

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA,  
HELD TUESDAY, JANUARY 10, 2006, AT 7:00 P.M.**

The meeting was called to order by Mayor Elaine M. Scruggs, with Vice Mayor Thomas R. Eggleston and the following Councilmembers present: Joyce V. Clark, Steven E. Frate, David M. Goulet, H. Philip Lieberman, and Manuel D. Martinez.

Also present were Pam Kavanaugh, Assistant City Manager; Craig Tindall City Attorney; and Pamela Hanna, City Clerk.

**COMPLIANCE WITH ARTICLE VII, SECTION 6(c) OF THE GLENDALE CHARTER**

A statement was filed by the City Clerk that the three resolutions and two ordinances to be considered at the meeting were available for public examination and the title posted at City Hall more than 72 hours in advance of the meeting.

Mayor Scruggs introduced and welcomed John Mason, Ben Cook, Ryan Lord and Justin Leihi from the Sunburst Thunderbird Scout District Unit 754.

**APPROVAL OF THE MINUTES OF THE DECEMBER 27, 2005 CITY COUNCIL MEETING**

**It was moved by Goulet, and seconded by Frate, to dispense with the reading of the minutes of the December 27, 2005 regular City Council meeting, as each member of the Council had been provided copies in advance, and approve them as written. The motion carried unanimously.**

**PROCLAMATIONS AND AWARDS**

**DR. MARTIN LUTHER KING, JR. UNITY DAY**

This is a request for the City Council to proclaim January 13, 2006 as Dr. Martin Luther King, Jr. Unity Day. This day of significance is a time for all of our citizenry to unite to strengthen our community's commitment to the legacy of Dr. Martin Luther King, Jr.

The Dr. Martin Luther King, Jr. Unity Day augments the Council's strategic goals of enhancing the quality of life for Glendale residents by taking time to reflect on the positive contributions in our community, reflecting on our commonalities, and respecting our differences.

Dr. Martin Luther King, Jr. was born January 15, 1929 in Atlanta, Georgia. Dr. Martin Luther King, Jr. worked for racial equality in the United States of America. During the 1950's, Dr. King became active in the movement for civil rights and racial equality. He participated in the Montgomery, Alabama bus boycott and many other peaceful demonstrations that helped create better treatment for Americans. Because of his commitment to racial equality, he was awarded the Nobel Peace Prize in 1964. Dr. Martin Luther King, Jr. and his legacy helped to build bridges and mend relationships.

The Dr. Martin Luther King, Jr. Unity Day demonstrates our commitment towards creating a society that is more just, peaceful, and understanding.

The recommendation was to proclaim January 13, 2006 as Dr. Martin Luther King, Jr. Unity Day in Glendale, Arizona.

**Mayor Scruggs proclaimed January 13, 2006 as Dr. Martin Luther King, Jr. Unity Day in Glendale, Arizona.**

Bishop Henry Barnwell thanked the Mayor and Council for joining in the observance of Dr. Martin Luther King, Jr. Unity Day. He noted Arizona is the only state that observes the Dr. Martin Luther King holiday.

**BOARDS AND COMMISSIONS**

This is a request for the 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.

			<u>Effective Date</u>	<u>Expiration Date</u>
<b><u>Board of Adjustment</u></b>				
Merry Lutz	Mayoral (Barrel)	Appointment	01/10/2006	06/30/2008
<b><u>Citizens Bicycle Advisory Committee</u></b>				
Charles Grosscup	At-Large (Barrel)	Re-appointment	01/14/2006	01/14/2008
J. Michael Wood	At-Large (Barrel)	Re-appointment	01/16/2006	01/16/2007
Brian E. Kanitsch	Sahuaro	Re-appointment	02/05/2006	02/05/2008

Brian E. Kanitsch	Sahuaro	Vice Chair Appointment	03/04/2006	03/04/2007
Morris Russell	Cactus	Re-appointment	02/05/2006	02/05/2008
Jeffrey L. Reid	At-Large (Barrel)	Re-appointment	03/05/2006	03/05/2008
Betsy Turner	Yucca (Barrel)	Appointment	01/10/2006	02/04/2007

**Commissions On Persons With Disabilities**

Elliot Abramowitz	Ocotillo	Re-appointment	02/27/2006	02/27/2008
Jo Ann J. Caufield	Cholla	Re-appointment	02/27/2006	02/27/2008
Jo Ann J. Caufield	Cholla	Chair Appointment	02/26/2006	02/26/2007
Kathe Neyer	Barrel	Vice Chair Appointment	02/26/2006	02/26/2007

**Historic Preservation Commission**

Ruth Byrne	At-Large (Barrel)	Appointment	01/10/2006	04/13/2008
Gail K. Long	At-Large (Mayoral)	Appointment	01/10/2006	04/13/2007

**Parks & Recreation Advisory Commission**

Sara Berry	At-Large (Teen)	Appointment	01/10/2006	05/27/2007
Loric Robert Harding	At-Large (Teen)	Appointment	01/10/2006	05/27/2007
Ted Hansen	Cholla	Re-appointment	04/09/2006	04/09/2008
Ted Hansen	Cholla	Chair Re-appointment	02/26/2006	02/26/2007

**Planning Commission**

Michelle Tennyson	Mayoral (Cholla)	Appointment	01/10/2006	03/25/2008
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**Public Safety Personnel Retirement System/Police Board**

John Wolfe		Appointment	01/10/2006	07/01/2008
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The recommendation was to make appointments to the Boards and Commissions and administer the Oaths of Office.

**It was moved by Martinez, and seconded by Frate, to appoint Merry Lutz to the Board of Adjustment; Charles Grosscup, J. Michael Wood, Brian E. Kanitsch, Morris Russell, Jeffrey L. Reid, and Betsy Turner to the Citizens Bicycle Advisory Committee; Elliot Abramowitz, Jo Ann J. Caufield, and Kathe Neyer to the Commission on Persons with Disabilities; Ruth Byrne and Gail K. Long to the Historic Preservation Commission; Sara Berry, Loric Robert Harding, and Ted Hansen to the Parks & Recreation Advisory Commission; Michelle Tennyson to the Planning Commission; and John Wolfe to the Public Safety Personnel Retirement System/Police Board, for the terms listed above. The motion carried unanimously.**

Mayor Scruggs issued the oath of office to those appointed to the various Commissions and Boards.

**CONSENT AGENDA**

Ms. Pam Kavanaugh, Assistant City Manager, read Agenda Item Numbers 1 through 9 and Ms. Pamela Hanna, City Clerk, read consent agenda resolutions numbers 10 through 12 by number and title.

1. **LIQUOR LICENSE NO. 3-1025 – SPENCER’S**

This is a request by LaVern Tucker for the City Council to approve a Series 7 (On/Off-Sale Retail-Beer & Wine Bar) liquor license for Spencer’s, located at 5626 West Bell Road, #101.

The new owner is requesting transfer of this license, and is concurrently applying for a Series 12 (restaurant-all liquor) license under separate application. The applicant intends to sell the Series 7 liquor license and operate as a restaurant.

