

**GLENDALE CITY COUNCIL MEETING**  
**Council Chambers**  
**5850 West Glendale Avenue**  
**September 13, 2005**  
**7:00 p.m.**

**CALL TO ORDER – PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE [MINUTES OF JULY 26, 2005](#)**

**PROCLAMATIONS AND AWARDS**

**[ARROWHEAD SENIOR LITTLE LEAGUE GIRLS FAST PITCH ALL-STARS –  
PROCLAMATION OF RECOGNITION](#)**

**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. 3-1005 – UNCLE CHARLIE’S AMERICAN GRILL](#)
2. [LIQUOR LICENSE NO. 3-1006 – GLENDALE MARKET](#)
3. [LIQUOR LICENSE NO. 3-1007 – PUB](#)
4. [LIQUOR LICENSE NO. 3-1008 – OLIVE FOOD STORE](#)
5. [LIQUOR LICENSE NO. 3-1009 – COCONO’S MEXICAN ISLAND KITCHEN](#)
6. [LIQUOR LICENSE NO. 3-1010 – ALBERTSON’S NO. 974](#)
7. [LIQUOR LICENSE NO. 3-1011 – MI RESTAURANT](#)
8. [LIQUOR LICENSE NO. 3-1012 – DILLON’S ARROWHEAD](#)
9. [SPECIAL EVENT LIQUOR LICENSE – ST. LOUIS THE KING CHURCH](#)
10. [HAZARDOUS MATERIAL DETECTION EQUIPMENT PURCHASE](#)
11. [AWARD OF PROPOSAL 05-20: TAXI SUBSIDY PILOT PROGRAM](#)

## **CONSENT RESOLUTIONS**

12. [INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY TO PROVIDE SPECIAL TRANSPORTATION SERVICES](#)
13. [AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY FOR TRANSIT CUSTOMER SERVICES](#)
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15. [REQUEST FOR INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY SUPERIOR COURT FOR JURY SERVICES](#)
16. [REQUEST EXEMPTION FROM INDUSTRIAL COMMISSION OF ARIZONA FINANCIAL REQUIREMENTS](#)
17. [SETTLEMENT WITH DELOITTE & TOUCHE IN THE NATIONAL CENTURY FINANCIAL ENTERPRISES CLAIM](#)

## **BIDS AND CONTRACTS**

18. [AWARD OF CONSTRUCTION CONTRACT FOR CITY FIBER OPTIC CABLE INSTALLATION](#)

## **ORDINANCES**

19. [FISCAL YEAR 2004-05 BUDGET AMENDMENTS](#)
20. [SALT RIVER PROJECT IRRIGATION EASEMENT: 89<sup>TH</sup> AND GLENDALE AVENUES](#)
21. [SALT RIVER PROJECT IRRIGATION EASEMENT: 59<sup>TH</sup> AVENUE AND SUNNYSIDE DRIVE](#)
22. [SALT RIVER PROJECT IRRIGATION EASEMENT: MARYLAND AVENUE AND LOOP 101](#)
23. [SALT RIVER PROJECT POWER DISTRIBUTION EASEMENT: MARYLAND AVENUE AND LOOP 101](#)

## **PUBLIC HEARING – RESOLUTIONS**

24. [GENERAL PLAN AMENDMENT GPA05-03: AMENDED “PUBLIC FACILITY” DEFINITION AND LAND USE MAP MODIFICATIONS](#)

## **RESOLUTIONS**

### **25. DOMESTIC VIOLENCE VICTIM SERVICES AND PROGRAM ENHANCEMENTS GRANT**

## **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)).**

**Confidentiality Requirements Pursuant to A.R.S. §38-431.03 (C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.**

## CALL TO ORDER – PLEDGE OF ALLEGIANCE

## APPROVAL OF THE [MINUTES OF JULY 26, 2005](#)

## PROCLAMATIONS AND AWARDS

### [ARROWHEAD SENIOR LITTLE LEAGUE GIRLS FAST PITCH ALL-STARS – PROCLAMATION OF RECOGNITION](#)

**Purpose:** This is a request for the City Council to issue a Proclamation of Recognition to the Arrowhead Senior Little League Girls Fast Pitch All-Stars who recently returned from the Senior League Softball World Series in Delaware. We are recognizing the significant accomplishments achieved by the Arrowhead Senior Little League Girls Fast Pitch All-Stars and their coaches, and expressing our gratitude for the pride and recognition they have brought to themselves and the community of Glendale.

