



**MINUTES OF THE
GLENDALE CITY COUNCIL MEETING
Council Chambers
5850 West Glendale Avenue
January 22, 2013
7:00 p.m.**

The meeting was called to order by Mayor Jerry P. Weiers and the following Councilmembers were present: Samuel U. Chavira, Ian Hugh, Yvonne J. Knaack, Manuel D. Martinez and Gary D. Sherwood.

Attended telephonically: Councilmember Norma S. Alvarez

Also present were Horatio Skeete, Acting City Manager; Jamsheed Mehta, Interim Assistant City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk.

Mayor Weiers called for the Pledge of Allegiance and a prayer was offered by Chaplain Raul Ochoa, Glendale Fire Department, Pastor of the Faith Hope Love Community Church.

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

A statement was filed by the City Clerk that the 1 resolution and 3 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.

APPROVAL OF THE MINUTES OF THE JANUARY, 8TH, 2013 CITY COUNCIL MEETING

It was moved by Martinez, and seconded by Knaack, to dispense with the reading of the minutes of the January 8, 2013 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.

CONSENT AGENDA

Items on the consent agenda are intended to be acted upon in one motion.

Mr. Horatio Skeete, Acting City Manager, read agenda item numbers 1 through 12.

1. SPECIAL EVENT LIQUOR LICENSE, GLENDALE ARTS COUNCIL

PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a special event liquor license for the Glendale Arts Council. The event will be held at Sahuaro Ranch Park located at 9802 North 59th Avenue on Friday, February 1, 2013, from 7 p.m. to 9 p.m. The purpose of this special event liquor license is for a fundraiser.

Staff is requesting Council to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

2. SPECIAL EVENT LIQUOR LICENSE, ST. THOMAS MORE PARISH

PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve three special event liquor licenses for St. Thomas More Parish. These events will be held inside St. Thomas More Parish Hall located at 6180 West Utopia Road on Saturdays, March 16, May 4, and October 19, 2013, from 6 p.m. to 1 a.m. The purpose of these special event liquor licenses is for fundraising during their St. Patrick's Day, Cinco De Mayo, and Oktoberfest socials.

Staff is requesting Council to forward these applications to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

3. LIQUOR LICENSE NO. 1-59168, DOLLAR GENERAL STORE #12111

PRESENTED BY: Susan Matousek, Revenue Administrator

This item was pulled by Councilmember Martinez to be heard separately.

4. LIQUOR LICENSE NO. 5-1580, SPROUTS FARMERS MARKET #9

PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve adding non-transferable sampling privileges to a series 10 (Liquor Store - Beer and Wine) license for Sprouts Farmers Market #9 located at 5130 West Peoria Avenue. The Arizona Department of Liquor Licenses and Control application (No. 10076302S) was submitted by Randy D. Nations.

Staff is requesting Council to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

5. LIQUOR LICENSE NO. 5-1581, SPROUTS FARMERS MARKET #3

PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve adding non-transferable sampling privileges to a series 10 (Liquor Store - Beer and Wine) license for Sprouts Farmers Market #3 located at 5665 West Bell Road. The Arizona Department of Liquor Licenses and Control application (No. 10076302S) was submitted by Randy D. Nations.

Staff is requesting Council to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

6. LIQUOR LICENSE NO. 5-8519, KORYO SUSHI & BBQ

PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license for Koryo Sushi & BBQ located at 10040 North 43rd Avenue, Suite 1K. The Arizona Department of Liquor Licenses and Control application (No. 12079332) was submitted by Yoon Soo Cho.

Staff is requesting Council to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

7. LIQUOR LICENSE NO. 5-8604, SUICIDE JIM'S SPORTS GRILL

PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for city council to approve a new, non-transferable series 12 (Restaurant) license for Suicide Jim's Sports Grill located at 17035 north 67th avenue. The Arizona Department of Liquor Licenses and control application (no. 12079367) was submitted by Eric Ryan Simpson.

Staff is requesting council to forward this application to the Arizona Department of Liquor Licenses and control with a recommendation of approval.

8. LIQUOR LICENSE NO. 5-8609, CHIPOTLE MEXICAN GRILL #2046

PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license for Chipotle Mexican Grill #2046 located at 9410 West Hanna Drive, Suite A-101. The Arizona Department of Liquor Licenses and Control application (No. 12079344) was submitted by H.J. Lewkowitz.

