

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA,  
HELD TUESDAY, FEBRUARY 28, 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.

The Mayor welcomed the Master's Class attending from Webster University at Luke Air Force Base. Hank Suverkrup, Lisa Amos, Gary Padgett, Paul Mally, Sonia Vaquera, Larry Coffmann and Russ Payne.

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

A statement was filed by the City Clerk that the eight resolutions and three 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 FEBRUARY 14, 2006 CITY COUNCIL MEETING**

**It was moved by Goulet, and seconded by Frate, to dispense with the reading of the minutes of the February 14, 2006 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.**

**BOARDS AND COMMISSIONS**

**AD-HOC EVENT ADVISORY COMMITTEE**

Ms. Cathy Gorham, Director City Manager Relations, presented this item.

This is a request for the City Council to adopt an ordinance establishing an Ad-Hoc Event Advisory Committee, approve the recommended appointees to the committee, and for the Mayor to administer the oath of office to those appointees in attendance.

The establishment of this Ad-Hoc Event Advisory Committee reaffirms the Council's commitment to increasing citizen involvement in local government.

As a part of the planning and preparation activities to ensure success for the opening of the new AZSTA/Cardinals Stadium, the Arizona Cardinals 2006/07 NFL football season, the January 2007 Fiesta Bowl and Bowl Championship Series games, and the February 2008 Super Bowl, it will be necessary to notify impacted neighborhoods and provide opportunities for community participation throughout Glendale.

To assist with this initiative, staff is requesting that the City Council establish and appoint a limited duration, ad-hoc event advisory committee that would serve as a neighborhood issues focus group. The committee will meet as necessary to review and provide feedback on draft staff recommendations in relationship to the city's responsibilities for mega events that might have neighborhood impacts (i.e. codes, ordinances, traffic management, public safety). The committee will be advisory only with no decision-making authority. The intent is to ensure that staff has heard and considered neighborhood ideas, concerns and issues prior to bringing policy matters before the Council related to the hosting of the mega events. The committee members will also be charged with enhancing neighborhood communication efforts as they are being selected to represent broad, high-impact areas of the city and can serve as a conduit of information back to the neighborhoods regarding the city's planning efforts.

The concept for engaging the community in the city's national events planning efforts was presented at the October 18, 2005 Council workshop. A memo detailing the proposed committee's purpose and recommended structure was forwarded to the Council on January 3, 2006.

Gaining the perspective of Glendale residents representing the national event high impact areas will that ensure public questions, concerns and ideas are addressed in the city's public safety, transportation, beautification, public works, neighborhood and volunteer plans related to mega events. Additionally, committee members will serve as a conduit of information back to the areas they represent.

The recommendation was to waive reading beyond the title and adopt an ordinance establishing the Ad-Hoc Event Advisory Committee, approve the recommended appointees, and for the Mayor to administer the oath of office to those appointees in attendance.

**Ad-Hoc Event Advisory Committee**

Brian Bates	Sahuaro	Council District Appointee	02/28/2006	02/28/2008
Walter L. Chaney	Barrel	Council District Appointee	02/28/2006	02/28/2008
Robert H. McMaster, M.D.	At-Large (Mayoral)	Council District Appointee	02/28/2006	02/28/2008

Rosilyn Miller	Ocotillo	Council District Appointee	02/28/2006	02/28/2008
Dr. James Sanders	Cactus	Council District Appointee	02/28/2006	02/28/2008
John H. Stern	Cholla	Council District Appointee	02/28/2006	02/28/2008
Patricia Thomas-Whitfield	Yucca	Council District Appointee	02/28/2006	02/28/2008
Victor M. Mendez	At- Large - Citizens Transportation Oversight Commission	Appointee	02/28/2006	02/28/2008
Vacant	At-Large – Parks & Recreation Advisory Commission	Appointee	02/28/2006	02/28/2008
Mike Nave	At-Large - Citizens Advisory Commission On Neighborhoods	Appointee	02/28/2006	02/28/2008
John Kolodziej	At-Large - Zone A – High Impact Area	Appointee	02/28/2006	02/28/2008
Patricia J. Ryan / Bitzee Mama's	At-Large - Zone E – High Impact Area	Appointee	02/28/2006	02/28/2008
Joe Brown / Arrowhead Towne Center	At-Large – Bell Road – High Impact	Appointee	02/28/2006	02/28/2008

Councilmember Frate asked when the Committee would hold its first meeting. Ms. Gorham said potentially the third Monday of the month.

Ordinance No. 2484 New Series was read by number and title only, it being **AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ESTABLISHING AN AD-HOC EVENT ADVISORY COMMITTEE; APPOINTING MEMBERS THERETO; AND SETTING FORTH INSTRUCTIONS AND CHARGES.**

**It was moved by Clark, and seconded by Frate, to approve Ordinance No. 2484 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.**

## **BOARDS AND COMMISSIONS**

This is a request for the City Council to approve the recommended appointments to the following boards and commissions that have a vacancy or expired term and for the Mayor to administer the oath of office to those appointees in attendance.

			Effective Date	Expiration Date
<b>Aviation Advisory Committee</b>				
William A. Kelly	Barrel	Appointment	02/28/2006	11/24/2007
<b>Citizens Bicycle Advisory Committee</b>				
Gail Hildebrant	Mayoral (Cholla)	Appointment	03/05/2006	03/05/2008
<b>Citizens Transportation Oversight Commission</b>				
Ronald L. Davis, Jr.	At-Large (Cholla)	Appointment	03/25/2006	03/25/2008
Robert Grimes	At-Large (Yucca)	Appointment	03/25/2006	03/25/2008
<b>Commissions On Persons With Disabilities</b>				
Ray Heffley	Sahuaro	Appointment	02/28/2006	02/27/2007
<b>Historic Preservation Commission</b>				
Brad Berner	At-Large (Cholla)	Re-Appointment	04/13/2006	04/13/2008
David Jarnagin	At-Large (Barrel)	Re-appointment	04/13/2006	04/13/2008
David Jarnagin	At-Large (Barrel)	Chair Appointment	04/13/2006	04/13/2007
Linda Sue Trumble	At-Large (Barrel)	Re-appointment	04/13/2006	04/13/2008
Linda Sue Trumble	At-Large (Barrel)	Vice Chair Appointment	04/13/2006	04/13/2007

**Judicial Selection Advisory Board**

Karen L. Karr		Re-appointment	04/23/2006	04/23/2008
Peter Van Camp		Re-appointment	04/23/2006	04/23/2008

**Library Board**

JoAnn Lee	Mayoral (Cholla)	Re-appointment	04/13/2006	04/13/2008
Edward Luiszer	Barrel	Re-appointment	04/13/2006	04/13/2008
William Walsh, Jr.	Cholla	Re-appointment	04/13/2006	04/13/2008

**Parks & Recreation Advisory Commission**

Stanley E. Long	Mayoral (Cholla)	Re-appointment	4/09/2006	04/09/2008
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**Personnel Board**

Al Cordova	At-Large (Cholla)	Re-appointment	04/23/2006	04/23/2008
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**Planning Commission**

Bonnie Barclay	Barrel	Appointment	03/25/2006	03/25/2008
Joy Gomez	Sahuaro	Appointment	03/25/2006	03/25/2008

The recommendation was to make appointments to the Boards and Commissions and administer the Oaths of Office.