**Recommendation:** Present Proclamation of Recognition to Manager and Head Coach Mike Bates and the members of the Arrowhead Senior Little League Girls Fast Pitch All-Stars team.

## 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. 3-1005 – UNCLE CHARLIE'S AMERICAN GRILL](#)

**Purpose:** This is a request by David Sanclemente for the City Council to approve a new series 12 (restaurant, all liquor) license for Uncle Charlie's American Grill located at 5285 West Bell Road. The owner currently holds a series 6 (on- & off-sale retail, all liquor) license at this location.

**Background:** The approval of this license will increase the total number of liquor licenses in this area. However, it is the applicant's intention to sell the series 6 license upon approval of the series 12 license.

The establishment is over 300 feet from any school or church. The Planning Department, Police Department, and the Maricopa County Health Department have reviewed the application and have determined that it meets all technical requirements.

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

**Recommendation:** Forward a recommendation of approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1005.

2. [LIQUOR LICENSE NO. 3-1006 – GLENDALE MARKET](#)

**Purpose:** This is a request by Syed Naqvi for the City Council to approve a new series 10 (beer and wine store) license for Glendale Market located at 6448 West Glendale Avenue.

**Background:** The approval of this license will not increase the total number of liquor licenses in this area. The previous owner held a series 10 liquor license at this location.

The establishment is over 300 feet from any school or church. The Planning Department, Police Department, and the Maricopa County Health Department have reviewed the application and have determined that it meets all technical requirements.

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

**Recommendation:** Forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1006.

3. [LIQUOR LICENSE NO. 3-1007 – PUB](#)

**Purpose:** This is a request by Michael Muller for the City Council to approve a person transfer of a series 6 (on- & off-sale retail, all liquor) license for the Pub located at 15249 North 59th Avenue. The previous owner operated this business as the Pub and held a series 6 license at this location.

**Background:** The approval of this license will not increase the total number of liquor licenses in this area.

The Planning Department, Police Department, and the Maricopa County Health Department have reviewed the application and have determined that it meets all technical requirements.

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

**Recommendation:** Forward a recommendation of approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1007.

4. [LIQUOR LICENSE NO. 3-1008 – OLIVE FOOD STORE](#)

**Purpose:** This is a request by Kamel Shiha for the City Council to approve a new series 10 (beer and wine store) license for Olive Food Store located at 4726 West Olive Avenue.

**Background:** The approval of this license will increase the total number of liquor licenses in this area by one.

The establishment is over 300 feet from any school or church. The Planning Department, Police Department, and the Maricopa County Health Department have reviewed the application and have determined that it meets all technical requirements.

**Public Input:** A list of 91 signatures, in favor of this application, has been received by the Tax & License Division. Fifty-seven of those signatures fell within one mile of the proposed location.

**Recommendation:** Forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1008.

5. [LIQUOR LICENSE NO. 3-1009 – COCONO’S MEXICAN ISLAND KITCHEN](#)

**Purpose:** This is a request by David Salazar for the City Council to approve a new series 12 (restaurant, all liquor) license for Cocono’s Mexican Island Kitchen located at 8280 West Union Hills Drive, Suite 110. There have been no prior businesses at this location.

**Background:** The approval of this license will increase the total number of liquor licenses in this area by one.

The establishment is over 300 feet from any school or church. The Planning Department, Police Department, and the Maricopa County Health Department have reviewed the application and have determined that it meets all technical requirements.

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

**Recommendation:** Forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1009.

6. [LIQUOR LICENSE NO. 3-1010 – ALBERTSON’S NO. 974](#)

**Purpose:** This is a request by Glenn Edmondson for the City Council to approve a person and location transfer of a series 9 (off-sale retail, all liquor) license for Albertson’s Number 974 located at 20255 North 59th Avenue. Albertson’s currently holds a series 9 license at this location.

**Background:** The approval of this license will increase the total number of liquor licenses in this area by one. However, it will not increase the number of active licenses in the area. If approved, this location will have one active and one inactive license. Albertson’s has purchased a series 9 license from Osco Drugs in Mesa. Albertson’s will keep the new license at its existing store until such time it transfers to a different location.

The establishment is over 300 feet from any school or church. The Planning Department, Police Department, and Maricopa County Health Department have reviewed the application and have determined that it meets all technical requirements.