Staff is requesting Council to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

9. AUTHORIZATION TO PURCHASE TACTICAL VESTS

PRESENTED BY: Debora Black, Interim Police Chief

This is a request for City Council to approve the purchase from TYR Tactical, LLC in an amount not to exceed \$105,342.41.

10. SERVICE AGREEMENT WITH MOTOROLA, INCORPORATED

PRESENTED BY: Debora Black, Interim Police Chief

Staff is requesting Council authorize the City Manager to enter into a services agreement with Motorola, Incorporated for \$83,555.40 for Mobile Data Computer (MDC) software service and communication console service.

11. TAX MANTRA ANNUAL MAINTENANCE

PRESENTED BY: Diane Goke, Chief Financial Officer

This item was pulled administratively and not heard.

Mr. Skeete requested this item be removed administratively from the agenda and it was not heard.

12. SOFTWARE MAINTENANCE AGREEMENT WITH GE FANUC INTELLIGENT PLATFORMS, INC.

PRESENTED BY: Craig Johnson, P.E., Executive Director, Water Services

This is a request for City Council to authorize the City Manager to enter into an annual software maintenance agreement with GE Fanuc Intelligent Platforms, Inc. in an amount not to exceed \$60,450.80 for the Supervisory Control and Data Acquisition (SCADA) systems used at all of the city's water and wastewater treatment plants.

Mr. Horatio Skeete, Acting City Manager, read agenda item numbers 1 through 10 and 12.

It was moved by Martinez and seconded by Sherwood, to approve the recommended actions on Consent Agenda Item No(s). 1, 2, 4 through 10, and 12 and to forward Special Event Liquor License Application for Glendale Arts Council for a fundraiser to be held at Sahuaro Ranch Park located at 9802 North 59th Avenue on February 1, 2013 and Special Event Liquor License Application for St. Thomas More Parish for a fundraiser to be held at 6180 West Utopia Road on March 16, May 4, and October 19, 2013; Liquor License Application No. 5-1580 for Sprouts Farmers Market #9, Liquor License Application No. 5-1581 for Sprouts Farmers Market #3, Liquor License No. 5-8519 for Koryo Sushi & Bbq, Liquor License No. 5-8604, for Suicide Jim's Sports Grill and Liquor License No. 5-8609 for Chipotle Mexican Grill #2046 to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.

3. LIQUOR LICENSE NO. 1-59168, DOLLAR GENERAL STORE #12111

PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a new, non-transferable series 10 (Liquor Store - Beer and Wine) license for Dollar General Store #12111 located at 5275 North 59th Avenue. The Arizona Department of Liquor Licenses and Control application (No. 10076356) was submitted by Clare Hollie Abel.

Staff is requesting Council to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

Dipak Patel, California spoke opposing Item 3, the application for beer and wine liquor license. He has owned a store across the street for over 20 years. If the license is granted to the Dollar Store, it will cut his business by about 50% or more. Mr. Patel said Dollar Store is a family store and he said it isn't appropriate to have a Dollar Store selling liquor.

Mayor Weiers asked if Mr. Patel had a full liquor license. Mr. Patel replied his store was a full liquor store.

Martin Kornbluth, Scottsdale, AZ, opposed Item 3. He owns the shopping center across the street. He explained Dollar General is a discount house and if they sell beer and wine, it will affect the surrounding businesses. He said the neighborhood has changed over the last 20 years from a middle class neighborhood to a high crime, depressed, low income area. He thought the

Dollar General would help the area but does not believe the sale of liquor there would be best for the area.

Clare Abel, Phoenix, AZ, spoke on behalf of the Dollar General store. She said Dollar General currently has 3000 liquor licenses around the U.S., which are limited to beer and wine. She is sympathetic to concerns, but they are primarily competitive concerns. She said Dollar General offers grocery items, with 4-6 aisles devoted just to grocery. She said having a liquor license isn't to get new customers in the store, but to make it more convenient for those who use that business. She said Dollar General is a competent and qualified retailer. Dollar General won't be selling individual bottles of beer.

Mayor Weiers verified that state law only allowed for the sale of the liquor and not for the consumption on the premises. Ms. Abel verified this and said this was an off-sale license. The liquor must be consumed off the premises.

