



**GLENDALE CITY COUNCIL MEETING**  
**Council Chambers**  
**5850 West Glendale Avenue**  
**October 24, 2006**  
**7:00 p.m.**

**CALL TO ORDER – PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE [MINUTES OF OCTOBER 10, 2006](#)**

**BOARDS AND COMMISSIONS**

[BOARDS AND COMMISSIONS](#)

**PROCLAMATIONS AND AWARDS**

[NATIONAL COMMUNITY PLANNING MONTH PROCLAMATION](#)

[RECOGNITION OF COMMUNITY SERVICE FOR SUSAN R. FERRELL](#)

[RECOGNITION OF COMMUNITY SERVICE FOR VICKIE CURTIS](#)

**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. 3-1082 THUNDERBIRD PETROLEUM](#)
2. [LIQUOR LICENSE NO. 3-1083 ARIZONA PIZZA COMPANY](#)
3. [SPECIAL EVENT LIQUOR LICENSE FOR THUNDERBIRD RUGBY FOOTBALL CLUB ATHLETIC TOURNAMENT](#)
4. [SPECIAL EVENT LIQUOR LICENSE FOR GOLDEN WHEEL CHARITY FUNDRAISER](#)

5. [SPECIAL EVENT LIQUOR LICENSE FOR GLENDALE ACTIVE 20-30 #131 CHARITY FUNDRAISER](#)
6. [CONSTRUCTION MANAGER AT RISK AGREEMENT – PEDESTRIAN ENHANCEMENTS IN DOWNTOWN GLENDALE PRE-CONSTRUCTION DESIGN PHASE SERVICES](#)
7. [PROFESSIONAL SERVICE AGREEMENTS FOR CITYWIDE PIPELINE REPLACEMENTS](#)
8. [PROFESSIONAL SERVICES AGREEMENT FOR SEWER SYSTEM MODELING, EVALUATION, AND MASTER PLANNING](#)
9. [AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT FOR 67th AVENUE/GREENWAY LIFT STATION ODOR CONTROL](#)
10. [AGREEMENT FOR PURCHASE OF DATA SHARING EQUIPMENT FOR POLICE DEPARTMENT](#)

#### **CONSENT RESOLUTIONS**

11. [TERMINATION OF RIGHT-OF-WAY ACQUISITION FOR INTERSECTION IMPROVEMENTS](#)
12. [INTERGOVERNMENTAL AGREEMENTS – SCHOOL RESOURCE OFFICERS](#)
13. [INTERGOVERNMENTAL AGREEMENT REGARDING TERRORISM LIAISON OFFICER PROGRAM](#)
14. [ACCEPTANCE OF 2006 DEPARTMENT OF JUSTICE COPS TECHNOLOGY GRANT](#)

#### **PUBLIC HEARING - ORDINANCES**

15. [ZONING ORDINANCE TEXT AMENDMENT ZTA05-01: BOARD OF ADJUSTMENT APPEAL PROCESS](#)
16. [ZONING ORDINANCE TEXT AMENDMENT ZTA06-01: DEFERRED PRESENTMENT COMPANIES](#)

#### **ORDINANCES**

17. [FISCAL YEAR 2005-06 BUDGET AMENDMENTS](#)
18. [SALT RIVER PROJECT EASEMENTS](#)

## **PUBLIC HEARING – RESOLUTIONS**

### **19. GENERAL PLAN AMENDMENT (GPA06-05): 83<sup>rd</sup> CROSSING, 8257 WEST NORTHERN AVENUE**

## **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**

**APPROVAL OF THE [MINUTES OF OCTOBER 10, 2006](#)**

**BOARDS AND COMMISSIONS**

**[BOARDS AND COMMISSIONS](#)**

***Purpose:*** This is a request for City Council to approve the recommended appointments to the following boards and commissions that have a vacancy or expired term and for the Mayor to administer the oath of office to those appointees in attendance.

			Effective Date	Expiration Date
<b><u>Aviation Advisory Commission</u></b>				
Carl M. Dietzman	Ocotillo	Re-appointment	11/24/2006	11/24/2008
<b><u>Citizens Bicycle Advisory Committee</u></b>				
Richard Qualls, Jr.	At-Large (Cactus)	Appointment	10/24/2006	01/14/2008
<b><u>Housing Advisory Commission</u></b>				
Philip C. Reina	At-Large (Cactus)	Appointment	10/24/2006	07/01/2007
<b><u>Parks &amp; Recreation Advisory Commission</u></b>				
Eric Simon	Barrel	Vice Chair Appointment	10/24/2006	01/13/2008
<b><u>Personnel Board</u></b>				
Lawrence Kucera	At-Large (Barrel)	Re-appointment	12/22/2006	12/22/2008
Theresa Leon	At-Large (Barrel)	Re-appointment	12/22/2006	12/22/2008
Ronald H. Myers	At-Large Mayoral (Cholla)	Re-appointment	12/23/2006	12/23/2008

Ronald H. Myers	At-Large Mayoral (Cholla)	Chair Appointment	12/22/2006	12/22/2007
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**Recommendation:** Make appointments to the Boards and Commissions and administer the Oaths of Office.

## **PROCLAMATIONS AND AWARDS**

### **NATIONAL COMMUNITY PLANNING MONTH PROCLAMATION**

**Purpose:** This is a request for City Council to proclaim the month of October as National Community Planning Month.

Richard Schwartz, Chairman of the Glendale Planning Commission will accept the Proclamation.