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

**Recommendation:** Forward a recommendation of approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1010.

7. [LIQUOR LICENSE NO. 3-1011 – MI RESTAURANT](#)

**Purpose:** This is a request by Chi Lam for the City Council to approve a new series 12 (restaurant, all liquor) license for Mi Restaurant located at 5850 North 43rd Avenue. The previous owner operated this business as Mi Restaurant and held a series 12 license at this location.

**Background:** The approval of this license will not increase the total number of liquor licenses in this area.

The establishment is over 300 feet from any school or church. The City of Glendale and the Maricopa County Health Department have reviewed the application. The Police Department, Tax and License Division, and the Planning Department have recommended denial of this application, as this application does not meet technical requirements.

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

**Recommendation:** Forward a recommendation for denial to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1011.

8. [LIQUOR LICENSE NO. 3-1012 – DILLON’S ARROWHEAD](#)

**Purpose:** This is a request by James Dillon for the City Council to approve a new series 12 (restaurant, all liquor) license for Dillon’s Arrowhead located at 20585 North 59<sup>th</sup> Avenue. The previous owner operated this business as Javelina Springs.

**Background:** The approval of this license will not increase the total number of liquor licenses in this area. This is due to the fact that series 12 licenses are not transferable.

The establishment is over 300 feet from any school or church. The Planning Department, Police Department, and the Maricopa County Health Department have reviewed the application and have determined that it meets all technical requirements.

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

**Recommendation:** Forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1012.

9. [SPECIAL EVENT LIQUOR LICENSE – ST. LOUIS THE KING CHURCH](#)

**Purpose:** This is a request by Marc Riccitelli for the City Council to approve a special event liquor license for St. Louis the King Church. The event is the Fall Festival 2005 fundraiser, which will be held at 4331 West Maryland Avenue.

**Background:** The event will be held from 6 p.m. to 11 p.m., Friday, September 30, from 11 a.m. to midnight Saturday, October 1, and from 11 a.m. to 11 p.m., Sunday, October 2, 2005. If this license is approved, the total days expended by this applicant will be three 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 the City Council recommends approval of such license.

**Recommendation:** Forward a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Special Event Liquor License.

10. [HAZARDOUS MATERIAL DETECTION EQUIPMENT PURCHASE](#)

**Purpose:** This is a request for the City Council to approve the expenditure of grant funding in the amount of \$85,000 for the purchase of hazardous detection equipment from a sole source vendor.

**Council Policies Or Goals Addressed:** One of Council’s goals is ensuring public safety and awareness. This purchase will assist in achieving that goal should a major incident occur in the city.

**Background:** The State Homeland Security Grant Program is a Weapons of Mass Destruction program funded through the Department of Homeland Security and managed by the Arizona Division of Emergency Management. The Fire Department is tasked with providing an emergency response and mitigation plan for protection against a possible weapons of mass destruction chemical or biological Attack.

**Budget Impacts & Costs:** The one-time cost is estimated to be \$85,000 and contained within the 2004 State Homeland Security Grant Fund. The grant funding expended for the original purchase will provide a three-year warranty for the equipment.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X		X			\$85,000

**Account Name, Fund, Account and Line Item Number:**  
 State Homeland Security Grant, 47-7722-8400

**Recommendation:** Approve the expenditure of grant funding in the amount of \$85,000 for the purchase of hazardous detection equipment.

11. [AWARD OF PROPOSAL 05-20: TAXI SUBSIDY PILOT PROGRAM](#)

**Purpose:** This is a request for City Council to award the contract to Easter Seals for the Taxi Subsidy Pilot Program.

**Council Policies Or Goals Addressed:** A Council goal is to provide transportation options in the City of Glendale. This item supports that goal by providing an optional method of transportation to residents with special transportation needs.

**Background:** The Taxi Subsidy Program was developed to provide a transportation option to eligible Glendale residents requiring special-needs transportation including people with special medical needs and victims of domestic abuse.

A Request for Proposal was published on July 7, 2005 and two proposals were received. A committee consisting of staff from the Deputy City Manager's Office, Materials Management, Transportation and the Police Department reviewed the proposals. Specific evaluation criteria included cost, customer service, experience with similar projects, and an implementation timeline. The proposal scoring the highest was from Easter Seals. If approved by Council the contract will begin immediately and end June 30, 2006. Should the Council provide direction to continue the program after the pilot period, the proposal specifications contain an option clause that will permit the City, at the discretion of the City Manager, to extend this agreement in one-year increments for four additional years.

