



**MINUTES OF THE
GLENDALE CITY COUNCIL MEETING
Council Chambers
5850 West Glendale Avenue
February 14, 2012
7:00 p.m.**

The meeting was called to order by Mayor Elaine M. Scruggs, with Vice Mayor Steven E. Frate and the following Councilmembers present: Norma S. Alvarez, Joyce V. Clark, Yvonne J. Knaack, and H. Philip Lieberman.

Councilmember Manuel D. Martinez was absent.

Also present were Ed Beasley, City Manager; Horatio Skeete, Assistant City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk.

Mayor Scruggs called for the Pledge of Allegiance and the observance of a moment of silence.

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

A statement was filed by the City Clerk that the 6 resolutions 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 24, 2012 CITY COUNCIL MEETING

It was moved by Clark, and seconded by Lieberman, to dispense with the reading of the minutes of the January 24, 2012 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 of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion.

Mr. Ed Beasley, City Manager, read agenda item numbers 1 through 3 and Ms. Pamela Hanna, City Clerk, read consent agenda resolution item numbers 4 through 6 by number and title.

Councilmember Clark requested that item number 3 be heard separately.

1. LIQUOR LICENSE NO. 5-0288, ZANZIBAR AFRICAN RESTAURANT

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license for Zanzibar African Restaurant located at 9250 North 43rd Avenue. The Arizona Department of Liquor Licenses and Control application (No. 12078969) was submitted by Omoshola A. Egbesemi.

The location of the establishment is 9250 North 43rd Avenue in the Cactus District. The property is zoned C-2 (General Commercial). The population density within a one-mile radius is 23,496. This series 12 is a new license, therefore, the approval of this license will increase the number of liquor licenses in the area by one. The current number of liquor licenses within a one-mile radius is as listed below.

Series	Type	Quantity
06	Bar - All Liquor	10
07	Bar - Beer and Wine	2
09	Liquor Store - All Liquor	2
10	Liquor Store - Beer and Wine	5
12	Restaurant	7
	Total	26

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

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

Based on information provided under the background, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

2. LIQUOR LICENSE NO. 5-1926, LENCHO'S FAMILY STYLE MEXICAN RESTAURANT

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license for Lencho's Family Style Mexican Restaurant located at 6601 West Bethany Home Road, Suite A12-13. The Arizona Department of Liquor Licenses and Control application (No. 12078965) was submitted by Erica Alicia Gaytan.

The location of the establishment is 6601 West Bethany Home Road, Suite A12-13 in the Ocotillo District. The property is zoned C-2 (General Commercial). The population density within a one-mile radius is 33,406. This series 12 is a new license, therefore, the approval of this license will increase the number of liquor licenses in the area by one. The current number of liquor licenses within a one-mile radius is as listed below.

Series	Type	Quantity
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06	Bar - All Liquor	3
07	Bar - Beer and Wine	1
09	Liquor Store - All Liquor	4
10	Liquor Store - Beer and Wine	12
12	Restaurant	2
	Total	22

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

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

Based on information provided under the background, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

3. LIQUOR LICENSE NO. 5-4855, WAL-MART NEIGHBORHOOD MARKET #4213

This request was heard separately.

CONSENT RESOLUTIONS

4. ACCEPTANCE OF STOP VIOLENCE AGAINST WOMEN GRANT

This is a request for City Council to adopt a resolution authorizing the City Manager to accept a STOP Violence Against Women grant on behalf of the City Prosecutor's Office in the approximate amount of \$148,812 from the Arizona Governor's Office for Children, Youth, and Families.

The City Prosecutor's Office takes on approximately 10,000 new cases annually. These misdemeanor offenses range from relatively minor traffic violations to DUIs, thefts and domestic violence (DV) offenses. Out of the aforementioned 10,000 cases, roughly 17% of those are DV related.

Funding from this grant will be used to hire a special Misdemeanor DV Prosecutor and DV Advocate for a term of one year. This funding would allow the City Prosecutor's Office to dedicate a special unit exclusively to prosecuting DV offenses. A DV Prosecutor and DV Advocate will allow the Prosecutor's Office to initiate practices that will aim to increase conviction rates by providing victims' access to a special prosecutor, thereby enhancing the victims' understanding of the criminal process and court proceedings.

This is the first time that the City Prosecutor's Office has applied for this STOP Violence Against Women grant. The Police Department, however, has received funding from this grant source starting as early as 2000 with the last acceptance by Glendale City Council on January 25, 2011 in the amount of \$68,558.