**Background:** The American Planning Association and its professional institute, “The American Institute of Certified Planners” has initiated the inaugural National Community Planning Month to celebrate the achievements of planning throughout America.

The celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the volunteer members of the Planning Commission and other citizen planners who have contributed their time and expertise to the improvement of Glendale.

**Recommendation:** Present the proclamation to Mr. Richard Schwartz and proclaim October as National Community Planning Month.

### **RECOGNITION OF COMMUNITY SERVICE FOR SUSAN R. FERRELL**

**Purpose:** This is a request for City Council to recognize Ms. Susan Ferrell for her five years of community service on the City of Glendale's Community Development Advisory Committee (CDAC).

**Background:** The CDAC is a critical part of Glendale's federal grant process that administers the U.S. Department of Housing and Urban Development (HUD) programs. The purpose of the committee is to review funding requests and provide recommendations to Council that will revitalize neighborhoods, address urgent community needs, and provide economic opportunity for Glendale citizens.

Since 1977, Glendale has received over \$45 million in Community Development Block Grant (CDBG) funds to assist thousands of homeowners and individuals with services that provide safe, decent housing, and improve their living conditions. Since 1992, the city has received

approximately \$8.2 million in HOME Investment Partnerships (HOME) Program funds that are used specifically for housing-related programs, such as housing rehabilitation and infill housing. Since 2003, the city also has received over \$175,000 in American Dream Downpayment Initiative (ADDI) funding to help provide homeownership programs to Glendale first-time homebuyers; and since 2004, Glendale has received nearly \$294,000 in Emergency Shelter Grants (ESG) funding to help in the prevention of homelessness and provide funding to existing shelters like the West Valley Child Crisis Center, PREHAB of Arizona, and Central Arizona Shelter Services.

Ms. Ferrell served on CDAC from July 2001 through July 2006. During that time, she also served as the committee Vice-Chair from July 2002 to July 2005. As a result of her five-year tenure, Ms. Ferrell provided leadership and helped to make recommendations that provided funding for partners like St. Mary's/Westside Food Bank Alliance, the Glendale Boys and Girls Clubs of Metropolitan Phoenix, Habitat for Humanity, and countless other non-profit organizations in Glendale. She is to be commended for her efforts.

**Recommendation:** Present a plaque of recognition to Ms. Susan R. Ferrell for her outstanding contributions and dedication to serving the citizens of Glendale.

#### RECOGNITION OF COMMUNITY SERVICE FOR VICKIE CURTIS

**Purpose:** This is a request for City Council to recognize Mrs. Vicki Curtis for her three years of community service on Glendale's Citizens' Advisory Commission on Neighborhoods.

**Background:** Council established the Citizens' Advisory Commission on Neighborhoods in January of 1995, to make funding recommendations on neighborhood improvement grant projects and to provide advice on general policies, strategies and programs relating to the revitalization and preservation of Glendale neighborhoods.

Mrs. Curtis served on the Citizens' Advisory Commission on Neighborhoods from December 2003 through March 2006. During her tenure of service, Mrs. Curtis assisted the commission with making funding recommendations for 19 neighborhood improvement projects for a total of \$925,209. She also assumed a leadership role in assisting with the coordination of key community events hosted by the commission on an annual basis, including the Neighborhood Leadership Forum and the Holiday Appreciation Event for neighborhood and community volunteers. Additionally, through her experience as a commission member and neighborhood leader, she volunteered a significant amount of time working together with residents and city staff to address a variety of neighborhood issues.

**Recommendation:** Present a plaque of recognition to Mrs. Vicki Curtis for her outstanding contributions and dedication to serving the citizens of Glendale.

## CONSENT AGENDA

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### 1. [LIQUOR LICENSE NO. 3-1082 THUNDERBIRD PETROLEUM](#)

**Purpose:** This is a request for City Council to approve a new Series 10 (Liquor Store – Beer and Wine) license for Thunderbird Petroleum, located at 6691 West Thunderbird Road. The Arizona State application (number 10075279) was submitted by Hai Minh Vu.

**Background:** The 60-day deadline for processing this application is October 30, 2006. The location of the establishment is 6691 West Thunderbird Road and is within the Sahuaro District, zoned C-3 (heavy commercial). This establishment is over 300 feet from any school or church. This business operated as Thunderbird Ranch Chevron from January 2001 to present, and held a Series 10 license throughout the duration. This is a new license application by Hai Minh Vu operating with an interim permit. The population density is 1,923 people per square mile. The approval of this license will not increase the total number of liquor licenses in this area. The number of liquor licenses within a one-mile radius is 13 as listed below:

Series	Type	Quantity
7	Bar – Beer & Wine	2
9	Liquor Store – All Liquor	3
10	Liquor Store – Beer & Wine	5
12	Restaurant – All Liquor	3
	<b>Total</b>	<hr/> 13

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

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

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

### 2. [LIQUOR LICENSE NO. 3-1083 ARIZONA PIZZA COMPANY](#)

**Purpose:** This is a request for City Council to approve a new Series 12 (Restaurant – All Liquor) license for Arizona Pizza Company, located at 8110 West Union Hills Drive Building 3 No. 350. The Arizona State application (number 12076818) was submitted by Charles Richard Henriques.