**Previous Council/Staff Actions:** Council approved the funds for the Taxi Subsidy Program as a pilot program for FY 2005-06.

**Community Benefit:** Recognizing the need for transportation beyond what is provided by current services, the Taxi Subsidy Program will provide a transportation option for persons in Glendale requiring special-needs transportation. The program will provide non-emergency medical needs transportation to persons receiving repetitive medical treatments such as dialysis and chemotherapy treatments.

Based on a suggestion made following a previous Council Budget Workshop, a component was added to include persons who are victims of domestic violence in this program. This element will be coordinated by the Victim's Assistance caseworkers in the Police Department.

**Budget Impacts & Costs:** Funds for this program are budgeted in the Fixed Route division of the GO Transportation Program account number 25-6354-7330 in the amount of \$100,000.

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

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

Fixed Route – 25-6354-7330

**Recommendation:** Award the contract to Easter Seals for the Taxi Subsidy Pilot Program in the amount not to exceed \$100,000.

## CONSENT RESOLUTIONS

12. [INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY TO PROVIDE SPECIAL TRANSPORTATION SERVICES](#)

**Purpose:** This is a request for City Council to adopt a resolution authorizing the entering into of an Intergovernmental Agreement with Maricopa County Special Transportation Services (STS) to provide transit services to the citizens of Glendale.

**Council Policies Or Goals Addressed:** One of the Council goals is to provide transportation options in the city of Glendale. This item supports that goal by providing an optional method of transportation to residents traveling to destinations outside of Glendale.

**Background:** This agreement with Maricopa County is to provide special transportation services to persons traveling outside of Glendale. The agreement provides up to 1,204 trips at a cost of \$16.16 per trip not to exceed \$19,457.

**Community Benefit:** Maricopa County STS provides an affordable transit option to elderly, low-income and disabled citizens in Glendale needing transportation to destinations outside the city for social, medical or employment purposes. The service reduces the need for passengers to transfer from one city service to another at city boundaries.

**Budget Impacts & Costs:** Funds for this program are budgeted in the Fixed Route division of the GO Transportation Program account number 25-6354-7330 in the amount of \$19,457.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$19,457

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

Fixed Route – 25-6354-7330

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the entering into of an Intergovernmental Agreement with Maricopa County Special Transportation Services for the provision of transit services in an amount not to exceed \$19,457.

13. [AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY FOR TRANSIT CUSTOMER SERVICES](#)

**Purpose:** This is a request for the City Council to approve a resolution authorizing the entering into of an amendment to the intergovernmental agreement (IGA) with the Regional Public Transportation Authority (RPTA) for the continued provision of transit services in the City of Glendale.

**Council Policies Or Goals Addressed:** This request promotes the Council goal of providing transportation options to the citizens of Glendale.

**Background:** The IGA provides regional fixed route customer services and communication for all routes in Glendale. The cost for this service is \$151,608 through January 31, 2006. Effective February 1, 2006, RPTA will assume all costs relating to the regional fixed route customer services and communication expenses. Currently, fixed route service is provided in Glendale with funds from the GO Glendale Transportation Plan and the RPTA. Approval of this IGA will provide for the continuation of the current level of bus service provided by the RPTA in Glendale for FY 2005-06 at an estimated cost to the RPTA of \$942,600.

**Previous Council/Staff Actions:** This is an annual agreement to provide bus service in addition to the service provided by the GO Glendale Transportation Plan.

**Community Benefit:** Bus service is available every half-hour, Monday through Saturday from approximately 5 a.m. to 10 p.m., with hourly service on Sundays and holidays. This contract provides citizens of Glendale with all or part of the bus service on Glendale, Peoria, Grand, 59<sup>th</sup>, and 67<sup>th</sup> avenues. Fixed route service was provided to more than two million riders in Glendale last year.

The Regional Customer Services Center provides customer assistance to fixed route passengers. Customers can call the Customer Services Center and get assistance in planning their bus trip. They can also use the internet to access information on bus routes. In addition, Regional Customer Services provides informational brochures and the bus book.

**Budget Impacts & Costs:** Costs are \$151,608 for the Regional Customer Services portion of the IGA. The amount is budgeted in the Fixed Route division of the GO Transportation Program, account number 25-6354-7330.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$151,608

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

Fixed Route: 25-6354-7330

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the entering into of an amendment to the intergovernmental agreement with the Regional Public Transportation Authority to continue the provision of public transportation services in Glendale in an amount not to exceed \$151,608.