The program proposes to hire two full-time contract employees. The amount of the grant will cover the full salaries and benefits to those two employees with a 25% in-kind contribution being provided by the City through support staff services as well as operating expenses and supplies. The operating expenses and supplies consists of items such as legal research expenses, telephone charges, postage and office equipment and supplies necessary for the two employees to perform their assigned duties.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X					\$148,812

Account Name, Fund, Account and Line Item Number:

A specific project account will be established in Fund 1840, the city’s grant fund, once the grant agreement is formally accepted.

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to accept a STOP Violence Against Women grant in the approximate amount of \$148,812 from the Arizona Governor’s Office for Children, Youth, and Families; and further authorize the City Manager to accept the grant renewable option for two additional twelve month contracts, contingent upon the availability of funds.

Resolution No. 4540 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 THE ACCEPTANCE OF A “STOP VIOLENCE AGAINST WOMEN” GRANT OFFER IN THE APPROXIMATE AMOUNT OF \$148,812 FROM THE ARIZONA GOVERNOR’S OFFICE FOR CHILDREN, YOUTH AND FAMILIES ON BEHALF OF THE GLENDALE CITY PROSECUTOR’S OFFICE.

5. WATER TRANSPORTATION AGREEMENT AMENDMENT

This is a request for City Council to adopt a resolution authorizing the City Manager to enter into Amendment Number One to the Water Transportation Agreement with Salt River Valley Water Users’ Association, commonly known as Salt River Project (SRP).

Since 1991, the city and SRP have had a perpetual Water Transportation Agreement. The current Water Transportation Agreement enables the city to use SRP infrastructure to transport non-SRP water supplies to city water treatment and storage facilities. This allows the city to better maintain service delivery and reliability during SRP water shortages by maximizing available water supplies and infrastructure use.

An amendment is needed to update the city facilities covered under the agreement. The amendment adds the city’s Oasis Water Campus to the list of city facilities eligible to receive non-SRP water through SRP’s water delivery infrastructure, including underground pipelines. The Oasis Water Campus was built after the current agreement was adopted.

The Water Transportation Agreement provides the city significant and cost effective operational flexibility to effectively manage and utilize its non-SRP water resources on an as-needed basis.

Under the current agreement, the city paid \$37,867 to SRP for the delivery of non-SRP water to the city's water storage facilities in FY 2010-11.

The amended agreement allows for additional charges by SRP to transport non-SRP water to the Oasis Water Campus. Since SRP water shortages are not currently projected, the city has no immediate plans to transport non-SRP water to the Oasis Water Campus and no immediate increase in cost is anticipated. In the event that the city has to transport non-SRP water to the Oasis Water Campus, the costs will be absorbed by the Water Services operating budget (Raw Water Usage, Account No. 2400-17230-518200).

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into Amendment Number One to the Water Transportation Agreement with Salt River Valley Water Users' Association.

Resolution No. 4541 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 AMENDMENT NUMBER ONE TO THE WATER TRANSPORTATION AGREEMENT WITH SALT RIVER VALLEY WATER USERS' ASSOCIATION.

6. CONTRACT CHANGE ORDER NO. 5 WITH THE CITY OF PHOENIX FOR THE EXTENSION OF FEDERAL TRANSIT ADMINISTRATION GRANT AZ-90-X080

This is a request for City Council to adopt a resolution authorizing the City Manager to enter into Contract Change Order No. 5 to the intergovernmental agreement (IGA) with the City of Phoenix for Federal Transit Administration (FTA) grant funds for transit services under FTA grant AZ-90-X080.

Federal grant funds are programmed for the City of Glendale transit projects in the Maricopa Association of Government's approved Transportation Improvement Program. The City of Phoenix is designated as the regional recipient of FTA grants, and distributes the funds to cities in this region.

FTA grant AZ-90-X080 provided federal funding for the purchase of replacement vehicles, transit vehicle maintenance expenses, and the acquisition of computer system hardware. This IGA will extend the contract to March 31, 2012, allowing Glendale to receive full reimbursement of \$594,160 in FTA funds.

All projects were completed prior to the grant's expiration date of July 1, 2011. This formal extension is required to file and complete the reimbursement process to Glendale.

On June 12, 2007, Council approved an IGA with the City of Phoenix for Federal Transit Administration grant funds for transit services under FTA grant AZ-90-X080. All subsequent

extensions on October 5, 2009; December 28, 2009; June 17, 2010; and March 3, 2011 extended the term of the agreement.

Transportation services and programs provide a benefit to Glendale residents and visitors. These grant funds will help to provide the continuation of quality and reliable services.

