glendale pavement management report, which are located across the city, and represent over 22 miles of roadways to be rehabilitated. A similar number of neighborhoods and miles are anticipated to be completed in FY 2012-13.

The project includes a communication plan that would notify residents of the impending road work to be completed in their area; the only anticipated impact to the neighborhoods will be minor traffic restrictions.

**Previous Council/Staff Actions:** On June 14, 2011, Council adopted the FY 2011-12 final budget authorizing the appropriation of \$2,000,000 for pavement management.

**Community Benefit:** ell maintained infrastructure is an important element of strong neighborhoods, and is critical for the attraction of quality economic development. This program will provide the community with reconditioned roadways that will avoid more costly road reconstruction.

**Budget Impacts & Costs:** Funds are available in the FY 2011-12 capital improvement plan. There are no operating costs associated with this project once it is complete.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$2,000,000

**Account Name, Fund, Account and Line Item Number:**  
Pavement Management, Account No. 2210-65089-550800, \$2,000,000

**Recommendation:** Authorize the City Manager to enter into a construction agreement with Southwest Slurry Seal, Inc. in an amount not to exceed \$2,000,000 for the repair and surface treatment of city maintained roadways; and further authorizing the City Manager, at his discretion, to extend the term in accordance with the provisions of the construction agreement.

**PUBLIC HEARING - RESOLUTIONS**

**11. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM RECOMMENDATIONS AND ANNUAL ACTION PLAN (RESOLUTION) (PUBLIC HEARING REQUIRED)**

**Purpose:** This is a request for City Council to conduct a public hearing and adopt a resolution authorizing submission of the FY 2012-13 Community Development Block Grant (CDBG) recommendations and Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD).

**Background:** Since 1977, Glendale has received approximately \$68 million in CDBG and other federal funds to assist thousands of Glendale homeowners and individuals with services that provide housing and improve their living conditions.

The Annual Action Plan is the yearly implementation document that outlines all proposed funding for CDBG, Home Investment Partnerships (HOME), and Emergency Solutions Grants (ESG) funds. This document is required in order to receive funding under these federal programs, and must be approved by Council and submitted to HUD no later than May 15, 2012.

The adoption of the FY 2012-13 CDBG recommendations and Annual Action Plan required an extensive public review process conducted by the Community Development Advisory Committee (CDAC). This public process resulted in the review of 39 applications, which included formal agency presentations. As a result, the CDAC is recommending \$2,083,478 in CDBG grants, \$486,556 in HOME grants, and \$174,160 in ESG grants. These grants will be used to directly benefit Glendale residents.

**Previous Council/Staff Actions:** The Council previously reviewed and approved the process by which the CDAC determines the

city’s community needs and prioritizes its recommendations, through the adoption of Glendale’s Five-Year Consolidated Plan for Fiscal Years 2010 through 2014 on April 27, 2010.

**Community Benefit:** These funds have provided assistance to Glendale residents with public service programs such as homeless prevention, domestic violence assistance, and services for

seniors, youth, and the disabled. These funds have assisted with many physical improvement projects and continue to provide funding for a variety of projects that help revitalize the downtown infrastructure and remove blighted, underperforming structures.

**Public Input:** The FY 2012-13 funding recommendations were developed after an extensive public process that included a public notice on August 24, 2011, inviting applicants to the September 14, 2011 orientation session. Thirty-nine applications for funding were forwarded to CDAC for applicant presentations on January 4, 11, and 18, 2012. Each of these hearings allowed for public comment, however, no comments were submitted. The CDAC conducted a hearing on March 15, 2012 to vote on the ESG recommendations and allow for additional public input and comment, of which none was received.

**Budget Impacts & Costs:** The CDBG, HOME, and ESG programs are federally funded. The HOME program requires a 25% match from non-federal funds for in-house projects such as replacement housing. An annual match allocation of \$25,000 is provided through the Community Revitalization operating budget towards the 25% match requirement for HOME projects administered by the city. Outside non-profit agencies who are awarded HOME funds are required to provide their own source of match to meet the 25% requirement.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X			X		\$2,769,194

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

Community Development Block Grant, Account No. 1320-31001-518200, \$2,083,478  
 Home Investment Partnerships Program, Account No. 1300-30001-518200, \$486,556  
 Emergency Solutions Grants Program, Account No. 1830-31900-518200, \$174,160  
 Community Revitalization Program, Account No. 1000-15010-518200, \$25,000

**Recommendation:** Conduct a public hearing, waive reading beyond the title, and adopt a resolution authorizing the submission of the FY 2012-13 Community Development Block Grant recommendations and Annual Action Plan to the U.S. Department of Housing and Urban Development.