**It was moved by Martinez, and seconded by Eggleston, to appoint the applicants listed above, for the terms listed above, to the Aviation Advisory Commission, the Citizens Bicycle Advisory Committee, the Citizens Transportation Oversight Commission, the Commission on Persons with Disabilities, the Historic Preservation Commission, the Judicial Selection Advisory Board, the Library Board, the Parks & Recreation Advisory Commission, the Personnel Board, and the Planning Commission. The motion carried unanimously.**

Mayor Scruggs called the Ad Hoc Committee forward and administered the oath of office to those appointees in attendance. Those in attendance were Brian Bates, Walter L. Chaney, Robert H. McMaster, M.D., Rosilyn Miller, James Sanders, M.D., John H. Stern, Patricia Thomas-Whitfield, Victor M. Mendez, Mike Nave, John Kolodziej, Patricia J. Ryan and Joe Brown.

Mayor Scruggs called forward the other Boards and Commission appointees in attendance and administered the oath of office. Those in attendance were William A. Kelly, Gail Hildebrant, Ronald L. Davis, Jr., Robert Grimes, David Jarnagin, Karen L. Karr, JoAnn Lee, Edward Luiszer, William Walsh, Jr., Stanley E. Long and Joy Gomez.

**CONSENT AGENDA**

Mr. Ed Beasley, City Manager, read Agenda Item Numbers 1 and 2 and Ms. Pamela Hanna, City Clerk, read Consent Agenda Resolutions Numbers 3 through 9 by number and title.

Councilmember Lieberman requested Agenda Item 7 be heard separately from the Consent Agenda items.

1. CHANGE ORDER ONE AND FINAL - AIRPORT EAST ACCESS ROAD

This is a request for the City Council to approve change order number one and final to the construction contract with Pierson Construction Inc. for the repair of an existing 12-inch water main.

During the installation of fire hydrants included in the construction of the Airport east access road, a leak was discovered in the existing 12-inch water main. Staff directed the contractor to excavate and repair the waterline before it could cause damage to the new roadway.

On March 22, 2005, the Council awarded the construction contract to Pierson Construction Inc., in the amount of \$616,659 to construct the sewer and off-site improvements.

The total amount of this change order is \$117,472.98. Funds for this project are available in Airport-Eastside Access Road.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$117,472.98

**Account Name, Fund, Account and Line Item Number:**  
 Airport-Eastside Access Road, Account No. 33-9497-8300

The recommendation was to approve change order one and final to the construction contract with Pierson Construction Inc., in an amount not to exceed \$117,472.98.

2. FINAL PLAT APPLICATION FP05-05: VILLAGE DIAMANTE CONDOMINIUMS – 8050 NORTH 61<sup>ST</sup> AVENUE

This is a request by Seigel Corporate Ventures, LTD for the City Council to approve the final plat for Village Diamante Condominiums. located at 8050 North 61<sup>st</sup> Avenue.

The proposed final plat is consistent with the General Plan and the existing R-5 (Multiple Residence) zoning district. The proposed housing development will introduce new ownership housing opportunities in the central part of the city.

This development also incorporates sound growth management practices by utilizing existing infrastructure. The final plat meets the requirements of the Subdivision and Minor Land Division Ordinance.

The site is located on the west side of 61<sup>st</sup> Avenue. approximately 288 feet north of Northern Avenue. The site consists of 4.8 acres and will contain 69 residential condominiums. The units will range in size from 1,250 square feet to 1,560 square feet.

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

The recommendation was to approve Final Plat Application FP05-05.

### **CONSENT RESOLUTIONS**

3. INTERGOVERNMENTAL AGREEMENT FOR CONSTRUCTION OF INTELLIGENT TRANSPORTATION SYSTEM EQUIPMENT ON BELL ROAD

This is a request for the City Council to approve an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) for construction of intelligent transportation system (ITS) equipment on Bell Road between 51<sup>st</sup> Avenue and Loop 101, using federal Congestion Mitigation and Air Quality (CMAQ) funds.

This project will aid the Transportation Department in meeting the Council strategic priorities of leveraging technology for efficiency and convenience.

In June of 2000, the City of Glendale completed a Traffic Management System Design Concept Report. Bell Road, along with 59<sup>th</sup> and Glendale Avenues, was identified as the backbone for the ITS communication system. The Transportation Department has completed the construction of the 59<sup>th</sup> and Glendale Avenues ITS

deployment projects. This project on Bell Road is the next phase to complete the backbone system.

In order to minimize construction impacts to the traveling public and to adjacent business owners, the contractor who is selected to perform the work is precluded from performing construction-related tasks beginning November 1 through February 1. Additionally, work is restricted west of 67<sup>th</sup> Avenue until after the beginning of April to eliminate conflicts with Major League Baseball spring training. The contractor will be required to use less intrusive construction methods when installing infrastructure that crosses roadways and driveways in the project limits. Finally, alternate work schedules, such as late evening or nighttime work, will be considered.

In May of 2004, the Council approved a design contract with Lee Engineering to complete the design for this project as well as an IGA with ADOT to be reimbursed for a portion of the design costs.

Bell Road is the most heavily used corridor in the City of Glendale. Installing intelligent transportation system technology along this corridor and incorporating the traffic signals on Bell Road into the central intelligent transportation system will allow for effective management of traffic and improved efficiency for the traveling public.

The cost for construction of the project is \$710,000. Funds in the amount of \$665,000 are available through a Federal Congestion Mitigation and Air Quality (CMAQ) funding. The city's required contribution for matching funds is \$45,000 from the Traffic Signal Computerization account.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
\$665,000		X	X		\$45,000

<b><u>Account Name, Fund, Account and Line Item Number:</u></b> Traffic Signal Computerization Account No: 31-8042-8330
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The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to sign any and all documentation relating to the intergovernmental agreement with ADOT for ITS equipment on Bell Road.

Resolution No. 3928 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 ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF AN I.T.S. COMPUTERIZED SIGNAL SYSTEM AT VARIOUS LOCATIONS ON BELL ROAD FROM 51<sup>ST</sup> AVENUE TO 83<sup>RD</sup> AVENUE.**

4. INTERGOVERNMENTAL AGREEMENT FOR REFUSE TONNAGE EXCHANGE WITH THE CITY OF PHOENIX

This is a request for the City Council to approve an Intergovernmental Agreement (IGA) with the City of Phoenix to permit a ton-for-ton exchange of refuse for disposal at respective facilities.

