

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

CALL TO ORDER – PLEDGE OF ALLEGIANCE

APPROVAL OF THE [MINUTES OF NOVEMBER 22, 2005](#)

PROCLAMATIONS AND AWARDS

[CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING](#)

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. 3-1019 - LITTLE SAIGON RESTAURANT](#)
2. [LIQUOR LICENSE NO. 3-1020 - TOKYO LOBBY SUSHI](#)
3. [LIQUOR LICENSE NO. 3-1021 - GINGER CHINA BISTRO](#)
4. [LIQUOR LICENSE NO. 3-1022 - GLENDALE GAS LIGHT INN](#)
5. [LIQUOR LICENSE NO. 3-1023 - FAMOUS SAM'S](#)
6. [BINGO LICENSE NO. 4-3306 - CASA CAMPANA HOME OWNERS' ASSOCIATION](#)
7. [AWARD OF PROPOSAL 05-46, TRACTOR/BACKHOE](#)
8. [CONTRACT AMENDMENT FOR INTERSECTION PROJECTS IN THE GLENDALE ONBOARD TRANSPORTATION PROGRAM](#)
9. [FALL 2005 NEIGHBORHOOD IMPROVEMENT GRANT RECOMMENDATIONS](#)

CONSENT RESOLUTIONS

10. [ASSIGNMENT OF DEVELOPMENT AGREEMENT C-5123 WITH CORNERSTONE AT GLENDALE, LLC](#)

11. [INTERGOVERNMENTAL AGREEMENT WITH THE TOLLESON UNION HIGH SCHOOL DISTRICT](#)
12. [INTERGOVERNMENTAL AGREEMENT WITH THE PEORIA UNIFIED SCHOOL DISTRICT](#)
13. [GILA RIVER INDIAN COMMUNITY WATER RIGHTS SETTLEMENT AGREEMENT](#)

BIDS AND CONTRACTS

14. [PROFESSIONAL SERVICES AGREEMENT - PARK AND RIDE LOT AT NORTHEAST CORNER OF 99TH AND GLENDALE AVENUES](#)

ORDINANCES

15. [MOTORIZED SKATEBOARD ORDINANCE](#)
16. [ARTS ORDINANCE AMENDMENT](#)

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 NOVEMBER 22, 2005](#)

PROCLAMATIONS AND AWARDS

[CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING](#)

Purpose: This is a request for the City Council to accept the Certificate of Achievement for Excellence in Financial Reporting award for the city's Comprehensive Annual Financial Report (CAFR) for FY 2003-04.

Background: The Government Finance Officers Association of the United States and Canada (GFOA) recently issued the plaque awarding a Certificate of Achievement for Excellence in Financial Reporting for the city's Comprehensive Annual Financial Report for the FY ending June 30, 2004.

Previous Council/Staff Actions: This award is presented to the city for the seventeenth consecutive time.

Community Benefit: Each year a CAFR is prepared to provide complete, readily available information to the City Council, citizens, the media, other public agencies and New York based bond-rating agencies. Preparation of a CAFR reflects positively on a local government's financial management, as it relates to providing complete public disclosure of its financial condition. It provides valuable information on topics as diverse as employee pension plan performance, debt management, and ten-year trends in general government revenues and expenditures.

Recommendation: Accept the Certificate of Achievement for Excellence in Financial Reporting.

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. 3-1019 - LITTLE SAIGON RESTAURANT](#)

Purpose: This is a request by Caroline Cao for the City Council to approve a new series 12 (restaurant, all liquor) license for Little Saigon Restaurant, located at 7016 North 57th 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 12 liquor license at this location.

The establishment is over 300 feet from any school or church. The City of Glendale Planning Department, the City of Glendale Police Department, and the Maricopa County Health Department reviewed the application and determined 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 3-1019.

2. [LIQUOR LICENSE NO. 3-1020 - TOKYO LOBBY SUSHI](#)

Purpose: This is a request by Kelvin Kim for the City Council to approve a series 12 (restaurant - all liquor) liquor license for Tokyo Lobby Sushi, located at 5775 West Bell Road, Suite 9.

Background: The approval of this license will not increase the total number of liquor licenses in this area. The previous owner held a series 12 (restaurant – all liquor) liquor license at this location.

