



**MINUTES OF THE
GLENDALE CITY COUNCIL MEETING
Council Chambers
5850 West Glendale Avenue
March 25, 2014
6:00 p.m.**

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

Also present were Brenda Fischer, City Manager; Julie Frisoni, Assistant City Manager; Jennifer Campbell, Assistant City Manager; Michael Bailey, City Attorney; and Pamela Hanna, City Clerk.

Mayor Weiers called for the Pledge of Allegiance.

The prayer/invocation was given by Apostle Emmanuel Allen from Breakthrough Life Church.

Compliance with Article VII, Section 6(c) of the Glendale Charter

A statement was filed by the City Clerk that the 11 resolutions and 4 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

It was moved by Councilmember Sherwood, and seconded by Councilmember Hugh, to dispense with the reading of the minutes of the February 25, 2014 Regular City Council meeting and the March 4, 2014 Special Voting Meeting, as each member of the Council had been provided copies in advance, and approve them as written. The motion carried unanimously.

BOARDS, COMMISSIONS AND OTHER BODIES

APPROVE RECOMMENDED APPOINTMENTS TO BOARDS, COMMISSIONS & OTHER BODIES
PRESENTED BY: Councilmember Manuel Martinez

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

Citizens Transportation Oversight Commission

John Lewis Ferguson	Cholla	Reappointment	03/25/2014	03/25/2016
Tom Schmitt	Yucca	Appointment	03/25/2014	03/25/2016

Community Development Advisory Committee

Cherie Hudson – Neighborhood Rep.	Yucca	Reappointment	04/24/2014	04/24/2016
Cherie Hudson – Chair	Yucca	Appointment	03/25/2014	04/26/2015

General Plan Steering Committee

Opal Evans	Barrel	Appointment	03/25/2014	01/01/2016
Chuck Jared	Cactus	Appointment	03/25/2014	01/01/2016
Anita Piazza	Cactus	Appointment	03/25/2014	01/01/2016
Miles Charles	Cholla	Appointment	03/25/2014	01/01/2016
Judith Padia	Mayoral	Appointment	03/25/2014	01/01/2016
Jacoba Worsdell – Staff	Ocotillo	Appointment	03/25/2014	01/01/2016

Historic Preservation Commission

Marlowe Myers Garay	Cactus	Reappointment	04/13/2014	04/13/2016
Frederick Coury	Barrel	Appointment	04/13/2014	04/13/2016
Lillian Mickey Lund	Barrel	Reappointment	04/13/2014	04/13/2016
Marlowe Garay Myers – Chair	Cactus	Appointment	04/13/2014	04/13/2015
Marlene Versluis – Vice Chair	Barrel	Appointment	04/13/2014	04/13/2015

Judicial Selection Advisory Board

Christina Rubalcava	Cholla	Reappointment	04/23/2014	04/23/2017
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Library Advisory Board

Holly Fallucca	Cholla	Reappointment	04/13/2014	04/13/2016
Susan Shelly	Barrel	Reappointment	04/13/2014	04/13/2016
Susan Sommer	Cactus	Reappointment	04/13/2014	04/13/2016
Paula Wilson	Mayoral	Reappointment	04/13/2014	04/13/2016
Karen Aborne – Chair	Yucca	Reappointment	04/13/2014	04/13/2015

Parks & Recreation Advisory Commission

Manuel Padia	Barrel	Appointment	04/09/2014	04/09/2016
Barbara Cole	Mayoral	Reappointment	04/09/2014	04/09/2016
Robert Irons	Cholla	Reappointment	04/09/2014	04/09/2016
Manuel Padia Jr.	Ocotillo	Appointment	03/25/2014	04/09/2015
Robert Portillo	Cactus	Reappointment	04/09/2014	04/09/2016
John Krystek – Chair	Sahuaro	Appointment	04/09/2014	04/09/2015
Barbara Cole – Vice Chair	Mayoral	Appointment	04/09/2014	04/09/2015

Planning Commission

Jamie Aldama	Yucca (Ocotillo)	Reappointment	03/25/2014	03/25/2016
Al Lenox	Barrel	Reappointment	03/25/2014	03/25/2016
David Penilla	Sahuaro	Reappointment	03/25/2014	03/25/2016
Arthur Dobbelaere	Cholla	Appointment	03/25/2014	03/25/2016
David Penilla – Chair	Sahuaro	Appointment	03/25/2014	03/25/2015
Jamie Aldama – Vice Chair	Ocotillo	Appointment	03/25/2014	03/25/2015

It was moved by Martinez, and seconded by Knaack, to appoint John Lewis Ferguson and Tom Schmitt to the Citizens Transportation Oversight Commission; Cherie Hudson to the Community Development Advisory Committee; Opal Evans, Chuck Jared, Anita Piazza, Miles Charles, Judith Padia, and Jacoba Worsdell to the General Plan Steering Committee; Marlowe Myers Garay, Frederick Coury, Lillian Mickey Lund, Marlene Versluis to the Historic Preservation Commission; Christina Rubalcava to the Judicial Selection Advisory Board; Holly Fallucca, Susan Shelly, Susan Sommer, Paula Wilson and Karen Aborne to the Library Advisory Board; Manuel Padia, Barbara Cole, Robert Irons, Manuel Padia Jr. Robert Portillo, John Krystek to the Parks & Recreation Advisory Commission; Jamie Aldama, Al Lenox, David Penilla, and Arthur Dobbelaere, for the terms listed above. The motion carried unanimously.

PROCLAMATIONS AND AWARDS

PROCLAIM APRIL 2014 AS WATER AWARENESS MONTH

PRESENTED BY: Office of the Mayor
ACCEPTED BY: Ms. Beth Martin, 4th Grade Teacher, Desert Palms Elementary School
Ms. Jenna Enwright, 5th Grade Teacher, Camelback Academy
Ms. Joanne Henning, 4th Grade Teacher, American School

This is a request for City Council to proclaim April, 2014 as Water Awareness Month. This proclamation was accepted by Beth Martin, a 4th grade teacher at Desert Palms elementary School; Jenna Enwright, a 5th grade teacher at Camelback Academy; and Joanne Henning, a 4th grade teacher at American School, who are strong supporters of the city’s “Water Watchers” water education program that is offered to Glendale area schools.

It was requested by the City Manager to move item number 17, General Plan Amendment GPA13-02 (RESOLUTION) and Rezoning Application ZON13-03 (ORDINANCE): EMERALD Point PAD – 6751 North 99th Avenue (PUBLIC HEARING REQUIRED) to the April 8, 2014 meeting.

It was moved by Councilmember Martinez and seconded by Councilmember Sherwood to move item number 17, General Plan Amendment GPA13-02 (RESOLUTION) and Rezoning Application ZON13-03 (ORDINANCE): EMERALD Point PAD – 6751 North 99th Avenue (PUBLIC HEARING REQUIRED) to April 8, 2014. The motion carried unanimously.

CONSENT AGENDA

Ms. Brenda Fischer, City Manager, read agenda item numbers 1 through 7.

It was requested by Councilmember Alvarez to hear item number 5 separately and it was requested by Councilmember Martinez to hear item number 3 separately, then the request was amended to hear item number 4 not 3.

1. APPROVE SPECIAL EVENT LIQUOR LICENSE, OUR LADY OF PERPETUAL HELP CATHOLIC SCHOOL
PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a special event liquor license for Our Lady of Perpetual Help Catholic School. The event will be held at Our Lady of Perpetual Help Catholic School located at 7521 North 57th Avenue on Saturday, March 29, 2014, from 10 a.m. to 7 p.m. The purpose of this special event liquor license is for a fundraiser.

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

2. APPROVE LIQUOR LICENSE NO. 5-12829, 7-ELEVEN #13015K
PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a new, non-transferable series 10 (Liquor Store - Beer and Wine) license for 7-Eleven #13015K located at 6010 West Bethany Home Road. The Arizona Department of Liquor Licenses and Control application (No. 10076490) was submitted by Nicholas Carl Guttilla.

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

3. APPROVE LIQUOR LICENSE NO. 5-12953, BARRO'S PIZZA
PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license for Barro's Pizza located at 13971 North 59th Avenue. The Arizona Department of Liquor Licenses and Control application (No. 12079800) was submitted by Michael John Barro.

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

6. AUTHORIZATION FOR A BUDGET APPROPRIATION CONTINGENCY TRANSFER TO THE FIRE DEPARTMENT

PRESENTED BY: Tom Duensing, Executive Director, Financial Services

This is a request seeking City Council approval for a budget appropriation transfer from General Fund, Contingency (1000-11901-510200) to General Fund, Fire, (1000-12433-512600 for \$607,624; 1000-12433-521800 for \$125,000; 1000-12433-518200 for \$84,385; 1000-12422-500600 for \$2,831) in the amount of \$819,840. This is the final budget transfer request to address the estimated Fire Department budget deficit as presented to Council on November 19, 2013.

7. AUTHORIZATION TO INCREASE EXPENDITURE AUTHORITY WITH CORPORATE JOB BANK, INC., FOR TEMPORARY STAFFING OF CUSTODIAL SERVICES

PRESENTED BY: Stuart Kent, Executive Director, Public Works

This is a request for City Council to authorize the City Manager to increase the expenditure authority with Corporate Job Bank, Inc., (Corporate Job Bank) in an amount not to exceed \$400,000 annually, which is a \$200,000 increase from original contract amount, for temporary staffing required to meet the cities custodial needs, per the terms and conditions of the cooperative purchasing agreement.

It was moved by Vice Mayor Knaack and seconded by Councilmember Chavira, to approve the recommended actions on Consent Agenda Item Numbers 1, 2, 3, 6 and 7, and to forward Special Event Liquor License Application for Our Lady of Perpetual help Catholic School, Liquor License Application No. 5-12829 for 7-Eleven #13015K and Liquor License Application No. 5-12953 for Barro's Pizza to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.

4. PROTEST LIQUOR LICENSE ACQUISITION OF CONTROL APPLICATION, DIRTY PELICAN

PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to protest liquor license acquisition of control application for Dirty Pelican located at 6718 W. Deer Valley Road, Suites 101-104. The Arizona Department of Liquor Licenses and Control application (No. 06070569) was submitted by Lisa Gaye Galetto.