This IGA will continue a partnership that enables exceptional service.

Since 1995, the City of Glendale and the City of Phoenix have agreed to a ton-for-ton exchange of refuse at their disposal facilities. This agreement allowed refuse trucks from each city to use the landfill or transfer facility at the other city when that facility was closer. Each city saved time and fuel, allowing residents to be served more quickly and cost effectively. Each city has tracked the refuse tonnage deposited at each facility. Annually, the tonnages were reconciled to ensure equal use by the respective communities.

When the City of Phoenix closed the Skunk Creek Landfill, located at Happy Valley Road and I-17, on December 31, 2005, the agreement in place was automatically terminated.

On January 1, 2006, the City of Phoenix opened a refuse transfer station three miles north of the Skunk Creek Landfill, where refuse may be deposited for later transport to the new Phoenix landfill in Buckeye. By using this new Phoenix transfer station; the City of Glendale will continue to receive benefits available through use of the Skunk Creek Landfill. Instead of taking Glendale residents' refuse to the Glendale Landfill, use of the Phoenix transfer station will continue to save approximately 30 minutes in travel time on each load of refuse. Staff estimates that approximately 5.5 hours of productivity is achieved per day on the two collection days in northern Glendale. As a result of this arrangement, there is approximately \$40,000 in annual cost avoidance related to the reduced transportation costs. The City of Phoenix sees similar savings for its solid waste operations by routing to the Glendale Landfill its refuse collection trucks operating in western Phoenix.

During the first six months of Fiscal Year 2005-06, Glendale trucks disposed of 9,992 tons of refuse at the Phoenix facility. Phoenix trucks deposited 10,228 tons at the Glendale facility. Staff of both organizations monitors the exchange of garbage on an annual basis to ensure parity. Any imbalance in the tonnages at the end of the fiscal year will be invoiced by the appropriate city, based on the gate rate of the receiving facility.

The City Council first approved a ton-for-ton exchange of solid waste with the City of Phoenix on July 25, 1995. This agreement was renewed by the Council on December 12, 2000 and again by staff with an effective date of January 2, 2004.

The recommendation was to waive reading beyond the title and adopt a resolution authorizing and directing the City Manager to enter into a Reciprocal Services Intergovernmental Agreement with the City of Phoenix to permit a ton-for-ton exchange of refuse at the two cities' landfills and any extensions thereto.

Resolution No. 3929 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 A RECIPROCAL SERVICES INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR LANDFILL SERVICES; AND AUTHORIZING ANY EXTENSIONS BY THE CITY MANAGER IN ACCORDANCE WITH SAID INTERGOVERNMENTAL AGREEMENT.**

5. INTERGOVERNMENTAL AGREEMENT AND CONTRACT FOR LEGAL SERVICES

This is a request for the City Council to approve the Tenth Intergovernmental Agreement and the Contract for Legal Services with the cities of Chandler, Goodyear, Mesa, Peoria, and Scottsdale relating to the joint representation in settlement efforts relating to Central Arizona Water Conservation District v. United States of America, et al.

This lawsuit involves the dispute between the U.S. Secretary of Interior and Arizona over the repayment obligations of the Central Arizona Project (CAP). A decision in favor of the United States could cost Glendale as much as \$600,000 to \$700,000 each year in increased CAP water costs. The judge has approved a settlement among the parties. The settlement includes several steps that must be taken before a final judgment will be entered.

The law firm of Engelman Berger, P.C. has been hired to represent the cities in this lawsuit. The attorney handling this matter is William H. Anger. Mr. Anger has successfully represented many of these same cities before the Arizona Supreme Court in matters related to the Gila River Adjudication.

The cities entered into an Intergovernmental Agreement (IGA) effective December 1, 1995 for joint legal representation in the CAP litigation. Due to developments in the CAP litigation that were not foreseen when the IGA was adopted, the cities entered into an amendment to the IGA effective June 16, 1997. This amendment raised the limit on litigation costs from \$100,000 to \$150,000 and set aside \$50,000 to be used for settlement negotiations if they occurred. When intensive settlement activities did occur and necessitated an increase in the settlement costs, the cities entered into amendments to the IGA, including Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth IGAs relating to the joint representation in settlement efforts relating to the CAP litigation. Settlement activities have continued and the cities agree that they necessitate an additional \$100,000 in the settlement costs.

As in any litigation with many parties, a large group of similarly situated parties with common representation can have a much greater effect and reduced costs than those same parties would have individually.

The cost of representation will be equally shared by the cities. Glendale will be responsible for 16.666% or \$16,666 for services rendered under this contract. Funds for this project are in the Utilities Account.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$16,666

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

Utilities Account No. 50-6410-7330

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the entering into of the Tenth Intergovernmental Agreement and Contract for Legal Services relating to the joint representation in the case of Central Arizona Water Conservation District v. United States of America, et al.

Resolution No. 3930 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 THE TENTH INTERGOVERNMENTAL AGREEMENT AND CONTRACT FOR LEGAL SERVICES WITH THE CITIES OF CHANDLER, GOODYEAR, MESA, PEORIA AND SCOTTSDALE RELATING TO JOINT LEGAL REPRESENTATION IN THE CASE OF CENTRAL ARIZONA WATER CONSERVATION DISTRICT v. UNITED STATES OF AMERICA, ET AL.**

6. **PROPERTY ACQUISITION: BETWEEN 99<sup>TH</sup> AND 107<sup>TH</sup> AVENUES**

This is a request for the City Council to adopt a resolution authorizing the acquisition from the Arizona Department of Transportation (ADOT) of 7.26 acres of land and appurtenant easements located beside the Bethany Home Road Outfall Channel (BHOC), between 99<sup>th</sup> and 107<sup>th</sup> Avenues.

The acquisition of this property will address the Council's goal of enhancing the quality of life for Glendale residents, as the land will also provide pedestrian and equestrian access to the trails along New River.

In March of 1999, the Council approved the sale of 1.0137 acres of land to ADOT for the construction of a bridge at 107<sup>th</sup> Avenue. The bridge was built in conjunction with the BHOC project to provide access to the properties on the north side of the BHOC south of the Grand Canal.

In March of 2004, the Council directed staff to proceed with acquiring the necessary land from ADOT to relocate a sewer force main as part of the improvements to the Western Area Water Reclamation Facility.

The city also installed two 24-inch effluent waterlines, which are attached to the bridge, to transport effluent from the Western Area Water Reclamation facility to the New River Agua Fria Underground Storage project.