**Background:** The 60-day deadline for processing this application is November 10, 2006. The location of the establishment is 8110 West Union Hills Drive Building 3 No. 350 and is within the Cholla District, zoned C-2 (general commercial). This business operated as Arizona Pizza Company from July 2004 to present, and held a Series 12 license throughout the duration. This is a new license application by Charles Richard Henriques operating with an interim permit. The population density is 3,304 people per square mile. The approval of this license will not increase the total number of liquor licenses in this area. The number of liquor licenses within a one-mile radius is 17 as listed below:

Series	Type	Quantity
3	Microbrewery	1
6	Bar – All Liquor	1
9	Liquor Store – All Liquor	4
10	Liquor Store – Beer & Wine	1
12	Restaurant – All Liquor	10
	<b>Total</b>	<hr/> 17

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

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

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

3. [SPECIAL EVENT LIQUOR LICENSE FOR THUNDERBIRD RUGBY FOOTBALL CLUB ATHLETIC TOURNAMENT](#)

**Purpose:** This is a request for City Council to approve a special event liquor license for Thunderbird Rugby Football Club for an athletic tournament to be held at 15249 North 59<sup>th</sup> Avenue. The event will be on Saturday, November 4, 2006 from 8:00 a.m. to 8:00 p.m. and Sunday, November 5, 2006 from 10:00 a.m. to 8:00 p.m. The special event liquor license was submitted by John Rogowski.

**Background:** 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.

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

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

license. Therefore, it is staff's recommendation to forward the application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

#### 4. [SPECIAL EVENT LIQUOR LICENSE FOR GOLDEN WHEEL CHARITY FUNDRAISER](#)

**Purpose:** This is a request for City Council to approve a special event liquor license for Golden Wheel for a charity fundraiser to be held at 13327 North 65<sup>th</sup> Drive. The fundraising event will be on Saturday, December 2, 2006 from 6:00 p.m. to midnight. The proceeds from this event will be used for scholarships and other children's causes. The special event liquor license was submitted by Wendy M. Howe.

**Background:** If this license is approved, the total days expended by this applicant will be one of the allowed 10 days this year. Under the provisions of Arizona Revised Statutes Sec. 4-203.02, the Arizona Department of Liquor Licenses and Control may issue a special event liquor license only if the City Council recommends approval of such license.

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

**Recommendation:** The City of Glendale Planning, Fire and Police Departments have reviewed the application, determined that it meets all technical requirements and have approved the license. Therefore, it is staff's recommendation to forward the application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

#### 5. [SPECIAL EVENT LIQUOR LICENSE FOR GLENDALE ACTIVE 20-30 #131 CHARITY FUNDRAISER](#)

**Purpose:** This is a request for City Council to approve a special event liquor license for Glendale Active 20-30 #131 for a charity fundraiser to be held at Sahuaro Ranch Park located at 9802 North 59<sup>th</sup> Avenue. The fundraising event will be on Sunday, November 5, 2006 from noon to 6:00 p.m. The purpose of this event is to raise funds for charitable donations. The special event liquor license was submitted by Robert Gary Robinson.

**Background:** If this license is approved, the total days expended by this applicant will be one of the allowed 10 days this year. Under the provisions of Arizona Revised Statutes Sec. 4-203.02, the Arizona Department of Liquor Licenses and Control may issue a special event liquor license only if the City Council recommends approval of such license.

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

**Recommendation:** The City of Glendale Planning, Fire and Police Departments have reviewed the application, determined that it meets all technical requirements and have approved the license. Therefore, it is staff's recommendation to forward the application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

6. CONSTRUCTION MANAGER AT RISK AGREEMENT – PEDESTRIAN ENHANCEMENTS IN DOWNTOWN GLENDALE PRE-CONSTRUCTION DESIGN PHASE SERVICES

**Purpose:** This is a request for City Council to approve a Construction Manager at Risk (CMAR) Agreement with Sundt Construction, Inc. to provide pre-construction design phase services for pedestrian enhancements located in downtown Glendale. The City of Glendale intends to enter into a contract with Sundt, for pre-construction design services in an amount not to exceed \$176,327.

**Council Strategic Goals Or Key Objectives Addressed:** This project contributes to several of the Council's strategic goals. The first is "One Community With A Vibrant City Center". This is achieved by enhancing the downtown area with decorative sidewalks, pedestrian lighting, street landscaping, and underground utilities on Glendale Avenue.

Secondly, having a vibrant city center will attract "Quality Economic Development" activity in the downtown area. In addition, providing a pedestrian-friendly environment will increase transportation options for visitors to this area creating "High Quality Services for Citizens".

**Background:** On November 6, 2001, voters approved funding for pedestrian enhancements in downtown Glendale. The proposed project includes:

- Completion of planned improvements along Glendale Avenue from 43<sup>rd</sup> to 67<sup>th</sup> avenues
- Safety and rehabilitation of landscaping and walkways
- Intersection improvements
- Bicycle improvements
- Downtown entryway feature
- Extension of downtown improvements including: sidewalks, lighting landscaping street furniture and undergrounding utilities
- Myrtle Avenue street widening and landscape improvements
- Grand Avenue landscape and median improvements

A notice for Request for Qualifications (RFQ) was sent out to contracting firms and two proposals were received. The two firms were interviewed on September 14, 2006. The interview committee, consisting of staff from the Engineering and Transportation Departments, and a senior executive from a licensed contracting company, selected Sundt Construction Inc. as the best-qualified firm to perform the required services. Criteria used in evaluating the two firms included: overall experience and qualifications of the firm; experience of key personnel assigned to the project; understanding of the project; current workload; project cost and scheduling; and capacity of the firm to provide the required services.