The establishment is over 300 feet from any school or church. The City of Glendale Planning Department, the City of Glendale Police Department, and the Maricopa County Health Department reviewed the application and determined 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 3-1020.

3. [LIQUOR LICENSE NO. 3-1021 - GINGER CHINA BISTRO](#)

Purpose: This is a request by Jim Tse for the City Council to approve a series 12 (restaurant – all liquor) liquor license for Ginger China Bistro, located at 5940 West Union Hills Drive.

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 City of Glendale Planning Department, the City of Glendale Police Department, and the Maricopa County Health Department reviewed the application and determined 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 3-1021.

4. [LIQUOR LICENSE NO. 3-1022 – GLENDALE GAS LIGHT INN](#)

Purpose: This is a request by Paul Seabrook for the City Council to approve a series 7 (On/Off-Sale Retail-Beer & Wine Bar) liquor license for Glendale Gas Light Inn, located at 5747 West Glendale 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 City of Glendale Planning Department, the City of Glendale Police Department, and the Maricopa County Health Department reviewed the application and determined 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 3-1022.

5. [LIQUOR LICENSE NO. 3-1023 - FAMOUS SAM'S](#)

Purpose: This is a request by Tiffany Wilson for the City Council to approve a series 12 (restaurant – all liquor) liquor license for Famous Sam's, located at 5016 West Olive 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 12 (restaurant – all liquor) liquor license at this location.

The establishment is over 300 feet from any school or church. The City of Glendale Planning Department, the City of Glendale Police Department, and the Maricopa County Health Department reviewed the application and determined 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 3-1023.

6. [BINGO LICENSE NO. 4-3306 - CASA CAMPANA HOME OWNERS' ASSOCIATION](#)

Purpose: This is a request by Robert Staats for a new Class A Bingo License for Casa Campana Home Owners' Association. Mr. Staats is the manager for Casa Campana Home Owners' Association, which intends to hold its bingo games in their clubhouse that is located at 17201 North 66th Drive. The organization plans to hold bingo games on Tuesday evenings at 7:00 p.m.

Background: The City has determined that this application meets all technical requirements. Home Owners' Associations are one of the qualifying organizations for a Class A license per Arizona Revised Statutes Title 5, Chapter 4, Article 1. Any person or organization, except for a person or organization that holds a liquor license, may hold a Class A bingo license.

The City of Glendale Police Department has conducted a background check on Mr. Staats and has determined he meets all qualifications under Glendale City Code Section 5-70. The City of Glendale Planning Department has determined that this application meets all technical requirements, since the games are restricted to Casa Campana Home Owners' Association residents or their guests as confirmed by Mr. Staats.

Public Input: No protests were received.

Recommendation: Forward a recommendation for approval to the Arizona Department of Revenue – Bingo Section for Bingo License Number 4-3306.

7. [AWARD OF PROPOSAL 05-46, TRACTOR/BACKHOE](#)

Purpose: This is a request for City Council to approve the purchase of a tractor/backhoe from R.D.O. Equipment Company for the Utilities Department.

Background: Two proposals were received for the purchase of the tractor/backhoe. An evaluation panel consisting of staff from the Utilities and Equipment Management departments reviewed the proposals received. Specific evaluation factors included: earliest delivery schedule, cost, compliance with specifications, warranty/ability to honor warranty, and ability to provide parts and service. R.D.O. Equipment Company submitted the proposal that scored highest and was selected for recommendation by the evaluation committee.

The new unit would replace a 1993 tractor/backhoe that has served its useful service life.

Community Benefit: Maintaining quality infrastructure is vital for the delivery of safe potable water to the city's residents in a timely manner. This piece of equipment is essential for the maintenance of that infrastructure.

Budget Impacts & Costs: Ongoing funding for the replacement, operation, and maintenance funding for this equipment is included in the approved FY 2005-06 budget.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$72,961

Account Name, Fund, Account and Line Item Number:

Water Distribution, Equipment, 83-6442-8400

Recommendation:

Award the contract for a tractor/backhoe for the Utilities Department to R.D.O. Equipment Company in an amount not to exceed \$72,961, taxes included.