The city entered into a lease agreement with ADOT to allow these facilities to be attached to the bridge and on ADOT land, until the property could be designated as excess land, appraisals and an environmental assessment completed, and sold to the city. ADOT will abandon the bridge for city ownership and sell the associated land to the city.

Purchasing the land and taking ownership of the bridge provides access for the location and maintenance of facilities necessary to the operation of the Western Area Water Reclamation Facility. It also provides pedestrian and equestrian access to the trails along New River.

The purchase price of the property is \$433,000. An initial payment of \$43,300 will be due immediately, with the remaining balance of \$389,700 due at close of escrow, approximately 30 to 60 days following the initial payment.

Funding for the purchase of this property is available in Fiscal Year 2005-06 Capital Improvement Program, West Area WWRP.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
		X	X		\$433,000

<b><u>Account Name, Fund, Account and Line Item Number:</u></b> West Area WWRP, Account No. 50-9246-8100
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The recommendation was to waive reading beyond the title and adopt a resolution authorizing the acquisition from the Arizona Department of Transportation of 7.26 acres of land and appurtenant easements located along the Bethany Home Road Outfall Channel, between 99<sup>th</sup> and 107<sup>th</sup> Avenues.

**Resolution No. 3931 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 CITY MANAGER TO ACQUIRE CERTAIN REAL PROPERTY LOCATED ALONG THE BETHANY HOME ROAD OUTFALL CHANNEL IN GLENDALE, MARICOPA COUNTY, ARIZONA, FOR IMPROVEMENTS TO THE WESTERN AREA WATER RECLAMATION FACILITY; AND DIRECTING THE EXECUTION OF ANY DOCUMENTS NECESSARY TO EFFECTUATE SAID PURCHASE.**

## 8. INTENT TO INCREASE DEVELOPMENT IMPACT FEES

This is a request for the City Council to adopt a resolution stating the city's intent to increase development impact fees (DIF) and to set a public hearing date of May 9, 2006.

Development impact fees are one-time charges to developers that are used to offset capital costs resulting from new development. They are necessary to expand and develop new facilities to serve new growth so cities can continue to provide the same level of service to new growth as that provided to existing residents.

On October 12, 2004, the Council approved the selection of Tischler & Associates (subsequently named TischlerBise) to provide this update for the city's development impact fees, with the exception of water and sewer. TischlerBise completed the city's prior DIF updates in 2000 and 2001. TischlerBise also has done impact studies for Avondale, Buckeye, Carefree, Casa Grande, Coolidge, Eloy, El Mirage, Flagstaff, Gilbert, Goodyear, Northwest Fire District, Peoria, Phoenix, Queen Creek, Scottsdale, Surprise, and Tolleson.

Consultant Black & Veatch prepared an updated report on the city's water and sewer DIF. Their update utilized the methodology established by Tischler & Associates in the comprehensive fee study completed in 2001.

The two DIF studies are based on planning and zoning information, existing levels of service provided to current residents, the Fiscal Year 2005-14 Capital Improvement Plan and the December 14, 2005 Black & Veatch evaluation. Revenue from the proposed changes is expected to cover the costs associated with growth.

DIF for parks, water and sewer have existed for several years. Fees for streets, library and public safety were implemented in 1997. Fees were implemented for solid waste (sanitation and landfill), roadways, and general government in 2000. The public safety fee was separated into police facilities and fire/emergency medical services in 2001.

In 1997, the Council requested that the fees be revisited and updated every three years.

The last update for library; parks, recreation and open space; police; fire/emergency medical services; general government; solid waste; and roadway improvements was completed in 2001 and adopted by Council on October 9, 2001, with an effective date of January 10, 2002.

The last update for water and sewer DIF was completed in 2003 and adopted by Council on May 25, 2004, with an effective date of August 2, 2004.

On February 7, 2006, the Council was presented the current proposed DIF report at a workshop. The report presented at that workshop is the supporting documentation for this notice of intent.

By implementing the new DIF, the city will be able to maintain its current level of service to existing residents and support future growth.

The public will be provided an opportunity to comment during the May 9, 2006 public hearing. The revised ordinance will be presented to Council on May 23, 2006. The new fees become effective 90 days after the ordinance is adopted.

On January 4, 2006, staff met with representatives from the Home Builders Association of Central Arizona (HBACA) and Arizona Multihousing Association (AMA) to discuss the material provided to both organizations on December 21, 2005 regarding technical aspects of the development fee methodology and supporting data for the proposed development impact fees for all categories including water and sewer.

On December 21, 2005, HBACA and AMA representatives were provided, by e-mail and written report or letter, a response to the October 3, 2005 questions, as well as the revised DIF reports from TischlerBise and Black & Veatch.

On October 3, 2005, HBACA submitted a series of questions to the city regarding the discussion on the technical aspects of the development fee methodology and supporting data for the proposed development impact fees for all categories, except water and sewer.

On July 18, 2005, staff and Black & Veatch met with representatives from the HBACA and the AMA to discuss the technical aspects of the development fee methodology and supporting data for water and sewer DIF.

On June 14, 2005, staff and TischlerBise met with representatives from the HBACA and the AMA to discuss the technical aspects of the development fee methodology and supporting data for the proposed development impact fees for all categories, except water and sewer.

The recommendation was to waive reading beyond the title and adopt a resolution stating the city's intent to increase development impact fees and to set the public hearing date of May 9, 2006.

Resolution No. 3933 New Series was read by number and title only, it being **A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ADOPTING THIS NOTICE OF INTENTION TO INCREASE DEVELOPMENT IMPACT FEES; SETTING A PUBLIC HEARING ON THE PROPOSED INCREASE; AND FILING A WRITTEN REPORT SUPPORTING THE PROPOSED INCREASE WITH THE CITY CLERK.**

9. NOTICE OF INTENT TO ENTER INTO A RETAIL DEVELOPMENT AGREEMENT

This is a request for the City Council to adopt a notice of intent to enter into a retail development tax incentive agreement with AFC Acquisition Corp. on or about March 14, 2006.

Pursuant to A.R.S. §9-500.11 a city or town must adopt a notice of intent to enter into a retail development tax incentive agreement at least fourteen days before approving such an agreement.

The recommendation was to adopt a Notice of Intent to enter into a retail development tax incentive agreement with AFC Acquisition Corp. on or about March 14, 2006.

Resolution No. 3934 New Series was read by number and title only, it being **A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ADOPTING THIS NOTICE OF INTENT PURSUANT TO A.R.S. §9-500.11 TO ENTER INTO A RETAIL DEVELOPMENT TAX INCENTIVE AGREEMENT WITH AFC ACQUISITION CORP.; AND SETTING A PUBLIC HEARING ON THE PROPOSED AGREEMENT.**

It was moved by Eggleston and seconded by Martinez, to approve the recommended actions on Consent Agenda Item Nos. 1 through 6, 8 and 9 including the approval and adoption of Resolution No. 3928 New Series, Resolution No. 3929 New Series, Resolution No. 3930 New Series, Resolution No. 3931 New Series, Resolution No. 3933 New Series, and Resolution No. 3934 New Series. The motion carried unanimously.