The approval of the transfer of this Series 7 license will not increase the total number of liquor licenses in this area. The previous owner held a Series 7 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.

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

The recommendation was to forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1025.

2. LIQUOR LICENSE NO. 3-1028 – SPENCER’S

This is a request by LaVern Tucker for the City Council to approve a new Series 12 (Restaurant – all liquor) liquor license for Spencer’s, located at 5626 West Bell Road, #101.

The new owner is requesting transfer of a Series 7 liquor license, and is concurrently applying for a Series 12 (restaurant-all liquor) license under separate application. The applicant intends to sell the Series 7 liquor license and operate as a restaurant.

The approval of this new Series 12 license will increase the total number of liquor licenses in this area by one. The previous owner held a Series 7 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.

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

The recommendation was to forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1028.

3. LIQUOR LICENSE NO. 3-1026 – SOMER MARKET

This is a request by Ramzi Elia for the City Council to approve a new series 10 (Beer and Wine Store) license for Somer Market, located at 4935 West Glendale Avenue.

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

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

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

The recommendation was to forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1026.

4. LIQUOR LICENSE NO. 3-1027 – NAKED TRUTH BAR & GRILL

This is a request by Jeffery Jones for the City Council to approve a new series 7 (On/Off-Sale Retail-Beer & Wine Bar) liquor license for Naked Truth Bar & Grill, located at 5060 West Bethany Home Road, #18.

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.

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

The recommendation was to forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1027.

5. SPECIAL EVENT LIQUOR LICENSE FOR SAINT JOHN OF THE DESERT

This is a request by Father Peter Boutros for the City Council to approve a special event liquor license for Saint John of the Desert. This event is a Church Dedication Dinner for Saint John of the Desert, which will be held at Saint Helen's, located at 5510 West Cholla Street on Sunday, January 15, 2006 from 6 to 10 p.m.

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.

The recommendation was to forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for this special event liquor license for Saint John of the Desert.

6. PROFESSIONAL SERVICES AGREEMENT – 71<sup>ST</sup> AND ORANGEWOOD AVENUES PARKS IMPROVEMENTS

This is a request for the City Council to approve a professional services agreement with the engineering firm HDR, Inc. for design and construction administration services for Phase I of the future community park at 71<sup>st</sup> and Orangewood Avenues.

The development of this park is consistent with Council strategic priorities of enhancing the quality of life for Glendale residents and projecting a positive image of Glendale. The development of the park is also consistent with the Parks and Recreation Master Plan, which was adopted by the Council in 2002.

In 1987, the Flood Control District of Maricopa County (FCDMC) conducted an Area Drainage Master Study (ADMS) for the West Valley. Included in the report was a recommendation to design and construct several drains, retention, or detention basins along Orangewood Avenue from 67<sup>th</sup> Avenue to New River. In May of 1994, the city entered into an intergovernmental agreement (IGA) with the FCDMC for the west side flood control project. The IGA authorized the FCDMC to design and construct a flood control basin along Orangewood Avenue. Once the project was complete, the site would be turned over to the city to maintain and become a city park.

The flood control basin located at the northeast corner of 71<sup>st</sup> and Orangewood Avenues was originally planned to be 38 acres in size. After further analysis, the FCDMC determined it only would need approximately 22 acres for retention. As a result, in March of 2000, the city purchased the remaining 16.22 acres of the 38-acre site. The 22-acre basin for retention was later deeded from FCDMC to the city in November of 2002, giving the city the full 38 acres. This will allow the city to develop a community park, that includes amenities such as multi-purpose football/soccer fields with lights, play equipment, basketball and volleyball courts, ramadas, pedestrian pathways, and open turf areas.

The Parks and Recreation Master Plan identified the 38-acre property as a future community park. Due to the growth in the surrounding neighborhood and the funds currently available in the Capital Improvement Plan, the Parks and Recreation Department is proceeding with Phase I of the park.

Phase I of this project will include developing five acres of the northwest section of the property, and will include neighborhood park amenities, such as play structures, ramadas, and sports courts. The neighborhood park will serve the immediate needs of the surrounding neighborhood. Future phases of the park development will include the construction of lighted multi-purpose fields and other amenities consistent with a community park.

In May of 1994, the Council authorized the IGA with the FCDMC. In March of 2000, the Council approved the purchase of the 16.22 acres. In November of 2002, the Council approved the deed transfer from the FCDMC for the remaining 22 acres.

The development of Phase I of the park will help the city meet the standard level of service of providing a neighborhood park within every residential square mile as recommended in the Parks and Recreation Master Plan. The park will provide neighborhood recreation amenities currently not available in the service area and further the city’s commitment to providing quality of life opportunities for all residents.

The consultant and city staff conducted an initial public meeting on July 14, 2005. Notices were mailed to all residents in a two square mile radius of the park. Based on public input from this meeting, a preliminary master plan was developed. HDR presented the preliminary master plan at the second public meeting to a small group of neighbors, which was held on September 15, 2005. Future public meetings will be held to gain input on additional amenities for the remainder of the community park.

Funds for this project are available in the City Council approved Fiscal Year 2006-2015 Capital Improvement Plan Development Impact Fees.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$123,755

**Account Name, Fund, Account and Line Item Number:**  
 DIF-Citywide Parks, Park Development – 71<sup>st</sup>/Orangewood, (80-8933-8300)

The recommendation was to approve a professional services agreement with HDR, Inc. in an amount not to exceed \$123,755.

7. AWARD OF CONTRACT – ORANGE GROVE ESTATES AND SKYVIEW WEST I NEIGHBORHOOD WALL IMPROVEMENTS

This is a request for the City Council to award a contract to Niche Contracting, Inc., in an amount not to exceed \$728,724.62, to construct an eight-foot masonry wall along the perimeter of the Orange Grove Estates and Skyview West I neighborhoods.

As part of its commitment to revitalizing and preserving older neighborhoods, the Council established the Neighborhood Grants Program and the Citizens’ Advisory Commission on Neighborhoods to make funding recommendations on neighborhood enhancements and revitalization projects. The perimeter wall improvements proposed for the Orange Grove Estates and Skyview West I neighborhoods 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.

The Skyview West I Neighborhood Association received neighborhood grant awards in the Fall of 2004 and the Spring of 2005 for the construction of a perimeter wall along the south side of Bethany Home Road, between 69<sup>th</sup> and 71<sup>st</sup> Avenues.

The Orange Grove Estates Neighborhood Association received a neighborhood grant award in the Fall of 2002 for the construction of a perimeter wall along the east side of 67<sup>th</sup> Avenue, extending north from the main entrance of the mobile home park to Butler Drive. As a result of the new Grand Avenue overpass located at 67<sup>th</sup> and Northern Avenues, the Arizona Department of Transportation (ADOT) is responsible for constructing a perimeter wall along the east side of 67<sup>th</sup> Avenue, extending south from the main entrance of the mobile home park to just north of Royal Palm Road.