Ms. Matousek said this recommendation is based on the finding that the applicant lacks the requisite: capability, qualification, and reliability as a result of information that the Police and Finance Departments obtained in the course of the background investigation of this application.

The following information was obtained during the Police Department's investigation which supports their recommendation to protest this application:

- An Acquisition of control Application for Mat's RNR Enterprises, LLC, was filed with (DLLC) Arizona Department of Liquor Licenses and Control on December 20, 2013

with a new agent identified as Lisa Galetto and a controlling person with 86% ownership identified as Lacy Owens.

- According to the Arizona Corporation Commission records, on May 30, 2013 Mat's RNR amended its structure adding Ms. Owens as a Member and naming her as the Manager. The amendment removed Matthew Gonzalez as the Manager and added Damian Hartze as a less than 20% Member. This is the time that Ms. Owens became the Majority Owner of Dirty Pelican and failed to disclose these changes to DLLC, violating Arizona liquor laws, which require notification to the DLLC within 30 days of the change. At the same time Mr. Gonzalez, the former Manager and Owner of Mat's RNR failed to notify DLLC of the transfer of the business, violating Arizona law.
- In addition, on Ms. Owens' application questionnaire she indicated that she has been the General Manager of Dirty Pelican since January 2013, this was not disclosed to DLLC.
- During an interview with the Glendale Detective, Ms. Owens reported that she provided nothing of value to any owner or member of Matt's RNR for control of the business and reported that Mr. Hartze is a signatory on the business bank accounts and has keys to the business.
- According to DLLC investigators, on May 5, 2013, while Ms. Owens was the General Manager, during a Cinco De Mayo event at the Dirty Pelican, the business unlawfully sold alcohol and allowed for its consumption off its licensed premise.
- Arizona law requires that alcohol be purchased from authorized distributors and on two separate occasions, (Aug. 30th and Sept. 27th, 2013) after the time Ms. Owens had acquired the business, DLLC investigators witnessed unauthorized alcohol being brought into the Dirty Pelican.
- This Liquor License Acquisition of Control application is the sixth application and the fourth applicant for the Dirty Pelican location since March 2011. A common person involved in each of these applications and applicants, including as a hidden owner/controlling person, has been Damian Hartze. Mr. Hartze was previously found by the Arizona State Liquor Board to not be capable, qualified and reliable on a liquor license application filed in another City in November 2009. This was partly due to his outstanding State and Federal tax liens, which today are in excess of \$600,000.
- On August 23, 2011, the Glendale City Council recommended denial of a liquor license submitted by Mr. Wicher for Dirty Pelican due to questions of ownership and

the applicant's capability, qualification, and reliability. The Police Department staff's main issue was the hidden ownership of Mr. Hartze in the business. The Arizona State Liquor Board denied this application in December 2011.

Next is the information that was obtained during the Finance Department's investigation:

- Each year, prior to the liquor license renewal period, staff reviews the tax history of more than 300 liquor licensed establishments to ensure they are in good standings with the City. If not, a liquor license tag (lien) is placed on a liquor license to prohibit the annual renewal of a license until the debt has been satisfied or mutually agreed upon payment arrangements have been established.
- On January 21, 2014 an updated tag was placed on the liquor license held by Mat's RNR due to outstanding taxes, which occurred during the time that either Mr. Gonzalez or Ms. Owens were the business Managers.
- On January 29, 2014, Ms. Owens and Mr. Hartze met with city staff regarding the Liquor License tag. The City would not release the tag until the tax debt was settled. Instead of paying the outstanding taxes, Mat's RNR filed bankruptcy on January 30, 2014. Once the bankruptcy was filed, the City **was** no longer able to obtain a lien pay off as a condition to future license renewals. The City is now a creditor in the bankruptcy proceeding.

Based on this information, the Police and Finance Departments have determined that Ms. Owens, Mr. Hartze, and Mr. Gonzalez are not capable, qualified, or reliable to hold an Arizona State Liquor License and are recommending Council forward this application to the Az Department of Liquor Licenses & Control in protest.

It was moved by Vice Mayor Knaack, and seconded by Councilmember Chavira, to approve the protest liquor license acquisition of control application for Dirty Pelican located at 6718 W. Deer Valley Road, Suites 101-104. The motion carried unanimously.

5. AUTHORIZATION FOR A BUDGET APPROPRIATION CONTINGENCY TRANSFER TO ARENA EVENT OPERATIONS FOR MANAGEMENT FEES
PRESENTED BY: Tom Duensing, Executive Director, Financial Services

This is a request seeking City Council approval for a budget appropriation transfer from General Fund, Contingency (1000-11901-510200) to General Fund, Arena Event Operations, Arena Management Fee, Professional and Contractual (1282-11415-518200) in the amount of \$6,680,160. This request is to fund the third and fourth FY 13-14 arena management payments per agreement approved July 2, 2013, and effective August 5, 2013.

Mr. Duensing said this was to make the third and fourth payments on the arena management agreement. He said this appropriation is required as the agreement was effective after the budget FY14 budget was approved.

Councilmember Alvarez asked the amount of the payments 1 through 4.

Mr. Duensing said the amount of payments for FY14 totaled \$13,551,370. He said there were four payments, with the first payment being prorated at \$2,301,370 and the final three payments are \$3,750,000 each.

Andrew Marwick, a Phoenix resident, explained some of his reasons why the city should not be making this payment. He said the Coyotes have made some misrepresentations and have not followed through with their part of the bargain. He said the city will be losing about \$10 million on the arena management agreement. He said the owners do not have a great marketing plan. He spoke about the increase in ticket prices. He also mentioned the price for parking and other fees being charged. He spoke about various promotions for free hockey tickets. He brought up issues with the Florida Panthers. He asked how else the city could use that \$6 million.

It was moved by Vice Mayor Knaack, and seconded by Councilmember Martinez, to approve a budget appropriation transfer from General Fund, Contingency (1000-11901-510200) to General Fund, Arena Event Operations, Arena Management Fee, Professional and Contractual (1282-11415-518200) in the amount of \$6,680,160. Motion carried with the following Councilmembers voting "aye": Chavira, Hugh, Knaack, Martinez, Sherwood, and Weiers. Members voting nay: Alvarez. The motion carried.

CONSENT RESOLUTIONS

Ms. Pamela Hanna, City Clerk, read consent agenda resolution item numbers 8 through 16 by number and title.

8. AUTHORIZATION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY TO PROVIDE ELECTION SERVICES FOR THE 2014 ELECTIONS
PRESENTED BY: Pamela Hanna, City Clerk
RESOLUTION: 4773

This is a request for City Council to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an Intergovernmental Agreement with Maricopa County to provide election services for the 2014 Elections.

RESOLUTION NO. 4773 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 AGREEMENT WITH THE MARICOPA COUNTY ELECTIONS DEPARTMENT FOR ELECTION SERVICES.

9. ADOPT A RESOLUTION APPROVING THE 2014 PUBLIC HOUSING AGENCY PLAN AND AUTHORIZE THE SUBMISSION OF THE 2014 PUBLIC HOUSING AGENCY PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PRESENTED BY: Sam McAllen, Executive Director, Neighborhood and Human Services
RESOLUTION : 4774

This is a request for City Council to waive reading beyond the title and adopt a resolution approving the City of Glendale's 2014 Public Housing Agency (PHA) Plan (hereafter the "PHA Plan"), and authorize the submission of the PHA Plan to the U.S. Department of Housing and Urban Development (HUD) no later than April 17, 2014.

RESOLUTION NO. 4774 NEW SERIES WAS READ BY NUMBER AND TITLE ONLY, IT BEING A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, APPROVING THE CITY OF GLENDALE'S 2014 PUBLIC HOUSING AGENCY PLAN AND AUTHORIZING THE SUBMISSION OF THE 2014 PUBLIC HOUSING AGENCY PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

10. ADOPT A RESOLUTION APPROVING THE CAPITAL FUND ANNUAL STATEMENT/PERFORMANCE AND EVALUATION REPORT FOR FEDERAL FISCAL YEAR 2014 AND THE UPDATED CAPITAL FUND FIVE-YEAR ACTION PLAN, AND AUTHORIZE THE SUBMISSION OF THESE DOCUMENTS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
PRESENTED BY: Sam McAllen, Executive Director, Neighborhood and Human Services
RESOLUTION: 4775

This is a request for City Council to waive reading beyond the title and adopt a resolution approving the City of Glendale's Capital Fund Annual Statement/Performance and Evaluation Report for Federal Fiscal Year 2014 and the Updated Capital Fund Five-Year Action Plan, and authorize the submission of these documents to the U.S. Department of Housing and Urban Development (HUD).

RESOLUTION NO. 4775 NEW SERIES WAS READ BY NUMBER AND TITLE ONLY, IT BEING A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, APPROVING THE CITY OF GLENDALE'S CAPITAL FUND ANNUAL STATEMENT/PERFORMANCE AND EVALUATION REPORT FOR FEDERAL FISCAL YEAR 2014; APPROVING THE UPDATED CAPITAL FUND 5-YEAR ACTION PLAN; AND AUTHORIZING THE SUBMISSION OF SAID DOCUMENTS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

11. ADOPT A RESOLUTION ACCEPTING THE 2013 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT
PRESENTED BY: Mark Burdick, Fire Chief
RESOLUTION: 4776

This is a request for City Council to waive reading beyond the title and adopt a resolution authorizing the City Manager to accept and spend the grant funds from the 2013 Federal

Emergency Management Agency's Staffing for Adequate Fire and Emergency Response (SAFER) grant in the amount of \$1,938,120, and to authorize the expenditure of one-time funds of approximately \$1,520,411 during the grant's two-year period of performance, to cover costs not funded by the grant.