7. PROPERTY ACQUISITION: 83<sup>RD</sup> AVENUE AND BETHANY HOME ROAD

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

This is a request for the City Council to adopt a resolution authorizing the acquisition of a 2.35-acre parcel of land at the southeast corner of 83<sup>rd</sup> Avenue and Bethany Home Road. The property will be used for the realignment of Bethany Home Road, 75<sup>th</sup> to 83<sup>rd</sup> Avenues.

Acquisition and future development of this property supports Council's policy of creating transportation options, and projecting a positive image of Glendale through the aesthetic improvements of Bethany Home Road.

Bethany Home Road, between 75<sup>th</sup> and 83<sup>rd</sup> Avenues, is primarily a two-lane rural arterial in the path of an expanding urbanized area. On May 15, 1999 the Council authorized the widening of Bethany Home Road and the installation of a storm drain

system from 58<sup>th</sup> Avenue west to the Bethany Home Road Outfall Channel (BHOC) at 83<sup>rd</sup> Avenue and Bethany Home Road.

The most favorable design for Bethany Home Road, 75<sup>th</sup> to 83<sup>rd</sup> Avenues, requires a realignment of the road southward from about 81<sup>st</sup> Avenue to its intersection with 83<sup>rd</sup> Avenue. This new alignment moves Bethany Home Road from the north side of the BHOC and the Grand Canal to the south side, which will support the future development of Bethany Home Road from 83<sup>rd</sup> to 91<sup>st</sup> Avenues, and the current development of Bethany Home Road, 91<sup>st</sup> Avenue west to Loop 101. The new roadway will include four-travel lanes (two-travel lanes in each direction), and a center left-turn lane.

The storm drain system (58<sup>th</sup> to 83<sup>rd</sup> Avenues) was designed to connect to the BHOC at 83<sup>rd</sup> Avenue. The Flood Control District of Maricopa County (FCDMC) has cooperated and is sharing in the design costs with the city. The new conformation of the BHOC has left FCDMC with a 2.35-acre remnant parcel. That parcel is necessary for the city's realignment of Bethany Home Road. FCDMC is willing to sell the parcel to the city at its appraised value, and FCDMC has already declared the parcel excess. The total purchase price is \$477,800.

The city can improve traffic flow through this area, make visual improvements and create an attractive gateway feature to the adjacent Grand Canal Linear Park and the adjoining West Area Regional Park located on the east side of 83<sup>rd</sup> Avenue, north of Bethany Home Road.

The purchase price is based on a September 2005 appraisal of the property at \$475,000, plus \$2,800 for the cost of the appraisal, which equates to a total purchase price of \$477,800.

Funds for the land acquisition are available in the Bethany Home Road, 75<sup>th</sup> to 83<sup>rd</sup> Avenues (ST) Account No. 61-8817-8100.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
		X	X		\$477,800

**Account Name, Fund, Account and Line Item Number:**  
 Bethany Home Road, 75<sup>th</sup> to 83<sup>rd</sup> Avenues (ST) Account No. 61-8817-8100

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to execute all documents necessary to acquire the 2.35-acres parcel of land on the southeast corner of 83<sup>rd</sup> Avenue and Bethany Home Road.

Councilmember Lieberman asked if more than one appraisal was conducted. Mr. Broyles stated Maricopa County Flood Control District did two appraisals and the purchase price represents the mid-point between the two appraised values. Councilmember Lieberman asked what happens if the city does not purchase the property. Mr. Broyles stated the property would sit there. Councilmember Lieberman said he couldn't approve paying \$207,000 per acre for surplus land. He asked if the city desperately needs the land. Mr. Broyles responded yes. He assured the Council that the appraisals were reviewed by the city's Property Manager and deemed acceptable. Councilmember Lieberman asked Mr. Broyles if he reviewed the appraisals. Mr. Broyles answered yes.

Mayor Scruggs asked what they compared the land to in the appraisal. Mr. Broyles clarified the Maricopa County Flood Control District has to declare land as excess land in order to sell it.

Councilmember Lieberman asked what the Maricopa County Flood Control District paid for the land. Mr. Broyles explained when the land was originally purchased, the Cities of Glendale and Phoenix were each responsible for 25 percent of the project and Flood Control was responsible for 50 percent. He said Glendale will be reimbursed their 25 percent upon purchase of the property. Councilmember Lieberman pointed out Glendale paid 25 percent of the original purchase price, stating the city's reimbursement may not equal 25 percent of the proposed purchase price. Mr. Broyles agreed.

Councilmember Martinez asked what the impact of not purchasing the property would be to the city. Mr. Broyles stated the realignment of Bethany Home Road is currently under design and is in the process of being bid for the third time. He said the infrastructure has already been installed and the street project is solely for the surface of the roadway. He stated if Glendale does not proceed with the purchase, Bethany Home Road would stay in its current alignment.

Vice Mayor Eggleston asked if the city owns the property that runs from the canal to Bethany Home Road. Mr. Broyles responded yes, stating the City owns all of the property except the subject parcel owned by the Maricopa County Flood Control District. Vice Mayor Eggleston asked if the city owns the property west of 83<sup>rd</sup> Avenue. Mr. Broyles answered no, confirming the property will need to be purchased to allow the road to continue west to the Loop 101. Vice Mayor Eggleston asked how much did the city pay for the linear park property. Mr. Broyles said the city's share of the outfall channel was approximately \$6.8 million and the Parks and Recreation Department paid approximately \$1.3 million for the trail system, landscaping and irrigation. He confirmed the property is approximately 1.75 miles in length. Vice Mayor Eggleston asked if the Street Account is part of the city's GO Money. Mr. Broyles responded no.

Councilmember Lieberman asked if the city bid for the bridge over the canal. Mr. Broyles explained the bridge over 83<sup>rd</sup> Avenue was part of the Bethany Home Outfall Channel construction. He confirmed the bridge was bid. Councilmember Lieberman pointed out they will have to build a bridge over the canal before reaching 83<sup>rd</sup> Avenue. Mr. Broyles agreed, stating the bridge is included in road construction. Councilmember Lieberman asked if the road would be at-grade at Bethany Home Road. Mr. Broyles answered yes. Councilmember Lieberman stated, while is opposed to the purchase price, he agrees the intersection is desperately needed. He asked when Bethany Home would be extended to 91<sup>st</sup> Avenue. Mr. Broyles said the extension between 83<sup>rd</sup> and 91<sup>st</sup> Avenues is dependent upon the development of that property. Councilmember Lieberman pointed out the city agreed to purchase land from 91<sup>st</sup> to 99<sup>th</sup> Avenues. Mr. Broyles agreed, stating that portion is currently under construction. Councilmember Lieberman asked to see the bids as well as what the city paid for its 25 percent share of the outfall channel and what that 25 percent would be worth today. He also asked for an accurate map with overlays.