Expenditures for all projects in the grant total \$742,700. The amount of federal funds in this grant award is \$594,160. The grant requires a 20% match totaling \$148,540. The Regional Public Transportation Authority will provide \$96,000 towards the local match for the purchase of the vehicles. The remaining local match of \$52,540 is available in the Transportation Services capital and operating budgets.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X	X	X	X		\$52,540

Account Name, Fund, Account and Line Item Number:

Dial-A-Ride, Account No. 1660-16530-532400, \$20,805
 Fixed Route, Account No. 1660-16540-532400, \$6,935
 Transit Support Capital, Account No. 2210-65014-551400, \$24,800

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into Contract Change Order No. 5 to the intergovernmental agreement with the City of Phoenix for Federal Transit Administration grant funds for transit services under FTA grant AZ-90-X080.

Resolution No. 4542 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 CONTRACT CHANGE ORDER NO. 5 TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR FEDERAL GRANT PASS THROUGH FUNDING FOR GLENDALE’S TRANSIT SERVICES.

7. EQUITABLE SHARING AGREEMENT WITH UNITED STATES DEPARTMENT OF JUSTICE

This is a request for City Council to adopt a resolution authorizing the ratification of an agreement with the United States Department of Justice (DOJ) for the equitable sharing of Racketeering Influenced Corrupt Organizations (RICO) assets.

RICO allows the government to legally use the proceeds from criminal enterprises forfeited by individuals or organizations and utilize them in approved law enforcement operations. The funds are not forfeited unless authorized through the courts after due process. Participation in this agreement allows the Police Department to receive a portion of the RICO assets seized on criminal cases worked in conjunction with federal agencies.

On October 28, 2008, Council approved intergovernmental agreements with the DOJ and Maricopa County Attorney's Office for the equitable sharing of RICO assets seized on criminal cases worked by the Police Department. City participation in this program with DOJ predates 1992.

Participation in equitable asset sharing enables the Police Department to continue to target large-scale operations to suppress drug importation and sales in the city. It promotes close cooperation between federal agencies and the Police Department, while penalizing drug traffickers by seizing their illicit assets and charging them criminally.

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the ratification of an agreement with the United States Department of Justice for the equitable sharing of Racketeering Influenced Corrupt Organizations assets.

Resolution No. 4543 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 ENTERING INTO OF THE EQUITABLE SHARING AGREEMENT AND CERTIFICATION WITH THE DEPARTMENT OF JUSTICE ON BEHALF OF THE GLENDALE POLICE DEPARTMENT.

It was moved by Frate and seconded by Knaack, to approve the recommended actions on Consent Agenda Item Nos. 1 and 2 and 4 through 7, including the approval and adoption of Resolution No. 4540 New Series, Resolution No. 4541 New Series, Resolution No. 4542 New Series, and Resolution No. 4543 New Series; and to forward Liquor License Applications No. 5-0288 for Zanzibar African Restaurant, and No. 5-1926 for Lencho's Family Style Mexican Restaurant to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.

3. LIQUOR LICENSE NO. 5-4855, WAL-MART NEIGHBORHOOD MARKET #4213

Susan Matousek, Revenue Administrator, presented this item.

This is a request for City Council to approve a person-to-person, location-to-location transferable series 9 (Liquor Store - All Liquor) license for Wal-Mart Neighborhood Market #4213 located at 5050 North 83rd Avenue. The Arizona Department of Liquor Licenses and Control application (No. 09070500) was submitted by Clare Hollie Abel.

The location of the establishment is 5050 North 83rd Avenue in the Yucca District. The property is zoned SC (Shopping Center). The population density within a one-mile radius is 23,082. This series 9 is a person-to-person, location-to-location transferable license, therefore, the approval of this license will increase the number of liquor licenses in the area by one. The current number of liquor licenses within a one-mile radius is as listed below.

Series	Type	Quantity
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06	Bar - All Liquor	3
09	Liquor Store - All Liquor	2
10	Liquor Store - Beer and Wine	2
	Total	<u>7</u>

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

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

Based on information provided under the background, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

Councilmember Clark asked to comment on this item. She stated there was no Wal-Mart Neighborhood Market Place currently at this location. She explained that plans are being developed for this market; however, her constituents prefer another kind of grocery store since there were many Wal-Marts in the area already. Therefore, as the Councilmember for that area, she was compelled to vote against this item.

Mayor Scruggs said she had a card here indicating that Ms. Clair Able, representative for the applicant, is present. She asked if Ms. Able would like to come forward?

Ms. Clair Able, applicant's representative, stated she would be happy to answer any questions.

Mayor Scruggs commented that this is interesting. So Councilmember Clark says there is no store there. Is that correct?

Ms. Able stated she was correct. The store is slated to open in 2014. She said they had acquired this liquor license from Basha's; however, the license had been inactive for a period of time and they needed to make it active and transfer it officially to Wal-Mart.