12. [EMERGENCY SOLUTIONS GRANTS PROGRAM SUBSTANTIAL AMENDMENT TO THE FY 2011-2012 ANNUAL ACTION PLAN \(RESOLUTION\) \(PUBLIC HEARING REQUIRED\)](#)

**Purpose:** This is a request for City Council to conduct a public hearing and adopt a resolution authorizing submission of an Emergency Solutions Grants (ESG) Substantial Amendment of the FY 2011-12 Community Development Block Grant (CDBG) Annual Action Plan, to the U.S. Department of Housing and Urban Development (HUD).

**Background:** In January 2012, HUD replaced the Emergency *Shelter* Grants program with the Emergency *Solutions* Grants program. The focus of the new ESG program has shifted from an emphasis on homeless shelter operations to rapid re-housing of recently homeless individuals

and families. This change is based on the success of the American Recovery and Reinvestment Act funded Homelessness Prevention and Rapid Re-Housing Program (HPRP). The new rules became effective January 4, 2012.

HUD has made an additional \$54,953 in ESG funds available to the city. In order to access the funds, we are required to amend our existing FY 2011-12 CDBG Annual Action Plan. This process will provide the public the opportunity to comment on the proposed use of the additional ESG funds.

Previously, the Community Action Program (CAP) office provided case management and housing assistance to over 413 Glendale citizens under HPRP. Based on their success, the Community Development Advisory Committee (CDAC) is recommending that we again partner with the CAP office to provide comprehensive homeless prevention and rapid re-housing assistance to Glendale citizens under the ESG program.

**Previous Council/Staff Actions:** The Council reviewed and approved the process by which the CDAC determines the city’s community needs and prioritizes its recommendations, through the adoption of Glendale’s Five-Year Consolidated Plan for Fiscal Years 2010 through 2014 at the Council meeting on April 27, 2010.

**Community Benefit:** These funds target homelessness by providing prevention and rapid re-housing of Glendale citizens. In the current economic environment, these services are greatly needed.

**Public Input:** CDAC discussed the ESG program at their January 19, 2012 funding recommendation public meeting. A formal public hearing was held during their March 15, 2012 meeting. No public comments were received, and after the hearing, CDAC voted to recommend that the Community Revitalization Division partner with the CAP office to provide ESG services.

**Budget Impacts & Costs:** The ESG program is federally funded and requires a 100% match of direct delivery program funds. The match requirement will be met through the use of Arizona Department of Economic Security salary funds used by CAP to manage the program.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X					\$54,953

**Account Name, Fund, Account and Line Item Number:**  
 Emergency Solutions Grants Program, Account No. 1830-31900-518200, \$54,953

**Recommendation:** Conduct a public hearing, waive reading beyond the title, and adopt a resolution authorizing submission of an Emergency Solutions Grants Substantial Amendment of the FY 2011-12 Community Development Block Grant Annual Action Plan, to the U.S. Department of Housing and Urban Development.

## RESOLUTIONS

### 13. [OLIVE MARKETPLACE SETTLEMENT AGREEMENT FIRST AMENDMENT](#)

**Purpose:** This is a request for City Council to adopt a resolution authorizing and directing the City Manager to enter into the First Amendment to the Olive Marketplace Settlement Agreement with Olive Marketplace, L.L.C., as the assignee of Hayscale, L.L.C.

**Background:** Olive Marketplace is a commercial shopping center located at 5125 West Olive Avenue. Phase I development consisted of a Walmart Neighborhood Market and CVS Pharmacy.

Frontera Development, the master developer for Olive Marketplace, is in the early planning stages of Phase II. The proposed development for Phase II would include a new freestanding building with retail shops, and a Circle K convenience store and gas station on Olive Avenue.

In accordance with the Settlement Agreement, substantial off-site street improvements, utility undergrounding, perimeter landscaping, and the removal of non-conforming billboards have been completed in preparation of developing this site for commercial purposes.

A provision in the 2004 Settlement Agreement did not allow convenience store uses and gasoline sales. Frontera Development and the City of Glendale acknowledge that amendments to the Development Plan may be necessary from time to time to reflect changes in market conditions. All parties have agreed to enter into this amendment to allow the development of the property to include gasoline sales and convenience stores, subject to Design Review approval and Conditional Use Permit approval.

**Previous Council/Staff Actions:** On May 25, 2004, Council approved the Settlement Agreement with Hayscale, L.L.C.

**Community Benefit:** The approval of the First Amendment to the Olive Marketplace Settlement Agreement will allow the construction of future phases of development at Olive Marketplace, subject to Design Review approval and Conditional Use Permit approval.