The north and south portions of the wall have been combined as one project and will be managed by the city's Engineering Department. ADOT has transferred funds to the city for construction costs associated with the south portion of the perimeter wall.

On December 8, 2005, the Engineering Department received and opened two bids for the Orange Grove and Skyview West I Neighborhood Wall Improvements. Niche Contracting, Inc., a qualified licensed contractor, submitted the lowest bid in the amount of \$728,724.62.

Both neighborhoods are located adjacent to highly traveled roadways. The proposed wall construction will result in great visual improvements to both neighborhoods and improve the neighborhood quality of life in the surrounding areas.

There has been public input for each of these projects. The Council approved funding for both the Skyview West I and Orange Grove Estates Neighborhood Wall Improvements, based on recommendations made by the Commission on Neighborhoods, after a series of neighborhood grants hearings in 2004 and 2005. Additionally, at the time when the Grand Avenue enhancements were designed by ADOT, several public input and design sessions were conducted.

Funds in the amount of \$498,016.80 are available in the Neighborhood Improvement Grant Account and funds in the amount of \$230,707.82 are available in the Grand Avenue Beautification Account.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$728,724.62

<b><u>Account Name, Fund, Account and Line Item Number:</u></b> Neighborhood Improvement Grant Account No. 01-4420-7330 Grand Avenue Beautification Account No. 31-8990-8330
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The recommendation was to award the construction contract to Niche Contracting, Inc. in the amount of \$728,724.62.

8. AWARD OF PROPOSAL 05-41, PROPERTY INSURANCE AND BROKER SERVICES

This is a request for the City Council to authorize the Award of Proposal 05-41 in an amount not to exceed \$195,000 to Driver-Alliant Resources Group for broker services and property insurance. Driver-Alliant would represent the city in obtaining insurance protection for all lines of insurance coverage, excluding employee benefits. The annual cost for broker services and property coverage is \$195,000.

This request promotes the Council goal of providing financial stability through an enhanced property insurance program tailored for public entities. Blanket policy limits available to the city, effective January 26, 2006, will increase from \$100 million to \$1 billion per loss occurrence at premium cost savings of \$162,251.

Driver-Alliant was founded in 1925 and represents over 6,000 public entity clients in 28 states. The services of an insurance broker are required in order to access insurance protection for city property and liability exposures. Proposals were requested for property insurance and broker services and the city received four offers. The recommended broker provided the broadest protection, at the least cost, for the lowest fee. This broker will also assist the city in procuring liability, excess workers' compensation, airport and other insurance coverage as these other policies expire during the year.

Previous broker services were provided by Marsh, Inc. utilizing Travelers-St. Paul and Fireman's Fund as the property insurance carriers.

Approval of this action will provide better insurance protection of public property against loss at a savings to the taxpayers of \$162,251.

The annual cost for this portion of coverage and service is \$195,000. As new city structures are constructed and added to the insurance policy, premiums will increase. The past year's property insurance premium and broker fees were \$357,251, thus we are seeing a savings of \$162,251.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$195,000

**Account Name, Fund, Account and Line Item Number:**  
 Account # 7330-76-1435 Risk Management Trust Fund

The recommendation was to award the proposal for insurance broker services and property insurance to Driver-Alliant Resources Group, utilizing their Public Entity Property Program, in an amount not to exceed \$195,000.

9. AWARD OF PROPOSAL 05-28, PLAN REVIEW SERVICES

This is a request for the City Council to authorize the Award of Proposal 05-28 in an amount not to exceed \$100,000 to Harris and Associates for professional plan review services on an “as required” basis for the Building Safety Department.

Contractual plan review services support Council goals of coordinating exceptional service delivery for citizens and customers by ensuring that the city meets plan review deadlines.

On August 18, 2005, a solicitation was issued to request proposals for three different services: residential property, non-residential property, and structural plans review services. Eight proposals were received. A committee, consisting of members from the Building Safety department and Fire department reviewed the proposals. Specific evaluation criteria included capabilities of firm and staff, cost, approach to project, and references. Three separate lots were reviewed and scored based upon the criteria. The offeror scoring the highest for all three services was Harris and Associates. If approved by the City Council, a term agreement will be issued for one year. The proposal specifications contain an option clause that will permit the City, at the discretion of the City Manager, to extend this agreement in one-year increments for an additional four years.

Contractual plan review services provides the city with the flexibility to send construction plans to an outside agency for review when the plan review workload is high or the project’s schedule is compressed, allowing the city to meet review deadlines.

Total contractual services are not to exceed \$100,000. Funds are available in Westgate Professional & Contractual Account No. 01-5217-7330. Plan review fees collected during the review process will be deposited to the General Fund and are anticipated to cover the costs associated with the contractual services.

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

**Account Name, Fund, Account and Line Item Number:**  
 Westgate-Professional & Contractual Account No. 01-5217-7330

The recommendation was to award Proposal 05-28 for professional plan review services on an “as required” basis to Harris and Associates in an amount not to exceed \$100,000.

## CONSENT RESOLUTIONS

### 10. FISCAL YEAR 2005 HISTORIC PRESERVATION HERITAGE GRANT APPLICATION

This is a request for the City Council to approve an Historic Preservation Heritage Grant application for weatherization and stabilization of four contributing properties within the Floralcroft Historic District and to accept the grant, if awarded.

On May 28, 2002, the Council adopted the General Plan with voter ratification on November 5, 2002, and effective date on December 1, 2002. The General Plan Redevelopment Element encourages historic structure preservation for the City Center planning area since historic preservation is an integral component of city redevelopment and revitalization efforts. The Urban Design Strategy of the City Center Master Plan, adopted by the Council on July 23, 2002, urges the preservation of historical landmarks.

On October 21, 2005, the Floralcroft Historic District was recommended to be placed on the State and National Register of Historic Places by the State Historic Preservation Site Selection Committee. The Floralcroft Historic District is an outstanding example of historic preservation for the community and the State of Arizona. The historic district has 52 contributing properties and six non-contributing properties, which meet the criteria for nomination to the National Register of Historic Places due to age, integrity, and significance.

The Arizona State Parks is responsible for the administration of the historic preservation portion of the Heritage Fund. These grants are for historic preservation projects for resources that are on, or eligible for, the State and National Register.

Eligible activities by Heritage Fund include foundations, structural elements, roof repair or replacement, exterior doors, and window repair or replacement. Four contributing properties in the Floralcroft Historic District would have weatherization and stabilization repairs or replacement. There will be educational projects of a display and brochure to inform the participants and the community about Floralcroft's historic preservation efforts and the importance and benefits of preserving Glendale's historic resources. There would also be a self-guided downtown tour using bronze National Register plaques, bronze interpretative plaques, and boundary signs with a tour map including the Catlin Court Historic District. The total project cost is \$116,904. The grant request is for \$57,009 and a match of \$59,895 consisting of a combination of cash and in-kind contributions from multiple sources.

The State Parks Board will make grant award decisions at its March 2006 meeting. Contracts will be awarded in May of 2006 and, if awarded, this project would begin in July of 2006.