Mayor Scruggs asked if Wal-Mart then gets the clock restarted on the liquor license at three years, yes.

Ms. Able responded yes.

Councilmember Knaack asked if the bigger Wal-Marts have series nine licenses. Ms. Able noted that all Wal-Marts in Maricopa County have them.

Vice Mayor Frate asked if the site was posted for a liquor license. Ms. Able replied yes.

Mayor Scruggs asked, and Ms. Able, if this is denied here, which doesn't have any effect whatsoever in what the state will do, but if it goes through and this is denied, would Wal-Mart, with its many locations, use the application they purchased from Food City someplace else?

Ms. Able stated if the license were to be denied here, they will proceed to the state liquor board hearing and argue their case there. If the liquor license is denied there, that will be the end of it for Wal-Mart.

Mayor Scruggs asked if they could just go to some other place they have a store?

Ms. Able stated that if they withdrew the application they might have that opportunity, but this license was purchased for this specific location in order to proceed with their plans.

Mayor Scruggs asked the Council if there were any other questions and thanked Ms. Able.

It was moved by Clark and seconded by Scruggs, to forward Liquor License Application No. 4855 for Wal-Mart Neighborhood Market #4213 to the Arizona Department of Liquor Licenses and Control with the recommendation of denial. Ayes: Clark, Scruggs, and Lieberman. Nays: Alvarez, Frate, and Knaack. The motion failed on a tie vote.

Mayor Scruggs stated that she was not going to support this application and the reason she wasn't going to support it is that while the Council hears that Wal-Mart is going through the process of developing their plans so they can open in January of 2014, that's two years away. And what it appears that this does is to tie up that property so that another grocery store would not be able come in because grocery stores all want to sell liquor. So if there is a liquor license on this piece of property with Wal-Mart, then another interested grocery store wouldn't be able to come in and also get a liquor license. Wal-Mart has a long history of tying up properties and she didn't feel comfortable that Wal-Mart wanted to tie the license to this property so that they can start the three year clock over again. In the meantime, there might be an opportunity for a store that meets what the neighborhood wants to come in if they have the same opportunity to bring a liquor license with them. So that's why she was going to support denial.

Vice Mayor Frate noted that Wal-Mart had gone through the correct process and everything was in order. He added they had no grounds to deny their application even if someone might feel uncomfortable about this situation because by law they qualify.

Mayor Scruggs responded that she didn't believe that. If Wal-Mart had a physical building there then she would say "Councilmember Clark I'm sorry your residents do not like this kind of store and I'm going to support it". They don't have a physical building; all they have is a plan – which is that they want to open in January of 2014. The Mayor continued that she had many years of experience where Wal-Mart didn't live up to what they say they are going to do, so she felt comfortable with the denial.

Councilmember Alvarez stated she will vote to support this application. She explained that in the past, Wal-Mart has been a good business partner with Glendale. She noted the Wal-Mart on 55th and Northern has providing the city much revenue. She remarked there might be the same number of people who do want it in their neighborhood because of its affordability.

Councilmember Clark commented on the process the neighborhood had gone through when this was first suggested. She explained most did not want this kind of grocery store and also fought

the drive-thru addition to this store. She reiterated it was clear this was not what the neighborhood wanted. Therefore, she feels comfortable with voting against this application.

Councilmember Alvarez remarked that in this economy, she welcomes this development. She reiterated that Wal-Mart has been a good business partner and she welcomes the sales tax revenue the city will receive.

Councilmember Knaack commented on the previous controversy surrounding other Wal-Marts such as on 67th and Peoria as well as the one on 51st and Olive and they both are very well used by the surrounding neighborhoods. She added that not many grocery stores are building stores at the moment and if Wal-Mart Market Place is willing to build one in a very much needed area, she will support it.

Mayor Scruggs commented that she wanted to restate her position. She thinks Wal-Mart Neighborhood Markets are just fine. She said you can buy just about anything in those markets, it's not like they are not full service – they are pretty good. She has been in a few of them – big Wal-Marts - she goes all the time. What this is based on is Wal-Mart's history of holding a piece of property hostage. And she referred to the property that is now going to be a Winco. Wal-Mart bought that property – this is the former Costco building on Bell Road at about 57th Avenue. Wal-Mart bought that property quietly and held it for a few years and then came out and said they wanted to build a Super Center, which was directly across the street from their Wal-Mart that they already had on the south side of Bell Road between 57th and 59th Avenue. And then they said “we can't build a Super Center there, we want a Super Center and we can't expand that. And that caused quite a bit of disruption in the community – they really went to town – spreading disinformation and misinformation and how the City Council were inept because they had let that building sit empty so long. When the truth of the matter was that Costco still had to pay Kimco the same exact rent for another ten to twelve years after they had moved to their bigger store further west on Bell Road.

