

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA,  
HELD TUESDAY, JANUARY 24, 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 Ed Beasley, City Manager; 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 one resolution 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 welcomed Jeremy Fulgham, a member of the Ironwood High School Government class.

**APPROVAL OF THE MINUTES OF THE JANUARY 10, 2006 CITY COUNCIL MEETING**

**It was moved by Goulet, and seconded by Frate, to dispense with the reading of the minutes of the January 10, 2006 City Council meeting, as each member of the Council had been provided copies in advance, and approve them as amended. The motion carried unanimously.**

**PROCLAMATIONS AND AWARDS**

**DISTINGUISHED BUDGET PRESENTATION AWARD**

This is a request for the City Council to accept the Distinguished Budget Presentation Award for exemplary budget documentation as reflected in the city's Fiscal Year 2005-06 Budget Book.

The Government Finance Officers Association of the United States and Canada (GFOA) recently issued the Distinguished Budget Presentation Award for the city's Fiscal Year 2005-06 Budget Book.

This is the 17<sup>th</sup> time that the city has been presented this award for its annual budget document.

Each year the annual budget book is prepared to provide complete, readily available information to the City Council, citizens, the media, other public agencies and New York based bond-rating agencies. Preparation of the annual budget book reflects positively on a local government's financial management, as it relates to providing complete public disclosure of its financial condition. It provides valuable information on topics as diverse as revenue and expenditure plans for the current fiscal year's operating and capital budgets, as well as the 10-year capital improvement plan and performance measures for departments.

The recommendation was to accept the Distinguished Budget Presentation award.

**Ms. Sherry Schurhammer, Management and Budget Director, presented the award to the Mayor and Council.**

Mayor Scruggs thanked Ms. Schurhammer for all she does.

#### 2005 STATE CHAMPIONS – CACTUS COBRA FOOTBALL TEAM

This is a request for the City Council to issue a Proclamation of Recognition to the Cactus High School Cobra's Football team, who recently completed an undefeated season with a victory in the Class 4A-I State Championship Game. We are recognizing the significant accomplishments achieved by the Cactus Cobras Football team and their coaches, and expressing our gratitude for the pride and recognition they have brought to themselves, their school, and the community of Glendale.

The recommendation was to present a Proclamation of Recognition to Head Coach Larry Fetkenhier and the members of the Cactus High School Cobras Football team.

**Mayor Scruggs presented a Proclamation of Recognition to Head Coach Larry Fetkenhier and the members of the Cactus High School Cobras Football team. Those present were Team Captains: Jordan Flores, Anthony Freeman, Mike Schmitt and Jonathan Tobin. Team Coaches: Brian Belles, Casey Fetkenhier, John Babinchak, Ed Simpson, Aaron Walls, Paul Williams and Head Coach Larry Fetkenhier.**

Coach Larry Fetkenhier thanked the Mayor and Council. He said he is extremely proud of their team and the community they represent.

Team Captains, Mr. Jordan Flores, Mr. Anthony Freeman, Mr. Mike Schmitt, and Mr. Jonathan Tobin commented on winning the State Championship.

2005 NJCAA FOOTBALL CHAMPIONS – GLENDALE COMMUNITY COLLEGE GAUCHOS

This is a request for the City Council to issue a Proclamation of Recognition to the Glendale Community College (GCC) Gauchos football team, who recently completed a perfect season with a victory in the 2005 Valley of the Sun Bowl. We are recognizing the significant accomplishments achieved by the GCC Gauchos and their coaches, and expressing our gratitude for the pride and recognition they have brought to themselves, Glendale Community College, and the community of Glendale.

The recommendation was to present a Proclamation of Recognition to Head Coach Joe Kersting and the members of the GCC Gauchos Football team.

**Mayor Scruggs presented a Proclamation of Recognition to Head Coach Joe Kersting and the members of the GCC Gauchos Football team.**

Head Coach Joe Kersting said he would have liked to bring members of his team to the meeting, but 16 of them have already transferred on to another school. He stated Glendale Community College has a very particular recruiting policy, recruiting only the best players they can get from the north and west Phoenix areas. He noted their team had four traits this year; they knew how to work, they liked each other, they love the game, and they cared about each other. He said he took a lot of pride in coaching the team. He thanked the Mayor and Council for their recognition.