The Council has participated in the State Parks Heritage Fund for historic preservation for over ten years, resulting in more than \$3 million in grant awards.

The approval and implementation of the proposed Floralcroft Historic District Heritage Grant to repair four contributing properties, and provide education programs regarding historic preservation and signage will help to preserve an impressive and valuable part of Glendale's past.

On November 29, 2004, an initial meeting was held with 45 property owners to discuss the preparation of a National Register nomination for Floralcroft. Letters were sent to all property owners within the Floralcroft Historic District, inviting them to attend this meeting regarding the proposed application for Historic Preservation Heritage Grant funds. The benefits of the Heritage Fund Grant for weatherization and stabilization were discussed.

There were two public meetings held in preparing the application. The first meeting was held on January 20, 2005. Approximately 16 people attended the meeting. The participants heard a description of the proposed project and requirements for property owners to participate in the project.

The second meeting was held on October 17, 2005. Three people attended. Those who wished to participate in the project signed a consent letter to participate and provided the required cash match for their property. The project architect, contract administrator, and city staff answered questions from potential participants. The project has received wide-ranging support from many stakeholders and organizations in and around the downtown area.

Each participating property owner will contribute approximately 50% of the cost for eligible repairs, for a combined total of \$35,579 in cash. The Glendale Historical Society is contributing \$1,200 of donated services. The Sahuaro Ranch Foundation is contributing \$1,000 of donated services.

The Planning staff will contribute approximately \$2,500 of services. The Community Partnerships Department will contribute \$1,536 of in-kind staff time. Approximately \$1,000 of in-kind graphics services by the city is needed to assemble layouts for brochures and self-guided walking tour materials.

The city will provide \$17,080 in cash from the Grants Administration Matching Fund 47.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X		X		X	\$57,009

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

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

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the submission of the application and acceptance of the Arizona State Parks Fiscal Year 2005 Historic Preservation Heritage Grant.

**Resolution No. 3918 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, APPROVING THE APPLICATION FOR HISTORIC PRESERVATION HERITAGE FUNDS FOR COMPLETING EXTERIOR WEATHERIZATION AND STABILIZATION OF FOUR CONTRIBUTING PROPERTIES IN THE FLORALCROFT HISTORIC DISTRICT AND DEVELOPING DISTRICT SIGNAGE AND A SELF-GUIDED DOWNTOWN HERITAGE LANDMARK TOUR.**

11. ACQUISITION OF RIGHT-OF-WAY FOR INTERSECTION IMPROVEMENTS

This is a request for the City Council to authorize the purchase of three properties needed to complete Glendale Onboard (GO) intersection improvement projects.

One of the Council's goals is to improve and provide transportation options within the city.

Intersection improvement projects have been previously identified in the GO Program. The city needs to obtain additional right-of-way in order to construct related street improvements that include right turn lanes, bus bays and merge lanes, as well as new curbs, gutters, sidewalks, and landscaping.

Right-of-way properties to acquire are described below:

**Bank of America** - Bank of America, the owner of property located near the southwest corner of 43<sup>rd</sup> and Olive Avenues, will sell approximately 462 square feet of property towards improvements at this intersection. The property owner is willing to grant a temporary easement to the city on the property for construction of improvements. The property owner will be compensated a total of \$28,591 for right-of-way to be acquired, SRP facility easements, and relocation of an existing business sign.

**Bethany 43 LLC** - Bethany 43 LLC, the owner of property located near the southwest corner of 43<sup>rd</sup> Avenue and Bethany Home Road, will sell approximately 13,855 square feet of property towards improvements at this intersection. The property owner is willing to grant a temporary easement to the city on the property for construction of improvements. The property owner will be compensated a total of \$200,000 for right-of-way to be acquired and for landscaping, driveway paving, irrigation system replacement and new drainage facilities.

**SB Glendale Investments and FB Glendale Investments, LLC** – SB Glendale Investments and FB Glendale Investments, the owner of property located near the northwest corner of 67<sup>th</sup> Avenue and Bell Road, will sell approximately 378 square feet of property towards improvements at this intersection. The property owner is willing to grant a temporary easement to the city on the property for construction of improvements. The property owner will be compensated a total of \$15,000 for right-of-way to be acquired and removal of existing site improvements.

These projects were included in the Capital Improvement Program budget process and funding is available from the half-cent transportation sales tax program.

GO Program improvements are being made to streets, transit, and pedestrian facilities. These projects will provide bus bays and improve pedestrian and traffic flow.

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. Project specific public meetings will be conducted by the Engineering Department.

City of Glendale funds for right-of-way acquisition and improvements are budgeted as part of the GO Transportation Program. Closing costs for all of the above properties total \$2,149.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$245,740

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

43<sup>rd</sup> Ave: Bethany Home – Peoria, Account No. 33-9490-8100 (\$230,240)  
 67<sup>th</sup> Ave: Olive to Bell Rd Imp, Account No. 33-9479-8100 (\$15,500)

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to execute all documents necessary to purchase the necessary rights-of-way for the Glendale Onboard (GO) Transportation Program.

**Resolution No. 3919 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ACQUISITION OF THREE PARCELS OF PROPERTY AS RIGHT-OF-WAY FOR INTERSECTION IMPROVEMENTS FOR THE GLENDALE ONBOARD TRANSPORTATION PROGRAM; AND DIRECTING THE EXECUTION OF ANY DOCUMENTS NECESSARY TO EFFECTUATE SAID PURCHASES.**

12. SETTLEMENT WITH TRUSTEES AND AFFILIATES IN THE NATIONAL CENTURY FINANCIAL ENTERPRISES BANKRUPTCY ACTION

This is a request for the City Council to adopt a resolution ratifying the proposed settlement with the trustee for National Century Financial Enterprises (“NCFE”), JP Morgan Chase & Co., and its affiliates, JP Morgan Chase Bank, JP Morgan Partners, LLC, Bank One, N.A., Bank One Corporation, Banc One Capital Markets, Inc., The Beacon Group, LLC, The Beacon Group Focus Value Fund-III, LP, and outside directors Thomas G. Mendell, Harold W. Pote, and Eric R. Wilkerson.

Providing financial stability by resolving litigation in the most efficient and effective manner.

In 2001 and 2002, the City of Glendale, as a member of the Local Government Investment Pool 55, invested in debt securities of NCFE. Decisions as to the management of the investment pool were made by the State of Arizona. In November of 2002, NCFE declared bankruptcy, which stayed the City’s recovery of its \$3,554,291.12 investment in the pool.

In order to pursue recovery of this loss in a cost efficient manner, Glendale joined with several other municipalities to form a consortium that would jointly pursue claims against several of the world’s largest financial institutions and accounting firms. Through the litigation with the consortium, Glendale has recovered \$516,641.76. This amount includes recovery from Deloitte & Touche that the Council approved in September of 2005.