8. [CONTRACT AMENDMENT FOR INTERSECTION PROJECTS IN THE GLENDALE ONBOARD TRANSPORTATION PROGRAM](#)

Purpose: This is a request for City Council to amend an existing contract with AMEC Infrastructure in an amount not to exceed \$239,375.

Council Policies Or Goals Addressed: These intersection improvements support the Council goals of creating transportation options and ensuring public safety.

Background: The amendment includes additional funding for design and construction management of two additional intersections at: 51st Avenue and Bell Road and 59th Avenue and Bethany Home Road.

Additional funds are also needed to complete the environmental analysis for two intersections located at: 51st Avenue and Camelback and Northern and 51st avenues. This environmental analysis is necessary to accept \$1 million in federal funds recently awarded for these two projects. GO Program funds have been recommended for these four projects by the Citizen Transportation Oversight Commission (CTOC).

Previous Council/Staff Actions: On February 3, 2005, CTOC took action to include two new intersection projects located at 51st Avenue and Bell Road and at 59th Avenue and Bethany Home Road. The projects are included in FY 2005-2029 Program as recommended by CTOC on February 3, 2005 and approved by the Council on February 22, 2005.

On November 6, 2003, the Citizens Transportation Oversight Commission (CTOC) took action to recommend the use of GO Program sales tax to fund the design and construction of the intersection projects at 51st Avenue and Camelback Road and 51st and Northern avenues.

Community Benefit: These proposed intersection improvements will help reduce congestion through creation of more transportation options.

Public Input: The GO Program provides multiple opportunities for public input. This year, an annual report was mailed to all Glendale households, a transportation fair was held on April 17, 2005 and a community meeting for the annual report was held on April 21, 2005. AMEC Infrastructure will also conduct public information meetings during the final design process so citizens remain informed of the progress being made and the schedule for the project.

Budget Impacts & Costs: Engineering Department staff has negotiated a fee for additional design and construction services with AMEC Infrastructure in the amount of \$239,375.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$239,375

Account Name, Fund, Account and Line Item Number:

51st/Camelback to Grand, Account No. 33-9450-8330 (\$198,475)
51st Ave/Bell – Intersect Impr, Account No. 33-9482-8330 (\$20,450)
59th Ave/Bethany Home – Inters, Account No. 33-9491-8330 (\$20,450)

Recommendation: Approve the amendment to the professional services agreement with AMEC Infrastructure in an amount not to exceed \$239,375.

9. FALL 2005 NEIGHBORHOOD IMPROVEMENT GRANT RECOMMENDATIONS

Purpose: This is a request for the City Council to approve the Fall 2005 neighborhood grant projects, as recommended by the Citizens' Advisory Commission on Neighborhoods.

Council Policies Or Goals Addressed: As part of its commitment to revitalizing and preserving older neighborhoods, Council established the Neighborhood Grants Program and the Citizens' Advisory Commission on Neighborhoods to make funding recommendations on neighborhood enhancement and revitalization projects. The recommended neighborhood grant projects are consistent with the policies of the Neighborhood Grants Program as established by the Council and support the implementation of goals and objectives relating to the Neighborhood Element of the General Plan.

Background: For FY 2005-06, Council set aside \$700,000 to support various neighborhood grant projects. Of this amount, \$350,000 was available to neighborhoods for the Fall 2005 funding cycle. On November 2, 2005, the Commission on Neighborhoods concluded a two-month review process of six neighborhood grant requests and voted to recommend the following five for funding:

Heart of Glendale Neighborhood Association – \$57,788.22 for design and construction administration costs associated with installing new playground equipment and a picnic ramada in Clavelito Park, located at 53rd Avenue and Ocotillo Road.

Bethany Heights Neighborhood Association – \$117,509 to fund the installation of two ramadas and four picnic tables within Mary Silva Park, which is located at the intersection of 45th and Marshall avenues.

Sunburst Farms Neighborhood Association – \$52,794 to landscape a half-mile median on the north side of Greenway Road, from 51st to 55th avenues. Landscaping will include the installation of trees, scrubs, granite, river rock and an irrigation system.

Arrowhead Ranch Phase II Homeowners' Association – \$15,111.50 to fund design of streetscaping along the west side of 75th Avenue, from Adobe Road to just south of the Loop 101 Freeway. Proposed improvements include the replacement of citrus trees, a failing irrigation system and the installation of a neighborhood identification monument.