Councilmember Clark asked what underground work has been done and what the approximate cost of that work was. Mr. Broyles said the work was done as part of the overall outfall channel work. Councilmember Clark asked if the city's original investment in that underground work would be wasted if the city does not proceed with the road surface project. Mr. Broyles responded yes.

Mr. Broyles confirmed for Vice Mayor Eggleston that the city has no plans at this time to extend the road west from 83<sup>rd</sup> Avenue. He explained the alignment could vary across the private property. Vice Mayor Eggleston asked who currently owns the property. Mr. Broyles said John F. Long. Vice Mayor Eggleston asked what the city intends to do with Bethany Home Road as it stands today. Mr. Broyles said the present road would become part of the overall 80-acre park site.

Ms. Lisa Amus, Maricopa County Flood Control District, offered to answer questions.

Councilmember Lieberman asked Ms. Amus what they paid for the property and how much is Glendale's 25 percent share worth. Ms. Amus was unable to say, explaining she was not on the acquisition side when the property was purchased. She offered to research the answer. Councilmember Lieberman asked why they did two rather than three appraisals. Ms. Amus said they typically do one or two appraisals.

Resolution No. 3932 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 THAT TITLE TO AND POSSESSION OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, BE ACQUIRED BY PURCHASE, OR UNDER THE POWER OF EMINENT DOMAIN FOR THE REALIGNMENT OF BETHANY HOME ROAD.**

**It was moved by Lieberman, and seconded by Eggleston, to table Item No. 7. The motion carried by a 6-1 vote with Clark voting nay.**

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

10. GENERAL PLAN AMENDMENT GPA05-05 AND REZONING APPLICATION ZON05-08: 51 PALMS - 8045 NORTH 51<sup>ST</sup> AVENUE

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

This is a request by The Mashburn Companies, Inc. for the City Council to amend the General Plan designation for properties surrounding the northeast corner of 51<sup>st</sup> and Northern Avenues from PC (Planned Commercial) and Medium High Density Residential (8-12 dwelling units per acre) to High Density Residential (12-20 dwelling units per acre) and OFC (Office). The request is to also rezone the property from C-2 (General Commercial) and R-4 (Multiple Residence) to PAD (Planned Area Development).

The proposed PAD Development Plan for 51 Palms consists of a mix of condominium units and office land uses on this in-fill site.

The recommended changes in designation are consistent with the General Plan objectives to develop safe, well-built, and attractive housing. The General Plan also encourages infill development that utilizes existing municipal infrastructure.

The General Plan recognizes the value in establishing varied housing options for the local workforce and their families. Central locations are critical as they allow for shorter commutes, reduced travel costs and less traffic congestion. The proposed 12-20 residential dwelling units per acre will allow up to 102 families to easily access city amenities while simultaneously removing the existing planned commercial designation which is potentially less compatible than the proposed designation.

On December 15, 2005, the Planning Commission recommended approval of the General Plan Amendment and rezoning application.

The project permits new residential and commercial development on currently unsightly parcels.

Notification letters were sent to 538 property owners and interested parties on May 27, 2005, inviting them to attend a neighborhood meeting. The majority of those in attendance supported the request providing the applicant walled and heavily landscaped the northern most property line buffering the existing single-family residences from the planned condominium units.

The 22 neighbors that attended the meeting were pleased that the commercial property and the vacant residential would be cleaned up as part of the proposal. Those in attendance felt the existing condition of the proposed site was unacceptable. Concerns expressed from those in attendance also included building height and privacy for the existing single-family homes to the northeast. Additional landscaping, larger trees and an 8-foot wall were agreed to by the developer.

On November 23, 2005, 538 notices were sent to neighbors to a second neighborhood meeting, which was held on December 12, 2005. The additional meeting was held to ensure all parties have the latest information on the proposed project and included four who expressed once again similar concerns. The developer will install 36" box trees on the north and east property lines and has prepared a line-of-sight study to demonstrate that the one-story garages on the north side of the project protect the privacy of existing neighbors.

The recommendation was:

General Plan Amendment: Conduct a public hearing, waive reading beyond the title, adopt a resolution, and approve General Plan Amendment GPA05-05.

Rezoning: Conduct a public hearing, waive reading beyond the title, adopt an ordinance, and approve Rezoning Application ZON05-08, subject to the stipulations as recommended by the Planning Commission.

Councilmember Goulet asked why the eastern-most portion of the property is limited to office use rather than another form of commercial use. Mr. Froke said staff and the applicant had numerous discussions throughout the course of the planning process and felt Office was an appropriate choice given the property's limited frontage onto Northern Avenue. He pointed out the structure to the east is residential and the owner of that dwelling intends to continue to live there; therefore, staff felt office would be a good transition between the retail uses and the residence to the east. Councilmember Goulet asked if a second office building could be located on the parcel. Mr. Froke said, while a stipulation restricts the commercial office component to one building, staff believes the building could be oriented to allow for more office space.

Councilmember Lieberman noted the Planning Commission imposed the stipulation limiting the office component to one building. He commended the applicant for working so well with the residents, noting at the last meeting there were several city and applicant representatives present, but only two residents. He stated the subject corner is the last of what he considered to be four bad corners in his district. He said he is delighted to see the proposed development.

Mr. Froke said it is at Council's discretion to modify the stipulation concerning the number of office buildings, however, given the narrow depth of the property and the limited frontage space, a second building may not be feasible.

Councilmember Clark asked if the parking spaces are intended to serve the condominiums or the future office. Mr. Froke stated the parking area north of the office building is intended to serve the office parcel. Councilmember Clark commented there seem to be a lot of parking spaces for an office complex. She suggested they use a portion of the buffer area to create a recreational amenity for the condominium users.