In April of 2005, JP Morgan approached the law firm representing the consortium to discuss potential settlement. After consultation and months of negotiations, a proposed settlement was reached. The settlement provides that JP Morgan and its affiliates will pay a total of \$375 million. The amount offered is the largest settlement amount that has been paid by an indenture trustee in a similar type of action. This settlement leaves two other solvent defendants in this action, Credit Suisse First Boston and PriceWaterhouse Cooper, against which to pursue the remaining portion of the consortium’s claims.

As with the prior approved settlements, this amount will be distributed pro rata among the consortium based on the amount of each member’s initial investment. Glendale’s portion of this recover will be approximately \$690,585.50. This will bring the total recovery of losses in this matter to approximately \$1,207,227.26.

It was recommended by the City Attorney and the City’s Chief Financial Officer, consistent with the consortium’s legal counsel, the State Treasurer’s office, and the Arizona Attorney General’s Office, that the Council approve settlement of this claim for the amount offered.

The recommendation was to waive reading beyond the title and adopt a resolution ratifying the settlement with JP Morgan and affiliates as listed above in the National Century Financial Enterprise action.

**Resolution No. 3920 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, RATIFYING THE SETTLEMENT WITH TRUSTEES AND AFFILIATED ENTITIES IN THE NATIONAL CENTURY FINANCIAL ENTERPRISES BANKRUPTCY ACTION.**

It was moved by Lieberman, and seconded by Frate, to approve the recommended actions on Consent Agenda Item Nos. 1 through 12, including the approval and adoption of Resolution No. 3918 New Series, Resolution No. 3919 New Series, and Resolution No. 3920 New Series; and to forward Liquor License Application No. 3-1025 for Spencer's, Liquor License Application No. 3-1028 for Spencer's, License Application No. 3-1026 for Somer Market, Liquor License Application No. 3-1027 for Naked Truth Bar & Grill, and special Event Liquor License Application for Saint John of the Desert, to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.

#### **PUBLIC HEARING – LAND DEVELOPMENT ACTIONS**

13. REZONING APPLICATION ZON05-01: CARMEL ESTATES – 19268 NORTH 54<sup>TH</sup> DRIVE

Mr. Jim May, Deputy Planning Director, presented this item.

This is a request by Union Hills 54, LLC for the City Council to approve Rezoning Application ZON05-01, located at 19268 North 54<sup>th</sup> Drive. The applicant is requesting to rezone from R1-6 PRD (Single Residence, Planned Residential Development) and A-1 (Agricultural) to R1-6 PRD. The applicant intends to develop the subdivision "Carmel Estates".

The proposed subdivision is compatible with the Medium Density General Plan designation. The R1-6 PRD adds to the city's housing stock, provides housing opportunities and housing unit diversity. This development incorporates sound growth management techniques by utilizing the surrounding infrastructure.

The applicant intends to build a 39-lot single-family subdivision on 9.8 acres at a density of 3.9 dwelling unit per gross acres. Lot sizes vary from 6,820 square feet to 13,120 square feet, with an average lot size of 7,580 square feet. The minimum lot width is 62 feet and the minimum lot depth is 110 feet.

The Planning Commission recommended approval of this Rezoning Application on November 17, 2005, with five stipulations as outlined in the memorandum. that was presented to the Council at the meeting.

The project promotes the development of vacant property and provides housing that is compatible with the surrounding area.

A neighborhood meeting was held September 12, 2005. Of the 158 people invited to the neighborhood meeting, 25 property owners and interested parties attended. Issues discussed include: who the homebuilder will be; how the lots will be released; if there will be a homeowners' association; and how the existing site will be remediated. It is anticipated that the subdivision will be developed in one phase. A homebuilder has not yet been identified at this time. A homeowners' association will be established and the site will be remediated as needed by the applicant.

The recommendation was to conduct a public hearing, waive reading beyond the title, and approve the Rezoning Application ZON05-01 subject to the stipulations as recommended by the Planning Commission.

Mr. Don Caprose , Applicant's representative, said they are very proud of the project and are working hard to ensure compatibility with the surrounding neighborhoods.

**Mayor Scruggs opened the public hearing on Agenda Item No. 13. As there were no comments, Mayor Scruggs closed the public hearing.**

**It was moved by Martinez, and seconded by Frate, to approve Rezoning Application ZON05-01, subject to the stipulations as recommended by the Planning Commission.**

Councilmember Martinez stated the property has been the subject of several calls received by the Council Office over the years and the proposed project was well received by the neighborhoods. He expressed his opinion the project will improve the neighborhood.

**Upon a call for the question, the motion carried unanimously.**

14. REZONING APPLICATION ZON05-11: 17305 NORTH 63<sup>RD</sup> AVENUE

Mr. Jim May, Deputy Planning Director, presented this item.

This is a request by Longo Builders for City Council to approve Rezoning Application ZON05-11 located at 17305 North 63<sup>rd</sup> Avenue. The applicant is requesting to rezone from A-1 (Agricultural) to RR-45 (Rural Residential).

The proposed rezoning is compatible with the Low Density General Plan designation. The RR-45 adds to the city's housing stock, provides housing opportunities, and housing unit diversity. This development incorporates sound growth management techniques by utilizing the surrounding infrastructure.

The applicant intends to divide the property into four single-family lots, each a minimum of 45,000 square feet. The property was initially zoned A-1 upon annexation into the City of Glendale on September 11, 1979. It has approximately 292 feet of frontage on 63<sup>rd</sup> Avenue and is 621 feet deep.

The Planning Commission recommended approval of this Rezoning Application on November 17, 2005, with two stipulations as outlined in the memorandum. that was presented to the Council at the meeting.

The project promotes the development of vacant property with appropriate uses and provides housing that is compatible with the surrounding area.

The applicant sent 39 notification letters to adjacent property owners and interested parties for this project on May 28, 2005. The applicant received three phone calls regarding how the property will be provided with water and sewer service. Septic tanks are not a viable solution when sanitary sewer is available nearby. The applicant will connect to the city's sewer system.

The recommendation was to conduct a public hearing, waive reading beyond the title, and approved the Rezoning Application ZON05-11 subject to the stipulations as recommended by the Planning Commission.

Mr. Joseph Longo, the applicant, offered to answer questions.

**Mayor Scruggs opened the public hearing on Agenda Item No. 14. As there were no comments, Mayor Scruggs closed the public hearing.**

**It was moved by Frate, and seconded by Eggleston, to approve Rezoning Application ZON05-11, subject to the stipulations as recommended by the Planning Commission.**

Councilmember Frate said he is excited to see the proposed development come to his district.

**The motion carried unanimously.**

15. REZONING APPLICATION ZON05-12: NORTHWEST CHURCH OF CHRIST - 5110 WEST UNION HILLS DRIVE

Mr. Jim May, Deputy Planning Director, presented this item.

This is a request by Northwest Church of Christ for the City Council to approve Rezoning Application ZON05-12 located at 5110 West Union Hills Drive. The applicant is requesting to rezone 3.65 acres from A-1 (Agricultural) to SR-30 (Suburban Residential).

The proposed rezoning is compatible with the Low Density General Plan designation. The SR-30 adds to the city's housing stock, provides housing opportunities, and housing unit diversity. This development incorporates sound growth management techniques by utilizing the surrounding infrastructure.