CONSENT AGENDA

Mr. Ed Beasley, City Manager, read Consent Agenda Item Numbers 1 and 2 and Ms. Pamela Hanna, City Clerk, read consent agenda resolution Number 3 by number and title.

1. FINAL PLAT APPLICATION FP04-03: PROVENCE – 7249 NORTH 91<sup>ST</sup> AVENUE

This is a request by Precision Developments, Inc. for the City Council to approve the final plat for Provence, a PRD (Planned Residential Development) subdivision located at 7249 North 91<sup>st</sup> Avenue.

The proposed final plat is consistent with the General Plan and the existing R1-4 PRD (Single Residence, Planned Residential Development) zoning district. The proposed subdivision creates additional residential housing opportunities for the city. This development incorporates sound growth management techniques by utilizing the surrounding infrastructure.

The site is located on the east side of 91st Avenue, approximately 721 feet north of Glendale Avenue. The 37.17-acre parcel is being subdivided into 215 lots at a density of 5.78 dwelling units per gross acre. Lot sizes vary from 3,113 square feet to 10,007 square feet. The average lot size is 4,127 square feet. The final plat meets the requirements of the Subdivision and Minor Land Division Ordinance.

On November 25, 2003 the Council approved the companion rezoning application (ZON03-01) for R1-4 PRD for this subdivision.

This project provides housing variety, opportunity and a range in housing unit diversity for the city.

A neighborhood meeting was held on April 9, 2003. Of the 60 people invited by mail to the meeting, eight area residents attended. Issues discussed included lot and home sizes, number of stories, lot coverage, street design and street entrances. Since that time the applicant has been working on the improvement plans associated with this subdivision.

The recommendation was to approve Final Plat Application FP04-03.

2. AWARD OF CONSTRUCTION CONTRACT: GLENDALE MUNICIPAL AIRPORT SECURITY FENCE

This is a request for the City Council to approve a construction contract with Phoenix Fence Company, for the replacement of the four-foot perimeter fence with six-foot security fence in an amount not to exceed \$312,441.

The existing perimeter fence along Glen Harbor Boulevard is only four feet high and does not meet the new Federal Aviation Administration (FAA) security standards. The project includes installing new six-foot perimeter fence, along with replacing several auto access gates with card access-only automatic sliding security gates.

In November of 2005, only one bid was received for this project and it was below the engineer's estimate. Staff is recommending the award of the base bid to Phoenix Fence Company, a qualified licensed contractor, in the amount of \$312,441.

In 2002 and 2003, the city accepted an FAA grant in the amount of \$150,000, and an Arizona Department of Transportation (ADOT) grant in the amount of \$7,363 for the installation of new airport perimeter fencing.

The Glendale Airport plays a major role in meeting the increasing demand for aviation services in the West Valley. With the arena operational, the multi-use stadium opening in 2006, and the continued development of hotels, along with destination retail and entertainment facilities, the airport has experienced, and will continue to experience, a significant increase in corporate jet traffic. With increased airport activity

comes additional security issues. The new airport perimeter fencing will improve airport security.

The total cost, including design, construction and administration, is \$357,601. The design and administration component cost is \$45,160, and the cost of constructing the fence is \$312,441.

Funding for this project is available from multiple sources:

- \$150,000 from the FAA grant;
- \$7,363 from the ADOT grant; and
- The city’s matching amount of \$200,238 in the GO Transportation Program.

The design and administration costs have been allocated from the grant funds, leaving \$112,203 available in grant funding for the construction costs. The city’s match amount is available in the GO Transportation Program capital fund (Fund 33). A transfer is required from Runway Protection Zone Land Purchase Account, No. 33-9476-8320, in the amount of \$192,291, to Replace Fencing – Airport Account, No. 33-9475-8300, to supplement the \$7,947 currently available in this account.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X	X		X		\$312,441

<i>Account Name, Fund, Account and Line Item Number:</i>	
Replace Fencing - Airport	Account No. 33-9475-8300 (\$200,238 City Match)
Replace Fencing - Airport	Account No. 34-8071-8300 (\$112,203 Grant Funds)

The recommendation was to approve the transfer of \$192,291 and the construction contract with Phoenix Fence Company in an amount not to exceed \$312,441.

