



**MINUTES OF THE  
GLENDALE CITY COUNCIL MEETING  
Council Chambers  
5850 West Glendale Avenue  
April 24, 2012  
7:00 p.m.**

The meeting was called to order by Mayor Elaine M. Scruggs and the following Councilmembers present: Norma S. Alvarez, Joyce V. Clark, Yvonne J. Knaack, H. Philip Lieberman and Manuel D. Martinez.

Vice Mayor Steven E. Frate was absent.

Also present were Ed Beasley, City Manager; Craig Tindall, City Attorney; and Darcie McCracken, Deputy City Clerk.

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

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

A statement was filed by the City Clerk that the 9 resolutions and 1 ordinance to be considered at the meeting were available for public examination and the title was posted at City Hall more than 72 hours in advance of the meeting.

**APPROVAL OF THE MINUTES OF THE APRIL 10, 2012 CITY COUNCIL MEETING**

**It was moved by Martinez, and seconded by Clark, to dispense with the reading of the minutes of the April 10, 2012 Regular City Council meeting, as each member of the Council had been provided copies in advance, and approved them as written. The motion carried unanimously.**

**BOARDS, COMMISSIONS AND OTHER BODIES**

**BOARDS, COMMISSIONS AND OTHER BODIES**

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.

**Ad-Hoc Water and Sewer Task Force**

John Arnett	Barrel	Appointment	04/24/2012	12/31/2012
Jack Bethel	Barrel	Appointment	04/24/2012	12/31/2012
Theodora Hackenberg	Barrel	Appointment	04/24/2012	12/31/2012
Al Lenox	Barrel	Appointment	04/24/2012	12/31/2012
Becky Shady	Barrel	Appointment	04/24/2012	12/31/2012
Marlene Versluis	Barrel	Appointment	04/24/2012	12/31/2012
Matthew Versluis	Barrel	Appointment	04/24/2012	12/31/2012
William Wilkinson	Barrel	Appointment	04/24/2012	12/31/2012
Michael Wood	Barrel	Appointment	04/24/2012	12/31/2012
James Grose	Cholla	Appointment	04/24/2012	12/31/2012
Pattie Johnston	Cholla	Appointment	04/24/2012	12/31/2012
David Wright	Cholla	Appointment	04/24/2012	12/31/2012
Bernadette Bolognini	Ocotillo	Appointment	04/24/2012	12/31/2012
Brian Gallimore	Sahuaro	Appointment	04/24/2012	12/31/2012
Roger Schwierjohn	Sahuaro	Appointment	04/24/2012	12/31/2012
Marlowe Myers Garay	Mayoral	Appointment	04/24/2012	12/31/2012
Gail Meyers	Mayoral	Appointment	04/24/2012	12/31/2012
Charlene Sharp	Mayoral	Appointment	04/24/2012	12/31/2012

**Arts Commission**

Anne Owens	Barrel	Appointment	04/24/2012	08/23/2012
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**Board of Adjustment**

Jessica Galbavy	Yucca	Appointment	04/24/2012	06/30/2013
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**Citizens Bicycle Advisory Committee**

Donna Williams	Mayoral	Appointment	04/24/2012	03/05/2014
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**Citizens Transportation Oversight Commission**

John Ferguson	Cholla	Appointment	04/24/2012	03/26/2014
Theodora Hackenberg	Barrel	Reappointment	04/24/2012	03/25/2014

**Commission on Persons with Disabilities**

Laura Hirsch	Mayoral	Appointment	04/24/2012	02/27/2014
Beverly Marshall	Barrel	Appointment	04/26/2012	04/26/2014

**Community Development Advisory Committee**

Cherie Hudson	Yucca	Appointment	04/24/2012	04/24/2014
Richard Schwartz – Chair	Yucca	Appointment	04/26/2012	04/26/2013
Arthur Swander Jr. – Vice Chair	Ocotillo	Appointment	04/26/2012	04/26/2013

**Historic Preservation Commission**

Lillian Mickey Lund	Barrel	Appointment	04/24/2012	04/13/2014
Marshall Pimentel	Yucca	Appointment	04/24/2012	04/13/2014
Jacoba Worsdell	Ocotillo	Reappointment	04/24/2012	04/13/2014

**Industrial Development Authority**

Robert Holmes	Cholla	Appointment	04/24/2012	08/23/2014
Michael Mitchum	Cholla	Appointment	04/24/2012	08/23/2016

**Library Advisory Board**

Misty Drake	Mayoral	Appointment	04/24/2012	04/13/2014
Holly Fallucca	Cholla	Appointment	04/24/2012	04/13/2014
Susan Shelly	Barrel	Appointment	04/24/2012	04/13/2014
Charlene Sharp – Chair	Sahuaro	Appointment	04/24/2012	04/13/2013

**Parks & Recreation Advisory Commission**

Samantha Cooke – Teen	Sahuaro	Reappointment	05/27/2012	05/27/2013
John Krystek	Sahuaro	Appointment	04/24/2012	06/28/2013
Gail Meyers	Mayoral	Appointment	04/24/2012	04/09/2014
Allison Tedford – Teen	Cholla	Reappointment	05/27/2012	05/27/2013
Jamie Aldama – Vice Chair	Yucca	Appointment	04/24/2012	02/26/2013

**Planning Commission**

David Penilla	Barrel	Reappointment	04/24/2012	03/25/2014
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The recommendation is to make appointments to the boards, commissions and other bodies and administer the Oaths of Office.