As the CMAR, Sundt will provide value engineering and constructability reviews, information to the city on opportunities to gain efficiency in project delivery, and will prepare a guaranteed maximum price proposal for the downtown enhancements. The guaranteed maximum price contract will be presented to the Council for approval. Construction is anticipated to begin in January 2007 and targeted for completion Fall 2007.

**Previous Council/Staff Actions:** On January 24, 2006, Council approved a professional services agreement in an amount of \$1,495,871 with Kimley Horn and Associates, Inc. for the design of the pedestrian enhancements.

In December 1994, the city adopted the Glendale Downtown Streetscape Design Guidelines.

**Community Benefit:** Construction of the proposed pedestrian enhancements will improve the appearance of downtown and attract visitors to this important area of the city. The improvements will further enhance the pride of ownership that Glendale residents have in their downtown, and will also contribute to the overall long-term commercial redevelopment of the area.

**Public Input:** This project was presented at public meetings held as part of the Glendale Onboard Transportation Program. One project specific public meeting was held for the citizens in the project area on August 28, 2006. The Citizens Transportation Oversight Commission has been involved in the development of the concept and the review of the final design. The Downtown Development Corporation has been involved and supportive of this project.

Information has been presented to the downtown businesses through the Downtown Marketing Advisory Group, Special Events Task Force, and at the Downtown Information Fair held May 15, 2006.

**Budget Impacts & Costs:** The Engineering Department staff negotiated a fee to cover the CMAR pre-construction design phase services for this project in the amount of \$176,327. Funds for the pre-construction design phase services are available in the FY 2006-07 Glendale Onboard Transportation Program budget.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$176,327

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

Downtown Pedestrian Circulation, Account No. 2210-65027-551200

**Recommendation:** Authorize the City Manager to enter into the construction manager at risk agreement with Sundt Construction, Inc. in an amount not to exceed \$176,327.

7. [PROFESSIONAL SERVICE AGREEMENTS FOR CITYWIDE PIPELINE REPLACEMENTS](#)

**Purpose:** This is a request for City Council to approve Professional Services Agreements (PSAs) with Brown and Caldwell and Primatch to provide design and construction administration services for pipeline replacements.

Under these two PSAs, Brown and Caldwell will complete one portion and Primatch a second portion of Phase 2 of the water main replacement project. Utilizing the services of two

consulting firms allows for simultaneous design of more miles of pipeline in less time and therefore minimizes the risk to the city due to possible pipe failure.

**Council Strategic Goals Or Key Objectives Addressed:** One of Council’s strategic goals is high quality service for citizens. This project will replace aging water mains in order to minimize breaks and service interruptions. It will also enhance water quality to citizens.

**Background:** The water mains that will be replaced as part of this on-going program were originally identified in the “Water Distribution System” report, which was completed by CH2MHill in February 2004. A Request for Proposal (RFP) was issued to provide professional services for the replacement of portions of the identified water mains in two locations. Twenty proposals were received in response to the RFP. Based on the selection process, four firms were selected to perform engineering services for portions of the replacement program. Two firms were chosen to perform the Phase 2 work during FY 2006-07 and two firms for Phase 3 work to be completed in FY 2007-08.

**Previous Council/Staff Actions:** Council approved a PSA for Phase 1 of the pipeline replacement with Entellus on December 2, 2003 for \$181,392. The current project is a continuation of the on-going pipeline replacement project.

**Community Benefit:** This would enhance the integrity of the pipeline infrastructure, minimize pipeline breakage and service interruptions, and improve water quality, thus benefiting the community significantly.

**Budget Impacts & Costs:** Funds are available in the FY 2006-07 Capital Improvement Program, Line Replacement and Extension, Account No. 2400-61013-550800. A contract amount of \$703,367 will be awarded to Brown and Caldwell and a contract amount of \$693,120 will be awarded to Primatech.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$1,396,487

**Account Name, Fund, Account and Line Item Number:**  
Line Replacement and Extension, Account No. 2400-61013-550800

**Recommendation:** Authorize the City Manager to enter into a Professional Services Agreement with Brown and Caldwell and Primatech to provide design and construction services for citywide pipeline replacements, in an amount not to exceed \$1,396,487.

8. [PROFESSIONAL SERVICES AGREEMENT FOR SEWER SYSTEM MODELING, EVALUATION, AND MASTER PLANNING](#)

**Purpose:** This is a request for City Council to approve a Professional Services Agreement (PSA) with Camp Dresser & McKee, Inc. to perform sanitary sewer services, which includes

sewer system modeling, evaluation, and master planning. The results of this project will serve as the master plan for future capital improvement projects for the sewer collection system.

**Council Strategic Goals Or Key Objectives Addressed:** One of Council’s strategic goals is high quality service for citizens. This project will identify where improvements are needed for the sewer collection system so that the city can continue to serve its citizens with high quality sewer services.

**Background:** The city owns a large collection system which conveys wastewater to its water reclamation facilities. A Request for Proposal was issued to hire a consultant to provide professional services to perform modeling, evaluation, and master planning for the city’s sewer collection system. Eight firms submitted proposals and Camp Dresser & McKee, Inc. was determined by staff to be the most qualified for the project.

**Previous Council/Staff Actions:** In April of 1998, HDR, Inc. originally performed a study to evaluate the software that should be used for the sewer modeling.

**Community Benefit:** The PSA will provide a phased and prioritized master plan to expand, augment, and rehabilitate the city’s sewer system as necessary to accommodate projected growth.