**CONSENT RESOLUTIONS**

3. INTERGOVERNMENTAL AGREEMENT WITH THE TOLLESON UNION HIGH SCHOOL DISTRICT

This is a request for the City Council to adopt a resolution to enter into an intergovernmental agreement (IGA) with Tolleson Union High School District for city use of the Copper Canyon High School parking lot located at 9126 West Camelback Road.

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

This agreement furthers the Council strategic priorities of enhancing the quality of life for Glendale residents, strengthening community relationship, and creating new partnerships.

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

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

Staff previously presented this agreement at the December 13, 2005 Council meeting. This agenda item was tabled to address concerns regarding the scheduling of each organization’s facilities. The IGA has been changed to add language that requires the joint development of an annual use calendar to assure that both parties are receiving equitable benefit. The Tolleson Union High School District approved the revised IGA at its January 10, 2006 school board meeting.

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

The installation cost of the sports field lights will not exceed \$350,000. The installation cost is in the Fiscal Year 2005-06 Capital Improvement Budget. An operating budget supplemental will be submitted for the Fiscal Year 2006-07 to fund light replacement and parking lot cleaning.

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

Account Name, Fund, Account and Line Item Number:  
 Soccer Lights, 36-8941-8300, \$350,000

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement with the Tolleson Union High School District.

Resolution No. 3921 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 ENTERING INTO OF AN INTERGOVERNMENTAL AGREEMENT WITH THE TOLLESON UNION HIGH SCHOOL DISTRICT TO CONSTRUCT A LIGHTING SYSTEM FOR THE BALLFIELDS AND USE OF PARKING FACILITIES AT COPPER CANYON HIGH SCHOOL LOCATED AT 9126 WEST CAMELBACK ROAD IN GLENDALE.**

It was moved by Clark and seconded by Lieberman, to approve the recommended actions on Consent Agenda Item Nos. 1 through 3, including the approval and adoption of Resolution No. 3921 New Series. The motion carried unanimously.

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

#### **4. REZONING APPLICATION ZON05-19: 6180 WEST UTOPIA ROAD**

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

This is a request for the City Council to approve the Planning Commission initiated request to rezone the St. Thomas More Catholic Church Campus, from C-2 (General Commercial) to R1-7 (Single Residence), located at 6180 West Utopia Road.

The rezoning request is consistent with the General Plan.

The property is currently used as the St. Thomas More Church Campus. The rezoning does not impact the present operation of the church or the future expansion plans and ultimate full development of the St. Thomas More Campus. There are no plans to close the church or develop the property for anything other than a church and its related uses at this time.

The request is to rezone from C-2 (General Commercial) to R1-7 (Single Residence). The requested rezoning would reduce the intensity of use for the property should redevelopment occur in the future and would provide a zoning district that is similar in character to the existing surrounding residential neighborhoods. The requested rezoning would bring the property into conformance with the General Plan designation of Medium Density Residential. (3.5 to 5 dwelling units per acre).

On December 15, 2005, the Planning Commission recommended approval of the rezoning application.

The rezoning will reduce the intensity of use for the properties should redevelopment occur in the future and would provide a zoning district that is similar to the existing surrounding residential neighborhoods.

On November 4, 2005, notification letters were sent out to 230 neighbors and interested parties informing them of this request. Staff received one phone call asking if 3.5 to 5 du/acre meant apartments or condominiums. Staff explained that it did not, that the General Plan designation of 3.5 to 5 du/acre meant single-family residential like the surrounding subdivisions.

The recommendation was to conduct a public hearing and approve Rezoning Application ZON05-19.

**Mayor Scruggs opened the public hearing on Agenda Item No. 4. As there were no requests to speak, Mayor Scruggs closed the public hearing.**

**It was moved by Martinez, and seconded by Frate, to approve Rezoning Application ZON05-19. The motion carried unanimously.**

## **LAND DEVELOPMENT ACTIONS**

5. DESIGN REVIEW APPLICATION DR05-60: ARROWHEAD GATEWAY - 17700 NORTH 75<sup>TH</sup> AVENUE

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

This is a request by CTW-Arrowhead, LLC for the City Council to approve the Design Review application for Arrowhead Gateway Shopping Center located at 17700 North 75<sup>th</sup> Avenue. The 9.9-acre site is located at the southwest corner of St. John Road and 75<sup>th</sup> Avenue.