**It was moved by Clark, and seconded by Martinez, to appoint John Arnett, Jack Bethel, Theodora Hackenberg, Al Lenox, Becky Shady, Marlene Versluis, Matthew Versluis, William Wilkinson, Michael Wood, James Grose, Pattie Johnston, David Wright, Bernadette Bolognini, Brian Gallimore, Roger Schwierjohn, Marlowe Myers Garay, Gail Meyers, and Charlene Sharp to the Ad-Hoc Water and Sewer Task Force; Anne Owens to the Arts Commission; Jessica Galbavy to the Board of Adjustment; Donna Williams to the Citizens Bicycle Advisory Committee; John Ferguson and Theodora Hackenberg to the Citizens Transportation Oversight Commission; Laura Hirsch and Beverly Marshall to the Commission on Persons with Disabilities; Cherie Hudson, Richard Schwartz and Arthur Swander, Jr., to the Community Development Advisory Committee; Lillian Mickey Lund, Marshall Pimentel and Jacoba Worsdell to the Historic Preservation Commission; Robert Holmes and Michael Mitchum to the Industrial Development Authority; Misty Drake, Holly Fallucca, Susan Shelly and Charlene Sharp to the Library Advisory Board; Samanta Cooke, John Krystek, Gail Meyers, Allison Tedford and Jamie Aldama to the Parks and Recreation Advisory Commission; and David Penilla to the Planning Commission, for the terms listed above. The motion carried unanimously.**

Mayor Scruggs called those present for the Water and Sewer Task Force forward and issued the oath of office. She thanked them for their participation in this very important process.

Mayor Scruggs called those present for the boards and commissions forward and issued the oath of office.

## **PROCLAMATIONS AND AWARDS**

### **PROCLAIM MAY 2, 2012 AS GLENDALE PEACE OFFICERS MEMORIAL DAY**

This is a request for City Council to proclaim May 2, 2012 as Glendale Peace Officers Memorial Day. Through this proclamation, Glendale will honor law enforcement officers and their families who, through their courageous deeds, have made the ultimate sacrifice.

Members of Fallen Officer Bradley Jones' squad will be present to accept the proclamation.

On May 15, 1982, the first National Peace Officers' Memorial Day Service was held on Capitol Hill in Washington DC to honor those fallen officers who lost their lives in the line of duty. In 1991, the National Law Enforcement Officers' Memorial was dedicated in Judiciary Square in Washington DC and carries the names of over 19,000 fallen law enforcement officers, including Glendale's own fallen heroes: Sergeant Patrick L. Campbell and Officer Anthony J. Holly. This year, Officer Bradley R. Jones' name will be etched onto the memorial. On October 28, 2011, Officer Jones lost his life in the line of duty.

The men and women of the Glendale Police Department play an essential role in safeguarding the rights and freedoms of all citizens. May 2, 2012, is a day dedicated to paying tribute to the courageous men and women who have lost their lives protecting the community, and honor all those who wear the badge and keep the peace.

The recommendation is to present the proclamation to members of Fallen Officer Bradley Jones' squad recognizing May 2, 2012 as Glendale Peace Officers Memorial Day.

Mayor Scruggs called Sergeant Aaron Victor and Officer Gilbert Comparan, members of fallen Officer Bradley Jones' police squad, forward to accept the proclamation.

Mayor Scruggs said on October 28, 2011, one of Glendale's police department's officers Bradley Jones lost his life in the line of duty. She asked Sergeant Aaron Victor, Sergeant Joe Turitto and Officer Gilbert Comparan and any other members of Officer Jones' Squad who were present to come forward and receive the proclamation. She said this is a very serious and somber time to reflect on a very young man with a very, very young family, who got up that morning just like any other day and put on his uniform knowing that he had accepted when he was sworn in as a police officer, as these gentlemen have, the dangers and the risks and the uncertainty that come with the life of a police officer. She continued that his wife knew that she had accepted along with him, that same life.

Mayor Scruggs said she often thought of those who have chosen to wear our uniform whether for Glendale or for any of the hundreds or thousands of other agencies in this county. She stated in all the years that she had been in office and have been around police officers, she'd never in her mind has been able to answer the question, why do they do it? And, even more now, when we look at our society that is built on anger and inciting discontent in people, it just seems like it's more and more dangerous. Through the years, she'd asked some officers, why do you do it? She had not asked these two, but the ones she had asked have always said, but this is what I want

to do. This is what I am called to do. This is what I feel is right for me to do with my life. So she hoped people reflect on that as often as she reflected on it. And she hoped that people will take the time, if they pass an officer here tonight or anywhere out on the street – to just say thank you for what you do for all of us. She said they don't know us; they are just there when they are needed.

Sergeant Aaron Victor accepted the proclamation on behalf of the men and women of the Glendale Police Department and the families of their fallen officers.

### PROCLAIM MAY 2012 AS NATIONAL HISTORIC PRESERVATION MONTH

This is a request for City Council to proclaim May 2012 as National Historic Preservation Month in Glendale. Ron Short, FAICP, Vice President of the Glendale Historical Society, will accept this proclamation on behalf of the Glendale Historic Preservation Commission.

Since 2005, the National Trust for Historic Preservation celebrates May as National Historic Preservation Month. Each year is distinguished with a theme representing some aspect of historic preservation to promote national and community pride. The theme for 2012 is “Discover America’s Hidden Gems.”

Historic preservation helps stabilize older communities, connecting people with the past and one another. The City of Glendale is committed to preserving and maintaining its historic heritage for future generations to enjoy. Historic preservation adds to the quality of life making for a more vibrant and livable community. There are economic, cultural, environmental, and educational benefits of preservation planning. It contributes to the creation of more jobs, increases tax revenue, and raises property values. It also encourages community reinvestment and revitalizes urban cores.