Mayor Scruggs asked if Stipulation 11 restricting the number of office buildings to one existed when the case was presented to the Planning Commission. Mr. Brian Friedman, Principal Planner, said the stipulation was added by the Commission, explaining they wanted to ensure a less intense use. Mayor Scruggs asked about the building's size. Mr. Friedman said it would be approximately 2,000 square feet. Mayor Scruggs asked if the applicant could instead construct two 1,000 square foot buildings. Mr. Friedman said, according to Stipulation 11 as recommended, no. Mayor Scruggs asked what size building the property could reasonably accommodate. Mr. Friedman said commercial developments are typically restricted to 30 percent lot coverage, noting the proposed plan calls for 10 percent lot coverage. He stated 12,000 square feet would be the maximum building size the parcel could accommodate. He said the applicant had mentioned a 2,000 square foot building would be feasible according to their marketing study. He stated the applicant was shocked by the Commission's stipulation, but agreed because they wanted to proceed with the project. Mayor Scruggs asked Mr. Friedman if he could envision something other than a single building on the parcel being acceptable, appropriate and non-offensive. Mr. Friedman said one building is probably the only marketable solution in the area, but the building's length could be increased to at least double the square footage. He admitted the parcel is over parked given the size of the building. Mayor Scruggs said she is concerned when public officials with little or no knowledge of designing or planning properties add such limiting stipulations. Mr. Friedman said staff would like the ability to control the parcel according to the Design Review process; therefore, staff agreed with Council removing Stipulation 11.

Councilmember Lieberman noted the Planning Director has the right to expand the building footprint by 10 percent without returning to Council for approval. Mr. Froke agreed the Zoning Ordinance allows for administrative relief of up to 10 percent. He suggested they modify Stipulation 11 to limit the commercial office component of the project to no more than one building, with a maximum building square footage of 5,000 square feet. He expressed his opinion a building at the north end of the parcel would be rendered virtually useless because of its lack of visibility. He said they could also consider pushing the office building up against the retail to increase its mass along Northern Avenue.

Mayor Scruggs commented on the success the medical office complex at 59<sup>th</sup> Avenue and Thunderbird has had despite it being set back behind the Safeway shopping center, stating many people on the Council felt it would never be successful. She said, keeping that situation in mind, it is difficult for her to limit the applicant to one building.

Councilmember Clark said the importance of visibility from the street depends on the type of businesses located in the building. She asked, for instance, if the proposed office building would be suitable for insurance agents or real estate agents that often depend on drive-by traffic. Mr. Froke stated both of those land uses would be permitted under the zoning ordinance. He deferred her question concerning the appropriateness of the site for specific office uses to the applicant.

Mr. Lee Mashburn, Applicant, stated they have been working on the site for a number of years and are heavily invested in the neighborhood. He said they believe in the potential of the neighborhood as well as Glendale's potential. He explained the intent of their effort is to revitalize that corner to increase property values surrounding the intersection. He stated they are currently taking bids for the demolition of the buildings, including the home, noting the short term leases they inherited will expire in March. He said they will then fence the yard and hope to begin construction by mid-summer. He stated they went through a fairly enjoyable public participation process and responded to concerns brought up by residents by adding 36-inch box trees to buffer the project from neighbors to the north and relocating the dumpsters to the south portion of the property. He said they view the site as a transition from the commercial along Northern to the residential area to the north. He noted they also intend to revitalize the shopping center and the adjoining office project.

Councilmember Goulet said the proposed concept will be very good for the area and welcomed by the neighborhood. He asked Mr. Mashburn if he would consider a larger office space to be marketable. Mr. Mashburn expressed his opinion it may be possible and even preferential to construct more than one building on the parcel once they have built out the entire site.

Vice Mayor Eggleston asked Mr. Mashburn if he would object to the Council eliminating Stipulation 11. Mr. Mashburn responded no.

Councilmember Martinez asked Mr. Mashburn what he would consider to be the optimum number of buildings. Mr. Mashburn said it would be difficult to say without further study. Councilmember Martinez asked if he would agree to a modification to the stipulation limiting the parcel to no more than two buildings. Mr. Mashburn said he would appreciate the modification and would work with staff to develop the best site plan for the parcel. Councilmember Martinez expressed his opinion the project will benefit the entire area.

Mayor Scruggs thanked Mr. Mashburn for taking on the challenge of a very difficult property. She asked why the city should restrict the applicant in terms of the number of buildings, stating he is in the business of developing office buildings. She said zoning regulations and the design review process would ensure the site is developed appropriately. She stated, while the applicant agreed to Stipulation 11 so he could proceed with the project, he has indicated he would appreciate having the stipulation removed. Mr. Mashburn agreed, stating it would take them back to where they were when staff brought the case before the Planning Commission. Mayor

Scruggs said she is confident the marketplace will direct development of the site; therefore she will supported eliminating Stipulation 11. Mr. Mashburn commented eliminating the stipulation would give them more flexibility and result in an even better project. Mayor Scruggs pointed out the applicant will still have to meet the parking, height, lot coverage, and setback requirements.

Councilmember Clark asked Mr. Mashburn to comment on the reason why the Planning Commission added the stipulation. Mr. Mashburn was unable to recall any discussion concerning the rationale behind their decision. He suggested the size of the site, coupled with the site plan, led the Commission to their conclusion. He said, while he is confident he could do a nice office site with one building, he would prefer to have multiple buildings. Councilmember Clark said she fails to see much difference between one long building and two smaller buildings. She expressed her opinion the project represents a good infill project and the applicant has been sensitive to the needs of the adjacent neighborhoods. She said, baring any rational explanation of the reason behind the Commission's decision to add Stipulation 11, she too is in favor of eliminating the stipulation. Mayor Scruggs noted she read the minutes of the Commission meeting and was unable to find any explanation of the rationale behind the additional stipulation. Councilmember Lieberman agreed, stating he has no hesitations about eliminating Stipulation 11.

Councilmember Frate said the applicant seemed to agree to the stipulations simply so he could proceed with the residential aspect of the project.

Mayor Scruggs asked Mr. Mashburn if he has any objection to the stipulation requiring him to place the trash enclosure along the south property line. Mr. Mashburn responded no, explaining their goal is to provide service to the residents of the condominiums while minimizing the impact to surrounding property owners. He said, while it will be somewhat cumbersome in terms of truck access, they can work with the situation. Mayor Scruggs encouraged the applicant to bring up any concerns he has about the stipulation, explaining it is difficult for her to judge the appropriateness of the restrictions. Mr. Mashburn stated they originally located the trash enclosures on the eastern portion of the property because it was the easiest location for trucks to access. He said, unfortunately, the location is also the one closest to the residents. He explained the stipulation came about as a result of some objection from the adjoining property owner. He said they agreed to put the enclosures on the south portion of the property and feel it will actually be more convenient for the residents since it will be located in the middle of the project.

Vice Mayor Eggleston stated he attended the first neighborhood participation meeting, noting the 20 people who attended asked a lot of tough questions. He said after the meeting he asked a group of the residents their opinion and they all said they were very pleased that the development was coming. He said he did not hear any concerns about the trash enclosures expressed at that time.

Mr. Mashburn said the more flexibility he is given to plan the project, the more successful the project will be. He said he agreed to the stipulation concerning the trash enclosures because an objection was raised by an adjacent property owner. He said he would prefer to have the stipulation eliminated and be allowed to work with staff to find the most appropriate location for the dumpsters. Vice Mayor Eggleston said he would support eliminating Stipulations 10 and 11.