RESOLUTION NO. 4776 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 AND EXPENDITURE OF THE FEDERAL STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT IN THE AMOUNT OF \$1,938,120 FOR THE HIRING OF UP TO 15 FIREFIGHTERS; AND AUTHORIZING THE EXPENDITURE OF ADDITIONAL FUNDS FOR NON-REIMBURSEABLE EXPENDITURES IN THE AMOUNT OF \$1,520,411. (ONE MILLION, FIVE HUNDRED TWENTY THOUSAND, FOUR HUNDRED, ELEVEN DOLLARS)

12. AUTHORIZATION TO ENTER INTO THREE INTERGOVERNMENTAL AGREEMENTS WITH THE CITY OF PHOENIX FOR FEDERAL TRANSIT ADMINISTRATION GRANT FUNDS
PRESENTED BY: Cathy Colbath, Interim Executive Director, Transportation Services
RESOLUTION : 4777

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

RESOLUTION NO. 4777 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 THREE INTERGOVERNMENTAL AGREEMENTS WITH THE CITY OF PHOENIX FOR ACCEPTANCE OF PASS-THROUGH GRANT FUNDING FOR TRANSIT SERVICES.

13. AUTHORIZATION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH SALT RIVER PROJECT FOR THE DESIGN AND CONSTRUCTION OF ELECTRICAL FACILITIES FOR A TRAFFIC SIGNAL AT 7501 WEST BETHANY HOME ROAD
PRESENTED BY: Cathy Colbath, Interim Executive Director, Transportation Services
RESOLUTION: 4778

This is a request for City Council to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement (IGA) with Salt River Project Agricultural Improvement and Power District (SRP) for the design and construction of electrical facilities for a traffic signal located at 7501 West Bethany Home Road.

RESOLUTION NO. 4778 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 ENTITLED, "CITY OF GLENDALE DISTRIBUTION DESIGN AND CONSTRUCTION CONTRACT" WITH SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT FOR THE DESIGN AND CONSTRUCTION OF ELECTRICAL FACILITIES AT 7501 WEST BETHANY HOME ROAD.

14. AUTHORIZATION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CENTER FOR RESEARCH IN ENGINEERING, SCIENCE AND TECHNOLOGY OF PARADISE VALLEY UNIFIED SCHOOL DISTRICT FOR AN INTERNSHIP PROGRAM
PRESENTED BY: Jim Brown, Executive Director, Human Resources and Risk Management
RESOLUTION: 4779

This is a request for City Council to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an Intergovernmental Agreement (IGA) with the Center for Research in Engineering, Science and Technology (CREST) of Paradise Valley Unified School District NO. 69, Paradise Valley High School, for the purpose of internship opportunities.

RESOLUTION NO. 4779 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 ENTERING INTO OF AN INTERGOVERNMENTAL AGREEMENT ENTITLED "INTERNSHIP PROGRAM" WITH PARADISE VALLEY UNIFIED SCHOOL DISTRICT NO. 69.

15. AUTHORIZATION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH ARIZONA STATE UNIVERSITY ONLINE FOR INCREASED ACADEMIC ACHIEVEMENT
PRESENTED BY: Jim Brown, Executive Director, Human Resources and Risk Management
RESOLUTION: 4780

This is a request for City Council to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement (IGA) with Arizona State University Online for the purpose of fostering an increase in academic achievement for city employees and their immediate family members.

RESOLUTION NO. 4780 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 "LETTER OF AGREEMENT" WITH ARIZONA STATE UNIVERSITY ONLINE FOR THE PURPOSE OF FOSTERING AN INCREASE IN ACADEMIC ACHIEVEMENT FOR CITY EMPLOYEES AND THEIR IMMEDIATE FAMILY MEMBERS AND DEPENDENTS.

16. ADOPT A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE 2012 HOMELAND SECURITY GRANT PROGRAM AWARD-REALLOCATION FROM THE STATE OF ARIZONA DEPARTMENT OF HOMELAND SECURITY
PRESENTED BY: Debora Black, Police Chief

RESOLUTION: 4781

This is a request for City Council to waive reading beyond the title and adopt a resolution authorizing the City Manager to accept the 2012 Homeland Security Grant Program award-reallocation from the State of Arizona Department of Homeland Security (DOHS) funded under the Urban Area Security Initiative (UASI) in the amount of \$36,000 for the purchase of a non-energetic remote access tool.

RESOLUTION NO. 4781 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 THE FFY 2012 HOMELAND SECURITY GRANT PROGRAM AWARD-REALLOCATION FROM THE STATE OF ARIZONA, DEPARTMENT OF HOMELAND SECURITY, IN THE APPROXIMATE AMOUNT OF \$36,000 (THIRTY-SIX THOUSAND DOLLARS) ON BEHALF OF THE GLENDALE POLICE DEPARTMENT.

It was moved by Vice Mayor Knaack and seconded by Councilmember Chavira, to approve the recommended actions on Consent Agenda Item Numbers 8 through 16, including the approval and adoption of Resolution No. 4773 New Series, Resolution No. 4774 New Series, Resolution No. 4775 New Series, Resolution No. 4776 New Series, Resolution No. 4777 New Series, Resolution No. 4778 New Series, Resolution No. 4779 New Series, Resolution No. 4780 New Series, and Resolution No. 4781 New Series; The motion carried unanimously.

PUBLIC HEARING - LAND DEVELOPMENT ACTIONS

This item was tabled until April 8, 2014.

17. GENERAL PLAN AMENDMENT GPA13-02 (RESOLUTION) AND REZONING APPLICATION ZON13-03 (ORDINANCE): EMERALD POINT PAD – 6751 NORTH 99TH AVENUE (PUBLIC HEARING REQUIRED)

BIDS AND CONTRACTS

18. AUTHORIZATION TO APPROVE BLUE CROSS BLUE SHIELD CONTRACT
PRESENTED BY: Jim Brown, Executive Director, Human Resources and Risk Management

This is a request for City Council to approve and direct the City Manager to enter into the Blue Cross Blue Shield contract for employee medical benefits administration for City of Glendale Active employees, Retiree's and COBRA participants for the Fiscal Year 2014-2015, and authorizing the City Manager the option to renew the contract annually for four additional years.

Mr. Brown provided a timeline of approval of this contract. He said through this RFP process, the city was able to improve its HMO plan, expanding the network and adding a more affordable high deductible plan to reduce monthly premium amounts and an opportunity to save for medical

expenses tax free. He said active staff premiums remain unchanged and retiree rates will be brought up to appropriate levels.

Councilmember Martinez asked Mr. Brown to comment on the retiree rates.

Mr. Brown said they have been given expected liabilities for retirees from Blue Cross Blue Shield based on claims experience, but the city has not charged those full rates over the last several years. He recommended to Council that the city start charging the expected liability rates for retirees for this next fiscal year to pay for the expected claims incurred by the retiree group.

Councilmember Martinez said he asked this question because he has had a couple of people ask him about this.

It was moved by Councilmember Martinez, and seconded by Councilmember Hugh, to approve and direct the City Manager to enter into the Blue Cross Blue Shield contract for employee medical benefits administration for City of Glendale Active employees, Retiree's and COBRA participants for the Fiscal Year 2014-2015, and authorizing the City Manager the option to renew the contract annually for four additional years. The motion carried unanimously.

19. EXPENDITURE AUTHORIZATION FOR PURCHASE OF ACCESSORY EQUIPMENT FROM CREATIVE COMMUNICATIONS SALES & RENTALS, INC. FOR POLICE PATROL VEHICLES
PRESENTED BY: Debora Black, Police Chief

This is a request for City Council to authorize the purchase of accessory equipment to outfit new police vehicles and to retrofit a number of existing police vehicles in an amount not to exceed \$230,000 and enter into a linking agreement with Creative Communications Sales & Rentals, Inc.

Chief Black said they are currently in the process of retrofitting police vehicles with approved staffing allocations. The accessories being requested are purchased via a cooperative purchase agreement between the City of Phoenix and Creative Communications.

Councilmember Alvarez asked if this item went out for bids for these services.

Chief Black said they were able to use a link to the City of Phoenix for cooperative purchase.

Councilmember Alvarez asked if this was the same type of purchase as the Fire Department.

Mr. Bailey said they have gone out for public bid. He said when they link to another agreement; it has to abide by what Glendale procurement provisions are.

Councilmember Alvarez asked if the Fire Department had that link to buy the vehicle.

Mr. Bailey said this was a separate issue and not to be discussed this evening.

Councilmember Alvarez said the charter says they need to go out for bids and if the city is not going to obey the charter, they need to change it.

Mr. Bailey said they are obeying the charter.

Councilmember Alvarez said she did not think they are obeying the charter. She said this issue needed to be discussed as this is happening frequently. She wanted to make sure the city is not breaking any rules.

Councilmember Martinez said they have done this type of linking to outside agreements for years.

Councilmember Alvarez said a lot of things have been done for years, but that does not make it right. She said they have to change and not just follow a leader, continuing to do what is wrong. She said they have a reputation of spending money and not doing what the people want. She said these issues need to be spelled out in the charter.

Vice Mayor Knaack asked Mr. Bailey if this process has been done legally and properly in accordance with city rules.

Mr. Bailey said yes and there is a provision within the charter that requires a system of procurement established. He said the city does have a procurement code and within that code, the city can go directly out for bids or the city can look to another agreement, a linking agreement with another entity. He said any linking agreement has to comply with Glendale's code.

Vice Mayor Knaack asked if the city does this a lot.

Mr. Bailey said all cities do this as there is a great economic benefit for volume pricing.

Councilmember Alvarez asked if this was specified in the charter.

Mr. Bailey said they could discuss this matter more fully at a workshop.

Councilmember Alvarez said being told this is what they have done in the past is not sufficient for her. She said she follows the charter. She said the Fire Department is on hold for their fire truck and asked why when it was the same as the item presented before them. She said they need to comply with the charter or change the charter.

Councilmember Martinez said Mr. Bailey has advised they are in compliance with the charter and he takes him at his word.

It was moved by Councilmember Martinez, and seconded by Councilmember Chavira, to authorize the purchase of accessory equipment to outfit new police vehicles and to

retrofit a number of existing police vehicles in an amount not to exceed \$230,000 and enter into a linking agreement with Creative Communications Sales & Rentals, Inc. Motion carried with the following Councilmembers voting “aye”: Chavira, Hugh, Knaack, Martinez, Sherwood, and Weiers. Members voting “nay”: Alvarez. The motion carried.