Glendale is a community filled with quaint historic neighborhoods and a vibrant historic downtown. Recognizing the value of these historic resources and the city’s on-going support of preservation planning is expressed by joining communities across the nation in celebrating May 2012 as National Historic Preservation Month.

The recommendation is to present the proclamation recognizing May 2012 as National Historic Preservation Month in Glendale, to Ron Short, FAICP, Vice President of the Glendale Historical Society, on behalf of the Glendale Historic Preservation Commission.

Mayor Scruggs called Ron Short, FAICP, Vice President of the Glendale Historical Society forward and presented the proclamation.

Ron Short, FAICP, Vice President of the Glendale Historical Society, accepted the proclamation and thanked the Mayor and City Council.

### **CONSENT AGENDA**

**Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion.**

Mr. Ed Beasley, City Manager, read agenda item numbers 1 through 5 and Ms. Darcie McCracken, Deputy City Clerk, read consent agenda resolution item numbers 6 through 8 by number and title.

Mayor Scruggs removed item number 4 from the consent agenda to be heard separately.

Councilmember Clark asked that item number 8 be heard separately.

1. SPECIAL EVENT LIQUOR LICENSE, VETERANS OF FOREIGN WARS

This is a request for City Council to approve a special event liquor license for the V.F.W. The event will be held at the V.F.W. located at 7618 North 63<sup>rd</sup> Avenue on Saturday, April 28, 2012 from 10:00 a.m. to 2:00 a.m. The purpose of this special event liquor license is for a fundraiser.

If this application is approved, the total number of days expended by this applicant will be one of the allowed 10 days per calendar year. Under the provisions of A.R.S. § 4-203.02, the Arizona Department of Liquor Licenses and Control may issue a special event liquor license only if the Council recommends approval of such license.

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

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

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

This is a request for City Council to approve two special event liquor licenses for St. Thomas More Parish. The events will be held at St. Thomas More Parish located at 6180 West Utopia Road on Saturdays, May 5 and October 20, 2012, from 6 p.m. to 11 p.m. The purpose of these special event liquor licenses is for fundraisers.

If these applications are approved, the total number of days expended by this applicant will be two of the allowed 10 days per calendar year. Under the provisions of A.R.S. § 4-203.02, the Arizona Department of Liquor Licenses and Control may issue a special event liquor license only if the Council recommends approval of such license.

The City of Glendale Planning, Police, and Fire Departments have reviewed these applications and determined that they meet all technical requirements.

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

3. LIQUOR LICENSE NO. 5-5478, M SUSHI BAR

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license for M Sushi Bar located at 18555 North 59<sup>th</sup> Avenue, Suite 124. The Arizona Department of Liquor Licenses and Control application (No. 12079053) was submitted by Sangchul Hwang.

The location of the establishment is 18555 North 59<sup>th</sup> Avenue, Suite 124 in the Cholla District. The property is zoned SC (Shopping Center). The population density within a one-mile radius is 14,201. This series 12 is a new license, therefore, the approval of this license will increase the number of liquor licenses in the area by one. The current number of liquor licenses within a one-mile radius is as listed below.

<b>Series</b>	<b>Type</b>	<b>Quantity</b>
06	Bar - All Liquor	3
07	Bar - Beer and Wine	1
09	Liquor Store - All Liquor	3
10	Liquor Store - Beer and Wine	1
12	Restaurant	19
	<b>Total</b>	<u>27</u>

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

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

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

4. LIQUOR LICENSE NO. 5-5658, WINCO FOODS #115

This item was heard after the consent agenda items.

5. EXPENDITURE AUTHORIZATION FOR LEGAL DEFENSE OF A BOARD OF ADJUSTMENT DECISION

This is a request for City Council to authorize the expenditure of legal fees and costs incurred in the defense of the Board of Adjustment's decision in the matter of *PP Wellness Center v. City of Glendale, et al.*, LC2012-000176-001 DT; and to authorize the transfer of budget appropriation for this legal defense in the amount of \$25,000.

On March 25, 2011, PP Wellness Center filed an application for a medical marijuana dispensary on the northwestern corner of Union Hills Drive and 81<sup>st</sup> Avenue. Pursuant to Section 7.802(G) of the Zoning Ordinance of the City of Glendale, a medical marijuana dispensary is permitted in a C-2 district, subject to a 500-foot spacing requirement from residentially zoned property. The

proposed site is 350 feet from a residentially zoned property on the west and 450 feet from a residentially zoned property on the east.

On April 8, 2011, PP Wellness Center received a first review letter with comments from the Planning Administrator because it did not meet zoning requirements. PP Wellness Center filed for review of the Planning Director’s decision to the City of Glendale Board of Adjustment. PP Wellness Center requested a variance from the 500 feet distance requirement because the residentially zoned properties are occupied by the SR101 Freeway on the east and the New River Floodway on the west. The Board heard this matter on March 8, 2012 and denied PP Wellness Center’s request for a variance.

On March 26, 2012, PP Wellness Center filed an action in Maricopa County Superior Court, now designated as PP Wellness Center v. City of Glendale, et al., LC2012-000176-001 DT, to overturn the Board of Adjustment’s decision. PP Wellness Center is also seeking an injunction in very short order because the Arizona Department of Health will soon be accepting applications for dispensary registration certificates.