It was moved by Knaack, and seconded by Sherwood, to approve a new, non-transferable series 10 (Liquor Store - Beer and Wine) license for Dollar General Store #12111 located at 5275 North 59th Avenue. Motion carried on a roll call vote, with the following Councilmembers voting "aye": Alvarez, Chavira, Knaack, Martinez, Sherwood, and Weiers. Members voting "nay": Hugh.

CONSENT RESOLUTIONS

Ms. Pamela Hanna, City Clerk, read consent agenda resolution item numbers 13.

13. INTERGOVERNMENTAL AGREEMENT WITH THE GLENDALE ELEMENTARY SCHOOL DISTRICT FOR AFTERSCHOOL ENRICHMENT PROGRAM AT HAROLD W. SMITH ELEMENTARY SCHOOL

PRESENTED BY: Erik Strunk, Executive Director, Parks, Recreation & Library Services

RESOLUTION: 4637

This is a request for City Council to waive reading beyond title and adopt a resolution authorizing an intergovernmental agreement (IGA) with the Glendale Elementary School District (GESD) for afterschool enrichment through the Glendale Recreation After-School Program (GRASP). This partnership provides an experience for youth that incorporates academics, enrichment, and recreation activities in a safe and supportive environment.

RESOLUTION NO. 4637 NEW SERIES WAS READ BY NUMBER AND TITLE ONLY, IT BEING A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF AN INTERGOVERNMENTAL AGREEMENT WITH THE GLENDALE ELEMENTARY SCHOOL DISTRICT NO. 40 FOR THE PURPOSE OF JOINTLY ACCEPTING GRANT MONIES TO FOSTER AN INCREASE IN ACADEMIC ACHIEVEMENT IN THE GLENDALE COMMUNITY.

Ms. Pamela Hanna, City Clerk, read consent agenda resolution item number 13 by number and title.

It was moved by Martinez and seconded by Knaack, to approve the adoption of Resolution No. 4637 New Series.

ORDINANCES

14. TRANSFER OF EXCESS AND UNUSABLE RIGHT-OF-WAY PROPERTY AT THE NORTHWEST CORNER OF 83RD AVENUE AND BELL ROAD FOR TRAVERSE BAY PROPERTIES, L.L.C.

PRESENTED BY: Gregory Rodzenko, P.E., Acting City Engineer

ORDINANCE: 2835

This is a request for City Council to adopt an ordinance authorizing the City Manager to transfer excess and unusable right-of-way property at the northwest corner of 83rd Avenue and Bell Road to Traverse Bay Properties, L.L.C. Staff is requesting Council waive reading beyond the title and adopt an ordinance authorizing the right-of-way transfer.

Andrew Marwick, a Phoenix resident, congratulated the new Mayor and Councilmembers. Mr. Marwick spoke about the traffic congestion in that area and what the traffic and right of way needs would be in 20 years. He spoke about a luxury car dealership there and the positive economic impact it could provide. He asked that the Council look at the situation and make the right decision.

Mayor Weiers spoke about the narrow strip of land and the minimal land uses available for the property.

Councilmember Sherwood spoke about a private road that runs through the property as well as the sizable amount of money the City has already spent in preparing the property.

Councilmember Chavira thanked Mr. Marwick for his concern for the City.

Councilmember Martinez read from the Council packet, and commented that Council was moving forward with something that started back in 2003.

ORDINANCE NO. 2835 NEW SERIES, AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE TRANSFER TO TRAVERSE BAY PROPERTIES, L.L.C. OF EXCESS AND UNUSABLE REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF 83RD AVENUE AND BELL ROAD; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.

It was moved by Councilmember Hugh, and seconded by Councilmember Martinez, to approve Ordinance No. 2835 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Alvarez, Chavira, Hugh, Knaack, Martinez, Sherwood, and Weiers. Members voting “nay”: none.

15. TRANSFER OF EXCESS AND UNUSABLE RIGHT-OF-WAY PROPERTY AT THE NORTHWEST CORNER OF 83RD AVENUE AND BELL ROAD TO BCC DEVELOPMENT, INC.

PRESENTED BY: Gregory Rodzenko, P.E., Acting City Engineer
ORDINANCE: 2836

This is a request for City Council to adopt an ordinance authorizing the City Manager to transfer excess and unusable right-of-way property at the northwest corner of 83rd Avenue and Bell Road to BCC Development, Inc. Staff is requesting Council waive reading beyond the title and adopt an ordinance authorizing the right-of-way transfer.