Tamarac At Maryland Lakes HOA – \$26,797.28 to fund the installation of lighting within the neighborhood's common area. This neighborhood is located between 48th Drive (east), 48th Avenue (west), Krall Street (north) and Sierra Vista Drive (south).

At a separate meeting earlier this fall (conducted on October 5, 2005), the Commission also voted to unanimously recommend the appropriation of additional neighborhood improvement grant funds in the amount of \$160,000 to assist the Sky View West I Neighborhood Association

complete its Fall 2004 improvement project. Although the neighborhood successfully applied for and received \$261,190 in previous neighborhood grants (Fall 2004 and Spring 2005) for this project, unforeseen and significant increases in construction costs made it necessary to recommend the project for the additional funding. Funds in the recommended amount are currently available in the Neighborhood Improvement Grants budget.

Previous Council/Staff Actions: This program and its funding were reviewed, discussed and approved by Council as a part of the FY 2005-06 budget setting process. The Mayor and City Council have also reviewed and approved over 150 previous neighborhood grant requests since 1995.

Community Benefit: Each of the recommended grant projects will make needed improvements in the respective neighborhoods.

Public Input: The following public meetings were held for the Fall 2005 grants process:

On August 11 and 20, 2005, the Neighborhood Partnership staff conducted two grant orientations to educate prospective neighborhood applicants about the neighborhood grants process.

On October 12, 2005, the Neighborhood Partnership staff facilitated a grant hearing where the five neighborhood applicants publicly presented their grant requests.

On November 2, 2005, the Neighborhood Partnership staff facilitated a grant hearing where the Commission on Neighborhoods considered and made funding recommendations for each of the six neighborhood grant requests.

In addition to the above meetings, direct mail, neighborhood newsletters, website publicity, media releases and e-mail notification were all used to notify Glendale residents of the opportunity to apply for a Fall 2005 neighborhood grant.

Budget Impacts & Costs: Funds for the proposed neighborhood grant requests (\$270,000) and the Skyview West I Neighborhood Grant Project (\$160,000) are available in the following FY 2005-06 Neighborhood Improvement Grant Accounts: 01-4420-8320 and 01-4420-7330.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X	X	X		\$430,000

Account Name, Fund, Account and Line Item Number:

Neighborhood Improvement Grant Account No. 01-4420-8330 - \$228,091.22
 Neighborhood Improvement Grant Account No. 01-4420-7330 - \$201,908.78

Recommendation: Approve the Citizens' Advisory Commission on Neighborhoods funding recommendations for neighborhood improvement grants in the amount of \$270,000 and the additional grant funds for the Skyview West I Neighborhood Association Grant Project in the amount of \$160,000.

CONSENT RESOLUTIONS

10. [ASSIGNMENT OF DEVELOPMENT AGREEMENT C-5123 WITH CORNERSTONE AT GLENDALE, LLC](#)

Purpose: This is a request for the City Council to adopt a resolution authorizing the assignment of developer's rights of the Development Agreement with Cornerstone at Glendale, LLC and amending the development schedule.

Council Policies Or Goals Addressed: The development of this site will promote economic development, will provide job opportunities and will support financial stability through increased revenue.

Background: The city entered into a Disposition and Development Agreement (DDA) with Cornerstone at Glendale, LLC for the 19-acre property located at the northeast corner of Camelback Road and 99th Avenue. Pursuant to the terms of the DDA, the city rezoned the property to Planned Area Development (PAD) in July 2005, and closed escrow on the sale of the property to Cornerstone at Glendale, LLC in August.

In October 2005, the city was notified that Cornerstone at Glendale, LLC had received an acquisition proposal from Greenfield, LLC to purchase the property and develop it in conformance with the requirements of the DDA, but at an upgraded level. According to the terms of the DDA the city must approve of any assignment of the Developer's Rights to any individual other than Douglas Drago, the President of Cornerstone at Glendale, LLC.

After the acquisition Greenfield, LLC will amend the site plan, project narrative, and development timetable to accommodate the transaction and upgraded development.