The City Attorney’s Office does not have the resources available in-house to address this matter within the timeframes that will be set by the court. As a result, the city has retained the law firm of Fennemore Craig PC to defend the city and the Board of Adjustment in this matter. Legal fees and costs are dependent upon court decisions and are, therefore, difficult to estimate with certainty. The requested amount represents the best estimate of fees and costs at this time. Amounts not expended will be returned to the General Fund. Appropriation will be transferred from the General Fund, Non-Departmental account to the General Fund, Account No. 1000-10615-518200 for legal fees and costs in the amount of \$25,000.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
		X		X	\$25,000

**Account Name, Fund, Account and Line Item Number:**  
 Non-Departmental, Account No. 1000-11801-510200, \$25,000

The recommendation is to authorize the expenditure of legal fees and costs incurred in the defense of the Board of Adjustment’s decision in the matter of *PP Wellness Center v. City of Glendale, et al.*, LC2012-000176-001 DT; and to authorize the transfer of budget appropriation for this legal defense in the amount of \$25,000.

**CONSENT RESOLUTIONS**

**6. CALL OF 2012 FALL ELECTIONS**

This is a request for City Council to adopt a resolution to call Glendale’s 2012 Fall Elections. The Primary Election is scheduled for August 28, 2012 and the General Election for November 6, 2012.

Key dates and information included in the resolution are:

- Wednesday, May 30, 2012 is the last day candidates may file nomination papers;
- Monday, July 30, 2012 is the last day to register to vote for the Primary Election;
- Tuesday, August 28, 2012, is the date set for the Primary Election;
- Tuesday, November 6, 2012, is the date set for the General Election.

Municipal elections promote increased citizen involvement in all aspects of municipal government.

The recommendation is to waive reading beyond the title and adopt a resolution calling for City of Glendale's 2012 Fall Elections.

**Resolution No. 4561 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, DESIGNATING THE ELECTION DATES AND PURPOSE OF ELECTIONS (PRIMARY ELECTION: AUGUST 28, 2012; GENERAL ELECTION: NOVEMBER 6, 2012); DESIGNATING THE DEADLINE FOR VOTER REGISTRATION; DESIGNATING THE PLACE AND THE LAST DATE FOR CANDIDATES TO FILE NOMINATING PAPERS; AND ORDERING THAT THE CITY CLERK PUBLISH THIS CALL OF ELECTION.**

7. INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY ELECTIONS DEPARTMENT

This is a request for City Council to adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement with the Maricopa County Elections Department (County) for election services for the Primary Election to be held August 28, 2012 and the General Election, if necessary, to be held November 6, 2012.

The city has contracted with the County to supply various levels of election-related services since the early 1980's. The County will obtain and provide personnel for all polling places on the day of the election as well as be responsible for supplying all ballots and equipment necessary.

The General Election would be necessary if a runoff is required in one of the four races to be decided: Mayor, Cactus, Sahuaro and Yucca.

The City of Glendale is able to consolidate election services with the County, which improves voter convenience and increases voter turnout while reducing costs to the residents.

The funds for these services are budgeted within the General Fund and will be recorded in the City Clerk Election Division. The contract amount will not be known until after the election, as the costs are based on the total number of registered voters at the time of the election. The cost per voter is .50 and the city currently has 106,725 registered voters; however, the last day to

register to vote for the Primary Election is July 30, 2012. Based on the current number of registered voters, the city can expect to pay approximately \$53,363 for each election.

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement with Maricopa County Elections Department to provide election services for the 2012 Primary and General Elections.

**Resolution No. 4562 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF AN INTERGOVERNMENTAL AGREEMENT WITH THE MARICOPA COUNTY ELECTIONS DEPARTMENT FOR ELECTION SERVICES.**

**8. INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA STATE FORESTRY DIVISION**

This item was heard after the consent agenda items.

**It was moved by Martinez, and seconded by Knaack, to approve the recommended actions on Consent Agenda Item Nos. 1 through 3 and 5 through 7, including the approval and adoption of Resolution No. 4561 New Series and Resolution No. 4562 New Series, and to forward Special Event Liquor License Applications for Veterans of Foreign Wars and St. Thomas More and Liquor License Application No. 5-5478 for M Sushi Bar to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.**

**4. LIQUOR LICENSE NO. 5-5658, WINCO FOODS #115**

Susan Matousek, Revenue Administrator, presented this item.

This is a request for City Council to approve a person-to-person, location-to-location transferable series 9 (Liquor Store - All Liquor) license for WinCo Foods #115 located at 5023 West Peoria Avenue. The Arizona Department of Liquor Licenses and Control application (No. 09078000) was submitted by Nicholas Carl Guttilla.

The location of the establishment is 5023 West Peoria Avenue in the Cactus District. The property is zoned C-2 (General Commercial). The population density within a one-mile radius is 22,619. This series 9 is a new license to this location; therefore, the approval of this license will increase the number of liquor licenses in the area by one. The current number of liquor licenses within a one-mile radius is as listed below.

<b>Series</b>	<b>Type</b>	<b>Quantity</b>
06	Bar - All Liquor	5
07	Bar - Beer and Wine	2
09	Liquor Store - All Liquor	5
10	Liquor Store - Beer and Wine	6

12

Restaurant  
**Total**

4  

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22

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

One written protest was received during the 20-day posting period and was included in the packet materials. Concerns raised were that there are too many liquor licenses in the area, as well as no growth and a projection of reduced population.

A review of other areas of the city was conducted, and it is determined that the number of licenses is similar to others in the city.

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

Councilmember Lieberman stated that he had no objection to this liquor license but probably will not vote for it; he has not seen any preliminary plans for this store yet. Susan Matousek, Revenue Administrator, explained that at this time, she was unable to comment on any issues or questions other than the liquor license.

Councilmember Clark remarked on the report showing the amount of liquor licenses in other areas. This is not an argument to grant another license. This information is a new addition to the review and analysis of the application. She believes each liquor license should be considered on its merits and whether it serves the need and convenience within the community. She wants to register that fact that she did not appreciate the descriptive information being added to this packet.