Mayor Scruggs continued that the city did a lot of research and it seems Wal-Mart owned well over 400 properties where they had moved from one location to another location very close maybe across the street, maybe within a quarter mile very, very close and left the first location empty. It was a long difficult discussion and in the end their application to build on the Costco side was denied and guess what – they expanded their existing site on the south side of Bell Road into a Super Center, just as the plans had shown they could when they first built that center in the first place. The city had all the plans here – the city showing it could be expanded. But what would have happened – if Wal-Mart would have moved to the north side and left the south side hostage because they owned that land and they will not let anyone else go in that's in competition with them and of course they're in just about any business there is. So what she is seeing over here is a situation where they are not ready to build the building. They're giving a time frame out – two years, but maybe there would be another retailer that would want to come in and build, but as long as that liquor license is sitting here, another retailer would not come to it. Mayor Scruggs continued that she sees it as an effort by Wal-Mart to hold that land hostage and she didn't think that's good for the community. So she has different reasons than Councilmember Clark has, but she is still going to oppose approval and she wanted it to be known why. She didn't think this was fair, she just didn't.

Councilmember Lieberman noted he was undecided at the moment. He wished there was a store already built at that location which would have made things easier. He commented on several businesses that make it a practice to hold on to land properties until it suits their interest. He made a reference to Lund Cadillac situation as being similar in nature. However, Wal-Mart stores do bring a lot of revenue to the city and right now they really need it. He stated he will change his vote to approve this application. He explained he rarely votes against Councilmember Clark, however believes this was good for Glendale at the moment. He remarked that not everyone admits to shopping Wal-Mart, but the parking lots are always full to capacity.

Mayor Scruggs said she wanted to revisit the Lund Cadillac thing a moment. She believed the development agreements had expired and if somebody came in and said they wanted to build a Wal-Mart there – she would probably vote for that. So she didn't want anybody to think that Council handed out money to Lund Cadillac - and the agreement has long past expired so there is no money that's going to go there. And yeah, she shops at Wal-Mart too – and they have a little bit of a problem in their parking lot at 59th and Northern and she called Chief Conrad about that and hopefully he's taking care of the situation they have going on out there, but she'll still go back there and shop again.

Councilmember Clark remarked that if there were no Wal-Marts in the area, Councilmember Lieberman would have a point. However, there are two within 1½ miles of that location. Therefore they do have several Wal-Marts in the area. Councilmember Lieberman noted that might be true but this company will go to the state liquor license whether they approve it or not. Councilmember Clark stated she was just following her constituent's wishes.

It was moved by Clark, and seconded by Knaack, to forward Liquor License Application No. 4855 for Wal-Mart Neighborhood Market #4213 to the Arizona Department of Liquor Licenses and Control with the recommendation of approval. The motion carried with Clark and Scruggs voting nay.

BIDS AND CONTRACTS

8. RENTAL AGREEMENT WITH EMPIRE SOUTHWEST, LLC

Steve Conrad, Police Chief, presented this item.

This is a request for City Council to authorize the City Manager to enter into three rental agreements with Empire Southwest, LLC for the rental of heavy equipment by the Glendale Police Department in an amount not to exceed \$90,000.

Rental of this equipment will allow the Police Department to search for the remains of a victim in a homicide investigation. The rental equipment rates are based on rental agreements with Empire Southwest, LLC. The rental of heavy equipment is based on the declaration of an emergency by the Police Chief.

Funding is available in the FY 2011-12 RICO funds for the rental of heavy equipment. Final cost is dependent on the length of use which is unknown at this time; however, the cost should not exceed \$90,000.

The recommendation is to authorize the City Manager to enter into three rental agreements with Empire Southwest, LLC for the rental of heavy equipment by the Glendale Police Department in an amount not to exceed \$90,000.

Councilmember Lieberman asked if some of that equipment was already on site and was it being used. Chief Conrad replied yes. He explained they had declared this an emergency situation and with the city attorney's approval, they were able to move forward and enter into these three agreements. He added they were now asking for Council's approval. Councilmember Lieberman stated he understood the pressure and events that necessitated this emergency and was in full approval of renting the equipment.

Councilmember Clark wished them good luck in their search effort in order to bring the family closure and some peace. Chief Conrad thanked her for encouraging words. He communicated that they had well over 100 law enforcement personnel involved as well as staff from field operations.

Councilmember Knaack said she believes the police department and the city has done everything they possibly could from the day the investigation began until now. Unfortunately, they now have this task to take on. She added there was nothing to question as to what the police department has done from the start. She thanked them for all the work being done.