14. [EXTENSION OF INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR FIXED ROUTE BUS SERVICES](#)

**Purpose:** This is a request for the City Council to approve a resolution authorizing the entering into of an amendment to the intergovernmental agreement (IGA) with the City of Phoenix (Contract Change Order No. 7) for the continued operation of fixed route bus services in the City of Glendale.

**Council Policies Or Goals Addressed:** This request promotes the Council goal to provide transportation options to the citizens of Glendale.

**Background:** The City of Phoenix provides fixed route bus service in Glendale through an IGA. The amendment will provide continuation of current levels of fixed route bus service to the citizens of Glendale. Bus service is provided with the funds from the GO Glendale Transportation Plan.

**Previous Council/Staff Actions:** This is an annual IGA approved by Council to provide fixed route services in Glendale.

**Community Benefit:** Bus service is available every half-hour, Monday through Saturday from approximately 5 a.m. to 10 p.m. with hourly service on Sundays and holidays. This contract provides citizens of Glendale with all or part of the bus service on Bethany Home, Glendale, Northern, Olive, Peoria, Thunderbird, Bell, Union Hills, 51<sup>st</sup>, 59<sup>th</sup>, and 67<sup>th</sup> avenues, and two express routes. Fixed route service was provided to more than two million riders in Glendale last year.

**Budget Impacts & Costs:** The cost for FY 2005-06 Change Order No. 7 is \$3,162,850. The amount is budgeted in the Fixed Route division of the GO Transportation Program, account number 25-6354-7330.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$3,162,850

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

Fixed Route: 25-6354-7330

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the entering into of Contract Change Order No. 7 to the intergovernmental agreement with the City of Phoenix for the continued operation of fixed route bus services in Glendale in an amount not to exceed \$3,162,850.

15. [REQUEST FOR INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY SUPERIOR COURT FOR JURY SERVICES](#)

**Purpose:** This is a request for the City Council to enter into an intergovernmental agreement with the Maricopa County Superior Court to provide Glendale City Court with qualified jurors for jury trials.

**Previous Council/Staff Actions:** The Superior Court has provided jury services based on similar agreements since 1993.

**Budget Impacts & Costs:** The agreement includes two payments of \$53 for developing programming for the jury lists and a \$1.25 charge for printing and postage for each jury questionnaire and summons. Funds are available in City Court operational budget, 01-1410-7920. The cost for this service is estimated to be approximately \$3,100 per year. The agreement will be in effect from July 1, 2005 to June 30, 2007.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			\$6,200		\$6,200

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

City Court Operational Budget 01-1410-7920

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the entering into of an intergovernmental agreement with Maricopa County Superior Court to provide Glendale City Court with qualified jurors for jury trials.

16. [REQUEST EXEMPTION FROM INDUSTRIAL COMMISSION OF ARIZONA FINANCIAL REQUIREMENTS](#)

**Purpose:** This is a request for the City Council to adopt a resolution stating that the city provides sufficient funding to cover liabilities for workers' compensation claims. Adopting a resolution in lieu of posting security will reduce workers' compensation trust fund expenses.

**Council Policies Or Goals Addressed:** Maintaining sufficient funding to cover actuarial liabilities provides financial stability to meet current and future workers' compensation claim obligations.

**Background:** The ICA revised rules in March 2005 to exempt public entities from posting a letter of credit provided they adequately fund liabilities and pass a resolution prior to July 1<sup>st</sup> each year.

**Budget Impacts & Costs:** The current annual cost for the letter of credit is \$11,364. By adopting the resolution the city can cancel the letter of credit and obtain a refund estimated to be \$8,523 for the balance of the fiscal year. The refund will be deposited back to the workers' compensation trust fund.

**Recommendation:** Waive reading beyond the title and adopt a resolution stating that the city provides sufficient funding to cover liabilities for workers' compensation claims and should funding become insufficient, the city will notify the Industrial Commission of Arizona (ICA) and provide proof of appropriate security.

17. [SETTLEMENT WITH DELOITTE & TOUCHE IN THE NATIONAL CENTURY FINANCIAL ENTERPRISES CLAIM](#)

**Purpose:** This is a request for the City Council to adopt a resolution ratifying the proposed settlement with Deloitte & Touche in the National Century Financial Enterprise claim.