Councilmember Martinez commented there were several establishments with liquor licenses in the area; however, it was not fair to single out one particular business for requesting a liquor license in that area. He will support this item.

Councilmember Knaack stated that this is basically the same thing as another area recently heard, and the comments were there that there is no reason to deny the application. She has no objection.

Mayor Scruggs said just from the staff's perspective, this information has always been provided regarding the number of liquor licenses in the area. Maybe this is spelled out more clearly now where we used to have to use maps, but she would like to continue to receive that information. She found it helpful.

Nicholas Guttilla, representative for WinCo Foods, noted he heard the comments regarding the 22 licenses within a mile radius. However, a mile radius is three and half square miles. According to the city's statistics of those 22 licenses, four are restaurant licenses, six are beer and wine off premise licenses, two are #7 beer and wine bars, and five are #6 bar licenses. In

that three and a half square miles, this license will be number six. Additionally, they are putting in a 93,000 square foot grocery store and he added that grocery stores in Arizona cannot survive without a liquor license. WinCo has 85 stores in 7 states, with 2 stores in Arizona. This store is planned to open in 2013 assuming the license is granted.

Councilmember Lieberman remarked he had 7 or 8 constituents who called or wrote regarding the addition of another liquor license in the area. He said no one from WinCo Foods has spoken to him about this; therefore, he would have to side with his constituents. However, he did state that he has visited WinCo stores and has been impressed. He is anxious to see who the speakers are and if anyone here is in favor of it. He is not against the number of liquor licenses, but he has not had a constituent say they don't mind having the liquor license there.

Councilmember Martinez commented he could not think of a grocery store that did not sell liquor and sees this as a convenience for the consumer.

Mayor Scruggs asked Mr. Guttilla, as an attorney who represents other clients in liquor license processes, for the public's information to please go over what the process is here tonight. What is the process for a recommendation for approval and what happens next; and what is the process if the recommendation is for denial, explaining what happens next.

Mr. Guttilla explained that when someone applies for a liquor license, the application is filed with the state liquor licensing department. The application includes a personal questionnaire including fingerprints which is updated every two years. The application is processed at the liquor department, and then sent to the city or county jurisdiction. The local jurisdiction is required to post at the location for a period of 20 days in case anyone wishes to protest the item. Anyone who owns, leases or resides within a mile radius has the right to participate in the local government. The jurisdiction then schedules a hearing for local City Council within 60 days of the posting. When the vote is taken, if the vote is for approval, the recommendation moves to the State Liquor Board. If no protests are filed within 15 days after the city's recommendation, it is administratively allowed to be issued as long as the Liquor Department has no issues. If the recommendation is for denial or the City Council makes no recommendation, it will then require a hearing before the State Liquor Board. A notice will go out to the city and anyone who appeared on behalf of a protester or applicant for a full hearing. The Liquor Board makes a decision. If the application is still denied, the losing party can appeal for a reversal, however, this rarely occurs. There are about 12 or 13 things considered in the process, including the number of licenses in the area.

Mayor Scruggs said it's important that people watching this on TV know that this isn't the end of the road and whichever side prevails, they can have another shot at it.

Mary Savchick, a Cactus resident, said she sent her protest in, her daughter sent hers in, as well as other people who contacted her, and she wondered if the written protests went astray since she does not see them within the material presented. She explained there were concerns from many in the area regarding the WinCo store coming into their neighborhood and selling liquor. Immediately across the street is a KinderCare. Many neighbors moved out of the neighborhood and city. Those homes now have teens and young children playing in the street. With their low

prices, this will invite additional traffic. There are 35 truck deliveries a week. With the influx of outsiders there is an increase of crime and 24 hour stores will have undesirables loitering. Neighbors fear the undesirables will hang out and wander the streets. The WinCo said they would only sell food, but failed to mention the sale of alcohol. If this is denied, they may only sell food as their name implies. She read Title 4 of the Arizona Statute aloud. Since WinCo is not yet built, they could get the license, and then build without maintaining the 300 feet required by law. She appealed to Council to deny this application and thanked them for all they do.

Don Coldiron, a Barrel resident, submitted a speaker's card in opposition to the item and elected not to speak.

Dennis Gerhard, a Barrel resident, stated he opposed the liquor license on the premise that 22 liquor licenses are already issued in the area. Why make it easier for the negative that comes with it, DUI or a robbery. He mentioned the nearby schools in the area and believes the two do not mix. He wants as much as possible a peaceful, quiet and safe neighborhood. He does not want the children harmed. He said another liquor license is not needed.

Carol Salvati, a Cactus resident, stated that to avoid the appearance of impropriety, she asked any Councilmember who has accepted a contribution from WinCo, representatives or developers, to excuse themselves from this vote tonight.

**It was moved by Martinez, and seconded by Knaack, to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.**

Councilmember Clark commented that she prefers liquor be sold at grocery stores rather than free standing liquor stores noting the convenience to the consumer. Therefore she will support the WinCo license. The packet says there is a liquor store within 50 yards of this store. The same arguments about KinderCare and undesirables would apply to the liquor store. There were no arguments that these things are already issues. In this case, she will support the WinCo license.

Councilmember Lieberman reiterated his earlier comments and noted it still bothered him they did not know the exact location of the store yet. When they do get around to building, we must make sure WinCo will follow the 300 foot rule with regard to KinderCare. Not having this particular liquor license isn't an inconvenience with a full liquor store a few miles away. He will go back to the 7 or 8 of his constituents who took the time to contact him, so he will not support the item tonight. He stated he did not receive contributions from them.