It was moved by Clark, and seconded by Lieberman, to authorize the City Manager to enter into three rental agreements with Empire Southwest, LLC for the rental of heavy equipment by the Glendale Police Department in an amount not to exceed \$90,000. The motion carried unanimously.

RESOLUTIONS

9. INTERGOVERNMENTAL AGREEMENTS WITH THE CITY OF PHOENIX FOR FEDERAL TRANSIT ADMINISTRATION GRANT FUNDS

Jamsheed Mehta, AICP, Executive Director, Transportation Services, presented this item.

This is a request for City Council to adopt a resolution authorizing the City Manager to enter into five intergovernmental agreements (IGAs) with the City of Phoenix for acceptance of Federal Transit Administration grant funds for transit services.

The City of Glendale secured \$1,344,767 in federal transit grant funds. The City of Phoenix is the designated agent for all federal funds in this region, and these five IGAs with Phoenix will provide reimbursement towards capital and operating expenses, thereby reducing the cost to Glendale for transit services. The five grant awards are described as follows.

Federal grant AZ-90-X109 will be used for capital purchases and on-going maintenance. This grant will provide \$526,365 to fund the replacement of two Dial-A-Ride buses and transit vehicle maintenance expenses.

Federal Grant AZ-95-X009 will provide \$38,152 to fund vehicle maintenance expenses.

Federal grants AZ-37-X008 and AZ-37-X014 are two Job Access and Reverse Commute (JARC) grants that will provide \$770,000 for public transportation services to address the unique transportation challenges faced by low-income persons seeking to obtain and maintain employment. These grant funds will pay for a share of the existing Route 59 – 59th Avenue and Route 70 – Glendale Avenue transit services, thereby reducing the cost to the city.

Federal grant AZ-57-X013 is a New Freedom grant that will provide \$10,250 for a supplemental taxi service as transportation alternative for the elderly and persons with disabilities. The supplemental taxi service will accommodate paratransit riders travelling up to one mile outside Glendale city limits. This will help to reduce the number of paratransit service transfers between Glendale and adjacent cities.

Transportation services and programs provide a benefit to Glendale residents and visitors. These grant funds will provide operating assistance and improvements that will promote the continuation of quality and reliable services.

The total cost for all projects associated with these grants is \$2,258,915. The grants will provide \$1,344,767 in federal funds towards these costs and will require a local match of \$914,148. The Regional Public Transportation Authority will provide \$70,251 towards the local match for the purchase of the vehicles. Glendale’s portion of the remaining local match is \$843,897 and is available in the Transportation Services capital and operating budgets.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X	X		X		\$843,897

<u>Account Name, Fund, Account and Line Item Number:</u> Dial-A-Ride, Account No. 1660-16530-532400, \$63,647 Fixed Route, Account No. 1660-16540-532400, \$780,250
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The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into five intergovernmental agreements with the City of Phoenix for acceptance of Federal Transit Administration grant funds for transit services.

Councilmember Clark asked if this was similar to another program the city already had only this program was for persons with disabilities. Mr. Jamsheed Mehta, AICP, Executive Director, Transportation Services, replied she was correct. The other program is called the Taxi Subsidy Program that was initiated about six years ago which is limited to those who have repetitive medical related trips. However, this new pilot program is for those who qualify for ADA transit service to go over at least one mile into the adjacent city without requiring the adjacent city’s

transit service. Councilmember Clark expressed her approval of this item. She asked if anything was known as to the bus strike situation. Mr. Mehta explained he did not have anything new to report.

Resolution No. 4544 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 FIVE INTERGOVERNMENTAL AGREEMENTS WITH THE CITY OF PHOENIX FOR ACCEPTANCE OF PASS-THROUGH GRANT FUNDING FOR TRANSIT SERVICES.

It was moved by Frate, and seconded by Knaack, to pass, adopt and approve Resolution No. 4544 New Series. The motion carried unanimously.

10. INTERGOVERNMENTAL AGREEMENT FOR INTELLIGENT TRANSPORTATION SYSTEMS EQUIPMENT

Jamsheed Mehta, AICP, Executive Director, Transportation Services, presented this item.

This is a request for City Council to adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement (IGA) with the Maricopa County Department of Transportation (MCDOT) for installation of intelligent transportation system (ITS) equipment along Bell Road.

Transportation Services currently manages and operates an ITS on arterial roadways throughout the city. The system allows staff to remotely monitor and adjust traffic signal timing, observe traffic through closed circuit television (CCTV) cameras, and provide information to motorists through electronic dynamic message signs (DMS). In 2008, the city completed a project to establish communications to all the signals along Bell Road along with installation of cameras at key locations. Since then, additional cameras have been installed at other intersections along the corridor.