**Budget Impacts & Costs:** Funds are available in the FY 2006-07 Capital Improvement Program. To award the contract, transfers are required as follows: \$97,494 is required from Sewer Master Plan, Account No. 2420-63011-550800 and; \$293,192 from Capacity Management Operations and Maintenance (CMOM) Program, Account No. 2420-63005-550800 to augment the existing \$531,370 in Sewer System Evaluation, Account No. 2420-63005-550800 for a project expenditure total of \$922,056.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$922,056

**Account Name, Fund, Account and Line Item Number:**  
Sewer System Evaluation, Account No. 2420-63005-550800

**Recommendation:** Authorize the City Manager to enter into a Professional Services Agreement with Camp Dresser and McKee, Inc. to provide professional services for the Sewer System Modeling, Evaluation, and Master Planning project, in an amount not to exceed \$922,056.

9. [AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT FOR 67<sup>TH</sup> AVENUE/GREENWAY LIFT STATION ODOR CONTROL](#)

**Purpose:** This is a request for City Council to approve an amendment to the Professional Services Agreement (PSA) with HDR, Inc. to provide engineering services to complete the design and to perform construction management for the 67<sup>th</sup> Avenue/Greenway Lift Station Odor Control project.

The additional design services include: (1) completion of the 67<sup>th</sup> Avenue Odor Control plans and technical specifications; (2) evaluation and preparation of construction cost estimates for the improvements to the lift station; and, (3) performance of construction management services.

**Council Strategic Goals Or Key Objectives Addressed:** One of Council’s strategic goals is high quality service for citizens. This project will enhance the lift station operation so that it can continue to provide quality services by pumping wastewater to the collection system while improving odor control.

**Background:** The condition of this lift station has deteriorated and requires equipment upgrades in order to maintain its operational reliability and improve odor control. HDR, Inc. was originally contracted in December 2000 to perform design for this project. The design phase will now be finalized and construction management performed.

**Previous Council/Staff Actions:** Council approved the PSA for the original design contract, in the amount of \$189,972, with HDR Inc. on December 12, 2000.

**Community Benefit:** An upgraded design will provide increased odor control. The improvements will also enhance the operation of the facility, which will ensure the department stays in compliance with existing regulations.

**Budget Impacts & Costs:** Funds of \$333,460 are available in the FY 2006-07 Capital Improvement Program, 67<sup>th</sup> Avenue Sewage Lift Station. A transfer of funds in the amount of \$98,376 from the 67<sup>th</sup> Avenue Sewage Lift Station Odor Control account 2420-63009-550800 to the 67<sup>th</sup> Avenue Sewage Lift Station, Account No. 2420-63013-550800 is requested.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$431,836

**Account Name, Fund, Account and Line Item Number:**  
67<sup>th</sup> Avenue Sewage Lift Station, Account No. 2420-63013-550800

**Recommendation:** Authorize the City Manager to enter into a Professional Services Agreement with HDR, Inc. to provide engineering services in connection with the 67<sup>th</sup> Avenue/Greenway Lift Station Odor Control project, in an amount not to exceed \$431,836.

10. [AGREEMENT FOR PURCHASE OF DATA SHARING EQUIPMENT FOR POLICE DEPARTMENT](#)

**Purpose:** This is a request for City Council to approve a cooperative purchase agreement with Crossflo Systems, Inc, for the purchase of software and hardware for the West Valley Information Sharing Enterprise (WISE) Regional Law Enforcement data-sharing project. The City of Glendale’s Purchasing Ordinance, Section 2.149, allows cooperative purchases.

**Council Strategic Goals Or Key Objectives Addressed:** This request ensures that police personnel will continue to provide high quality services for the citizens by enhancing the ability to share data with other West Valley police agencies with the focus on crime and terrorism prevention among each agency and Maricopa County.

**Background:** Funds from a 2004 Law Enforcement Terrorism Prevention Program (LETPP) grant were awarded to the West Valley law enforcement community, with Glendale acting as the fiscal agent. Acceptance of the grant was approved at the May 24, 2005 Council meeting. In part, the funding was to enable the Glendale Police Department, in conjunction with other West Valley cities, to improve interagency data sharing systems.

Since approval and acceptance of the grant, the WISE committee was created and has been engaged in a data sharing needs assessment, citizen survey, and data inventory with the assistance of ASU West. The studies were completed in mid-July 2006, and the results indicated that West Valley law enforcement agencies were most interested in sharing data regarding persons involved in criminal activities including their arrest photographs.

Four bids were received in response to the city's request for proposal (RFP) 06-57. A committee consisting of representatives from several West Valley police agencies reviewed the bids.

Specific evaluation criteria included the vendor's response to all requirements of the RFP; quality of references and deliverables; background, experience, staff and capabilities in evaluating or designing data sharing systems; and the cost. All four vendors presented their products on October 2, 2006. Crossflo Systems, Inc, submitted the offer that was scored the highest by the committee.

**Previous Council/Staff Actions:** On May 24, 2005, Council adopted a resolution authorizing the city to enter into an intergovernmental agreement with the State of Arizona Division of Emergency Management (ADEM) to administer Law Enforcement Terrorism Prevention Program funds.

**Community Benefit:** This equipment will help to identify persons active in crimes within the West Valley and Maricopa County region, encourage further law enforcement data sharing for terrorism and crime prevention, and enhance officer safety and identification of persons involved in crimes.

**Budget Impacts & Costs:** The system will cost approximately \$254,298 and is funded in the Law Enforcement Terrorism Prevention Program account. The initial software cost includes two years of maintenance.

A \$35,100 software maintenance fee will be due annually beginning in the third year of use. On going maintenance fees for the system hardware and software costs will be shared among the participating WISE West Valley agencies.