Previous Council/Staff Actions: Council approved the original development agreement with Cornerstone at Glendale, LLC on July 27, 2004.

Community Benefit: This project will provide additional sales tax revenue to the City of Glendale and will improve the quality of life for nearby residents by developing much needed retail, restaurant, employment and office amenities. The Business Park component will create a site for new businesses to locate in the city.

Recommendation: Waive reading beyond the title and authorize the resolution assigning the Developer's Rights in the Disposition and Development Agreement C-5123 to Greenfield, LLC and amending the development schedule.

11. [INTERGOVERNMENTAL AGREEMENT WITH THE TOLLESON UNION HIGH SCHOOL DISTRICT](#)

Purpose: This is a request for the City Council to adopt a resolution authorizing the City Manager to enter into an Intergovernmental Agreement with Tolleson Union High School

District for city use of the Copper Canyon High School parking lot and reciprocal use of recreation facilities located at 9126 West Camelback Road.

The parking lot will be used for overflow parking during Cardinals football games, mega events, and Arizona Sports and Tourism Authority events. In exchange for use of the parking lot, the city will construct a lighting system for sports fields at the high school.

Council Policies Or Goals Addressed: This agreement furthers Council strategic priorities of enhancing the quality of life for Glendale residents, strengthening community relationships and creating new partnerships.

Background: As part of the Agreement with the Arizona Sports and Tourism Authority for the development of the Cardinals Stadium, the city agreed to provide off-site, overflow parking opportunities within a one-mile radius of the stadium. The Intergovernmental Agreement with the Tolleson Union High School District/Copper Canyon High School provides for city use of the school parking lot as over flow parking for Cardinals football games, mega events and Arizona Sports and Tourism Authority events that will occur during non-school hours.

In addition, both organizations will allow reciprocal uses of their recreation facilities based upon availability and mutual agreement. The agreement establishes a maintenance fund that both parties will contribute to for future repairs of the lighting system. The School District will pay for electrical costs and the city will maintain the lighting system.

Community Benefit: The agreement will provide additional parking that will assist in reducing potential overflow parking in adjacent neighborhoods during large events and football games. Lighted sports fields and reciprocal uses of school and city recreation facilities will provide opportunities to offer expanded and joint recreation activities to the community.

Budget Impacts & Costs: The anticipated installation cost of the sports field lights will not exceed \$350,000. The installation cost is in the FY2005-06 Capital Improvement Budget. An operating budget supplemental will be submitted to fund light replacement and parking lot cleaning.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	\$350,000	X	X		\$350,000

<u>Account Name, Fund, Account and Line Item Number:</u> Soccer Lights, 36-8941-8300
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Recommendation: Waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an Intergovernmental Agreement with the Tolleson Union High School District.

12. [INTERGOVERNMENTAL AGREEMENT WITH THE PEORIA UNIFIED SCHOOL DISTRICT](#)

Purpose: This is a request for the City Council to adopt a resolution authorizing the City Manager to enter into an Intergovernmental Agreement with the Peoria Unified School District for city use of the Kellis High School parking lot and reciprocal use of the recreation facilities located at 8900 West Oranewood Avenue.

The parking lot will be used for overflow parking during Cardinals football games, mega events, and Arizona Sports and Tourism Authority events. In exchange for use of the parking lot the city will fund and construct a lighting system for ball fields at the high school.

Council Policies Or Goals Addressed: This agreement furthers Council strategic priorities of, enhancing the quality of life for Glendale residents, strengthening community relationships, and creating new partnerships.

Background: As part of the Agreement with the Arizona Sports and Tourism Authority for the development of the Cardinals Stadium, the city agreed to provide off-site, overflow parking opportunities within a one-mile radius of the stadium. The Intergovernmental Agreement with the Peoria Unified School District/Raymond E. Kellis High School provides for city use of the school parking lot as over flow parking for Cardinals football games, mega events and Arizona Sports and Tourism Authority events that will occur during non-school hours.

In addition, both organizations will allow reciprocal uses of their recreation facilities based upon availability and mutual agreement. The agreement establishes a maintenance fund that both parties will contribute to for future repairs of the lighting system. Each organization shall pay for electricity during its use of the lights. The School District will provide routine maintenance and service to the sports fields and the city will provide routine maintenance and service to the lighting system.