Council approval of this design review application is required as a stipulation of the PAD (Planned Area Development) zoning on this property.

The proposed shopping center will promote economic development in the City of Glendale. The development incorporates sound growth management techniques by utilizing the surrounding infrastructure.

The applicant intends to construct approximately 65,359 square feet of retail space on this site. Seven single-story buildings are proposed for the shopping center. Thirty-five feet of landscaping is proposed along 75<sup>th</sup> Avenue to screen the residences across the street. Two driveways are proposed on 75<sup>th</sup> Avenue. The project will use muted earth-tone colors to complement the adjacent development.

The project promotes the development of vacant property and provides shopping options that are compatible with the surrounding area.

A neighborhood meeting was held on August 29, 2005. A public meeting was held and, of the 44 people invited, three attended. Some issues discussed were the hours of operations for the restaurants and what types of establishments are being proposed.

The recommendation was to approve Design Review Application DR05-60, subject to the stipulations recommended by staff.

Councilmember Clark asked if the project would be phased. Kristi Kowalski, Applicant, said they are not planning to phase the project.

Mr. Richard Leedy, a resident of the City of Glendale Cholla district, expressed concern about additional traffic the development will bring to the area. He asked about current and projected traffic counts in the area. He pointed out a new office building is located west of the mall, stating it along with the subject project will bring 4,000 to 5,000 additional cars per day to 75<sup>th</sup> Avenue. He stated 75<sup>th</sup> Avenue already swings between being a racetrack and a parking garage, depending on the time of day. He said the street their home faces parallels 75<sup>th</sup> Avenue and is used by children and adults when walking to the park. He stated accidents on 75<sup>th</sup> Avenue have resulted in cars hitting the retaining wall that runs along their street and, if additional traffic will be placed on 75<sup>th</sup> Avenue, that wall needs to be reinforced. He referenced an article in the Arrowhead Independent Newspaper wherein Ms. Kowalski is quoted as saying the development could include a home improvement store, stating a home improvement store is not part of the plan being presented to Council. He said he is opposed to access to the site from 75<sup>th</sup> Avenue, explaining it will cause traffic to back up to Union Hills.

Councilmember Goulet asked Mr. May if the applicant and staff ever discussed installing a deceleration lane on 75<sup>th</sup> Avenue. Mr. May said the issue was discussed, although he would have to check with the city's Traffic Engineer to know why it was deemed unnecessary. He pointed out there will be four opportunities to turn right into the project, one at St. Johns, two within the development and one on the mall access road further south. Councilmember Goulet said he would like to hear from the Traffic Engineer on the issue of a deceleration lane. Mr. Jamsheed Mehta, Traffic Engineer, said the Traffic Engineering Department reviews traffic and other studies presented by the applicant and makes its decisions based on that information. He stated he assumes a traffic study was presented and it was concluded that a deceleration lane was not warranted. Councilmember Goulet asked if the Traffic Engineering representative who reviewed the subject project is present to comment. Mr. Mehta responded no.

Councilmember Frate said 75<sup>th</sup> Avenue could handle the additional volume because it and the other mall access roads were designed to accommodate the maximum capacity of the mall. He said the two driveway cuts into the development already exist and cannot be moved.

Councilmember Goulet explained he is not concerned about interior circulation, but whether or not a deceleration lane should be installed for the northernmost or central access points on 75<sup>th</sup> Avenue. He asked the applicant's representative if she can confirm whether or not the issue was discussed. Ms. Liz Gasson, Applicant's representative, said the project is part of the North Valley Specific Plan, which takes into account the infrastructure, and ultimate use of all of the area parcels. She stated they went through their pre-application meeting with the City's Engineering Department and has fulfilled all of their requests. Councilmember Goulet again asked if they discussed whether a deceleration lane on 75<sup>th</sup> Avenue was warranted. Ms. Gasson stated a deceleration lane was never required. She offered to look at the issue with the City's Engineering and Planning Departments.