The applicant intends to rezone the property and then apply for a Conditional Use Permit to allow a church at this location. On September 11, 1979, the property was initially zoned A-1 upon annexation into the City of Glendale. It has approximately 573 feet of frontage along Union Hills Drive and approximately 275 feet of frontage along 51<sup>st</sup> Avenue.

On December 15, 2005, the Planning Commission recommended approval of this Rezoning Application with six stipulations, as noted in the memorandum that was presented to the Council at the meeting.

The project promotes the development of vacant property with appropriate uses and provides zoning that is compatible with the existing zoning surrounding area.

On July 15, 2005, the applicant sent 128 notification letters with enclosed response cards to adjacent property owners and interested parties for this project. The applicant received four postcards concerned about overflow parking. This site plan will be reviewed to ensure that adequate parking is provided.

The recommendation was to conduct a public hearing, waive reading beyond the title, and approved the Rezoning Application ZON05-12, subject to the stipulations as recommended by the Planning Commission.

Mr. Ted Colby, Applicant's representative, offered to answer questions.

**Mayor Scruggs opened the public hearing on Agenda Item No. 15. As there were no comments, Mayor Scruggs closed the public hearing.**

**It was moved by Martinez, and seconded by Clark, to approve Rezoning Application ZON05-12, subject to the stipulations as recommended by the Planning Commission.**

Councilmember Martinez noted the project was well received by the neighborhood.

**The motion carried unanimously.**

16. PUBLIC HEARING – PROPOSED ANNEXATION NO. 157: 8237 & 8257 WEST NORTHERN AVENUE

Mr. Jon Froke, Planning Director, presented this item.

This is a request for the City Council to conduct a public hearing on the blank annexation petition for Annexation Area No. 157, as required by state statute. The vacant property is located at the immediate southeast corner of 83<sup>rd</sup> and Northern Avenues.

Glendale 2025, the city’s General Plan, includes specific goals addressing the need for growth management. The Land Use Element, Goal 2 – “Promote sound growth management methods” and the Growth Areas Element, Goal 3 – “Manage growth to achieve reasonable, responsible urban development”. Annexation is a tool that can be used by the city to direct and manage growth.

The 12.89-acre site is located at the southeast corner of 83<sup>rd</sup> and Northern Avenues. The future Northern Parkway is located along the northern boundary of this parcel and an elevated intersection will take the Northern Parkway over 83<sup>rd</sup> Avenue when constructed.

The property owners of these parcels are requesting annexation and have appointed the purchaser of these parcels as “owner representative” for this process. The purchaser of these parcels has indicated that a development, consisting of commercial-office, will be located at the immediate intersection of 83<sup>rd</sup> and Northern Avenues and a large lot single-family residential subdivision is for the remainder of the site. If annexed by the city, the parcel will be eligible for connection to city utilities and will receive city services. All development that may occur on this parcel must comply with current city development standards and policies.

The blank annexation petition was recorded on December 15, 2005. This public hearing is being conducted during the last 10 days of the 30-day waiting period required by state statute. Recording the blank petition is the first formal step taken in the annexation process. The next step is to hold a public hearing on the blank annexation petition. All property owners within the area to be annexed have been notified of this public hearing by first class mail. The proposed annexation area has been posted in at least three conspicuous places and the public hearing has been advertised in the Glendale Star.

Once the public hearing has been conducted and the 30-day waiting period expires on December 21, 2005, signatures may be gathered. If a sufficient number of signatures in favor of annexation are obtained, and these signatures represent the required amount of valuation, then the Council will be asked to consider the adoption of an annexation ordinance.

At the November 1, 2005 workshop, staff presented and discussed the proposed annexation process for Annexation Area No. 157.

The annexation of this 12.89-acre area would require that any future development of this location meet the Glendale General Plan requirements, as well as all other development standards for the city.

This annexation area is located at a “gateway” into the city and development of this site under Glendale requirements would provide an aesthetically pleasing entry point into the city.

The recommendation was to conduct a public hearing on the blank annexation petition for Annexation Area No. 157 as required by state statute.

**Mayor Scruggs opened the public hearing on Agenda Item No. 16. As there were no comments, Mayor Scruggs closed the public hearing.**

**No action was taken on this item.**

17. PUBLIC HEARING – PROPOSED ANNEXATION NO. 160: 15551 WEST OLIVE AVENUE

Mr. Jon Froke, Planning Director, presented this item.

This is a request for the City Council to conduct a public hearing on the blank annexation petition for Annexation Area No. 160, as required by state statute. The vacant property is located at the immediate southeast corner of Loop 303 and Olive Avenue.

Glendale 2025, the city’s General Plan, includes specific goals addressing the need for growth management. The Land Use Element, Goal 2 – “Promote sound growth management methods” and the Growth Areas Element, Goal 3 – “Manage growth to achieve reasonable, responsible urban development.” Annexation is a tool that can be used by the city to direct and manage growth.

The 738-acre site is located at the southeast corner of Loop 303 and Olive Avenue. This annexation area has a number of unique factors associated with it:

A portion of the annexation area is located within the Loop 303 Corridor. This Corridor was designated as a priority area for the city and is identified as a “growth area” in the General Plan.

Northern Parkway intersects with the Loop 303 in this general vicinity. The future Parkway will be a major east-west transportation link for the entire west valley, linking Grand Avenue with Loop 303.

The annexation area also includes approximately 200 acres of land that lies within the Luke Air Force Base [LAFB] noise contours and is subject to both federal and state laws that guide development within the noise contours.

The applicant, Element Homes, is proposing a broad spectrum of land uses at this location to include mixed-use within the Loop 303 Corridor, single-family residential between Sarival Avenue and the noise contour boundary and then LAFB compatible land uses for the acreage within the noise contour boundary. If annexed by the city, this area will receive city services that include police, fire, and sanitation services. Private companies provide water and sewer utilities in this area of the city. All development that may occur on this parcel must comply with current city development standards and policies.

The blank annexation petition was recorded on December 15, 2005. This public hearing is being conducted during the last 10 days of the 30-day waiting period required by state statute. Recording the blank petition is the first formal step taken in the annexation process. The next step is to hold a public hearing on the blank annexation petition. All property owners within the area to be annexed have been notified of this public hearing by first class mail. The proposed annexation area has been posted in at least three conspicuous places and the public hearing has been advertised in the Glendale Star.

Once the public hearing has been conducted and the 30-day waiting period expires on December 21, 2005, signatures may be gathered. If a sufficient number of signatures in favor of annexation are obtained, and these signatures represent the required amount of valuation, then the Council will be asked to consider the adoption of an annexation ordinance.

At the November 1, 2005 workshop, staff presented and discussed the proposed annexation process for Annexation Area No. 160.

The annexation of this 738-acre area would require that any future development of this location meet the Glendale General Plan requirements, as well as all other development standards for the city. Non-residential uses that may develop in this location could provide sales tax revenue and employment opportunities to the city.