Mayor Scruggs said she received emails in favor of this license from the constituents of Councilmember Lieberman and Councilmember Knaack. She will forward the emails to them. She said she will say that the request Ms. Salvati made is rather interesting and insinuates certain things, but she had not received any contributions from any of these folks that were mentioned, and she hopes that helps. As she listened to the speakers and thought about how to formulate her position, she considered Councilmember Clark's words. She too believes that grocery stores meet a need for the convenience aspect of what Council is supposed to look for, better than a free standing liquor store. They also produce less harmful effects.

**The motion carried. Aye votes: Alvarez, Clark, Knaack, Martinez and Scruggs. Nay vote: Lieberman.**

8. INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA STATE FORESTRY DIVISION

Mark Burdick, Fire Chief, presented this item.

This item was heard after the consent agenda items. This is a request for City Council to adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement titled Cooperative Fire Rate Agreement, with the Arizona State Forestry Division for the prevention and suppression of wild land fires.

The Arizona State Forestry Division has developed a comprehensive incident management system, which oversees and manages forest and wild land fires. Fire departments that are called to assist with forest and wild land fires have firefighters who have attended training and have been approved by the state as wild land firefighters. Glendale firefighters who are approved as wild land firefighters bring back valuable firsthand experience on how to manage large scale events to include becoming familiar with the national response system, ordering system, and the exposure of working directly with national teams. By choosing to enter into this agreement, the Glendale Fire Department will be able to provide emergency fire suppression assistance during large-scale events on Arizona state lands. Costs incurred by the department while assisting in these events are reimbursable through the Arizona State Forester's Office.

On May 11, 2010, Council authorized the Cooperative Fire Rate Agreement with the Arizona State Forestry Division to provide fire protection to state forests and wild lands.

Council has entered into cooperative fire rate agreements with the Arizona State Forestry Division since 2002.

By choosing to enter into this agreement, the Glendale Fire Department will be able to provide emergency fire suppression assistance if needed during large scale events on state lands. In return, the city will have access, at no charge, to state-owned fire equipment if needed during periods of extreme brush fire danger in large parks and open areas in Glendale.

The recommendation is to waive reading beyond the title and adopt the resolution authorizing the City Manager to enter into an intergovernmental agreement titled Cooperative Fire Rate Agreement with the Arizona State Forestry Division for fire protection to state forests and wild lands.

**Resolution No. 4558 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 COOPERATIVE FIRE RATE AGREEMENT WITH THE ARIZONA STATE**

## **FORESTRY DIVISION TO PROVIDE FIRE PROTECTION TO STATE FORESTS AND WILDLANDS.**

Councilmember Clark asked what the benefit to the city was in entering into this agreement to fight fires on state forestland. Chief Burdick explained the experience benefits of learning how large-scale incidents are managed and run. Another benefit is the financial aspect; the city receives reimbursement for their personnel and equipment and it typically more than covers our cost. Councilmember Clark requested Chief Burdick to identify the large parks and open areas in Glendale that may need state-owned fire equipment during periods of extreme brush fire danger. Chief Burdick said they include several wash areas, Thunderbird Park and some open park trails and open spaces.

Councilmember Clark asked who the cooperator was in this agreement. Chief Burdick stated the city was the cooperator. Councilmember Clark noted the city would then have to provide the operating supplies for equipment, such as fuel, etc.. She asked if that was deducted from our payment amounts. Chief Burdick stated she was correct. He added the city always comes out in the black in this agreement and believes this agreement is beneficial to the city. He explained how the repairs to the equipment are made. Councilmember Clark stated that in previous years this might have been a good agreement to have, however, in today's economic times, she doesn't believe there was enough benefit to justify entering into this particular agreement. She noted her main concern was the repairs for the large pieces of equipment the city might have to make if they were to fail. A lot of our equipment is old. Based on the fact of limited benefit since we are an urbanized area, we don't need to incur this now, and she won't support this.

Councilmember Martinez inquired how many times in the last few years has the city been called out to assist in these types of fires. Chief Burdick replied one or two times a year and one year they were not called out at all. Last year two fires in a row. Councilmember Martinez commented on the benefits and valuable services being provided with this agreement.

Mayor Scruggs said she would like to hear Chief Burdick address Councilmember Clark's concerns a little more and hear more discussion on the financial aspect of this. Chief Burdick explained the process they used for deployment and the selection of fire equipment that is needed. If there is a wildland emergency, the state reaches out around the state so that they don't deplete resources in one area. When our name comes up on the list, they tell us what they need for equipment. They ask if we can deploy, and if we can, we go. We log in our hours, and the time gets reconciled and once we approve the paperwork, we receive reimbursement. It is a very audited process through our finance department and the state. He reiterated the city has always been on the benefits side of this, not only through the training, but financially. There is an equipment list that is very exhaustive; they know what equipment we have so they can request specific equipment as needed. All equipment has a standard rate so you know the reimbursement. If they need something we don't have, they just skip our city and go to the next. You have the right to refuse if equipment is not available, if personnel are not available, or something is happening in our city that we need it for.

Mayor Scruggs said furthermore, Councilmember Clark did bring up a valid issue about fire department apparatus, from which we received some email traffic regarding if the replacement

fund is depleted and, has been used for other things. She asked Chief Burdick if he felt there is any risk to the ability to maintain the Glendale Fire Department's apparatus that we use right here, not out in the forest, because of the use of our equipment for other fires.

Chief Burdick believed the risk does not outweigh the benefits, especially since the personnel are given direct instructions not to deploy the trucks they use into the heavy brush areas. They stay on the paved roads, or well maintained roads, since it is not worth damaging the truck. Typically, our trucks are used to protect structures, not to go into the forest.