20. AUTHORIZATION TO ENTER INTO A CONSTRUCTION AGREEMENT WITH ACTION DIRECT LLC, DBA REDPOINT CONTRACTING, FOR SEWER MANHOLE REHABILITATION ON BELL ROAD AND 67TH AVENUE
PRESENTED BY: Craig Johnson, P.E., Executive Director, Water Services

This is a request for City Council to authorize the City Manager to enter into a construction agreement with Action Direct LLC, dba Redpoint Contracting, in an amount not to exceed \$313,840 for a sewer manhole rehabilitation project located in the vicinity of Bell Road from 73rd to 83rd Avenues, and on 67th Avenue.

It was moved by Councilmember Chavira, and seconded by Councilmember Martinez, to authorize the City Manager to enter into a construction agreement with Action Direct LLC, dba Redpoint Contracting, in an amount not to exceed \$313,840 for a sewer manhole rehabilitation project located in the vicinity of Bell Road from 73rd to 83rd Avenues, and on 67th Avenue.. The motion carried unanimously.

PUBLIC HEARING - ORDINANCES

21. REZONING APPLICATION ZON13-04 (ORDINANCE): PALM CANYON BUSINESS PARK PLANNED AREA DEVELOPMENT-17750 NORTH 83RD AVENUE (PUBLIC HEARING REQUIRED) (Continued from February 25, 2014 voting meeting)
PRESENTED BY: Jon M. Froke, AICP, Planning Director
ORDINANCE: 2878

This is a request by the Rose Law Group representing Becker Boards for City Council to consider a Rezoning Application on .17 acres. The site is part of the larger 26.1 acre Palm Canyon Business Park. The request is to amend the existing PAD (Planned Area Development) zoning district to allow two static billboards. The property is located at the northwest corner of Bell Road and Loop 101.

Staff is requesting Council conduct a public hearing and consider the request by the applicant.

Mr. Froke said the applicant has provided some details on the elevation changes relative to the height differences between the site and the adjacent Loop 101 freeway. Mr. Froke said the area is confusing due to the surrounding area and the curvature of the nearby Loop 101 and 83rd Avenue. The applicant’s engineer provided a letter in reference to grade differences in the area. Mr. Froke provided some timeline history of this item. He said the original application submitted was for digital billboards, but the applicant changed the application to two static billboards through the course of the Citizen Participation process.

If the Council wishes to approve the request, it should waive reading beyond the title, and approve an ordinance for ZON13-04, subject to the two stipulations as presented to the Planning Commission on February 6, 2014:

1. Development shall be in substantial conformance to the Palm Canyon Business Park Planned Area Development Amendment dated December 9, 2013.
2. Only one static billboard shall be erected prior to the first phase of development.

Councilmember Sherwood moved seconded by Councilmember Alvarez to approve Ordinance 2878 with the following three stipulations, (1) at least two of the freeway oriented faces, one in each direction, shall be digital and not static billboards, (2) lighting on the billboards to be turned off by 11 p.m., and (3) no billboards be placed any further north of these two in Palm Canyon along the Loop 101 and Glendale jurisdiction.

Mayor Weiers that the item had not been opened up to a public hearing yet.

Mr. Bailey said a Councilmember has the prerogative to make the motion, but legally before a vote, Council would need to hold a public hearing as required by law.

Mayor Weiers asked Councilmember Sherwood to wait for his motion until after the public hearing.

Councilmember Sherwood asked why he could not put the motion out first.

Mayor Weiers said there are approximately 150 people that need to speak.

Councilmember Sherwood said they are going to speak anyway because the stipulations are a little different.

Councilmember Martinez asked if one of the billboards was being changed to digital.

Councilmember Sherwood said one face on each of the two billboards facing each direction on the 101, so out of the five faces, two of those would be digital.

Mayor Weiers asked Councilmember Sherwood to repeat what he said.

Councilmember Sherwood said of the five faces on the two billboards, one face on each of the two billboards will be digital facing opposite directions on the Loop 101. Councilmember Sherwood said this was to answer a concern from a Councilmember about public safety.

Mayor Weiers opened the public hearing on Agenda Item No. 21.

Jordan Rose, Rose Law Group, on behalf of Mark Becker of Becker Boards and Joseph White, said there is no question there are going to be billboards at the Loop 101 and Bell Road. She said in the public presentation held in Peoria, the digital signs proposed on the 101 included two strategic sites around their sports and entertainment district. She said there is also no question that Glendale supports billboards as they already lease two billboards and have more planned for the area. She went over the top ten reasons to approve Becker Boards. She said it is the perfect location as it is in a commerce park. She said the area is recessed at 30 feet below grade and this obstructs any view from any Glendale residences. Billboards are legally allowed under the PAD amendment. She said no Glendale resident will see the billboards unless they are driving. She said Councilmember Sherwood's proposal is completely acceptable to Becker Boards. Peoria residents will not be negatively impacted from a property value aspect. She said Glendale residents and businesses are overwhelmingly in favor. She said local nonprofits also benefit from the billboards. She said city and community events will be advertising on the billboards. The city has allowed many more billboards since 2005 than it has taken down. She also said that boards proposed by Becker Boards are much smaller than other city billboards. The city will benefit from increased tax revenue as a result of the billboards. She said if the billboards are not approved, Westgate and the sales tax revenue will suffer. She said also said the city is exploring advertising as a way to increase revenue.

Michele Tennyson, a Cholla resident, stated she was disappointed that Council was considering a change to the billboard ordinance. She said this sets a dangerous precedent for the city. She said no one has been able to answer the question of how much revenue the billboards will bring to the city. She said the city would have little or no control over what is advertised and those advertisements may drive business away from the city. She said the signs will create a potential for rejection for homebuyers and the billboards will hurt resale value

Jarrett Maupin, a Phoenix resident, quoted a Bible verse and said they were talking about advertising and tax revenue to help fill financial shortfalls the city has. He would like to see the billboards approved. He said the city has a unique opportunity for the city to earn money. He said Mr. Becker will not fix all the financial problems the city has, but the piece he is offering is a place to start and the city can build on that. He said this project offers no harm and the city should allow this to help bring revenue to the city.

Bonnie Steiger, a Sahuaro resident, stated that she objected to the billboards due to a safety concern. She continued that a person could have an accident when driving down the street and trying to read the signs. She said the signs make the neighborhoods look bad and it is not something the city wants.

Bert Hayenga, the CEO of Creative Leather Furniture, said they have paid thousands of dollars in property tax to the city and a billboard is a good way to drive customers to their business. He said they have worked with the management at Becker Boards and they have been very helpful and Becker Boards is supportive of local businesses.

Gail Hildebrant, a Cholla resident, stated her opposition to the billboards and she is also opposed to the content that will be displayed on the billboards. She said the content may not even point to Glendale businesses. There is also no evidence that any revenue will be shared by the city.

Chris Jacques, City of Peoria Planning Director, commented that he wanted to clarify Peoria's current status on this issue. He said they support staff and the Planning Commission in the recommendation to deny this case. He said they have correspondence from the Peoria City Manager, Mayor and City Council where they have formally opposed this request. He said this site is close to Peoria neighborhoods and Peoria feels they have a stake in the outcome of this issue. From the beginning, this case provoked overwhelming opposition from both Glendale and Peoria residents. He said Glendale ordinance regarding billboards in the sports and entertainment district is a great ordinance, but he said this PAD is being used to circumvent the standards for two billboards. He said the applicant has indicated that static billboards should be viewed differently than digital billboards. He said the billboards will still be large structures and the placement does not meet the standards for placement that Glendale has already set forth along the Loop 101. He also said they are inconsistent with Glendale zoning code and how it treats billboards. He said the request also states the billboards exceed the city's requirements for height and zoning standards. He wanted to make clear that there are no current plans in Peoria for digital billboards, nor are there any Council directives to pursue an amendment to zoning codes for digital billboards. He said Peoria has explored the digital billboard policy question over the last few years and was contemplated at one time as a means to fund parking garages in their entertainment district. He said they also looked to Glendale's standards for guidance. He said the placement of these billboards are not in line with the city's codes and negatively impact the community.

Bill Demski, a Sahuaro resident, said the Planning Commission unanimously rejected the billboards and said Councilmember Sherwood indicated the Council would overturn that vote. He suggested Councilmember Sherwood abstain from voting on this issue. He said he did not want the billboards in his neighborhood. He said they don't need any more commercialization of the state. He said this issue centers around greed.

Randy Miller, a Barrel resident, said there are three parties in tonight's issue, the Council, Becker Boards and the citizens of Glendale. He asked the Council to forsake all other interests and do what is best for the city.

John Horton, stated that he was an appraiser that did a report on this issue, and asked if the Council had any questions. Councilmember Martinez commented there are about 1700 residents that have expressed their opinion that they do not want the billboards. Mr. Horton stated his opinion was that there was no effect on residential values and said he had no opinion on the signs. Councilmember Martinez said there were other's opinions even on that.

William Thompson, a Cholla resident, said he has been to every meeting regarding this issue. He said any signs are not good for the neighborhoods. He said they are not safe and distract drivers. He also said someone knows how much money would be raised.

Suellen Brady-Nugent, a Cholla resident, had lunch with a billboards representative. She said he was going to offer a substantial amount of money to the HOAs in the area in exchange for residents backing off in their opposition to the billboards. She said they cannot be bought by Becker Boards or their representatives. When she asked the representative why he was not putting billboards in Scottsdale or Paradise Valley, he said they were not allowed in those cities. She said they have worked hard to prevent the billboards on their own, including collecting petition signatures and have spent their own money because they believe strongly in this issue. She said the constituents have spoken and do not want the billboards.

Eric Rinestone, a Paradise Valley resident, said he is one of the owners of the property in question. He said after they purchased the property, they were approached by several billboard companies and decided to give Becker Boards an opportunity. He said the public is overwhelmingly in favor of the billboards. He said the property is long and narrow and having billboards and an income stream will assist in getting loans for development. He said other improvements will be made to the site, including two multi story office buildings, which will help block visibility by any homes in the area. He said as a private property owner, he should be allowed to have billboards on his property if they can't be seen from Glendale residences especially since the city itself has billboards on its properties. Councilmember Martinez asked what Mr. Rinestone considered a vocal minority. Mr. Rinestone said the two polls in the newspaper showed overwhelming support by the public. Councilmember Martinez said 1700 individuals that signed petitions and sent emails is not a vocal minority. Mr. Rinestone said there were numerous studies by Becker Boards signed in favor of the billboards from both individuals and businesses. Councilmember Martinez said a lot of those were from individuals that were not close to the properties up in that area and the 1700 were individuals that live in that specific area. Mr. Rinestone said studies showed not a single home will see the billboards and they are only visible from Bell Road and the 101. He said he has seen no studies that the billboards will be seen from residences. Councilmember Martinez said a lot of the individuals opposed to it who said they do not have to see them and he mentioned a constituent that did not live close to the area that had some good reasons for not having the billboards.