ORDINANCE NO. 2836 NEW SERIES, AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE TRANSFER TO BCC DEVELOPMENT, INC. OF EXCESS AND UNUSABLE REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF 83RD AVENUE AND BELL ROAD; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.

It was moved by Councilmember Chavira, and seconded by Councilmember Martinez, to approve Ordinance No. 2836 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Alvarez, Chavira, Hugh, Knaack, Martinez, Sherwood, and Weiers. Members voting “nay”: none.

16. AMENDMENT TO CITY CODE CHAPTER 2, FINANCIAL DISCLOSURE STATEMENT

PRESENTED BY: Pam Hanna, City Clerk
ORDINANCE: 2837

Staff is requesting Council waive reading beyond the title and adopt an ordinance amending the Code of the City of Glendale: Chapter 2, Administration, Article II, City Council, Division 2, Financial Disclosure, Section 2-32, Financial Disclosure with an emergency clause. This amendment would make this provision of the City Code consistent with ARS 38-542, which allows Councilmembers whose final terms expire in January to file their financial disclosure statements at the same time they file their disclosure statements for the previous calendar year.

Mayor Weiers commented that this simplifies everything for everyone involved. It is only used when finishing up the term in office.

ORDINANCE NO. 2837 NEW SERIES, AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE, CHAPTER 2, ARTICLE II RELATING TO FINANCIAL DISCLOSURE; AND DECLARING AN EMERGENCY.

It was moved by Councilmember Sherwood, and seconded by Councilmember Knaack, to approve Ordinance No. 2837 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Alvarez, Chavira, Hugh, Knaack, Martinez, Sherwood, and Weiers. Members voting “nay”: none.

REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION

It was moved by Councilmember Knaack, and seconded by Councilmember Sherwood, to hold a City Council Workshop at 1:30 p.m. in Room B-3 of the City Council Chambers on Tuesday, February, 5th, 2013, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried unanimously.

CITIZEN COMMENTS

Wendy Miller, a Cholla resident, spoke about the Challenge Charter School. She is the Principal of the Challenge Charter School. She asked for people representing Challenge Charter School to stand. Ms. Miller said Bud Machamer is the Dare/Great officer for their school, and the children call him Officer Bud. Previously, every school had school resource and Dare/Great officers. Schools and community sponsors support the program and everyone is concerned for the safety of all the kids in all the schools. Officer Bud is a shining representative of the Glendale Police Department, and has spent additional time at the school on his off hours. She gave a couple examples of how the parents and kids have been impacted by the loss of the resource officer.

A student of Challenge Charter School spoke briefly about how much he trusts and appreciates Officer Bud.

Mayor Weiers asked the student how old he was. The student replied 9. Mayor Weiers asked what his name was and the student replied Robert Gray.

Ms. Miller read a letter from a 6th grade student who was impacted in a positive way by the services of the Dare/Great officer.

She spoke about prioritizing the safety of the students and requested that Council consider another option which would allow resource officers to continue.

Randy Miller, a Barrel resident, spoke about Marie Shepherd from the Police Department volunteer program, who was reassigned to Records. He spoke about how Marie coordinates volunteers to come fill in spots throughout the Police Department. He does not want Glendale to become a high crime area. He spoke about the Repeat Offender Program and how they no longer had resources to make the program work. He asked that the Police Department not be underfunded. He wanted to comment on the Dare/Great program, but said that the statements by Robert Gray, the student who spoke previously, were far more eloquent than what he could say. He asked that the City fill the Police Chief position and the other interim positions in the City and make them permanent. He said the Police Department has responded quickly and are always professional when he has called them. He asked that the City be kept secure.

Andrew Marwick, a Phoenix resident, congratulated members of the Challenge Charter School for showing up and speaking. He commented on the Police Department not having a permanent police chief. Mr. Marwick said over the last several years, the previous Council has focused on something that Glendale had no business in. He spoke about a child asking the Council not to take his hockey team away, and he said that there are many children in Canada that have never attended a hockey game in Toronto. He said it costs close to \$1000 for halfway decent tickets to attend a

Mapleleaves' game. He stated that Mr. Bettman was playing games with all the delays and Mr. Jamison wasn't at the opening game this year and will not share any information about his investors. He continued that the Kings would be moving up to Seattle next year. He said that it was time for Mr. Bettman to put up or shut up.