Mayor Scruggs said she was personally learning a lot through this. She often thought it would be nice if we had workshops more often where we could actually learn things. She continued, such as the fact that we are going to fight a wildland fire, but because we have an urban department the equipment never goes into the forest, it stays on the streets and we only take care of structures. That is very important. Mayor Scruggs said Chief Burdick told us that we're part of the Central Region Response Team – is the state broken up into different regions and if so, what is the Central Region? Chief Burdick explained the Central Region was broken up into an east and west valley division with the west valley division comprised of west valley cities. In an effort to balance resources, they will look at our region to see what is available.

Mayor Scruggs asked if the west region just goes to a certain place or do they go wherever they might be needed? She said all of us will remember the Chediski Fire, which we watched on TV and worried because people had family, property, and homes in danger up there. That fire went for a very long time and they went through resources like crazy. She would like to know if Glendale Fire was called out to help at all with it.

Chief Burdick stated Glendale Fire did not deploy for that fire and a lot of fire departments just sent their resources but since they self deployed it was not reimbursable. He reported on other fires in which Glendale did assist and send resources. He noted we weren't called to the Rodeo Fire, although we were called to get ready.

Mayor Scruggs thanked Chief Burdick and stated that she really had learned a lot, a lot more than in the brief summaries Council gets in our Council Communications. She thought people in the audience and viewers probably did too. She said the important thing and what is going to make her determination is that fire departments in Arizona are mutual aid and the whole idea of a fire system is that everybody helps everybody else. Therefore, everybody has the resources they need when they need them. She said in her view this was a part of that basic foundation of our fire department. In addition, she said we've been told that our apparatus isn't going to be driven through forests and setting it on fire. Also, it was mentioned that we are only called on once or twice a year and have the right of refusal if needed here at home. She noted the reimbursement rate seems to be quite high; they pay very fair and have covered the cost. So she thanked Chief Burdick for taking the time to help her to understand all of that.

Councilmember Lieberman expressed his support on this item. He asked if the state reimburses us for the cost of the crews since they might work long hours. Chief Burdick said we were reimbursed. He thanked the fire department for all they do for the city.

Councilmember Martinez noted if the city does not enter into this agreement, then we would not have access to the additional shared resources for a large event. Chief Burdick stated Councilmember Martinez was correct. We would have to rely on aid from neighboring cities.

Mayor Scruggs said thanked Chief Burdick. She knew this took a lot of time, but she appreciated all the information.

**It was moved by Knaack, and seconded by Lieberman, to pass, adopt and approve Resolution No. 4558 New Series. The motion carried. Aye votes: Alvarez, Knaack, Lieberman, Martinez, and Scruggs. Nay vote: Clark.**

## **BIDS AND CONTRACTS**

### 9. AWARD OF PROPOSAL 12-22 FOR COURT-ORDERED SCREENING AND TREATMENT SERVICES

Elizabeth R. Finn, Presiding City Judge, presented this item.

This is a request for City Council to award RFP 12-22 and authorize the City Manager to enter into a two-year contract for court-ordered screening and treatment services with Community Support Services, Inc.

Court-ordered screening and treatment services include domestic violence offender screening and treatment programs, anger management programs, alcohol abuse and substance abuse programs.

Four offers were received in response to RFP 12-22. An evaluation committee comprised of staff from Glendale City Court and a nonprofit community service provider reviewed the offers. Specific evaluation factors considered in the review included capabilities of firm and staff, prior experience, proposal questionnaire responses, class and assessment schedules, fees, references, and non-English speaking services. Community Support Services, Inc. was the highest scoring offer. The initial term of the contract is for two years and contains an option that will permit the City Manager, at his discretion, to extend the contract for an additional three years, in one-year increments.

In April 2007, City Council awarded RFP 07-01, Court-Ordered Screening and Treatment Services, to Justice Services Holdings, LLC.

No budgeted funds are involved, because violators are responsible for direct payment of services to the agency.

The recommendation is to award RFP 12-22 and authorize the City Manager to enter into a two-year contract for court-ordered screening and treatment services with Community Support Services, Inc., and to renew the contract, at his discretion, for an additional three years, in one-year increments.

Councilmember Lieberman commented that the two RFPs were amazingly close in their scores.

Mayor Scruggs asked Judge Finn if she had personnel on this evaluation panel.

Elizabeth R. Finn, Presiding City Judge, stated personnel from the court were involved in this evaluation process.

Mayor Scruggs said she also noticed the scoring like Councilmember Lieberman did, but what struck her was that in one category one of the scores was much higher than the others and then in another category they fall way down and then in another they would be much higher. So they were very different in how they met the criteria that had been set out for the contract. Anyone have any questions? No.

**It was moved by Clark, and seconded by Lieberman, to award RFP 12-22 and authorize the City Manager to enter into a two-year contract for court-ordered screening and treatment services with Community Support Services, Inc., and to renew the contract, at his discretion, for an additional three years, in one-year increments. The motion carried unanimously.**

#### 10. CONSTRUCTION AGREEMENT FOR PAVEMENT MAINTENANCE

Michelle Woytenko, Deputy Field Operations Director, presented this item.

This is a request for City Council to authorize the City Manager to enter into a construction agreement with Southwest Slurry Seal, Inc. in an amount not to exceed \$2,000,000 for the repair and surface treatment of city-maintained roadways.

The City of Glendale has just over 102 miles of arterial roadways and 615 miles of collector and residential roadways. In October 2011, staff provided Council with a pavement management report recommending surface treatments on various city residential roadways.