This joint project with MCDOT will install ITS equipment along Bell Road in the City of Glendale and in the county. Specifically, Glendale will receive two message signs for westbound traffic in advance of 59th and 75th Avenues, along with a CCTV camera at the intersection of 69th Avenue and Bell Road. The local match for this project will be split between the city and MCDOT.

Deployment of ITS equipment will continue to allow staff to efficiently manage traffic. Bell Road is the heaviest traveled arterial street in the city and the DMS will provide motorists approaching the Arrowhead Towne Center area with advance information on traffic conditions.

The total cost of this project is anticipated to be \$500,000. Federal Congestion Mitigation and Air Quality funds in the amount of \$382,200 are available for this project which requires a local match of \$117,800. MCDOT will provide approximately \$38,874 towards the local match. Glendale's portion of the remaining local match is \$78,926 and is available in the FY 2011-12

capital improvement plan. Ongoing operating and maintenance costs will be absorbed by the Intelligent Transportation Systems operating budget.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$78,926

<u>Account Name, Fund, Account and Line Item Number:</u> Smart Traffic Signals, Account No. 2210-65005-550800, \$78,926

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement with the Maricopa County Department of Transportation for installation of ITS equipment along Bell Road.

Vice Mayor Frate asked if the size of the sign was similar to the signs by the arena on Glendale Avenue. Mr. Jamsheed Mehta, AICP, Executive Director, Transportation Services, stated they were very similar to those in the entertainment district. Vice Mayor Frate believes this will help, especially during the holiday season when you need to know how traffic was progressing.

Mayor Scruggs asked if these were overhead signs, adding that she was trying to picture it.

Mr. Mehta replied yes. He added these were signs you typically see on a freeway.

Mayor Scruggs commented that the signs will be at 69th and where else?

Mr. Mehta stated they will install the camera at 69th Avenue. The locations identified are both on Bell Road on 59th and before 75th Avenue.

Mayor Scruggs commented that it will be helpful as Vice Mayor Frate said, especially around the holidays and everything but is this going to then give the city the new situation of neighborhood cut through traffic because people will want to be avoiding Bell Road because the sign tells them they have a twelve minute wait to get through the intersection of 75th?

Mr. Mehta explained the idea is for motorists to take advantage of the next arterial street opening. The signs have been placed in advance of the approaching arterial street one mile north or south depending on their location to avoid traffic congestion.

Mayor Scruggs asked if they are at 59th and they see the sign, they can hop off at 67th, right?

Mr. Mehta explained what the motorist will see in advance to help them avoid traffic problems.

Mayor Scruggs commented that it could be quite a mess with folks trying to get on the 101 – it backs up a long way. She continued so the idea is to put them on an arterial, not through neighborhoods. Mr. Mehta responded yes.

Resolution No. 4545 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 MARICOPA COUNTY FOR THE BELL ROAD DYNAMIC MESSAGE SYSTEM (DMS) PROJECT IN THE CITY OF GLENDALE.

It was moved by Knaack, and seconded by Clark, to pass, adopt and approve Resolution No. 4545 New Series. The motion carried unanimously.

REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION

It was moved by Frate, and seconded by Knaack, to hold a City Council Workshop at 1:30 p.m. in Room B-3 of the City Council Chambers on Tuesday, February 21, 2012, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. It was further moved to hold a Special City Council Workshop on Tuesday, February 28, 2012, at 1:30 p.m. to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried unanimously.

MOTION TO EXCUSE COUNCILMEMBER MARTINEZ

It was moved by Frate, and seconded by Knaack, to excuse Councilmember Martinez from tonight's Council meeting. The motion carried unanimously.

CITIZEN COMMENTS

Manuel Cruz, a Yucca resident, asked to comment on the budget workshop earlier today. On the subject of outsourcing maintenance on public vehicles, he believes it might pose certain security risks. He also believes it was disrespectful to want to sell the cemetery. He hopes to see more transparency in meetings and less Executive Sessions.

Ken Jones, an Ocotillo resident, noted the many articles in different news outlets warning the city about continuing their fight to keep the Coyotes. He wondered what it would take for the city to finally change direction and stop spending city tax payer money on a losing cause. He wants to see a plan B communicated to the public. He discussed the many Executive Sessions the city of Glendale has each year compared to other cities, which only have a handful. He noted that cities do better when they discuss and operate in the open. He asked Vice Mayor Frate why there were so many Executive Sessions in their city.