**Council Policies Or Goals Addressed:** Providing financial stability and settling litigation in an efficient manner.

**Background:** In 2001 and 2002, the City of Glendale, as a member of the Local Government Investment Pool 55, invested in debt securities of National Century Financial Enterprises ("NCFE"). Decisions as to the management of the investment pool were made by the State of Arizona. In November 2002, NCFE declared bankruptcy.

In order to pursue recovery of this loss effectively and cost efficiently, Glendale and several other municipalities formed a loss recovery coalition and agreed to pursue these claims jointly. Claims were brought against several of the world's largest financial institutions and accounting firms. Through the bankruptcy process, Glendale has recovered \$407,996.97.

Very recently, one of the accounting firms, Deloitte & Touche, offered to settle all claims made by the consortium in an aggregate amount of \$5,200,000. This amount is to be divided pro rata among the consortium based on the value of each entities investment. Based on this division, Glendale's share of the recovery will be \$114,689.31.

This settlement leaves several other defendants against which to pursue the consortium's claims. The amount offered represents one of the top five settlements with an accounting firm in similar types of litigation. It was recommended by the City Attorney to approve settlement of this claim for the amount offered. That recommendation was also consistent with the consortium's national legal counsel, the local legal counsel, the State Treasurer's Office and the City Chief Financial Officer.

Contingent approval was relayed to the consortium pending ratification by the City Council in September. Should the Council decide at this time not to accept the settlement and proceed in a different matter, the City will withdraw and its allocation will be divided among the remaining members.

**Recommendation:** Waive reading beyond the title and adopt a resolution ratifying the settlement with Deloitte & Touche in the National Century Financial Enterprise claim.

**BIDS AND CONTRACTS**

18. [AWARD OF CONSTRUCTION CONTRACT FOR CITY FIBER OPTIC CABLE INSTALLATION](#)

**Purpose:** This is a request for the City Council to award a construction contract to Han Mar Energy, Inc. for installation of conduit, fiber optic cable, and communication equipment to Gateway Public Safety Building, Cholla Water Treatment Plant, and Foothills Library.

**Council Policies Or Goals Addressed:** This project will help the city in meeting the Council strategic priority of leveraging technology for efficiency and convenience.

**Background:** On July 14, 2005, the Transportation Department advertised in the Glendale Star a request for contractors to submit a competitive bid to install conduit, fiber optic cable, and communications equipment to the Gateway Public Safety Building, Cholla Water Treatment Plant, and Foothills Library. Two bids were received and the lowest responsive bidder was Han Mar Energy, Inc. Once awarded, the contractor will have 10 days from the notice to proceed to begin construction and 105 days to complete the project.

**Previous Council/Staff Actions:** In June 2005, Council approved the city Capital Improvement Program, which included projects to install fiber optic cable to the three city facilities.

**Budget Impacts & Costs:** The total cost for construction is \$623,135. Funds for this project are available in the capital improvement program’s Backbone Fiber Optic/Cholla WT and Traffic Signal Computerization projects. Charges will be split equally between each account.

<b>Grants</b>	<b>Capital Expense</b>	<b>One-Time Cost</b>	<b>Budgeted</b>	<b>Unbudgeted</b>	<b>Total</b>
	X		X		\$623,135

<b><u>Account Name, Fund, Account and Line Item Number:</u></b> Backbone Fiber Optic/Cholla WT Account No. 83-8055-8300 (\$311,567.50) Traffic Signal Computerization Account No. 31-8042-8330 (\$311,567.50)
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**Recommendation:** Award the construction contract with Han Mar Energy, Inc., for installation of conduit, fiber optic cable, and communications equipment to Gateway Public Safety Building, Cholla Water Treatment Plant, and Foothills Library in the amount not to exceed \$623,135.

**ORDINANCES**

19. [FISCAL YEAR 2004-05 BUDGET AMENDMENTS](#)

**Purpose:** This is a request for the City Council to review Fiscal Year 2004-05 budget amendments and adopt an ordinance approving them.

**Council Policies Or Goals Addressed:** Review of the FY 2004-05 budget amendments is consistent with the Council's goal of ensuring the city's financial stability.

**Background:** A budget amendment is a transfer of appropriation authority from one fund to another fund; it is not a transfer of monies between funds.

The majority of the budget amendments deal with capital projects. During the course of FY 2004-05, capital project carryover was reconciled. When departments prepared their FY 2004-05 capital project budgets, they estimated the amount of carryover savings they would have. At the end of FY 2003-04, the Management and Budget Department reconciled each department's actual savings with their estimated carryover budget for FY 2004-05, and then increased or decreased their budgets accordingly.