Mayor Scruggs pointed out the Council is not considering rezoning the property for commercial uses, stating that rezoning occurred in 1989. She stated the only issue before Council is the design of the buildings. Mr. Froke agreed explaining projects in the Arrowhead Town Center area are required to go through a Design Review exercise. He assured Councilmember Goulet, if the Traffic Engineering Department felt a deceleration lane was warranted, one would have been included on the site plan.

Councilmember Goulet explained his question was intended to allay Mr. Leedy's concerns about the increase in traffic.

With regard to Mr. Leedy's concern about a home improvement store being made part of the project, Councilmember Lieberman pointed out they are only approving 65,359 square feet for all of the buildings combined. He said it would be impossible for one of the large home improvement stores to locate in that small of a space. Mr. Froke agreed, stating the applicant was speaking of a smaller scale home furnishings retail establishment.

Councilmember Clark said the area was master planned many years ago. She said she hopes Mr. Leedy is not the victim of assurances given at that time that certain parcels would be developed in particular ways. She stated, while she is certain an original traffic study was done in the area, she would like to know when the most recent traffic study was done and if it corroborated the findings of the original traffic study. Mr. Froke said he is not certain of the date of the most recent amendment to the original traffic study. Councilmember Clark stated Arrowhead Mall has been far more successful than anyone originally anticipated and her assumption would be that traffic has far exceeded the original traffic study's assumptions. She suggested conducting another traffic study if one has not been done in recent years.

Councilmember Frate reiterated the streets were designed to accommodate the mall at full build out. He said the project has a good mix of uses and a lot of thought appears to have gone into the plan. He stated the applicant provided opportunities for citizen input and worked to address the concerns of those who commented.

Councilmember Lieberman noted the “topping out” ceremony for the mall occurred in November 1992, stating he believes the layout of the mall area has worked very well.

**It was moved by Frate, and seconded by Lieberman, to approve Design Review Application DR05-60, subject to the stipulations recommended by staff. The motion carried unanimously.**

## **BIDS AND CONTRACTS**

### **6. PROFESSIONAL SERVICES AGREEMENT - DOWNTOWN PEDESTRIAN ENHANCEMENTS**

Mr. Terry Johnson, Deputy Transportation Director, presented this item.

This is a request for the City Council to approve a professional services agreement in an amount not to exceed \$1,495,871 with Kimley-Horn and Associates for design and construction management services for downtown pedestrian enhancements.

This project supports Council goals of public safety, creating transportation options, and enhancing the quality of life for Glendale residents.

This proposed project includes the design and construction management of the Downtown Pedestrian Enhancements.

Principal projects will include:

- Rehabilitation of existing pedestrian facilities;
- Extension of downtown improvements, including sidewalks, lighting, landscaping, street furniture, and under grounding utility lines;
- Alleyway improvements;
- Completion of planned improvements along Glendale Avenue from 51<sup>st</sup> to 67<sup>th</sup> avenues; and
- Pedestrian-related intersection improvements.

These improvements are defined in a Design Concept Report (DCR) dated November 2005 and follow the Glendale Downtown Streetscape Design Guidelines as adopted by Council in December of 1994. Construction will be staged to minimize impact on downtown events. The proposed schedule for construction to be completed is October 31, 2007.

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

The proposed pedestrian improvements will continue to provide an attractive and harmonious appearance for this important part of the city, further enhance the pride of ownership that Glendale residents have in their downtown, and contribute to the overall long-term commercial redevelopment of the area.

In November of 2001, Glendale voters approved the half-cent transportation sales tax package, including a ballot map of bicycle and pedestrian projects that identified pedestrian circulation improvements in the downtown area. The Citizens Transportation Oversight Commission has been involved in developing the design concept report, and downtown business interests have been supportive through the Downtown Development Corporation. This project was presented at public meetings that were held as part of the Glendale Onboard Transportation Program. Project-specific public meetings are planned for the citizens and businesses in the project area.

Funds for this professional services agreement in the amount of \$1,495,871 are available in Fiscal Year 2005-06 and Fiscal Year 2006-07 of the Glendale Onboard Transportation Program.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$1,495,871

<p><u>Account Name, Fund, Account and Line Item Number:</u>  Downtown Pedestrian Circulation, Account No. 33-9467-8330</p>
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The recommendation was to approve the professional services agreement with Kimley-Horn Associates, Inc. in an amount not to exceed \$1,495,871.