Mr. Bailey said they were starting to go beyond the scope of the public hearing and starting to engage in a question and answer session. He recommended receiving the comment and asking any questions for clarification, but to try and refrain from the back and forth question and answers, in light of the large numbers of people who wished to speak.

Mr. Rinestone said he was hearing emotionally a lot of opposition to the billboards, but said there is no reason realistically.

Jesus Rivera, an Ocotillo resident, said he had been influenced by advertising from billboards. He said it brings revenue from consumers to business. He said Becker Boards is trying to give back to the city and trusts the Council will make the right decision.

Andrew Marwick, a Phoenix resident, said he selected his place of residence based on the view he had. He said Becker Boards and Rose Law Group are picking on Glendale because Glendale is the easy target. He said billboards clearly create a traffic hazard and asked how much the billboards would cost the city in accidents. He said local businesses will not be able to break into the billboards for advertising. He asked how long it would take for the revenue from the billboards to pay for the items approved on tonight's agenda. He also said the traffic on the 101 is not just local traffic and the billboards will not be targeted at local businesses in the Arrowhead area. He said the big corporations will control the billboards.

Patrick Barrett, a Phoenix resident, said he was here tonight at the request of Mark Becker. He said he talked with people and saw no opposition to this project. He said Peoria has been orchestrating this as part of their P83 project. He said Mr. Becker has addressed every concern to anyone who has reached out to him on this issue.

Randy McLaughlin, a Phoenix resident, said he is a small business owner in Phoenix. He provided some background on how Mark Becker has worked with him to help him improve his building and property. He also said with Mr. Becker's help, they are planning on building a larger facility. In his meeting with his neighborhood, he had no one against the billboards in his area, because the neighbors were happy with the improvements being made.

Heidi Chapp, a Glendale resident, said she visits downtown quite a lot with her art groups. She investigated billboards around the valley and saw Becker Boards were always clean and tasteful. She said there is a Becker billboard near her father's home and also near another property she owns in Phoenix and she couldn't see either board. She was impressed with what Mr. Becker can do with businesses and helping communities. She said the boards will be a good revenue generator.

Elana Zinder, Vice President of Catrano AZ Troop Run, nonprofit organization that raises money for children of fallen military. She said Becker Boards donated space on billboards to her organization to get her brand out. She said this opened doors to families who need their assistance.

Paul Weiden, a Phoenix resident, said he frequently drives on the Loop 101 and wants to know what is going on in the Loop 101 and Bell Road area. He would be influenced by what he learned about the local community from a billboard.

Tim Topliff, a Sahuaro resident, addressed some comments made at the March 18th workshop. He said he does not want even one billboard. He said the zoning changes proposed by the applicant are too big. He said his neighborhood is not a heavy commercial area and the zoning ordinance protects neighborhoods. He said the billboards will destroy

the neighborhoods. He does not agree that billboards do not lower property values. He said homes with a billboard nearby were valued at just over \$30,000 less than other homes. He said his neighbors cannot afford to lose more home value.

Paula Heil, a Sahuaro resident, said the city already has a policy that does not permit this type of billboards and the Planning Commission voted to confirm that policy. She said it is the digital age and most people have cell phones to access anything they need and they do not need billboards to do that for them. She said they have submitted thousands of signatures of neighbors in opposition to the billboards.

Jen Deines, a Sahuaro resident and President of the Hidden Manor HOA, said the board unanimously opposes billboards. She said Glendale is a great city and said they can do much better than becoming a parking lot for billboards. She said the city spent a lot of time reviewing this application and denied it. She said there is no benefit for the city as there is no guarantee that they will drive business to Glendale. She said the constituents do not want the billboards.

Douglas Cox, a Peoria resident, said they day the billboards will not be seen in Peoria, which is wrong. He said the 55 feet that was mentioned regarding the height of the billboards happens to be from the top of the freeway up and the homes are located at the same level at the base of the freeway. He addressed the buildings that would be built in front of the billboards. He said the buildings will not cover the billboards and residents will still be able to see them. He also said Peoria residents are not in industrial areas and they do not want them in their backyards.

Arthur Thruston, a Cactus resident, thanked the Council for the time they have spent on this issue. He discussed the polls that were done in the newspaper regarding the billboards. He said he spends all his money in Glendale and it would be nice if the Council went along with the will of the people.

Connie Kiser, a Sahuaro resident, said she represented over 1500 residents in opposition to the billboards. She explained several property purchases in the Bell Road area and how the companies are intertwined with Becker Boards. She said Becker Boards and the other companies have a plan to put up billboards and create blight in the city. She said they have tried to give money to the HOAs to silence their opposition.

Eileen Baldwin, a Sahuaro, said we are bombarded with ads in every aspect of our lives. The billboards will block the beautiful views of the city. She said as soon as billboards go up outside the sports and entertainment district, it will open the floodgates. She said Glendale does not need blight.

Jason Mallette, a Cholla resident, said he opposes the billboards. He said there may not have been any studies done against the billboards, but that is what they pay staff for. He said he believes the application seems like a good thing, but there have been inconsistencies in some of the stories he has received. He said they were told there would be two billboards, but there are actually five faces on those two billboards. He said the

information has been put forth to highlight billboards and asked that Council oppose this issue.

Dr. Francis Sisti, a Cholla resident, said everyone in the audience has a reason for being here. He came to the workshop and was surprised the Council hadn't received the data and responses to the questions they asked. He said he loved walking in Glendale and he passes people in his Arrowhead Ranch neighborhood and they say that is the reason they live in that area. He said he can see the digital billboards from the sports and entertainment district at night. He hoped the Council will do the right thing.

Walt Opaska, a Cholla resident, said his HOA has opposed this billboard. He said the proponents and owners have spoken about what will be built on the property to block the billboards. He said Glendale has not had much luck recently with developers promising things and then those things happening.

John Stern, a Cholla resident, said he has served on commissions in the past and is President of Arrowhead Phase I HOA. He knows of no survey conducted in his neighborhood. He has not heard of one homeowner who wants the billboards. He spoke of his previous experience with billboards and billboard advertising. He also said he had doubts the billboards would generate that much income or have any impact on Glendale businesses. He said Glendale has an excellent zoning staff and they are dedicated to their work. He said staff recommended the billboards not be approved. He also said the zoning board voted unanimously against the billboards.

Ann Marie Christofferson, a Phoenix resident, said as a paramedic, she has never once come to an accident someone had because of a billboard. She thanked Mr. Becker for honoring her fallen son on his billboard.

Dr. Kathleen Goepfinger, a Cholla resident, said she has taken pride in what Glendale stands for. She said citizens have asked for Council support to protect what they have. She said billboards are not going to bring more business to the city and will only take away from the beauty of the city. She said her faculty unanimously said they do not want billboards. She said self-interest cannot take place of the citizens.

Mark Becker, Becker Boards, said they have focused on providing the Council and citizens with the facts. He said the disparaging statements made about his company are false and he is part of the Glendale community. He said they have collected many more signatures in support of his project. He has shown no negative consequences to residents. He said he is focused on doing the right thing in the community. He said the billboards will help kick off development of the site. He said they also provide free space and discounts to local businesses. He spoke about the assistance they offer to communities in the valley. He asked to take a stand and vote for Glendale businesses and the community by voting for this project.

Councilmember Martinez said several speakers have referred to the petitions and he said the petitions submitted in opposition was a grass roots effort. He asked if the individuals that circulated Mr. Becker's petitions were paid.

Mr. Becker said he did not agree this was a grass roots effort. He said they have emails from the City of Peoria, door hangers and they have done robocalls. He said this is not a grass roots effort. As far as his petitions, he said this is a no-brainer site and because he was concerned and went door to door himself and collected over 100 signatures. He said there is a small minority that just hates billboards, but the vast majority of people just do not care.

Jordan Rose approached the podium for further statement.

Councilmember Martinez said everyone had been allowed a certain time to speak.

Mr. Bailey said rules of procedure are just that, the Council's rules. He said they provide three minutes per speaker at the public hearing, but he said he does not know how Council has treated the applicant historically. He said if Council has questions of the applicant, they can invite them up.

Mayor Weiers said without objection from the Council, they will allow Ms. Rose to speak. Councilmember Martinez objected.

Jordan Rose asked if she could speak to the woman who defamed her law firm. She said it is wrong that she can't get the name of the person the woman spoke to and it is wrong.

Mayor Weiers said there was objection to her speaking again.

Ms. Rose apologized and said she thought the applicant typically got up and spoke again. She thanked Council for their time.

Mayor Weiers said they already had a motion on the floor.

Mr. Bailey said there is a motion and they do have an opportunity for debate. He said also said he has not provided Council with any legal advice on that he would prefer to speak with Council in an executive to offer some legal advice on this issue. He said he wanted to make sure that Council clearly understood the three stipulations in the motion and would like to offer some legal advice with regard to the enforceability of that.

Councilmember Martinez asked if they needed a motion with regard to an executive session.

Mr. Bailey said he would need a motion to do so.

Mayor Weiers asked if they could do a motion on the executive session if they already had a motion on the floor.

Mr. Bailey said to the extent there is a motion on the floor; Council can act on that motion. To the extent Council wished to suspend that motion and have the opportunity to make a subsequent motion to allow Council to go into an executive session, Council could do that. Otherwise, he said they could move forward acting on the motion on the floor.

Councilmember Alvarez said people have been here over and over. She said they know how they are going to vote. She asked why they couldn't just give their opinions and answer the question. She asked why they had to go to an executive session to talk about the same thing. She said that is why they are judged and people say they lie and are not transparent. She said they need to close this issue.

Mayor Weiers asked Councilmember Sherwood if he would like to withdraw his motion and make substitute motion to go into an executive session to discuss the details of his first motion.