**Previous Council/Staff Actions:** This type of action is routinely done at the end of each fiscal year. For example, City Council approved a similar ordinance for FY 2003-04 on July 13, 2004.

**Budget Impacts & Costs:** The City of Glendale's total FY 2004-05 budget appropriation for all funds remains unchanged.

**Recommendation:** Waive reading beyond the title and adopt an ordinance approving the FY 2004-05 budget amendments.

20. [SALT RIVER PROJECT IRRIGATION EASEMENT: 89<sup>TH</sup> AND GLENDALE AVENUES](#)

**Purpose:** This is a request for the City Council to adopt an ordinance granting an irrigation easement in favor of Salt River Project (SRP) along the west side of 89<sup>th</sup> Avenue north of Glendale Avenue. The easement will enable SRP to relocate its existing system to allow for the development of a new residential subdivision, Provence, located between 89<sup>th</sup> and 91<sup>st</sup> avenues, and north of Glendale Avenue.

**Background:** For aesthetics and safety reasons, SRP, the city and the developer of Provence have agreed to relocate SRP's existing irrigation ditch. The irrigation system will be tiled and placed underground. Although most of the easement area will be on the developer's land, a portion will fall within the right of way for 89<sup>th</sup> Avenue. The easement is being requested to protect SRP's relocated facilities and existing land rights.

**Recommendation:** Waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute an irrigation easement in favor of Salt River Project.

21. [SALT RIVER PROJECT IRRIGATION EASEMENT: 59<sup>TH</sup> AVENUE AND SUNNYSIDE DRIVE](#)

**Purpose:** This is a request for the City Council to adopt an ordinance granting an irrigation easement in favor of Salt River Project (SRP) along the west side of 59<sup>th</sup> Avenue north of Sunnyside Drive. The easement will enable SRP to relocate and tile its existing system to allow

for the development of a new residential subdivision, Cholla Cove, on the northwest corner of 59<sup>th</sup> Avenue and Sunnyside Drive.

**Background:** For aesthetics and safety, the city and the developer of Cholla Cove have requested SRP relocate and underground its existing irrigation pipe. As part of Cholla Cove development, the developer will also be making improvements to 59<sup>th</sup> Avenue in the immediate area. The easement is necessary to protect SRP's relocated facilities and existing land rights.

**Recommendation:** Waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute an irrigation easement in favor of Salt River Project.

22. [SALT RIVER PROJECT IRRIGATION EASEMENT: MARYLAND AVENUE AND LOOP 101](#)

**Purpose:** This is a request for the City Council to adopt an ordinance granting an irrigation easement in favor of Salt River Project (SRP) to relocate a turnout structure and related facilities at the southwest corner of Maryland Avenue and the Loop 101.

**Background:** As part of the Maryland Avenue crossing of Loop 101 between 95<sup>th</sup> and 99<sup>th</sup> avenues, SRP is being asked to relocate its irrigation facilities as needed. In order to protect these facilities, SRP is requesting easements for all new locations.

**Recommendation:** Waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute an irrigation easement in favor of Salt River Project.

23. [SALT RIVER PROJECT POWER DISTRIBUTION EASEMENTS: MARYLAND AVENUE AND LOOP 101](#)

**Purpose:** This is a request for the City Council to adopt an ordinance granting two power distribution easements along Maryland Avenue on both the east and west sides of Loop 101, in favor of Salt River Project (SRP) to relocate its electrical facilities.

**Background:** As part of the Maryland Avenue crossing of Loop 101 between 95<sup>th</sup> and 99<sup>th</sup> avenues, SRP is being asked to relocate its electrical facilities as needed. In order to protect these facilities, SRP is requesting easements for all new locations.

**Recommendation:** Waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute two electrical easements in favor of Salt River Project.

## PUBLIC HEARING – RESOLUTIONS

### 24. GENERAL PLAN AMENDMENT GPA05-03: AMENDED “PUBLIC FACILITY” DEFINITION AND LAND USE MAP MODIFICATIONS

**Purpose:** This is a request for the City Council to conduct a public hearing and adopt a resolution approving a General Plan Amendment GPA05-03 to amend the definition for “Public Facility” and the General Plan land use map for 34 separate locations.