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing and directing the City Manager to enter into the First Amendment to the Olive Marketplace Settlement Agreement with Olive Marketplace, L.L.C., as the assignee of Hayscale, L.L.C.

### 14. [AMENDMENT NO. 1 TO THE AGREEMENT WITH TEXACO, INC.](#)

**Purpose:** This is a request for City Council to adopt a resolution authorizing the City Manager to execute Amendment No. 1 to the Agreement with Texaco, Inc. (Texaco) for a Property Building Setback and Release of Liability at 5039 West Glendale Avenue.

**Background:** When the City of Glendale entered into an agreement with Texaco in 1971, the city required a 65 foot building setback to accommodate the erection of a Texaco sign and

sufficient property for a future widening of Glendale Avenue. Additionally, the city required Texaco to indemnify the city by filing a Certificate of Public Liability Insurance. It was stipulated that the sign could be erected on the condition that in the event of a street-widening project, the sign would be removed at Texaco's expense.

In 1988, this portion of Glendale Avenue was widened. In 2007, a previous owner of the property, conveyed to the city, property sufficient for the city's right-of-way needs to construct a bus bay.

Current city planning and zoning guidelines for areas near the location of the former Texaco gas station now require a 25 foot building setback. Landowners in this part of the city are no longer required to indemnify the city or purchase liability insurance solely as a consequence of a building setback agreement with the city. The Texaco sign structure was relocated outside the city right-of-way to accommodate the bus bay.

The current property owner, MAMOU, LLC, wishes to amend the 1971 agreement and release it from certain conditions to avoid any possible cloud on the title.

**Previous Council/Staff Actions:** On February 18, 1971, Council approved the original agreement with Texaco, Inc.

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the City Manager to execute Amendment No. 1 to the Agreement with Texaco Inc. for a Property Building Setback and Release of Liability at 5039 West Glendale Avenue.

15. [AUTHORIZATION TO PAY DEPOSIT IN THE CONDEMNATION ACTION TO ACQUIRE REAL PROPERTY FOR GLENDALE MUNICIPAL AIRPORT RUNWAY PROTECTION ZONE](#)

**Purpose:** This is a request for City Council to adopt a resolution authorizing payment of the cash deposit in the condemnation action to acquire 38.5 acres of property owned by Conair Corporation for a runway protection zone (RPZ) at the Glendale Municipal Airport, and to authorize the transfer of budget appropriation for this purchase and legal fees and costs for the condemnation lawsuit.

**Background:** In 2001, the Federal Aviation Administration (FAA) and the City of Glendale approved the extension of Runway 19 at the Glendale Municipal Airport. This project extended the RPZ onto property owned by Conair Corporation, located directly north of the airport. The RPZ is a trapezoidal-shaped area defined by the FAA as a clear zone beyond the end of the runway that is designed to preclude obstructions.

In December 2011, Council authorized the acquisition of property owned by Conair Corporation by condemnation or otherwise. The city and Conair have attempted to negotiate a voluntary sale, but cannot agree on all terms of the sale. The parties have agreed that the city will file a condemnation lawsuit, that the date of valuation for the property will be 2001, and that the cash deposit in the amount of \$5,220,635 will enable the city to obtain immediate possession of the

38.5 acres of property. This amount reflects the city’s initial appraisal amount, including interest and other damages Conair would likely recover.

While the parties agree on the above-mentioned terms, Conair does not agree with the city’s valuation of the property, so that will be determined in the litigation. Depending on the amount ultimately recovered by Conair, the city may be required to pay additional amounts or may be reimbursed any overpayment.

This is a request to approve payment of \$5,220,635 to the Maricopa County Superior Court in order to obtain immediate possession of the 38.5 acres. Additionally, upon taking possession of the property, the city will incur additional project costs, including expenses for court and legal fees and fencing to secure the property. These additional costs are estimated at \$738,060.

**Previous Council/Staff Actions:** On April 5, 2012, the Citizens’ Transportation Oversight Commission recommended that the City Council authorize the City Manager to acquire 38.5 acres of property for an RPZ at the Glendale Municipal Airport, and authorize the transfer of budget appropriation for this purchase.

On December 20, 2011, Council authorized the acquisition of this property by condemnation or otherwise.