Councilmember Sherwood said based on legal consultation, he withdrew his motion

Vice Mayor Knaack asked if they could just do the motion as it stands with no stipulations.

Mr. Bailey said it was his motion but the second would also have to withdraw. Mr. Bailey said he has no problem advising Council in public, but will have to tell them first what he will be saying because Council has that right as he is providing legal counsel. He said the executive session would be about 30 seconds or possible a minute.

Councilmember Sherwood said he would hear his motion to get legal counsel. He said he was not withdrawing the stipulations.

Mayor Weiers asked if the second had to be withdrawn first.

Mr. Bailey said he would look to who made the second and they would have to be in agreement with that.

Councilmember Alvarez said she was not in agreement.

Mr. Bailey said there was a motion on the floor and they needed to act upon that.

Mayor Weiers asked Mr. Bailey if, before they go on, would he like Councilmember Sherwood to write it out exactly so Mr. Bailey would have it in detail.

Mr. Bailey said he understood what the motion was.

Mayor Weiers said they are going to act on the motion first.

Mr. Bailey said the motion on the floor is the motion that has been made by Councilmember Sherwood with the three stipulations. He said it was his understanding that the three stipulations had to do with the facings, the timing with regard to when the billboard will be shut off, and then the prohibition of any additional billboards north of that location.

Councilmember Martinez asked even though they have a motion on the floor, can another motion be made to request that they go into executive session.

Mr. Bailey said the Council has rules and procedures and one of those rules and procedures is that they follow Robert's Rules of Order. He said to the extent that Council wants to suspend all rules, Council has the right to do that under a majority as well, but they do have a motion on the floor and in that regard, they need to either act on that motion or pull it off the floor and they can go from there.

Councilmember Sherwood asked if it would help on stipulation 3, where he asked that no billboards be placed further north, that Becker Boards will not request any north. He asked Mr. Bailey if that was the unenforceable portion Mr. Bailey was alluding to. He said to revise stipulation 3 to say that Becker Boards will not place any billboards north of Palm Canyon along the 101 in Glendale jurisdiction.

Mr. Bailey said the item before them is an item with regard to Palm Canyon, so anything they do with regard to the act tonight, could not impact north of Palm Canyon.

Councilmember Sherwood said so just strike stipulation 3.

Mr. Bailey said if they strike stipulation 3, he believed that would address his concern.

Councilmember Sherwood amended his motion to strike stipulation 3 and restate the motion as he previously made. He said they now have a motion with the first two stipulations.

Mr. Bailey said that was correct and he was now looking at the second and asked if the second is comfortable with that amendment. Councilmember Alvarez agreed.

Mayor Weiers said everyone has heard the motion and the second. He asked if they needed a roll call on this.

Councilmember Sherwood said he would prefer a roll call.

Councilmember Martinez said before they do that, he asked if they can discuss this item.

Mayor Weiers said this item was open for discussion and it was only on the amendment.

Mr. Bailey said the motion on the floor for consideration has been amended and that was a motion to approve with two stipulations.

Councilmember Martinez said he needed to speak then because they were voting on it.

Mr. Bailey said to the extent that is the motion on the floor that is being discussed and voted upon, that was correct.

Mayor Weiers said they are voting on the amendment of those two items to add.

Mr. Bailey said they are voting for an approval of the two stipulations as stated by Councilmember Sherwood.

Councilmember Martinez said they are going to be here for a little bit longer. He said he is going to read his notes to move things along. He said he wanted to comment on the way this meeting started, that there were stipulations submitted that were proposed for digital billboards. He said there was a case in Phoenix that went to the city council and there was something similar there where Becker Boards was proposing a static billboard and when it got to council there was a stipulation made that they be digital billboards. He said if that is not correct, then maybe someone can correct him. He said Mr. Becker and Ms. Rose requested to meet last February to present the proposal for two digital billboards along the Loop 101 at the Palm Canyon Business Park north of Bell. He said at that time he told them he was opposed and the neighborhoods would be opposed and would not support it. The response was if they did not approve this, Peoria would jump at the chance, but that is not the case. Once this proposal became public and opposition mounted, the applications filed in June of last year were for two digital billboards and was amended for two static billboards because, according to Ms. Rose's statements at the Planning Commission meeting, Becker Boards adjusted their plans to static since the community did not want digital. He said he did not understand how you can conclude digital billboards are not acceptable to the residents, but static billboards are okay. He remains opposed to any billboards in this area as are the Cholla residents and Peoria neighborhoods. He said there are over 1700 residents, including about 600 from the Cholla District and 50 from the Willow District in Peoria who are opposed to this application. He said some of them started a grass roots campaign gathering signatures in opposition to this application, all of them unpaid volunteers. He said at the Planning Commission meeting and this evening, they heard from some of those residents who very eloquently have said they don't want billboards in their neighborhood because it would be a blight on their neighborhood and adversely impact their property values. Mr. Becker hired appraisal services, more than one, and one of them stated, "The location of the two proposed billboard sign sites are so far away from any residential development in either Glendale or Peoria and are such insignificant features, that nowhere in any residential appraisal report would they even be mentioned." He said the appraiser went on to say, "We are of the opinion that the two proposed sign sites would not even warrant a note or discussion in a single family residential appraisal on any of the surrounding residential properties." He said there are over 1700 Glendale and Peoria residents who are of the opinion that these signs would be a blight and would damage property values in the long run. He said one opinion is indisputable, the signs will not add to the quality of neighborhoods, nor would they add any value whatsoever. He reminded everyone that in 2012, after staff had received public input, including representatives of sign companies, Council adopted a text amendment to a

sign ordinance that restricts billboards to certain areas and this proposed project does not meet that criteria. He said ex-Mayor Elaine Scruggs said it all when she said, "Bottom line, in Glendale we went through an extensive and sometimes hurtful process in the 90's to eliminate billboards from our city. At that time, they were predominantly in the southern part of the city as our north was not well developed yet. That initiative was supported by our Council, management and residents as a quality of life issue. Now, twenty years later, new leaders are being told the proposal is in the best interest of businesses. Even the most recent email from Becker Boards talks about value to businesses, nothing about residents. The Becker Boards bribe of one jazz festival is not value to Glendale residents." He said Peoria residents are also against this project and on November 19, 2013, the Peoria city council passed a resolution in opposition. On January 14th, Mayor Barrett followed up with a letter to our Mayor and Council reinforcing their position and just yesterday, Council received a follow-up letter reinforcing that. He believed Mayor Barrett said it best when he encouraged residents to attend the meetings and "express your opinion about 85 feet of ugly that they want to put on Bell and the 101." He also said from the beginning, Willow District Councilmember John Edwards has been very vocal in his opposition. He said their Peoria neighbor joining in opposition to the zoning case is a first, but another first is where the applicant held the neighborhood meeting to present their project to the citizens. He said in the 17 years he has been on the Council, and he has attended many neighborhood meetings over the years, this is the first time one was held outside the district where the applicant is seeking the rezoning. Councilmember Martinez said you would think the applicant would want to hold the meeting in the district of the proposed site, but instead chose to have it in the Barrel District at the Adult Center, which is about 7 miles from the proposed site. He said when he first heard about the date and location, he told Mr. Froke it was too short notice and the location is not even in the district and he requested it be changed to the Cholla district and the applicant refused. The good news from that meeting was there were 57 in attendance and every single one was in opposition. He also said that meeting was held on July 2nd with a long holiday weekend coming up. It also happened to be a night he was attending a Council meeting on other matters. He said he stopped by long enough to get on the record that he was opposed. With respect to the notification of the meeting, ex-Mayor Elaine Scruggs said, "These actions do not meet the intent of the City of Glendale citizen participation ordinance. The choice of a meeting location for a public meeting that concerns primarily residents of the Glendale Cholla district and the City of Peoria Willow district is inappropriate and not conducive to acting substantive citizen participation. They do, however, seem to be in concert with the intent of the applicant for the amendments." He said the applicant has not been easy to deal with. He said first they postponed the Planning Commission meeting and on February 25, when this item was on the agenda and was to come before Council for a vote, early that afternoon, the applicant requested this go back to Council workshop on March 17th and to Council Voting Meeting on March 25th. He said these were delaying tactics. Councilmember Martinez said at the Planning Commission meeting, Mr. Becker said, "that he received assurances from the Planning Director that they had absolutely no issue with the billboards at this location because Bell Road and the Loop 101 were commercial in character and an appropriate place for billboards." He also said, "Mr. Froke commented on Mr. Becker's earlier remarks regarding him possibly being misleading in his discussions with Mr. Becker. He explained that in his office, he meets with a lot of people and has many meetings on an application

that might or might not eventually come before the Planning Commission and Council. Consequently, he does not remember the discussion quite the way Mr. Becker does. He noted with that said, he would like to reiterate his opening remarks, stating that this is a commercial corridor and has been for decades with residential nearby. He stated his recommendation stands as noted earlier for denial of this request.” Councilmember Martinez said the applicant stated this will bring revenue to the city and that is correct, however, the sales tax of 2.9 on revenues generated will be minimal. He said in the Planning Commission minutes, there is a statement from Mr. Becker that says, “he agrees that the revenue issue was not as significant as the amount of traffic the city will receive with a billboard ordinance.” Councilmember Martinez said when it was first brought up at a Council meeting that was not even on the agenda, whatever revenues were derived would be blood money at the cost to our neighborhoods.