On-going costs for the Glendale police department are expected to be minimal and will be absorbed within the existing operating budget. Existing staff within the police department will handle management of the system.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X	X		X		\$254,298

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

Law Enforcement Terrorism Prevention Program (LETPP) Part I—Early Warning, Account No. 1840-33045-551400

**Recommendation:** Approve the cooperative purchase agreement with Crossflo Systems, Inc, for the purchase of hardware/software for data sharing in an amount not to exceed \$254,298.

**CONSENT RESOLUTIONS**

11. [TERMINATION OF RIGHT-OF-WAY ACQUISITION FOR INTERSECTION IMPROVEMENTS](#)

**Purpose:** This is a request for City Council to terminate a purchase and sales agreement previously approved by Council for acquisition of right-of-way located at the northwest corner of 67<sup>th</sup> Avenue and Bell Road.

The property to be purchased has an outstanding lien prohibiting the city from obtaining free and clear title to the property.

**Background:** On January 10, 2006, the Council approved a purchase and sales agreement to acquire approximately 378 square feet of property near the northwest corner of 67<sup>th</sup> Avenue and Bell Road for intersection improvements. The property owner, SB Glendale Investments and FB Glendale Investments, LLC, would have received a total of \$15,000 for the property. However, because the lending institution will not release the lien on this property, the city will not be able to purchase the property.

The purchase of this property would have allowed the existing westbound bus pullout to have direct access from the far side right turn lane. While this improvement would expedite bus movements, the improvement was not critical to ensure safety at this intersection.

**Previous Council/Staff Actions:** On January 10, 2006, Council approved acquisition of property located at the northwest corner of 67<sup>th</sup> Avenue and Bell Road for intersection improvements on property owned by SB Glendale Investments and FB Glendale Investments.

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the City Manager to execute all documents necessary to terminate a right-of-way acquisition previously approved by Council.

## 12. INTERGOVERNMENTAL AGREEMENTS – SCHOOL RESOURCE OFFICERS

**Purpose:** This is a request for City Council to authorize the City Manager to enter into intergovernmental agreements (IGA) between the City of Glendale and five school districts to assign Glendale police officers to the campuses of local schools as School Resource Officers.

**Council Strategic Goals Or Key Objectives Addressed:** The presence of School Resource Officers at these schools is an affirmative approach to promoting public safety and awareness. It promotes a positive partnership with the school districts, the individual schools, and the Police Department.

**Background:** The school resource officer program began in 1992 with the assignment of a School Resource Officer at Barcelona Middle School and has expanded to the current complement of six School Resource Officers assigned to four high schools and two middle schools. The following is a break down of the district and school assignments:

Glendale Union High School District – Glendale and Independence High Schools

Glendale Elementary School District – Landmark Middle School

Peoria Unified School District – Cactus High School

Alhambra School District – Barcelona Middle School

Tolleson Union High School District – Copper Canyon High School

**Previous Council/Staff Actions:** School Resource officers have been assigned to the schools and intergovernmental agreements have been approved in each of the previous thirteen fiscal years.

**Community Benefit:** These IGAs will continue the assignment of one officer to each of the schools during the FY 2006-07 year. The assigned officers participate in educational programs, which aid students in dealing successfully with peer pressure, child abuse, gangs, drug awareness, and other related issues. The officers will investigate school-related criminal activities and assist school administrators in addressing these matters.

The officers work on campus while school is in session. During the summer break officers will complete duties assigned by the Police Department. This partnership allows the Police Department to continue educational and crime prevention efforts in local schools while increasing police visibility and presence in the community at a low cost and with no decline in other service levels.

**Budget Impacts & Costs:** All the school resource officers are funded in the general fund, which currently covers about 70% of the total cost of this service. The city receives a partial salary reimbursement total of \$144,000 (or \$36,000 for each officer) for four of the six officers from the school districts. This is the final year of the three-year grant for the two remaining grant officers.

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into intergovernmental agreements between the City of Glendale and: Glendale Union High School District for Glendale and Independence High Schools; Glendale Elementary School District for Landmark Middle Schools; Peoria Unified School District for Cactus High School; Alhambra School District for Barcelona Middle School; and the Tolleson Union High School District for Copper Canyon High School.

### 13. INTERGOVERNMENTAL AGREEMENT REGARDING TERRORISM LIAISON OFFICER PROGRAM

**Purpose:** This is a request for City Council to authorize the City Manager to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Emergency Management to establish a Statewide Terrorism Liaison Officer Program (TLO), which will enhance domestic preparedness for chemical, biological, radiological, nuclear, and explosive response services concerning the activities of terrorism.

**Council Strategic Goals Or Key Objectives Addressed:** Entering into this agreement addresses the Council goal of providing a high quality of service for citizens and allows the Police and Fire Departments to operate more effectively as it relates to potential activities of terrorism.

**Background:** This program is rapidly gaining national attention because of its unique ability to close the gap between public safety disciplines. After a successful two-year pilot program which was funded through an Urban Area Security Initiative (UASI) grant, a formal agreement is being requested. This program is one that contains many multi-jurisdiction squads operated and managed from the Arizona Counter Terrorism Information Center (ACTIC). This partnership benefits the community by allowing our departments to share critical information, as well as mitigating and resolving high profile incidents. The Police and Fire Departments will agree to assign a designated member to respond to ACTIC on a minimum of 20 hours per week for assignments as directed by the Department of Public Safety (DPS). These members also perform threat and vulnerability assessments and have access to grant funding to assist with hardening critical infrastructure targets.