The recommendation was to conduct a public hearing on the blank annexation petition for Annexation Area No. 160 as required by state statute.

**Mayor Scruggs opened the public hearing on Agenda Item No. 17. As there were no comments, Mayor Scruggs closed the public hearing.**

**No action was taken on this item.**

## **BIDS AND CONTRACTS**

### 18. AWARD OF CONSTRUCTION CONTRACT FOR THE RENOVATIONS OF OLDER PARKS

Mr. R. J. Cardin, Deputy Parks and Recreation Director, presented this item.

This is a request for the City Council to approve a construction contract with Valley Rain Construction Corporation in the amount of \$1,794,848.64 to renovate four older parks to include New World, Delicias, Myrtle, and Lawrence Parks.

The park renovations address Council goals of enhancing the quality of life for Glendale residents, managing growth and preserving neighborhoods, and projecting a positive image of Glendale.

The four older park master plans involved extensive public involvement and incorporates upgraded design elements that are consistent with the Parks and Recreation Master Plan. These parks are classified as Neighborhood Parks (under 10 acres) and have a service radius of one mile.

Renovations will include upgrades and/or additions of park features, such as, open space, landscape, aesthetics, pedestrian walkways, play structures, entry monuments, shade structures, irrigation, and picnic ramadas.

This project was originally advertised in August of 2005 and no bids were received. The project was re-advertised in October of 2005 and one bid was received. Upon review, the Engineering Department deemed the bid price to be compatible with the Engineer's estimate.

In the fall of 2000, Parks and Recreation Commission members visited, evaluated, and prioritized 27 older city parks for future renovation. In February of 2003, the Parks and Recreation Commission finalized the prioritization of the parks to be renovated and New World, Delicias, Myrtle, and Lawrence Parks were identified as the highest priority. With this prioritization, staff solicited the services of Logan Simpson Design in June of 2003, to conduct public meetings to determine what park amenities should be addressed. The Parks and Recreation Advisory Commission and staff will begin review of older park priorities for future renovations at the January 2006 Commission meeting.

The community will have the opportunity to make use of enhanced park amenities and infrastructure, such as ramadas, picnic and park benches, concrete pathways, landscaping, basketball courts, open turf areas, additional low-level security lighting, drinking fountains, sports lighting, and play structures. All park renovations provide needed upgrades to park amenities.

Public input was solicited through several public meeting held in the Fall of 2003. Logan Simpson Design conducted two public meetings for each park and then an open house to display the final master plans for each park. Through the public meeting process, citizens were provided the opportunity to prioritize and provide input on a variety of recreational, leisure, educational, and interpretive park amenities. Follow up meetings were held in the early Spring of 2004, to provide opportunities for additional input.

The costs for the renovations are included in the Fiscal Year 2005-06 Capital Improvement Plan. The base bid for the project is \$215,000 and includes construction surveying and mobilization. Myrtle Park renovation cost is \$118,289.04, Delicias Park renovation cost is \$360,364, Lawrence Park renovation cost is \$488,331, and New World Park renovation is \$612,864.60.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$1,794,848.64

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

Parks Redevelopment, Fund No. 36-8026-8300

The recommendation was to award the construction contract with Valley Rain Construction Corporation for the renovation of four parks, in the amount not to exceed \$1,794,848.64.

Councilmember Lieberman said he is delighted to see the construction contract awarded, noting two of the parks are located in his district. He asked that fencing not be put in place of the large boulders at New World Park. Mr. Cardin offered to readdress that portion of the contract.

Councilmember Clark pointed out the subject contract is predicated upon the boulders being removed and fencing being installed. She said retaining the boulders and eliminating the fencing would change the contract amount. Mr. Cardin said the change would be considered a negative change order and will actually diminish the contract amount.

Mayor Scruggs asked if any neighborhood input was received regarding the boulder and fence issue. Mr. Cardin said they would review public comments on that aspect of the contract.

Councilmember Lieberman said he does not recall any objections to his request to retain the boulders.

Councilmember Clark asked Mr. Tindall if it is appropriate to proceed with the contract prior to resolving the fencing issue. Mr. Tindall pointed out the contract includes an additional cost to remove the boulders and erect the fence. He stated one option would be to table the contract until the public input issue can be addressed.

Mr. Broyles recommended Council award the contract with the possibility of deleting construction of the fence. He explained the contractor agreed to extend his bid prices until January 31 at which time the contract would have to be re-bid at what would likely be a higher cost.

Mayor Scruggs pointed out Council meets again January 24. She said, while she understands no financial risks are involved, she is concerned about whether or not there was any citizen input on the issue.

Councilmember Martinez asked if they could approve the contract with a stipulation that the item will come back to Council if staff finds there was citizen input on the issue of the fence. Mr. Tindall said a motion could be phrased in such a manner that ensures citizen input is consistent with the contract.

Councilmember Goulet asked how individuals find out the timeframe for developing Parks 5 through 27. Mr. Cardin said they worked with the Parks and Recreation Commission last night to review the 23 additional parks and the priorities set by the Commission. He said the priorities will be finalized at the February meeting and will be placed on the city's website.

Vice Mayor Eggleston asked if there was any citizen input with regard to New World Park. Mr. Cardin said, while there was public input about the tennis court, volleyball court and playground equipment, he does not recall whether or not fencing was a major issue. Vice Mayor Eggleston asked if they could award all but the New World Park component of the contract.

Mayor Scruggs asked if the contract is contingent upon the developer being awarded all four parks. Mr. Broyles responded yes. He explained bundling the parks together enabled the city to receive better bids. Mayor Scruggs asked why staff recommended the fence. Mr. Cardin said it was the recommendation of a landscape architect to carry the black wrought-iron fence currently located on the west side of the park around to the east side of the park.

Vice Mayor Eggleston asked if the fence is intended to prevent children who are playing at the park from running into the street. Mr. Cardin said he believes aesthetics played a larger role in the decision.

Councilmember Frate noted he served on the Parks and Recreation Commission prior to joining the Council, stating it has been a priority since that time to renovate older parks.

Councilmember Clark said I think probably the most prudent course of action would be to go ahead and pass this contract tonight I think we can sort out “to be a fence or to be no fence” down the road between Councilmember Lieberman and whomever else may be involved.

**Councilmember Clark moved, seconded by Councilmember Frate, to recommend that we go ahead and award this contract.**

Councilmember Lieberman said about the kids with their trucks spinning donuts tearing up our parks, we put the fence up on the western portion to see if that would slow them up and they tore the fence down in two spots that’s when we decided to put boulders all the way around. We have not had a single complaint since then and its eight years. You have never heard anyone say they didn’t like the boulders or wanted to take the boulders out of there. So, if you would Councilmember Clark, include in your stipulation that within the contract the part relating to a fence in New World Park, be left out unless there is more than adequate proof from the meeting that it was mentioned because it was not mentioned. I am rather disappointed that at that meeting, I said that I wanted the boulders left and nobody denied it, nobody said anything, so I am not sure how the fencing, anyhow, I would like that as a stipulation.