Councilmember Clark referenced Exhibit A, Scope Items Not Included in the DCR, asking if Items 7 through 11 indicate they will not be designed or constructed at this time. Mr. Johnson explained some of the design concepts were not included in the original Design Concept Report because they are still being developed. He said those concepts would be completed in the next couple weeks and given to the consultants.

Councilmember Lieberman pointed out they still need to see a bid for construction since the subject contract only calls for design and construction management. Mr. Johnson agreed stating bids for construction would go out once the design has been completed. He said they anticipate the design being completed in October and that construction will take as long as one year.

Councilmember Martinez asked what alleys have been identified for improvements. Mr. Johnson was unable to recall the specific alleys, but offered to provide an answer to Councilmember Martinez at a later time.

Councilmember Goulet said, in the past, when the Council has considered construction contracts that could impact various parts of the city, they have always looked at the special events calendar year. He asked if consideration was given to special events scheduled in the downtown at various times throughout the calendar year. Mr. Johnson said language would be put into the contract setting forth-particular dates when construction activities will not be allowed.

**It was moved by Goulet, and seconded by Clark, to approve the professional services agreement with Kimley-Horn Associates, Inc. in an amount not to exceed \$1,495,871. The motion carried unanimously.**

7. PROFESSIONAL SERVICES AGREEMENT - MASTER PLAN UPDATE FOR THE GLENDALE MUNICIPAL AIRPORT

Mr. Jamsheed Mehta, Transportation Director, presented this item.

This is a request for the City Council to approve a professional services agreement with Coffman Associates to perform a master plan update for the Glendale Municipal Airport.

This project addresses the Council's strategic priority of creating transportation options.

On September 10, 2002, the Council accepted an Arizona Department of Transportation (ADOT) grant to fund an airport master plan update and eastside drainage study. The most recent master plan update was completed in 1997, and both the Federal Aviation Administration (FAA) and ADOT recommend that master plans be updated every five to seven years. The ADOT grant is for \$135,000.

In May of 2004, a Request for Proposal (RFP) process was initiated to select a consultant to perform both the master plan update and eastside drainage study. Five proposals were submitted to the Engineering Department on May 19, 2004 and the review panel, with representatives from the city's Transportation and Engineering Departments, Phoenix Aviation, and the Aviation Advisory Commission met on May 27, 2004. The panel evaluators scored and ranked all of the proposals. Coffman Associates was recommended by the panel with the highest ranked proposal.

The City Attorney's Office, the FAA and ADOT reviewed the proposed contract and submitted comments. These comments were incorporated into the final contract document and, in March of 2005, the FAA approved the contract.

The master plan update will include a continuous public input process, managed by a Planning Advisory Committee (PAC). The PAC will be composed of the following stakeholders: officials from Luke Air Force Base, representatives of local, regional, state, and federal agencies, local community representatives, and airport users and tenants. The master plan update will take an inventory of current infrastructure at the

airport, do an aviation demand forecast, and project the aviation facility requirements. The master plan update will also look at different development alternatives for the airport, complete an updated airport layout plan and come up with a financial plan to help accomplish all of the designated projects.

The Glendale Aviation Advisory Commission Chairman was on the review panel that evaluated and scored the proposals.

The total cost of the project is \$161,750. The city's matching share of \$26,750 is available in the GO Transportation Program (Fund 33). A transfer is required from the Airport Pavement Preservation, Account No. 33-8592-8330 in the amount of \$21,750 to Airport Master Plan Update, Account No. 33-9471-8330. FAA and State grants are administered through Account No. 34-8072-8330.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X	X		X		\$161,750

<i>Account Name, Fund, Account and Line Item Number:</i>
Airport Master Plan Update, Account No. 33-9471-8330 (\$26,750)
Eastside Drainage and Master Plan, Account No. 34-8072-8330 (\$135,000)

The recommendation was to approve the transfer and professional services agreement with Coffman Associates in an amount not to exceed \$161,750.

**It was moved by Clark, and seconded by Frate to approve the transfer and professional services agreement with Coffman Associates in an amount not to exceed \$161,750.**

**ORDINANCES**

8. CITY CODE SEC. 13-9 AMENDMENT: CITY COURT WARRANT FEE

Presiding Judge Elizabeth Finn presented this item.