**Budget Impacts & Costs:** No additional ongoing or one-time funds are required for participation in this program because the existing budgets for the Police and Fire Departments currently cover the personnel and vehicle-related costs of the pilot program within their existing budgets. Specifically, the funds for the salary and benefit costs of the personnel assigned to this program are included in the Police and Fire Department's ongoing budgets. The same is true for the cost of the vehicles assigned to these personnel.

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Department of Emergency Management to establish a Statewide Terrorism Liaison Officer Program.

14. [ACCEPTANCE OF 2006 DEPARTMENT OF JUSTICE COPS TECHNOLOGY GRANT](#)

**Purpose:** This is a request for City Council to adopt a resolution authorizing the City Manager to accept and administer the FY 2006 Department of Justice Community Oriented Policing Services (COPS) grant in an amount not to exceed \$148,084.

**Background:** This grant will fund the purchase of information technology computer equipment at the Regional Public Safety Training Facility. This funding is the federal earmark briefed to Council in 2005 and 2006 workshops by the City’s Intergovernmental Programs staff. It is included in the FY 2006-07 capital budget as a federal fund contribution of \$148,084 for the Regional Public Safety Training Facility and will be used to purchase the core computer servers needed to support training operations within the facility.

**Previous Council/Staff Actions:** At the December 20, 2005 and February 21, 2006 Workshops, Council was briefed on the need for additional computer equipment for Phase 1 of the Regional Public Safety Training Facility.

**Budget Impacts & Costs:** There is no financial match requested for this funding. This is one-time funding by the Department of Justice specifically for technology. These grant funds support the information technology enhancement of the public safety training facility. These grant monies were included in the FY 2006-07 capital budget for constructing and equipping the Public Safety Training Facility, Phase I.

<b>Grants</b>	<b>Capital Expense</b>	<b>One-Time Cost</b>	<b>Budgeted</b>	<b>Unbudgeted</b>	<b>Total</b>
X		X	X		\$148,084

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

Public Safety Training Facility, Phase I, Account No.1270-85004-530800

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the City Manager to accept and administer the COPS 2006 Technology grant in an amount not to exceed \$148,084.

**PUBLIC HEARING - ORDINANCES**

15. [ZONING ORDINANCE TEXT AMENDMENT ZTA05-01: BOARD OF ADJUSTMENT APPEAL PROCESS](#)

**Purpose:** This is a request for City Council to amend the text of the Zoning Ordinance for the Board of Adjustment appeals to go directly to Superior Court. This change will remove the Council from the appeals process.

**Background:** Prior to 1991, variance appeals went to the Superior Court only. The current “dual” appeals process was adopted in 1991 by the State Legislature to provide an appeal option for citizens other than Superior Court.

**Previous Council/Staff Actions:** On July 5, 2005, Council directed staff to amend the Zoning Ordinance to change the Board of Adjustment appeals process to have appeals go to Superior Court. This text amendment was initiated by the Planning Commission on August 18, 2005. On May 18, 2006, the Planning Commission recommended approval of the text amendment.

**Public Input:** Notification letters were mailed to 90 people on the interested parties list. One phone call and one written response were received from a single individual who was opposed to the text amendment.

The Planning Commission reviewed the text amendment at a workshop on April 13, 2006. A public notice for the May 18, 2006 Planning Commission hearing on this application was published in the *Glendale Star* on April 27, 2006. Letters were mailed to 90 property owners and interested parties on April 28, 2006. One citizen spoke at the Planning Commission hearing.

A public notice for tonight’s hearing was published in the *Glendale Star* on September 28, 2006. Post cards were mailed to 90 interested parties on September 29, 2006.

**Recommendation:** Conduct a public hearing, waive reading beyond the title, and adopt an ordinance approving Text Amendment ZTA05-01 as recommended by the Planning Commission.

#### 16. [ZONING ORDINANCE TEXT AMENDMENT ZTA06-01: DEFERRED PRESENTMENT COMPANIES](#)

**Purpose:** This is a request for City Council to amend the text of the Zoning Ordinance regarding deferred presentment companies. The proposed text amendment would create a new definition for “deferred presentment company” and would restrict these businesses to the C-3 (Heavy Commercial) zoning district, subject to spacing requirements.

**Council Strategic Goals Or Key Objectives Addressed:** The proposed text amendment will provide for regulation of deferred presentment companies by limiting the concentration of these businesses through spacing requirements and restricting them to a higher intensity commercial zoning district.

**Background:** At present, the Zoning Ordinance classifies deferred presentment companies as “financial institutions” and permits these businesses in any of the office and commercial zoning districts.

**Previous Council/Staff Actions:** On January 3, 2006, the Council directed staff to amend the Zoning Ordinance regarding non-chartered financial institutions. The Planning Commission initiated this text amendment on February 16, 2006. On August 17, 2006, the Planning Commission recommended approval of the text amendment.

**Community Benefit:** The proposed text amendment will provide for regulation of deferred presentment companies by limiting the concentration of these businesses through spacing requirements and restricting them to a higher intensity commercial zoning district. The proposed amendment would require that these uses be a minimum of 300 feet from any agricultural or residentially zoned property located in an adjoining city or county, measured from property lines. In addition, the proposed text amendment states that the use shall be a minimum of 1,320 feet from any other deferred presentment company located in the city or an adjoining city or county, measured from the property lines. The intent is to limit the likelihood of an increase in these businesses in order to maintain property values and preserve the character of basic retail businesses and the quality of life in Glendale.