Councilmember Clark thanked Councilmember Lieberman for his suggestion, at this point. I am just comfortable to go ahead and award the contract. If there was any stipulation it would be with issue of fencing vs. boulders worked out in an appropriate time frame or settled in an appropriate time frame

Mayor Scruggs said, speaking to Mr. Cardin, it has been motioned and seconded that the contract be awarded, go back and research the matter to see if there is another point of view from the people who live there. If so, you work it out; if not, then I guess whoever came up with the idea to put up a fence is trumped by the Councilmember. It is hard for us sitting here to know neighborhood issues and concerns.

The motion carried unanimously.

## **ORDINANCES**

19. ABANDONMENT OF AN ALLEYWAY AT THE NORTHWEST CORNER OF 43<sup>RD</sup> AVENUE AND BETHANY HOME ROAD

Mr. Larry Broyles, City Engineer, presented this item.

This is a request for the City Council to adopt an ordinance authorizing the abandonment of an existing alleyway at the northwest corner of 43<sup>rd</sup> Avenue and Bethany Home Road.

A developer has assembled several parcels of land on the northwest corner of 43<sup>rd</sup> Avenue and Bethany Home Road that are currently bisected by an existing city-owned alleyway for the purpose of constructing a new CVS Pharmacy and renovating the existing strip retail center to the west. Glendale Onboard (GO) will be receiving necessary right-of-way to improve transportation flow through the intersection, create a bus bay, and install covered transit shelter and landscaping to create a gateway feature.

Staff has determined that the alleyway is no longer necessary for city right-of-way or for the entire sewer line located within the 20-foot wide alleyway. Staff requested, and the new owners have executed, the necessary documents dedicating to the city a 24-foot wide public ingress/egress easement, and a sewer line easement along the western boundary of the property for possible future service to the adjacent vacant parcel. The owners have also dedicated additional right-of-way along 43<sup>rd</sup> Avenue and Bethany Home Road.

The recommendation was to waive reading beyond the title and adopt an ordinance abandoning the alleyway at the northwest corner of 43<sup>rd</sup> avenue and Bethany Home Road.

**Ordinance No. 2478 New Series was read by number and title only, it being AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ABANDONMENT OF AN EXISTING ALLEYWAY AT THE NORTHWEST CORNER OF 43<sup>RD</sup> AVENUE AND BETHANY HOME ROAD TO THE OWNERS OF RECORD OF THE ABUTTING PROPERTY; AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.**

**It was moved by Frate, and seconded by Lieberman, to approve Ordinance No. 2478 New Series. Motion carried on a roll call vote, with the following members voting “aye”: Clark, Goulet, Lieberman, Eggleston, Martinez, Frate, and Scruggs. Members voting “nay”: none. The motion carried unanimously.**

20. SALT RIVER PROJECT EASEMENTS: 1) BETHANY HOME ROAD FROM 91<sup>ST</sup> TO 95<sup>TH</sup> AVENUES AND; 2) THE NORTHEAST CORNER OF 79<sup>TH</sup> AND MISSOURI AVENUES

Mr. Larry Broyles, City Engineer, presented this item.

This is a request for the City Council to adopt an ordinance granting the following easements in favor of Salt River Project (SRP) for: (1) an irrigation easement along the alignment of Bethany Home Road from 91<sup>st</sup> to 95<sup>th</sup> Avenues; and (2) an Overhead and Underground Power Distribution Easement along a proposed city park site on the northeast corner of 79<sup>th</sup> and Missouri Avenues.

The City Council authorized the construction of Bethany Home Road between Loop 101 and 91<sup>st</sup> Avenue for the necessary infrastructure for the new Glendale sports facilities. City staff has requested SRP to relocate its existing facilities in the area to accommodate this construction.

The city is constructing a public park at the northeast corner of 79<sup>th</sup> and Missouri Avenues. City staff has requested SRP to underground the 12kv power lines and relocate the 69kv power lines in the area to accommodate the park construction.

These easements are necessary to protect SRP's facilities and existing land rights.

The recommendation was to waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute the following easements in favor of Salt River Project: (1) an irrigation easement along the alignment of Bethany Home Road from 91<sup>st</sup> to 95<sup>th</sup> Avenues; and (2) an Overhead and Underground Power Distribution Easement along a proposed city park site on the northeast corner of 79<sup>th</sup> and Missouri Avenues.

Ordinance No. 2479 New Series was read by number and title only, it being **AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FOLLOWING EASEMENTS IN FAVOR OF SALT RIVER PROJECT: (1) AN IRRIGATION EASEMENT ALONG THE ALIGNMENT OF BETHANY HOME ROAD FROM 91<sup>ST</sup> TO 95<sup>TH</sup> AVENUES; AND (2) AN OVERHEAD AND UNDERGROUND POWER DISTRIBUTION EASEMENT ALONG A PROPOSED CITY PARK SITE ON THE NORTHEAST CORNER OF 79<sup>TH</sup> AND MISSOURI AVENUES; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.**

It was moved by Goulet, and seconded by Clark, to approve Ordinance No. 2479 New Series. Motion carried on a roll call vote, with the following members voting "aye": Clark, Goulet, Lieberman, Eggleston, Martinez, Frate, and Scruggs. Members voting "nay": none. The motion carried unanimously.

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

It was moved by Eggleston, and seconded by Martinez, to hold a City Council Workshop at 1:30 p.m. on Tuesday, January 17, 2006, in Room B-3 of the City Council Chambers, to be followed by an executive session pursuant to ARS 38-431.03. The motion carried unanimously.

#### **CITIZEN COMMENTS**

None.

## **COUNCIL COMMENTS AND SUGGESTIONS**

Councilmember Goulet invited citizens to attend the Glitter and Glow event this weekend.

Councilmember Lieberman stated he attended the grand opening of the Glendale Gas Light Inn this evening. He encouraged people to recommend it to their visiting family and friends. He urged everyone to come to Glitter and Glow.

Vice Mayor Eggleston also encouraged everyone to attend Glitter and Glow.

Councilmember Martinez welcomed Police Chief Steven Conrad.

Councilmember Frate noted a Street Racing Enforcement Task Force campaign last weekend resulted in over 100 people being arrested. He noted 45 suspects were arrested for street racing and 55 were arrested for criminal speed, DUI, warrants, juvenile curfew, aggravated assault on a Police Officer and possession of drugs and weapons. He said those arrested for street racing, criminal speed and DUI had their vehicles impounded. He reported a total of 400 violations were issued, stating the operation was a huge success. He thanked Peoria and Phoenix for their participation in the campaign. He suggested parents educate their children about the dangers and consequences of street racing. He urged everyone to learn CPR and watch children around water.

Mayor Scruggs congratulated the Police Department on the success of the campaign, stating it is horrifying to think of the innocent people who get caught up in the middle of a street race. She noted under a new state law, owners of impounded vehicles cannot retrieve their cars for 30 days and their license is suspended in the meantime.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:15 p.m.

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Pamela Hanna - City Clerk