Councilmember Clark asked Mr. Mashburn if he believes the proposed location would actually be more convenient for the residents of the condominiums. Mr. Mashburn responded yes. He said, however, the exact location of the site needs to be both convenient for residents and easily accessible by the trucks. He said he would prefer to be able to control the issue through the staff review process. Councilmember Clark asked Mr. Mashburn if he would agree to a stipulation that requires the trash enclosures to be located on the south property line in a central location. Mr. Mashburn said he would not have a problem with the concept as long as "in a central location" is not interpreted as being in the middle of the site. He suggested it be worded as "central to the location of the condos." Councilmember Clark offered to amend the stipulation.

Vice Mayor Eggleston questioned whether the stipulation is necessary at all, stating he feels the applicant could work the issue out with staff. Councilmember Clark said she feels her proposed modification represents a good compromise between the applicant's desire for flexibility and the adjacent neighbor's concern.

**Mayor Scruggs opened the public hearing on GPA05-05. As there were no comments, Mayor Scruggs closed the public hearing.**

Resolution No. 3935 New Series was read by number and title only, it being **A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE GENERAL PLAN MAP OF THE CITY OF GLENDALE, ARIZONA, BY APPROVING GENERAL PLAN AMENDMENT GPA05-05 FOR PROPERTIES SURROUNDING THE NORTHEAST CORNER OF 51<sup>ST</sup> AND NORTHERN AVENUES.**

**It was moved by Goulet, and seconded by Frate, to pass, adopt and approve Resolution No. 3935 New Series. The motion carried unanimously.**

**Mayor Scruggs opened the public hearing on ZON05-08. As there were no comments, Mayor Scruggs closed the public hearing.**

Ordinance No. 2485 New Series was read by number and title only, it being **AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ZONING PROPERTY FROM C-2 (GENERAL COMMERCIAL) AND R-4 (MULTIPLE RESIDENCE) TO PAD (PLANNED AREA DEVELOPMENT); AMENDING THE ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.**

**It was moved by Eggleston, and seconded by Martinez, to approve Ordinance No. 2485 New Series, subject to the stipulations recommended by staff with the exception of Stipulations 10 and 11.**

**It was moved by Clark to amend the motion to approve, modifying rather than deleting stipulation 10 to read, “The trash enclosures shall be located on the south property line, central to the location of the condominiums”. Motion failed to garner a second.**

**Motion made by Eggleston carried on a roll call vote, with the following Councilmembers voting “aye”: Goulet, Lieberman, Eggleston, Martinez, Frate, and Scruggs. Members voting “nay”: Clark.**

## **BIDS AND CONTRACTS**

### **11. AWARD OF BID 05-39, FIREFIGHTER TURNOUT GEAR**

Mr. Mark Burdick, Fire Chief, presented this item.

This is a request for the City Council to approve the bid award for purchase of replacement firefighter turnout gear in the amount not to exceed \$83,692.25 to Total Fire Group. The turnout gear includes boots, pants, suspenders, coat, gloves, nomex hood, and helmet.

This item supports the Council strategic priority of ensuring public safety.

Three bids and three alternate bids were submitted to provide firefighter turnout gear. Municipal Emergency Services Inc. submitted two alternate bids that did not meet the specification requirements and Total Fire Group submitted one alternate offer that did not meet the specification requirements. LN Curtis & Sons submitted an offer but they did not submit pricing for all of the items requested in the solicitation.

The lowest responsive offer was submitted by Total Fire Group. The bid award shall begin upon approval by Council and continue for one year.

The City Council previously awarded bid 00-40 for firefighter turnout gear on December 11, 2001.

The bid specifications contain an option clause that will permit the city, at the discretion of the City Manager, to extend this agreement for four additional years in one-year increments. Funds for this bid award are budgeted in the Turnout Expense Accounts.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$83,692.25

**Account Name, Fund, Account and Line Item Number:**  
**Turnout Expense Account No. 01-3320-7117**  
 Turnout Expense Account No. 01-3330-7117  
 Turnout Expense Account No. 04-3321-7117

The recommendation was to award the bid for firefighter turnout gear to Total Fire Group in the amount not to exceed \$83,692.25.

Councilmember Lieberman asked what percentage of fire department personnel will be covered by the request and should the bid be larger to provide for even more turnout gear. Chief Burdick said the bid is sufficient to cover their needs, explaining it is solely for replacement of turnout gear that is damaged during normal firefighting activities. He stated the cost of gear for new employees is included in their hiring costs.

**It was moved by Lieberman, and seconded by Frate, to award the bid for firefighter turnout gear to Total Fire Group in the amount not to exceed \$83,692.25. The motion carried unanimously.**

**ORDINANCES**

12. DEEDS AND EASEMENTS ORDINANCE

Mr. Craig Tindall, City Attorney, presented this item.

This is a request for the City Council to formally accept real estate properties on behalf of the City of Glendale.

The Deeds and Easements Ordinance is comprised of properties that have been deeded to the city. The City Clerk has recorded these deeds with Maricopa County. As a matter of practice, the Council formally accepts these properties by ordinance.

The recommendation was to waive reading beyond the title and adopt an ordinance formally accepting the real estate properties on behalf of the City of Glendale.

Ordinance No. 2486 New Series was read by number and title only, it being **AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ACCEPTING DEEDS AND EASEMENTS FOR PROPERTY CONVEYED TO THE CITY OF GLENDALE.**

It was moved by Eggleston, and seconded by Martinez, to approve Ordinance No. 2486 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, March 7, 2006, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried unanimously.

#### **CITIZEN COMMENTS**

No comments were made.

#### **COUNCIL COMMENTS AND SUGGESTIONS**

Councilmember Clark thanked members of staff who participated in her February 16 district meeting, stating their presentations were very informative. She noted 117 people attended the meeting. She said she sincerely hopes the city's investment in infrastructure at Bethany Home Road is not wasted. She questioned whether Bethany Home would ever go through between 83<sup>rd</sup> and 91<sup>st</sup> Avenues if they do not move it to the south. She said she hopes the Council will see the reason for the purchase price and choose to move forward.

Councilmember Lieberman announced James Herman passed away February 23, noting he was a tireless worker for the City of Glendale, a past President of the Chamber of Commerce, co-owner of Prestle Casting, a Veteran of World War II and the Korean War, and served on many commissions. He said Mr. Herman would be missed. He invited everyone in his district to attend his district meeting on March 8 at Sine School.

Councilmember Frate said the residents of Sahuaro district are invited to attend the first Sahuaro District Spring Fling this Saturday at the Paseo Racket and Ball Fields.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:07 p.m.

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Pamela Hanna - City Clerk