Community Benefit: The agreement will provide additional parking that will assist in reducing potential overflow parking in adjacent neighborhoods during large events and football games. Lighted sports fields and reciprocal uses of school and city recreation facilities will provide opportunities to offer expanded and joint recreation activities to the community.

Budget Impacts & Costs: The anticipated installation cost of the sports field lights will not exceed \$350,000. The installation cost is in the FY2005-06 Capital Improvement Budget. An operating budget supplemental will be submitted to fund electric utilities, light replacement, and parking lot cleaning.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	\$350,000	X	X		\$350,000

<u>Account Name, Fund, Account and Line Item Number:</u> Soccer Lights, 36-8941-8300
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Recommendation: Waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an Intergovernmental Agreement with the Peoria Unified School District.

13. [GILA RIVER INDIAN COMMUNITY WATER RIGHTS SETTLEMENT AGREEMENT](#)

Purpose: This is a request for the City Council to approve and authorize the entering into of the Gila River Indian Community Amended and Restated Water Rights Settlement Agreement and applicable exhibits.

Background: The Gila River Indian Community reservation was established by an act of Congress in 1859. It is located on 372,000 acres south of the Phoenix metropolitan area with over 29,000 members.

When the Gila River Indian Community was established by the federal government, no water rights were specifically allocated to the Gila River Indian Community. Therefore, in 1924, the Gila River Indian Community began legal action to secure water rights that it claimed were due to it. The Gila River Indian Community has continuously asserted that the upstream users of the Gila River diverted the river's flow illegally and deprived the Gila River Indian Community of 1.5 million acre feet of water annually.

The Gila River Indian Community's litigation has been heard as the Gila River General Stream Adjudication ("Adjudication") for the last few decades. Due to the complex nature of the Gila River Indian Community's claims, and the effect on associated water rights claims made pursuant to several decrees and agreements that have been formulated since the turn of the century, no final ruling in the Adjudication has ever been reached. After decades of negotiations, several of the parties, including a consortium of cities, of which Glendale is a member, have developed a viable settlement agreement with the Gila River Indian Community.

The City of Glendale by Resolution No. 3711 passed on October 14, 2003, approved and subsequently entered into the Gila River Indian Community Water Rights Settlement Agreement.

The Arizona Water Settlements Act, Public Law 108-451 (the "Act"), effective December 10, 2004, requires that the Gila River Indian Community Water Rights Settlement Agreement be amended to conform with the Act, as one of the conditions to Congressional authorization for federal actions required under that settlement agreement.

The parties to the Gila River Indian Community Water Rights Settlement Agreement have met and agreed to redraft that agreement to meet the requirements of the Act, and to title the new agreement the *Gila River Indian Community Amended and Restated Water Rights Settlement Agreement*. The best interests of the City of Glendale will be served by entering into the *Gila River Indian Community Amended and Restated Water Rights Settlement Agreement*.

Previous Council/Staff Actions:

The City of Glendale on October 14, 2003 passed Resolution No. 3711 approving and subsequently entering into the Gila River Indian Community Water Rights Settlement Agreement.

Community Benefit:

The practical result of the settlement will reduce by \$26 an acre foot the annual capital repayment charge for municipal and industrial water. The City of Glendale has 14,100 acre-feet CAP (Central Arizona Project) allocation. Thus, CAP settlement is now saving the City \$366,600 in annual capital repayment charges.

Budget Impacts & Costs:

No direct expenditures or receipts are associated with the proposed Gila River Indian Community amended and restated water rights settlement agreement. The City will have increased capital charges that are associated with the increase of water volume due to the reallocation. Those costs are provided for in the current CIP budget.

Recommendation: Waive reading beyond the title and adopt a resolution authorizing the City Manager to sign all documents necessary to effectuate the City's agreement to the proposed Gila River Indian Community Amended and Restated Water Rights Settlement Agreement.

BIDS AND CONTRACTS

14. [PROFESSIONAL SERVICES AGREEMENT - PARK AND RIDE LOT AT NORTHEAST CORNER OF 99TH AND GLENDALE AVENUES](#)

Purpose: This is a request for the City Council to approve a professional services agreement in an amount not to exceed \$1,587,382 with INCA Engineers, Inc. for design of a park-and-ride lot on city owned property at the northeast corner of 99th and Glendale avenues.