**Budget Impacts & Costs:** The city is seeking reimbursement through an FAA grant of up to 90% of the full market value of the property. However, such reimbursement will not be received this fiscal year. In order to acquire this property expeditiously, appropriation will be transferred from the Land Purchase Project within the Airport Grant Fund to the Airport RPZ Acquisition Project within the GO Transportation Construction Fund.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$5,958,695

**Account Name, Fund, Account and Line Item Number:**  
 Airport RPZ Acquisition, Account No. 2210-65091-550400, \$5,958,695

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the City Manager to execute all documents necessary to make the cash deposit of \$5,220,635 to obtain immediate possession of 38.5 acres of property for a runway protection zone at the Glendale Municipal Airport, and authorize the transfer of budget appropriation for this amount and \$738,060 for court and legal fees and related costs.

16. [AMENDMENTS TO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR THE SHARING OF TELECOMMUNICATIONS FACILITIES](#)

**Purpose:** This is a request for City Council to adopt a resolution authorizing the City Manager to enter into Amendment No. 001, Supplemental Agreement No. 1, and Site Specific Supplement

No. 002 to an intergovernmental agreement (IGA) with the City of Phoenix (Phoenix) for the sharing of telecommunications facilities.

**Background:** In 2002, Glendale entered into an agreement with Phoenix to provide additional radio coverage to the Glendale Fire Department, Police Department, Public Works Department, and other West Valley agencies. This enhanced coverage has allowed Glendale to maintain compatible communications with other automatic aid cities.

Amendment No. 001 will extend the current contract an additional 10 years, with the effective dates of June 1, 2012 through June 1, 2022. Supplement Agreement No. 1 will add two VHF antennas to an existing Glendale monopole, at Phoenix's expense, to continue to enhance radio communication. The Site Specific Supplement No. 002 allows Phoenix to install a Phoenix Fire Department VHF receiver and a microwave shot to Phoenix's North Mountain backhaul site at the Pyramid Peak Water Treatment Plant. Phoenix will install one 19 inch equipment cabinet in the existing communications building and will utilize an existing 80 foot monopole to install a VHF antenna and a 4 foot microwave dish. This will provide enhanced radio coverage in an area of Phoenix and Glendale surrounding the water treatment plant. Phoenix will cover the cost for installation and maintenance. There will be no cost to Glendale.

**Previous Council/Staff Actions:** On July 2, 2002, Council approved an intergovernmental agreement between the City of Phoenix and City of Glendale for the sharing of telecommunications facilities.

**Community Benefit:** The agreement extension and additional equipment will continue to enhance Glendale's radio communications with other valley cities.

**Recommendation:** Waive reading beyond title and adopt a resolution authorizing the entering into Amendment No. 001, Supplemental Agreement No. 1, and Site Specific Supplement No. 002 to an intergovernmental agreement (IGA) with the City of Phoenix for the sharing of telecommunications facilities.

## **ORDINANCES**

### 17. [FIREWORKS ORDINANCE](#)

**Purpose:** This is a request for City Council to adopt an ordinance prohibiting the use of consumer fireworks within the City of Glendale limits.

**Background:** The use of consumer fireworks within Glendale presents a risk of injury to persons and property. The City of Glendale currently does not have an ordinance relating to consumer fireworks usage within the City of Glendale limits. This request is to enact an ordinance prohibiting the use of consumer fireworks on public as well as private property. The full ban on consumer fireworks will allow the city to be consistent with most other valley cities. Other valley cities that currently ban consumer fireworks are: Avondale, Chandler, El Mirage, Goodyear, Peoria, Phoenix, Scottsdale, Surprise, and Tempe.

**Previous Council/Staff Actions:** On April 3, 2012, Council discussed the fireworks ordinance during a workshop meeting and provided guidance to staff to draft an ordinance banning the use of consumer fireworks.

At the January 17, 2012 workshop, staff provided information to Council regarding the laws on fireworks, a potential fireworks ordinance as other cities have done, as well as what opportunities there are for banning the use of fireworks in the city.

During the September 6, 2011 workshop, Council requested information regarding fireworks as a Council Item of Special Interest.

**Community Benefit:** Prohibiting the use of consumer fireworks within Glendale, specifically on private property, protects citizen's rights to privacy and safeguards residential neighborhoods from fire damage and unwanted noise.

**Recommendation:** Waive reading beyond title and adopt an ordinance prohibiting the use of consumer fireworks within the City of Glendale limits.

## **REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION**

### **CITIZEN COMMENTS**

**If you wish to speak on a matter concerning Glendale city government that is not on the printed agenda, please fill out a Citizen Comments Card located in the back of the Council Chambers and give it to the City Clerk before the meeting starts. The City Council can only act on matters that are on the printed agenda, but may refer the matter to the City Manager for follow up. Once your name is called by the Mayor, proceed to the podium, state your name and address for the record and limit your comments to a period of five minutes or less.**

### **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)).