Mariann Koury, a Peoria resident, has been a Victim's Assistance volunteer since 2005. She asked that Council not cut the Police Department budget. She spoke about the transfer of Marie Shepherd from the volunteer coordinator position to the Records department. Ms. Sheperd had been responsible for managing 85 volunteers, as well as managing the Citizen's Police Academy which was valuable to both the police department and the city. Ms. Koury listed the many divisions within the Police Department that had volunteers. Volunteers have saved the Police Department over \$240,000. The volunteer coordinator position is critical to the Police Department and the City. There are 40 unfilled vacancies within the Police Department.

Christine Ranno, a Cholla resident, spoke as a parent of two children who attend Legend Springs noting Officer Bud was also the officer at their school. One of her children had the opportunity to participate in the Dare program, but the other child will not have that opportunity. Officer Bud and Officer Jackson were excellent examples of Police Department employees and they were officers who truly cared. When her daughter won an essay contest and was reading it, Ms. Ranno saw Officer Bud and how proud he was of her daughter, Carly. Officer Bud gave Carly a challenge coin after she won the essay contest. Ms. Ranno asked that Council to reconsider the decision to terminate the Dare/Great program. She and the other parents at Legend Springs extended heartfelt thanks to Officer Bud and Officer Jackson.

Kim Baker, an Avondale resident, congratulated the new Mayor. Mr. Baker referenced when he spoke to Council on January 8th. He spoke about the \$750,000 cost for the landfill search for Jhessye Shockley. He spoke about how he is composing a song that she was never there. He said he watched Lance Armstrong come clean about what he did and that makes him a hero to Mr. Baker. He read from scripture. He continued that he didn't know if Jhessye Shockley was dead or not. He said that he knows that she was never in the landfill. He states that this was a covert police operation. He asked Council to ask the police chief what evidence the Police Department had to search the landfill.

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Alvarez commented that on January 8 she handed out numbers she had come up with along with some community members. They were up to a 10% cut for the employees. She received a memo from the city attorney regarding the open meeting law. She stated that she would not hand out anything in writing and that she would not violate the open meeting law. She listed the various penalties and she stated that she was informed that the City would not pay for any legal fees. She assured everyone that she did not want to cause harassment to herself or anyone associated with her and that she would never ask the City to pay her legal fees, unlike what has been done in the past. She commented on the Follow Your Money program on the computer and the transfers of funds. She continued that the city should no longer put money into fighting the casino and that paying over \$3 million over the last several years to a consultant was not good. She liked the Follow Your money report. She encouraged residents to become knowledgeable

about the money. She asked that residents continue to attend meetings and to be aware how the money is spent in the city of Glendale.

Councilmember Sherwood thanked the Challenge Charter School and Robert Gray for being there and speaking. He commented that when Council gets a chance to review some of the budget they would start looking at some of these items. He acknowledged issues on the money side and thanked everyone for their comments and participation.

Councilmember Martinez congratulated the new Mayor and Councilmembers and stated he was looking forward to working with them. We have some tough challenges ahead of us and will be dealing with very difficult budget issues but we will do everything possible to fix them.

Councilmember Hugh congratulated the new Mayor and Council and stated he was also looking forward to working with them.

Councilmember Chavira echoed Councilmember Hugh's comments and also thanked Robert for being here. He commented about the actions taken by council tonight. He explained that the items being purchased for the Police Department were being purchased with RICO funds. He stated that these items would keep everyone safe. He thanked everyone for speaking today. He echoed Councilmember Sherwood in that they would be doing what was right for the City. He commented on the Challenge Charter School and how great it was they came out to support the Dare program. He spoke about how his daughters also quote their DARE officer.

Councilmember Knaack commented on Mr. Baker's comments about Jhessye Shockley. She stated she was very upset that someone would question the actions of the police department and the various members who helped search for the missing child. She said DARE/Great officers were wonderful. The impression made by the DARE/Great officers was long standing and impactful. She would do what she could to bring back the program. She welcomed the new Councilmembers and Mayor Weiers. She looks forward to working with everyone and each meeting would get a little better. In honor of former Vice Mayor Frate, she asked that everyone watch their children around water.

Mayor Weiers thanked everyone for being patient and said the meetings will continue to get smoother. He said there was a bit of a learning curve with four new people on the Council. He issued a challenge for Challenge School. He said he would like to come to the school, take a tour. He was impressed with Robert Gray and knew the other students were just as great.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:35 p.m.

Pamela Hanna

Pamela Hanna - City Clerk