**Council Policies Or Goals Addressed:** The recommended action is consistent with the goal of providing accurate land use information to the public and will provide the correct depiction of existing land uses in the city.

**Background:** The proposed amendment to the definition for the “Public Facility” land use category includes quasi-public uses such as electrical substations and well sites. Modifications to the Land Use Map to conform to the amended “Public Facility” category are also included as part of this request.

The balance of the modifications to the Land Use Map are a natural outcome of implementing the General Plan and continuous use of the Land Use Map by the Planning Commission, the Planning Department, and the public. The modifications offer a more accurate land use map and a more suitable definition of “Public Facility”.

**Previous Council/Staff Actions:** The Planning Commission conducted a public hearing on this request on July 21, 2005 and unanimously recommended approval of GPA05-03.

**Community Benefit:** Approval of this amendment will provide a more accurate General Plan Land Use Map.

**Public Input:** Eighty-three notification letters were sent to adjacent property owners and interested parties on May 5, 2005. No inquiries were received.

A public notice for the Planning Commission hearing on these applications was published in the Glendale Star on June 30, 2005. Notification letters were mailed out on July 1, 2005. At the public hearing no one spoke on this agenda item.

A public notice for the City Council hearing on this application was published in the Glendale Star on August 18, 2005. Notification letters were mailed out on August 19, 2005.

**Recommendation:** Conduct a public hearing, waive reading beyond the title, and adopt a resolution amending the definition for “Public Facility” and modifying the General Plan Land Use Map for the thirty-four sites identified.

## RESOLUTIONS

### 25. DOMESTIC VIOLENCE VICTIM SERVICES AND PROGRAM ENHANCEMENTS GRANT

**Purpose:** This is a request for the City Council to adopt a resolution authorizing the acceptance of a two- year \$400,000 grant from the U.S. Department of Justice. This grant will fund several domestic violence victim services and program enhancements. The official name of the grant is Grant to Encourage Arrest Policies and Enforcement of Protection Orders from the U.S. Department of Justice Office on Violence Against Women.

**Council Policies Or Goals Addressed:** his request supports the Council priorities of ensuring public safety and awareness, coordinating exceptional service delivery, and leveraging technology for efficiency and convenience.

**Background:** The Glendale Domestic Violence Task Force was formed in December 2004 to provide systemic responses to a wide variety of local domestic violence issues. The Task Force has endorsed a collaborative partnership to seek funding for seven victim services and program enhancements. Partners include City Court, the City Prosecutors' Office, Police Department, Information Technology Department, West Valley Advocacy Center/PREHAB of Arizona, Incorporated and the Task Force.

The services and enhancements to be provided as a result of this grant award include the following:

A fulltime Compliance Specialist for Treatment Court

A joint website between the Court and City Prosecutors' Office to provide online assistance to victims

A part-time Victim Advocate

A part-time Pro Tem Judge

Overtime pay for police officers to serve domestic violence arrest warrants

Cell phones for domestic violence detectives and advocates

Staff training.

**Community Benefit:** This item positively impacts Glendale residents by strengthening legal advocacy service programs for victims of domestic violence who typically are unaware of their basic rights and are confused by the complexities of the necessary legal processes. A Compliance Specialist would manage, coordinate and expand the activities of Treatment Court which specializes in monitoring defendants' compliance to domestic violence counseling and treatment orders. Greater tools and resources would be available for police to apprehend domestic violence perpetrators.

**Budget Impacts & Costs:** There is no financial match required for this two-year grant, which runs from July 1, 2005 thru June 30, 2007.

One new FTE, a compliance specialist for Treatment Court, will be created as a result of this grant. The new FTE will be responsible for coordinating the court calendars and other activities associated with Treatment Court. The compliance specialist will serve as liaison for all Treatment Court partners. Partners include the court, public defender, prosecutor and licensed treatment providers. Expanded Treatment Court activities will include increased community service opportunities and the development of a vocational, educational, and employment resource center for participants. The FTE will also be responsible for grant management duties.

If this program proves successful, a supplemental for FY 07-08 general fund operating dollars will be submitted to continue the services.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
\$400,000		X	X		\$400,000

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

A specific account will be established in Fund 47, the city’s grant fund, once the grant agreements are formally executed.

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the acceptance of a two-year grant from the U.S. Department of Justice Office on Violence Against Women for domestic violence victim services and program enhancements.

**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)).

**Confidentiality Requirements Pursuant to A.R.S. §38-431.03 (C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.**