He said he has received many emails and letters from Cholla residents who are opposed and express the sentiments of many. He said one of them was Ms. Sean Lee, who served on the Planning Commission. He was out of town, but asked Councilmember Martinez to read the following statement. “Director Froke - My wife, Janet, and I attended a Planning meeting on February 6th at which the committee rejected the request 6 to 0 for the billboard application. A change to the ordinance was also rejected by Council that would have allowed the billboards on September 17, 2013. First of all, there is no income to the City of Glendale from the billboards, other than a small sales tax. The revenue from this goes to Becker signs and property owners. Second, reference has been made to the availability of space for nonprofits. This space is only available should the space go unsold. I cannot see Becker Signs not selling this space so there would be space available for nonprofits. I find static or digital billboards as dangerous as cell phones that distract the driving attention of motorists, find them ugly, a blight and obtrusive. The majority of billboards are rented by festival vendors, automobile manufacturers, homebuilders, beverage vendors and entertainment venues and most do not benefit local businesses. They are mostly of a national scope and not local. I live in Arrowhead Ranch, well out of sight of the billboards, but I travel the 101 and thus they impact my perception unpleasantly and thus, I oppose them. Mr. Becker has been told on September 17, 2013 and again on February 6th, that we, Glendale, do not want the billboards. It is time we put him and the Rose Law Firm out of their misery and reject their application. “

Councilmember Martinez also had a letter to Mayor Weiers from a constituent that he was copied on from Mr. David Mook, and he asked Councilmember Martinez to read the letter. “Dear Mayor Weiers - As one who supported your election as Glendale Mayor, I am writing you to urge you and your fellow Councilmembers to vote next Tuesday to adopt a unanimous recommendation of the Planning Commission to deny the application by Becker Boards for an amendment to the zoning ordinance that would allow the erection of two 85-foot tall static billboards at the 101 and Bell Road. Because of other commitments back east next week, I will be unable to attend next Tuesday’s meeting, but others from our community, Arrowhead Ranch Phase II HOA, will be present. At a regular meeting this past Tuesday, our board of directors voted unanimously to endorse the action of the Planning Commission and, as you know, that action developed from a very unusual if not unique, recommendation by Planning Director Jon Froke and his staff that the application be

denied. Councilmember Sherwood has referred to those who object to these billboards as “a vocal minority.” He said such a statement was a propaganda technique that relieves the one making it from responding to the arguments presented by characterizing them in such a fashion. He said his dismissive statement does not reflect the reality of the situation. He said there is a considerable number of communities along the 101 that desire to prevent the transformation of that corridor into something that which we see on the south end of the I-17 in Phoenix. We know that cases are waiting to be filed to erect such signs at other intersections along the 101 and Glendale, with the exception of the Espera Development that has explicitly excluded them from the case soon to be presented to the Planning Commission. I do not know for certain how some of the members of the Council intend to vote, but I have heard that you are inclined to overturn the Planning Commission’s action. Such thinking is astonishing to me. I attended a lengthy hearing that preceded that action and heard the reasons the commission members gave for their votes. It would be a different matter if the commission were split on the question, but it would seem to me the height of folly to take a position that will have the effect of alienating large numbers of people on whose support you will have to rely going forward. At the end of it all, the existing ordinance that was adopted less than three years ago seems to be working well to achieve the objective of containing such signage to the stadium and entertainment district. To introduce this change to that ordinance will open the way for similar applications that are surely waiting in the wings. Thank you for your attention to this letter and your service to our city, David Mook, President, Arrowhead Ranch Phase II HOA.”

Councilmember Martinez closed by saying as elected officials the constituents expect Councilmembers to represent them and make decisions that improve their quality of life. He said that project would do the opposite. Some of them forget and make decisions based not on what is best for the district, but the impact it will have on the city as a whole. He said if this is approved, this will open the door and more will follow. He said the Planning Director has said it is only his second recommendation for denial of a zoning case in the last fifteen years. He said the Planning Commissions are volunteers who have studied this proposal and who asked many questions at the hearing on February 6th, and after a 3 hours meeting, they unanimously voted 6 to 0 to accept the Planning Department’s recommendation to deny. Councilmember Martinez said he support their decisions and will vote to deny this application.

Councilmember Alvarez said no one has paid her a cent for saying what she is going to say. She never accepted money from lobbyists or attorneys. She said Arrowhead is not alone and it is not the City of Glendale. She said there are other neighborhoods that have signs and those were put up without her permission. She said the signs are ugly. She said the neighborhoods south of Northern need money. She said a lot of services have been cut. She said she can’t say how long it has been since the streets were swept and it is because of mismanagement of money. She said she needs the money that Mr. Becker was going to give to the city. She said kids in the Ocotillo district don’t have anything because of the mistakes made by the Council. She said they will be surprised how much more is going to be done. She said she sees billboards in her district every single day and they are not pretty.

Councilmember Sherwood said there was a gentleman that talked about contributions, Mr. Demski. Councilmember Sherwood said he was the chair the Planning Commission and it was clear how he stood on this issue even before he decided to run for council. He said when you run a Council race now in Glendale; there is a lot of money that is spent on the races. He said they do get a lot of help. He said he has never been bought and has nothing to do with how they behave on the council. He said it was unfair to law firm for the speakers to bring up how they were bought without names being listed. He said they have no knowledge of Rose Law Firm or Becker Boards being involved in that. He also said a lot has been made about the 6-0 decision of the Planning Commission.

He said the North Valley Specific Plan got a lot of discussion at the Planning Commission and the current plan said there was no violation, and the Becker thing does not violate that plan at all. He said that was put together back when Arrowhead Mall was being designed. It also spoke more about signage on buildings. He said there was a lot of talk about how the billboards were prohibited by the same area plan. He said the signage guidelines are entirely silent on billboards. He said on page one it says additional signs not shown within these guidelines are allowed if in accordance with the zoning ordinance. He said those billboards are allowed with a PAD amendment by the zoning ordinance.

He said other items talked about at the Planning Commission were the 1989 zoning case with stipulations were there, mostly alluding to Arrowhead Towne Center. He said Palm Canyon was not part of Glendale at that time. He said Palm Canyon was obtained by Glendale, rendering any of the 1989 zoning stipulations immaterial. He said they talked about the height of the signs. He also said there has not been a consistent plan on taking down billboards. He said this is more of a policy decision and doesn't have much to do with the ordinance. He tried to have a comprehensive billboard ordinance taken back to the Planning Commission for something beyond the sports and entertainment district. He said there are a lot of areas along the Loop 303 and Northern Parkway for billboards and the city needs a comprehensive plan. He said there is no way that the two signs in Palm Canyon are going to have any effect on anything else. He said there is no appetite for these signs to be in a neighborhood setting. He said there will be billboards along the commercial corridors and there has to be a plan to accept those. He also mentioned the Peoria study. He mentioned a couple of stories that had just come out in the past few weeks, "a new type of urban welfare among valley cities upon us and it has taken place in the west valley. There, the city of Peoria has announced plans to greatly expand its commercial corridor on the Peoria Sports Complex with the unquestioned intent of seizing spending from the current entertainment epicenter just down the 101 at Westgate. If successful, the Peoria gambit would cost the City of Glendale, Mayor Weiers and the Glendale City Council millions of dollars at a time when it can least afford it. Peoria officials are trying to play their counterparts in Glendale for fools. The Peoria plan, not unlike Westgate, relies on a proliferation of new billboards to help pay for parking garages and other infrastructure to get the project going. The only problem, the local business and it talks about Becker Boards, is it wasn't part of the plan. He said Peoria does not want these boards to go in and have used public research to oppose the project in Glendale, refusing to answer numerous public records requests on the matter. Councilmember Sherwood said what is going on in Peoria depends on who you talk to. He appreciates all the comments he

has received and put a position paper together to answer his constituents. He said he didn't see the boards are in danger of proliferating and hopes the city will one day have a policy on billboards for the whole area.

Councilmember Chavira thanked everyone for being in the audience. He said some have received emotional emails and there were many unpleasant comments. He reached out to Councilmember Edwards at the city of Peoria. He met with Mr. Becker and is better off for it. He said the Yucca District has the entertainment district they are talking about, as well as the 303. He said he sees plenty of opportunity for billboards in the future. He said Councilmember Sherwood's proposal to revise the policy is something they need to look at.

Vice Mayor Knaack thanked the citizens of Glendale for coming to the meeting. She said a lot of people in her district said they were opposed to the billboards. She also thanked the City of Peoria for coming to the meeting. She supports the vote she made in June of 2012. She said there is room in the future for the 303, but the 101 is finished.

Councilmember Martinez said with respect to having a comprehensive ordinance, they talked about that in a workshop. He said there will be development on the 303 and Northern Parkway, but that is still a few years away. He also said the general plan has to be updated and that will take a couple of years to do that. He said they will be able to do the 303 and Northern Parkway with respect to the sign ordinance. It is an issue that will be worked on. He also mentioned the Peoria letter and the latest letter they got yesterday stated that Peoria had no intention of doing anything at the moment. He said a lot of things were done in the city many years ago that was not good for the city. He said many years ago he couldn't swim in the swimming pool because he was not allowed. He said a former Councilmember was speaking about a tournament being held in Prescott and said things are so much different than when he was growing up and on the Council. He said for years and years, the decisions made on the Council were being made by business people who lived in a one mile radius from city hall. He said that is why they went to the district system because the city was growing and the outlying area's needs were not being met. He said that doesn't mean that has to continue. They all have to remember what they do today will impact neighborhood for years to come. He said if this application is passed, it will create problems and will hurt the neighborhoods.

Councilmember Martinez asked that the two amendments be repeated.

Councilmember Sherwood said at least two of the faces, one in each direction shall be digital and not static, and lighting of the billboards shall be turned off at 11 p.m.

ORDINANCE NO. 2878 NEW SERIES, WAS READ BY NUMBER AND TITLE ONLY, IT BEING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING PROPERTY LOCATED AT 17750 NORTH 83RD AVENUE FROM PAD (PLANNED AREA DEVELOPMENT) TO PAD (PLANNED AREA DEVELOPMENT); AMENDING THE ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.

It was moved by Councilmember Sherwood, and seconded by Councilmember Alvarez, to consider a Rezoning Application on .17 acres. The site is part of the larger 26.1 acre Palm Canyon Business Park. The request is to amend the existing PAD (Planned Area Development) zoning district to allow two static billboards. The property is located at the northwest corner of Bell Road and Loop 101. Motion failed on a roll call vote, with the following Councilmembers voting “aye”: Alvarez and Sherwood. Members voting “nay”: Chavira, Hugh, Knaack, Martinez and Weiers.

ORDINANCES

22. ADOPT AN ORDINANCE AUTHORIZING THE SALE OF CITY-OWNED PROPERTY LOCATED ALONG THE SOUTH SIDE OF NORTHERN AVENUE FROM DYSART ROAD TO 111TH AVENUE
PRESENTED BY: Stuart Kent, Executive Director, Public Works
ORDINANCE: 2883

This is a request for City Council to waive reading beyond the title and adopt an ordinance authorizing the City Manager to complete the sale of city-owned land along the south side of Northern Avenue, from Dysart Road to 111th Avenue, to the Maricopa County Department of Transportation (MCDOT) for the construction of Northern Parkway.