Council Policies Or Goals Addressed: This project supports Council goals of creating transportation options and enhancing the quality of life for Glendale residents.

Background: On November 6, 2001, voters approved funding to construct park-and-ride lots to meet transit needs. This construction of the park-and-ride lot for commuter use is partially funded with federal transit funds. The park-and-ride lot may be used for overflow parking for stadium events provided it does not affect commuter usage. This site was chosen for its easy access to the freeway as well as existing transit service on Glendale Avenue. This park-and-ride lot will also facilitate planned new express bus routes, which begin in 2007.

The park-and-ride facility will include bus bays, platform(s), passenger shelters, lighted canopies, site lighting, landscaping and irrigation, and a security building/comfort room. Design will be finalized after input is received from Council, Citizens Transportation Oversight Commission (CTOC), and the Arts Commission.

Previous Council/Staff Actions: On May 24, 2005, Council approved the purchase of 22 acres of surplus right-of-way from the Arizona Department of Transportation for transit related use on the northwest corner of Loop 101 and Glendale Avenue.

Community Benefit: Construction of the park-and-ride facility at 99th and Glendale avenues will encourage public transit use by commuters and it will benefit existing bus service on Glendale Avenue. Also, this park-and-ride lot will be a key component of transportation service for the entertainment district. In addition to providing the required parking space for the Park-and-Ride lot, this 22-acre facility will also provide overflow parking for large-scale events in the entertainment district.

Public Input: This project was presented at public meetings held as part of the Glendale Onboard Transportation Program. One project specific public meeting is planned for the citizens in the project area.

Budget Impacts & Costs:

Funds for the design are available in FY 2005-06 of the Glendale Onboard Transportation Program, Park-and-Ride Lot-Loop101/Glendale, Account No. 33-9455-8330. Federal transit funding in the amount of \$2.8 million is available to facilitate construction of this project.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$1,587,382

Account Name, Fund, Account and Line Item Number:

Park-and-Ride Lot-Loop101/Glendale, Account No. 33-9455-8330

Recommendation: Approve the professional services agreement with INCA Engineers, Inc. in an amount not to exceed \$1,587,382.

ORDINANCES

15. [MOTORIZED SKATEBOARD ORDINANCE](#)

Purpose: This is a request for the City Council to approve a Motorized Skateboard Ordinance banning their use on the city’s roadways, sidewalks, properties, and parks. Motorized skateboards are defined as a self-propelled device that has a motor, gas or electric, a deck on which a person may ride at least two tandem wheels in contact with the ground and which is not otherwise defined in A.R.S. Title 28 (A.R.S. § 28-101 et. Seq.) as a motor vehicle, motorcycle, motor-driven cycle, motorized wheelchair or electric personal assistive mobility device.

Council Policies Or Goals Addressed: This ordinance supports Council’s goal of ensuring public safety and awareness and will result in fewer complaints by Glendale citizens regarding safety concerns and noise complaints in residential neighborhoods. The reduction in motorized skateboards on city roadways will reduce the potential for accidents involving motorized skateboard operators.

Background: In 1996, Glendale enacted an ordinance allowing the operation of motorized skateboards on roadways with several restrictions. Since then due to complaints from Glendale residents regarding noise and safety concerns, several Council members requested that the issue

be researched by the Police Department. Council requested a public outreach program to gauge the public's opinion regarding the operation of motorized skateboards in the city prior to exploring any changes to the current city ordinance.

In April 2005, the Police Department launched a public outreach campaign and the results were provided to Council on July 5, 2005. The public response was overwhelmingly in support of a ban of motorized skateboards on city roadways. Based on the public's input, Council requested an ordinance be drafted. The ordinance was presented to Council at the November 15, 2005 Council Workshop and Council directed the Police Department to bring forward to a regular meeting the ordinance prohibiting the operation of motorized skateboards on city roadways, sidewalks, parks, and city properties.