Anthony Kern, a Sahuaro resident, commented on the budget meeting held earlier today. He explained the time of 1:30 p.m. was not conducive to people that work during the day and want to attend the meetings. He suggested changing the times to early evening or Saturday to bring more people into the meetings. He further requests that citizens are allowed to make comments or suggestions during the budget workshops. He reported on the recent newspaper articles warning the public of an increase in crime in Glendale. He requested the Council make funding for fire and police an important issue at the budget workshop and allow for additional police

officers. He remarked that a Councilmember recently suggested they set aside \$25 million for the Coyotes, which would only add to the soaring debt. He requested the city stop spending money on useless ventures and instead put the money where the city needs it most and stop giving it away to multimillion dollar organizations.

Andrew Marwick, a Phoenix resident, commented on the small amount of traffic in the Entertainment District in Glendale and the amount of businesses that have closed in the area. He contrasted Scottsdale Road and the 101 area where there was gridlock most of the time. He remarked on the benefits of having a casino in Glendale, which seems to help the Scottsdale area. He approves the building of a casino in Glendale and believes this will greatly benefit the city.

Arthur Thruston, a Cactus resident, remarked on the wonderful holiday season and how everyone got along. However, recently, bad news was reported that Glendale cannot sell their bonds. He commented on the many lawsuits, bad management and money shortages the city of Glendale has encountered. He stated the city has a lot of problems and was really in trouble. He hopes the Council gets a new beginning and starts making better decisions that will help the city of Glendale. He noted he does not fault anyone because they all make mistakes. He believes this was a fantastic Council and also respects Mr. Beasley greatly; however, they need to get to work to make this year a success.

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Alvarez reiterated her suggestion to have citizen comments at the beginning and not at the end of the meeting. She thanked the people in charge of Dial-a-Ride for helping her get around when she injured her leg. She stated it was an excellent service which makes things much easier for people in need.

Councilmember Clark noted for the people who were regular speakers at the evening meetings that a little knowledge was a very dangerous thing. She added this did not necessarily apply to everyone speaking tonight or the regulars. However, sometimes, they really believe the press and she will tell them that they will be disabused of that notion the first time they are written about and it's inaccurate. Then they will not be so fast to believe everything they read or hear in the press. She wishes that instead of berating everything about the city including the Council, that those very same people who get up and tell the Council they are no good jerks that don't know what they are doing would instead offer some kind of solution to the problem. On another matter, she was glad to announce they were in the midst of an environmental assessment to hopefully welcome the F-35 to Luke Air Force Base. She asked everyone to support Luke's effort. She wished everyone a very Happy Valentine's Day as well as a Happy Birthday to Arizona.

Councilmember Lieberman thanked everyone who writes and sends letters. He asked them to include their phone number as well as their district. He encouraged everyone to get involved in their city government. He invited everyone to a meeting on Thursday night at the Glendale Elementary School District office starting at 6:30 pm. Police Chief Conrad will be the guest speaker. He commented on Arizona's 100 Birthday.

Vice Mayor Frate invited everyone to his Neighborhood Meeting on Wednesday the 15th of February from 5:30 to 7:30 p.m. at the Arrowhead Town Center. There will be information on the new prescription cards as well as how to support Luke Air Force Base. In response to a question from a speaker in regards to why he always includes having an Executive Session, the reason was because by law it has to be posted, although they don't always have them. He noted it was a formality and it does not mean they always do it. He reminded everyone to watch children around water. He wished Happy Birthday to his granddaughter, Lauren who turns four today.

Councilmember Knaack stated that in response to a comment made by a speaker, the Council has not approved an additional \$25 million in the budget for the Coyotes and doesn't know where that came from. She explained that the budget meetings are attended by all the departments and city staff as well as the Council. These meetings are televised and in addition people can also stream them from the internet and anyone who wants to watch the meeting has the opportunity. She remarked the last time the city had open workshop meetings there was more staff present than were citizens. She believes the city and Council have made every effort to reach out to the public as well as always being accessible. She said case in point is the Water/Sewer Task Force has only received 28 applications to date out of a city of 260,000 people. She wonders where all the people who complain about the city and how it was run are. She commented that the Legislative Link is a wonderful program however there are only 100 people signed up. She hopes more people get involved and help with solutions. She thanked Mr. Mehta and staff for the countdown pedestrian signs. She wished everyone a Happy Valentine's Day.

Mayor Scruggs thanked the Steigers for being present and for submitting applications for the Water/Sewer Task Force. She said the Council was surprised at the residents' lack of interest in this subject that so many of them had referred to in the past. Mayor Scruggs wished Arizona a Happy Birthday and everyone a Happy Valentine Day. She closed the meeting thanking everyone for their attendance.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:30 p.m.

Pamela Hanna

Pamela Hanna - City Clerk