**Public Input:** Notification letters were mailed to 90 people on the interested parties list. Staff received one phone call in support and one e-mail in opposition to the request.

At the June 1, 2006 Planning Commission hearing, one person spoke in opposition, stating that in their estimation, the proposal is an example of the “law of unintended consequences” and represents an inappropriate use of city regulation.

A public notice for tonight’s hearing was published in the *Glendale Star* on September 28, 2006. Post cards were mailed to 90 interested parties on September 29, 2006.

**Recommendation:** Conduct a public hearing, waive reading beyond the title and adopt the ordinance approving Text Amendment ZTA06-01 as recommended by the Planning Commission.

## **ORDINANCES**

### **[17. FISCAL YEAR 2005-06 BUDGET AMENDMENTS](#)**

**Purpose:** This is a request for City Council to review and approve the Fiscal Year (FY) 2005-06 budget amendments.

**Council Strategic Goals Or Key Objectives Addressed:** Review of the FY 2005-06 budget amendments is consistent with the Council’s goal of ensuring sound fiscal management to support 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. Each year, the previous FY activity is finalized in the fall and Council is requested to adopt an ordinance approving the amendments to the prior FY budget as a final action.

The majority of the budget amendments deal with capital projects. During the course of FY 2005-06, capital project carryover was reconciled. When departments prepared their FY 2005-06 capital project budgets, they estimated their amount of carryover savings. The Management and Budget Department subsequently reconciled each department’s actual savings with their

estimated carryover budget for FY 2005-06, 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, Council approved a similar ordinance for FY 2004-05 on September 13, 2005.

**Budget Impacts & Costs:** The City of Glendale's total FY 2005-06 budget appropriation for all funds remains unchanged.

**Recommendation:** Waive reading beyond the title and adopt an ordinance approving the Fiscal Year 2005-06 budget amendments.

## 18. [SALT RIVER PROJECT EASEMENTS](#)

**Purpose:** This is a request for City Council to adopt an ordinance granting the following easements in favor of Salt River Project (SRP); 1) an ingress/egress easement on city-owned land along the realignment of Bethany Home Road, east of 83<sup>rd</sup> Avenue; and, 2) an electrical transmission line easement at the intersection of 67<sup>th</sup> Avenue and Camelback Road.

**Background:** On August 29, 2006, Council authorized the construction of the realignment of Bethany Home Road from 79<sup>th</sup> to 83<sup>rd</sup> avenues. The realignment of Bethany Home Road will bridge the Grand Canal at approximately 82<sup>nd</sup> Avenue. SRP has requested an ingress/egress easement over city property to enable it to maintain its facilities in this area.

Glendale Onboard (GO) program will be making improvements to the intersection of 67<sup>th</sup> Avenue and Camelback Road. The city requested SRP relocate its transmission lines and poles in this area to accommodate construction. SRP has requested an easement for the installation and protection of its facilities in the new location.

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

## PUBLIC HEARING – RESOLUTIONS

### 19. [GENERAL PLAN AMENDMENT \(GPA06-05\): 83<sup>RD</sup> CROSSING, 8257 WEST NORTHERN AVENUE](#)

**Purpose:** This is a request by the Planning Commission for City Council to approve a General Plan Amendment from LDR (Low Density Residential, 1 – 2.5 dwelling units per acre) to OFC (Office) for 5 acres located at the southeast corner of 83<sup>rd</sup> and Northern avenues.

**Council Strategic Goals Or Key Objectives Addressed:** The proposed General Plan Amendment is consistent with the General Plan goal of promoting economic development. Additionally, the amendment supports the goals and objectives of the Glendale 2025 General Plan.

**Background:** The site is located at the immediate southeast corner of 83<sup>rd</sup> and Northern avenues and will be affected by the future development of Northern Parkway. The intersection of 83<sup>rd</sup> Avenue and Northern Parkway will be a grade-separated intersection. At this location, Northern Parkway will be elevated over 83<sup>rd</sup> Avenue. This will impact the properties on either side of 83<sup>rd</sup> Avenue with an elevated portion of road as well as the ramps for access to and from the Northern Parkway.

The amendment would change the land use designation for the immediate corner from Low Density Residential to Office. The non-residential land use would be a more compatible land use adjacent to the Parkway. The current property owners are aware of the proposed General Plan Amendment and support the request.

**Previous Council/Staff Actions:** On May 18, 2006, the Planning Commission recommended approval of the General Plan Amendment. On May 4, 2006 the Planning Commission initiated this General Plan request. The development of this property was discussed by Council at the January 10, 2006 meeting, and at the workshops of November 1, 2005, October 18, 2005, and June 21, 2005 in conjunction with the proposed annexation of this property. This General Plan Amendment is in response to guidance provided at the Council Workshops.

**Community Benefit:** Changing the General Plan land use designation will promote economic development and relieve the potential negative impact of Northern Parkway on future homeowners.

**Public Input:** On April 26, 2006, 86 notification letters were sent to adjacent property owners and interested parties. The Citizen Participation letters invited the recipients to submit comments to staff on the proposed General Plan Amendment. No phone calls or correspondence were received as a result of this notice, the notice of the General Plan Amendment hearing by the Planning Commission, the Planning Commission hearing on May 18, 2006, or the notice of the General Plan Amendment hearing by Council.

**Recommendation:** Conduct a public hearing, waive reading beyond the title, and adopt a resolution for General Plan Amendment application GPA06-05, as recommended by the Planning Commission.

## **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)).**