This is a request for the City Council to adopt an amendment to the ordinance Section 13-9 City Court Fees, authorizing the assessment of a warrant fee.

This request addresses the Council's strategic priority of providing financial stability.

The court, detention, prosecutor's office, public defenders and police are required to perform substantial efforts when defendants fail to appear for their scheduled court date or fail to pay their fine. Yet, with the exception of a civil default fee, there is no added penalty for these defendants who are charged with more serious criminal offenses. The city does not currently attempt to recoup the costs associated with generating the warrant and its related activities. As a court of limited jurisdiction,

Glendale City Court does not have the inherent authority to recover some of these costs. A statute or city ordinance is required. The existing ordinance allows for a court improvement fee, default fee and collection fee.

After surveying many courts throughout Arizona, most courts assess warrant fees ranging from \$45 to \$239 per case.

Execution of warrants can occur by either a police officer arresting the defendant or the defendant appearing in court. Either method produces additional steps for both the court system and police agencies. If established, this fee would be a way for the city to recoup some of the costs for labor extended by more than one department. The court issues approximately 600 warrants per month.

The recommendation was to waive reading beyond the title and amend ordinance Section 13-9 to authorize the assessment of a City Court warrant fee in the amount of \$75 per case.

Ordinance No. 2480 New Series was read by number and title only, it being **AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE CHAPTER 13, ARTICLE I, BY AMENDING SEC. 13-9 RELATING TO CITY COURT FEES.**

**It was moved by Goulet, and seconded by Clark, to approve Ordinance No. 2480 New Series.**

Councilmember Frate referred to a memorandum authored by Judge Finn wherein she says, "As a court of limited jurisdiction, the Court does not have the inherent authority to recover court costs. In order to recover these costs, a statute or city ordinance is required. He said the action being taken by Council is intended solely to recover the cost of doing business.

**Upon a call for the question, the motion carried on a roll call vote, with the following Councilmembers voting "aye": Clark, Goulet, Lieberman, Eggleston, Martinez, Frate, and Scruggs. Members voting "nay": none.**

9. WATER AND SEWER REVENUE OBLIGATIONS

Mr. Ray Shuey, Chief Financial Officer, presented this item.

This is a request for the City Council to approve an ordinance authorizing the sale of up to \$80,000,000 of water and sewer revenue obligations. An emergency clause is needed so that the ordinance will become effective immediately to address interest rate fluctuations in financial markets. The proposed February 7, 2006 sale funds projects approved in the Fiscal Year (FY) 2005-06 Capital Improvement Plan (CIP).

Proceeds will fund budgeted FY 2005-06 CIP projects that meet goals of providing financial stability, managing growth, preserving neighborhoods, and enhancing the quality of life for residents.

A team from the Budget, Engineering, and Finance departments met to review available funds for projects in FY 2005-06. They consulted with the city's bond counsel, Greenberg Traurig, LLP, and financial advisor, Johnson Consulting Group, LLC. The team determined that sale of water and sewer obligations are prudent based on market conditions and projected cash flow. The city would receive funds from the sale around February 28, 2006.

Council adopted the FY 2005-06 budget, including water and sewer CIP projects in June 2005. The adopted budget anticipated financing of projects. In October of 2003, the Council adopted Ordinance No. 2530 New Series, which authorized issuance of revenue obligations that are junior and subordinate to previously issued city water and sewer revenue bonds. In September of 1993, the Council adopted Ordinance No. 1784 New Series, which amended the city's master water and sewer ordinance with respect to rate covenants applicable to the sale of additional bonds and covenants applicable to operation of the systems. In December of 1984, the Council adopted water and sewer master Ordinance No. 1323 New Series. The proposed sale of the 2006 obligations is consistent with the previous Council actions.

Financing proceeds will fund a variety of approved water and sewer CIP projects, including construction of the Oasis Water Campus, improvements to the Cholla and Pyramid Peak Water Treatment Plants, construction of the stadium water line, 83<sup>rd</sup> Avenue and Bell Road Lift Stations, 91<sup>st</sup> Avenue waste water treatment plant improvements, and other related projects.

The obligations will be paid from water and sewer fund pledged revenues. Estimated revenues in the current and future fiscal years are anticipated to adequately fund repayment of the outstanding and proposed obligations. The city continues to covenant to maintain water and sewer rates, fees and charges at a level sufficient to pay the existing and proposed water and sewer system obligations.