The Police Department will implement an educational component upon approval of the proposed ordinance. The educational component includes a media release, a Connection article, a City Beat Channel 11 story, distribution of door hangers by patrol officers, and an informational web link on the Glendale Internet site. Patrol officers will be trained on the changes to the Glendale ordinance regulating motorized skateboards. Officers will be provided informational cards that will be given to the public during their contacts with residents. Officers will be asked to inform residents of the change and issue verbal warnings to both the operators and, if the violator is a minor, to the parents of the minor regarding any violations.

Previous Council/Staff Actions: The following timeline depicts past actions:

On November 15, 2005 at a city council workshop session, Council directed the Police Department to bring forward to a regular meeting the ordinance prohibiting the operation of motorized skateboards on city roadways, sidewalks, parks, and city properties.

In July 2005 Council provided direction to the Police Department to develop a city ordinance banning motorized skateboards for their review and to include an educational component. Council also requested staff research the feasibility of a buy-back program.

During April and May of 2005, the Police Department conducted public meetings and a survey concerning the issue of motorized skateboards.

In January 2005, the Police Department presented Council with a recommendation to ban play vehicles at which time, the Council requested additional information and the public outreach efforts.

At the July 2004 workshop, Councilmembers asked the Police Department for suggestions on strengthening the current ordinance.

At the April 2004 workshop, as a result of on-going public complaints, Councilmember Goulet requested that the Police Department provide research on the motorized skateboard use in the city.

In January of 2003, due to many public complaints, Councilmember Frate asked Police Department staff to review the current ordinance.

In July 1999 the ordinance was amended to add the requirement of a notarized permission slip for users of motorized skateboards.

In January 1996, Glendale adopted the current motorized skateboard ordinance.

Community Benefit: The ordinance prohibiting the operation of motorized skateboards on city roadways, sidewalks, parks and city property will result in fewer complaints by Glendale citizens regarding safety concerns and noise complaints in residential neighborhoods. The reduction in motorized skateboards on city roadways will reduce the potential for accidents involving motorized skateboard operators.

Public Input: The Police Department sought the public's input regarding the regulation of motorized skateboards and provided information on a city webpage, in mailings, and in the news media. Public input was obtained in three ways; through an on-line web page survey; a hotline phone number; and during public meetings. The public was notified by utilizing the media, emails to constituents, at district meetings, mailings, a Connection article, and in a City Beat story. The Police Department received a total of 473 responses regarding the motorized skateboard issue and 77.6% preferred a complete ban. The surveys received by the Police Department were evenly distributed throughout the City of Glendale.

Budget Impacts & Costs: For the educational campaign, Marketing has designed a door hanger card that will be utilized by the Police Department to assist in notifying the public of the new ordinance. The cost to produce 1,000 information cards is estimated to be \$750.

Recommendation: Waive reading beyond the title and adopt an ordinance banning the use of motorized skateboards on the city's roadways, sidewalks, properties, and parks.

16. [ARTS ORDINANCE AMENDMENT](#)

Purpose: This is a request for City Council to amend Glendale City Code, Chapter 2, Article VI relating to public art and performing arts.

The proposed amendment includes updating definitions, clarifying terms, officers and duties for the Arts Commission. The amended arts ordinance calls for elimination of the separate art preservation fund. One fund will be utilized for funding art acquisitions, preservation, performing arts and administration of the program.

Council Policies Or Goals Addressed: The quality of life element of the General Plan 2025, adopted in 2002, identifies arts, culture and museums as priorities for programs and facilities for the city. Arts and culture are also listed as priorities in the Parks and Recreation Master Plan and Glendale City Center Master Plan, both adopted in 2002.

Background: The current arts ordinance has restrictive language requiring setting aside five percent of funds collected or up to \$50,000 in a special fund designated “art preservation fund” which shall be used for the preservation of works of art owned by the city. The art preservation fund currently does not generate adequate funding to support preservation and program administration. General funds have been utilized over the past two fiscal years to fully fund the program. (The Finance and Management and Budget Departments concur with clarifying the arts ordinance.)

Previous Council/Staff Actions: The arts ordinance was last amended in 1998 to increase the art levy on capital construction projects from one-half percent to one percent and establish the performing arts program. The Arts Commission and the arts program were established by the city in 1983.

Recommendation: Waive reading beyond the title and adopt an ordinance approving the proposed revisions to the arts ordinance.

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
- (vii) 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)).