Mr. Kent said the Maricopa County Department of Transportation needs to acquire a small parcel of land to facilitate the construction of Northern Parkway. He said the property was appraised at a value of \$115,400 and the county will pay the city that amount.

ORDINANCE NO. 2883 NEW SERIES, WAS READ BY NUMBER AND TITLE ONLY, IT BEING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE SALE OF REAL PROPERTY LOCATED AT DYSART ROAD TO 111TH AVENUE TO MARICOPA COUNTY AS PART OF THE NORTHERN PARKWAY CONSTRUCTION; AND DIRECTING THE EXECUTION OF ALL DOCUMENTS NECESSARY FOR THE SALE OF SAID REAL PROPERTY.

It was moved by Councilmember Chavira, and seconded by Vice Mayor Knaack, to approve Ordinance No. 2883 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Alvarez, Chavira, Hugh, Knaack, Martinez, Sherwood, and Weiers. Members voting “nay”: none.

23. ADOPT AN ORDINANCE UPDATING THE CITY’S SIGNATURE AUTHORITY FOR BANKING TRANSACTIONS
PRESENTED BY: Tom Duensing, Executive Director, Financial Services
ORDINANCE: 2884

This is a request for City Council to waive reading beyond the title and adopt an ordinance updating the city’s signature authority for banking transactions. The city signature authorizations are updated periodically due to changes in the organization.

ORDINANCE NO. 2884 NEW SERIES, WAS READ BY NUMBER AND TITLE ONLY, IT BEING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING DESIGNATED OFFICERS TO DEPOSIT CITY FUNDS IN DESIGNATED BANK; DIRECTING SAID BANK TO RECOGNIZE THE SIGNATURES OF SAID OFFICERS ON ELECTRONIC FUND TRANSFERS, CHECKS FOR DEPOSIT AND/OR WITHDRAWAL; DECLARING AN EMERGENCY.

It was moved by Councilmember Martinez, and seconded by Chavira, to approve Ordinance No. 2884 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Alvarez, Chavira, Hugh, Knaack, Martinez, Sherwood, and Weiers. Members voting “nay”: none.

RESOLUTIONS

24. OPPOSITION TO HOUSE OF REPRESENTATIVES BILL 1410
PRESENTED BY: Michael Bailey, City Attorney
RESOLUTION: 4783

Pursuant to direction from City Council, staff is requesting the Council to consider the resolution and waive reading beyond the title adopting the resolution opposing House of Representatives Bill (“H.R.”) 1410 “Keep the Promise Act of 2013” which is under consideration by the 113th Congress (2013 -2014).

Sharyn Nesbitt, a Yucca resident, spoke about an accident she had at Ft. McDowell and some work she lost due to that injury. She said Ft. McDowell said they would not pay anything to assist her. She filed in court and the case was dismissed.

Lauren Tolmachoff, a Glendale resident, said she supported the casino and said it would enhance the sports and entertainment district. She said citizens are overwhelmingly in favor of the casino.

Andrew Marwick, a Phoenix resident, said there are several casinos within a short drive in the east valley. He spoke about how nice the casinos were and he mentioned several other casinos in other states. He said they bring a lot of money in. He spoke about the debate going on in Florida to add additional casinos. He said a casino would bring more business in to the west valley. He said this item is not his issue and it should not be a city issue.

Ron Kolb, an Ocotillo resident, said he supported the casino in Glendale and support Council’s opposition to this item. He would like the city to drop the lawsuit against the TO. He said they need to show their opponent some respect to get the conversation started and they should not underestimate the TO. He said they have been treated unprofessionally by the city.

Arthur Thruston, a Cactus resident, said he said Ken Jones has been speaking for the casino for a long time and he will be the casino’s first customer. He thanked Mayor Weiers for visiting with Mr. Jones. He also said he would be the casino’s second customer. He said the

city has lost millions of dollars fighting the casino issue. He said the TO have earned the right to build the casino.

David Jones, President and CEO of the Arizona Construction Association, shared what happened to him when he served on a city council. He said the city has taken brave steps and is thinking outside the box. He said there are many people suffering in the construction industry. He said it would be prudent to open negotiations with the TO in order to conclude this matter.

John Legendre, an Ocotillo resident, said it was not just a casino, but a resort. He said the federal government has never treated the Indians fairly. He said the city has lost a lot of court cases regarding this issue and applauds the city for having a dialogue. He said it is a step in the right direction. He said Glendale does not have a resort and it won't cost the city any money near the entertainment district. He wants Glendale to send a letter of opposition.

Bud Zomok, an Ocotillo resident, said communication is important, but it could prove pointless without knowledge of HR1410. He asked the Council to focus on what they have control over right now and to wait until there is a formal decision of HR1410.

Mayor Weiers read a letter he received from Congressman Trent Franks, "Dear Mayor and members of the City Council, I write today to express my profound disappointment in the decision of the City council to reverse course and formally oppose HR1410, the Keep the Promise Act, which is currently under consideration in the 113th Congress. This bill would prevent Las Vegas style gambling in the Phoenix metropolitan area through the length of Arizona voter-approved gaming compact agreement of January 1, 2027. As you know, this bill addresses an effort by a single Tucson-based tribe to bring off reservation gaming project into neighborhoods of Glendale. The tribe's actions are contrary to public comments made between 2000 and 2002 to other Indian tribes in Arizona, the state and the voters of Arizona when it supported passage of Prop 202, a state referendum to limit casino gambling in the Phoenix metropolitan area. These actions represent a very real and serious threat to existing gaming structure in Arizona if the tribe is able to develop a Las Vegas style casino in Glendale. Please know I will continue to work to see that HR1410 is passed into law. As you know, the bill passed the House of Representatives by a voice vote on September 17, 2013, and is awaiting action in the Senate. I believe the Senate will follow the House's lead and move forward on this important legislation, signed by Congressman Trent Frank, U.S. Congress."

RESOLUTION NO. 4783 NEW SERIES WAS READ BY NUMBER AND TITLE ONLY, IT BEING A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, OPPOSING HOUSE OF REPRESENTATIVES BILL 1410 "KEEP THE PROMISE ACT OF 2013" PRESENTLY UNDER CONSIDERATION BY THE 113TH CONGRESS (2013 - 2014).

Councilmember Martinez said he did not have the letter he previously read at the workshop and he said the letter was alluded to by one of the speakers this evening. He said

the fact remains that the state passed a law that limited the number of casinos. He said the tribes all agreed to it, and the TO nation also got support from citizens. He said it was very clear there would be no more casinos in the Phoenix area. He said he has been against this from day one with the economic impact it will have for the city. He said the casino will offer inexpensive food and rooms. He said once people go to the casino, they aren't going to leave to go have dinner somewhere else. He said socially it will hurt the city and there is a school close by. He said other cities in the valley have begun to recognize that there are other county islands where tribes might try and put a casino in. Councilmember Martinez said he went to Washington to try and meet with some congress people about this issue. He said it is not in the best interest of Glendale. He also said this issue is still in the courts and the court will decided regardless of what action Glendale takes. He also said there is a case in Michigan where a tribe bought land far from the reservation and without going through the proper authorities, they built a casino. The state tried to stop it and the court found in their favor. The tribe appealed and the court ruled in their favor because of the sovereign immunity of the tribe. He said there are now issues before the Supreme Court that if a nation does something illegal, it will give states the right to sue. He said a lot of people are waiting to see the outcome of that case. He said to take this action is not right and is a slap in the face to the Senators.

Councilmember Alvarez said she called for the question.

It was moved by Councilmember Hugh, and seconded by Councilmember Chavira, to pass, adopt and approve Resolution No. 4783 New Series. Motion carried on a roll call vote, with the following Councilmembers voting "aye": Alvarez, Chavira, Hugh, and Sherwood. Members voting "nay": Martinez, Knaack and Weiers. The motion carried.

Mayor Weiers explained his vote and said his biggest concern is if the casino ends up being built, it will not be good for the state and legislators will push to open up gambling in the state.

REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION

It was moved by Vice Mayor Knaack, and seconded by Councilmember Sherwood, to hold a City Council Workshop at 1:30 p.m. in the Council Chambers, Room B-3 on Tuesday, April, 1, 2014, 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 Budget Workshop on Tuesday April 8, 2014 at 1:30 p.m. in Room B-3 of the City Council Chambers. The motion carried unanimously.

CITIZEN COMMENTS

Kenneth Sturgis, a Yucca resident, read from the city's municipal code about council meetings open to the public. He asked how many times the council has violated this article. He also read about citizen requests and said in January he requested that Camelback Ranch

have the same type of monthly reports as the arena and asked that be presented at an open public meeting. He went over some figures that were presented at a recent budget meeting. He requested monthly financial reports for the baseball teams just like they are for the Coyotes Hockey team.

Arthur Thruston, a Cactus resident, said he would like to give the benefit of the doubt to the council as to whether they can read and see what other laws are passing around the valley. He said the TO has gone to court and has won every single time. He said Councilmember Martinez's facts and figures are wrong. He said the city doesn't need to be bought and the Councilmembers should represent the citizens of Glendale. He wants to have a place in town where friends can come visit.

Andrew Marwick, a Phoenix resident, said the major problem with the sports and entertainment is a misguided investment. He said it derives its income from the local area. He spoke about the City of Detroit and its problems. He said Glendale's debt will result in cutting services. He said the arena is not a good investment for Glendale.

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Martinez thanked everyone that was here this evening.

Councilmember Hugh said he is having a district meeting at Manistee Ranch on Thursday from 5pm to 7 pm. He also thanked the Fire Chief and Fire Department. He said the last surviving volunteer firefighter was having his 90th birthday party. He said Chief Burdick surprised him with trucks showing up and presented him with a plaque. He said it meant a lot to him.

Councilmember Chavira recognized individuals regarding water awareness and urged everyone to watch their children around water.

Mayor Weiers said he spent time at the Senate and got the mega event bill on the Super Bowl reimbursement out of senate appropriations and it passed unanimously. He thanked everyone for their assistance.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:23 p.m.

Pamela Hanna
Pamela Hanna, City Clerk