The recommendation was to waive reading beyond the title and adopt an ordinance approving the issuance and sale of water and sewer revenue obligations.

Councilmember Clark asked Mr. Shuey to identify the specific CIP projects covered under the bond sale. Mr. Shuey said projects include the Oasis Water Campus; improvements to the Cholla and Pyramid Peak Water Treatment Plants, construction of the stadium water line, 83<sup>rd</sup> Avenue and Bell Road lift stations, 91<sup>st</sup> Avenue Wastewater Treatment Plant improvements, and other related projects. Councilmember Clark asked if some of the projects involve substantial costs. Mr. Shuey responded yes.

Councilmember Lieberman asked if the tentative water treatment plant north of Northern at Grand Avenue is included in the list of projects. Mr. Shuey answered yes, explaining it is referred to as the Oasis Water Campus. Councilmember Lieberman asked if there is a limit on the number of bonds the city can sell at this point in time. Mr. Shuey stated it is their intention to sell the entire \$80 million on February 7. He explained the covenants are based on net water and sewer revenues multiplied by the number of payments that need to be made, noting the city meets those covenants. He said the money is needed to pay for previously approved water and sewer Capital Improvement Plan projects. Councilmember Lieberman asked how much of the \$80 million will go towards the Oasis Water Campus. Mr. Bailey, Utilities Director, said the guaranteed maximum price for the Oasis Water Campus project is about \$56 million, staged over 2.5 years. He noted the \$80 million bond sale would cover only a portion of the project.

Councilmember Clark asked Mr. Bailey what the Oasis Water Campus would do. Mr. Bailey said the campus represents the city's newest water treatment plant and the first phase includes construction of a 10 million gallon surface water treatment plant.

Councilmember Martinez asked if the \$80 million uses all of the city's bonding capacity. Mr. Shuey explained the \$80 million represents obligations, not bonds; therefore it does not fall under the city's bonding capacity.

Ordinance No. 2481 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 EXECUTION AND DELIVERY OF A PURCHASE AGREEMENT, A SUPPLEMENT TO THE TRUST AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT, AND, IF REQUIRED, AN OBLIGATION PURCHASE CONTRACT; APPROVING A PRELIMINARY OFFICIAL STATEMENT; APPROVING THE ISSUANCE AND SALE OF NOT TO EXCEED \$80,000,000 SUBORDINATE LIEN WATER AND SEWER REVENUE OBLIGATIONS, SERIES 2006, EVIDENCING A PROPORTIONATE INTEREST OF THE OWNERS THEREOF IN THE PURCHASE AGREEMENT; DELEGATING THE DETERMINATION OF CERTAIN PROVISIONS; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTION CONTEMPLATED BY THIS ORDINANCE; AND DECLARING AN EMERGENCY.**

It was moved by Clark, and seconded by Lieberman, to approve Ordinance No. 2481 New Series. Motion carried on a roll call vote, with the following Councilmembers voting "aye": Clark, Goulet, Lieberman, Eggleston, Martinez, Frate, and Scruggs. Members voting "nay": none.

## 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. in Room B-3 of the City Council Chambers on Tuesday, February 7, 2006, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried unanimously.**

## CITIZEN COMMENTS

Ms. Jessica MacQueen, a resident of the City of Glendale, said she is new to the valley and when she went to the Police Department to file a report she was harassed by an officer who claimed she assaulted someone. She said the officer took her arm, twisted it, and put her into handcuffs. She asked the city to ensure the Police Department is tolerant of people who ask for assistance, explaining she was victimized when her wallet was stolen and she feels she was victimized again when she tried to file a police report.

Mayor Scruggs assured Ms. MacQueen that her comments would be noted, pointing out several members of the Police Department were present in the audience.

## COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Goulet congratulated Glendale Community College for having won the National Championship.

Councilmember Frate said it is always exciting when local students are able to play in and win national games. He stated the city should be proud of the students who came before Council, stating they do a great job representing the city. He urged everyone to watch children around water and learn CPR.

## ADJOURNMENT

There being no further business, the meeting was adjourned at 8:20 p.m.

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Pamela Hanna - City Clerk