Glendale intends to repair and apply surface treatments to various roadways by utilizing a cooperative purchase clause in the City of Scottsdale solicitation for bids, Street Repairs IFB # 12PB018. The Scottsdale bid resulted in the award of bid to Southwest Slurry Seal, Inc. for street repairs, and was determined to be the most cost effective for the treatments needed. The surface treatments would be applied to the 18 neighborhoods identified in the October 2011 Glendale pavement management report, which are located across the city, and represent over 22 miles of roadways to be rehabilitated. A similar number of neighborhoods and miles are anticipated for completion in FY 2012-13.

The project includes a communication plan that would notify residents of the impending roadwork to be completed in their area; the only anticipated impact to the neighborhoods will be minor traffic restrictions.

On June 14, 2011, Council adopted the FY 2011-12 final budget authorizing the appropriation of \$2,000,000 for pavement management.

Well-maintained infrastructure is an important element of strong neighborhoods, and is critical for the attraction of quality economic development. This program will provide the community with reconditioned roadways that will avoid more costly road reconstruction.

Funds are available in the FY 2011-12 capital improvement plan. There are no operating costs associated with this project once it is complete.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$2,000,000

**Account Name, Fund, Account and Line Item Number:**  
 Pavement Management, Account No. 2210-65089-550800, \$2,000,000

The recommendation is to authorize the City Manager to enter into a construction agreement with Southwest Slurry Seal, Inc. in an amount not to exceed \$2,000,000 for the repair and surface treatment of city maintained roadways; and further authorizing the City Manager, at his discretion, to extend the term in accordance with the provisions of the construction agreement.

Councilmember Clark asked how many miles of arterial roads there are within Glendale. Michelle Woytenko, Deputy Field Operations Director, replied the city had approximately 102 miles of arterial roadway. Councilmember Clark asked how many were for commercial versus residential roadways. Ms. Woytenko replied it was 615 miles. Councilmember Clark asked which roadways require surface treatments and repair. Ms. Woytenko stated the 22 miles were all collector and residential this year. Councilmember Clark asked if staff had anything on their website where people can see where this will be done. Ms. Woytenko replied no; however, once this was authorized it will be publicized. Councilmember Clark strongly suggests staff announce which roadways were being targeted this coming year and stated it will be very helpful for citizens to know where the \$2 million dollars was going to be allocated.

Councilmember Alvarez asked if this was the same \$2 million that was going to be used to fix streets that were in better condition over the streets in worse condition. Ms. Woytenko stated she was correct. They were not addressing the worst streets with this money but only the streets that can be rehabilitated with this surface treatment. They will be starting with those first since they can cover more miles with this method.

Councilmember Clark asked if there were any plan to address those streets that were beyond the rehabilitation treatment. She understands the logic in doing this, but would like to know the city's plans for the other streets that need extensive repairs. Ms. Woytenko explained staff would be coming back to Council in the near future with a recommendation to address those issues. Councilmember Clark asked if there was a specific plan developed now. Ms. Woytenko said staff had none at this point.

Councilmember Alvarez expressed her concern that the streets in the worst condition were all in the southern part of Glendale and there were no plans to address this issue. She does not see the

logic to only addressing the 22 miles and leaving the worst streets in the southern part unrepaired. She believes that putting the money in the newer areas does not make sense. She has heard a lot of comments from her district that this is the way this has always been. Therefore, she will not support this item.

Councilmember Knaack remarked the city only had \$2 million for this project and it takes somewhere around \$10 million to completely repair a section of street; therefore this was the best use of the money. Ms. Woytenko explained a complete reconstruction on a residential street would cost approximately \$1 million dollars a mile. Councilmember Knaack commented that the Pavement Management Report was very interesting and excellently done.

Councilmember Martinez stated the Pavement Management Report Councilmember Knaack commented on was a very extensive report that provided very valuable information. He supports this item since the city has very limited resources and doing this provides the city more for the money they have available.

Mayor Scruggs said she would like to follow up on Councilmember Clark's comment and ask if this information will be available. She continued that Council had been provided a map in our books that shows this, so rather than wait until staff has the whole communications plan, she thought it would be helpful for the citizens to put this up. Also maybe each of the Councilmembers may want to put it on their individual web pages so people see it. She said for those who are very concerned about where the money is going to be spent – for 2013 there are four neighborhoods south of Northern Avenue, which now she understands is the dividing line that the city was using – for north, south type discussion. Also, last year in 2011, there were seven done south of Northern Avenue. Then between Northern and Cactus, in 2013, there will be four areas. And in 2012 there were five areas that were addressed between Northern and Cactus in the year 2012. So when we go north of Cactus that is where in 2012, there were two areas that were addressed between Thunderbird Road and Bell; there were two areas in the far edge of the city between Union Hills and Loop 101. She said it might be helpful for each Councilmember to put this on our web pages and then when the communication plan is complete, it can also be put on the main web page. She continued Council has talked lot about the use of our website and that we want it more for our resident's use, not just all about advertising and promotions. She noted Councilmember Clark had a good idea to publicize this.

Councilmember Clark stated that perhaps a more equitable approach would be to take half the money and rehab 11 miles and take the other \$1 million and pick out the oldest street in Glendale and fix it for a mile. She noted that eventually they would need to address those older streets in Glendale.

Councilmember Alvarez remarked that in the map provided, it was very visible and clear where the money was going, and it is very visible the Ocotillo district was not being taken care of as well as the other districts.

Mayor Scruggs said Ms. Woytenko when you go back to your department and your director and so forth, maybe staff can talk about the report that was mentioned by some of the Councilmembers that was developed for the Council, and what leads up to the department

making the decisions that the department does and what criteria go into it, and how staff actually makes those decisions. She said it seems like just a simple link on the website that could help people – and there are people who would really like to read something like that. This is very important because it gives information. People may not like the answer, but it gives some reassurances to the decision and that those decisions were not just made by throwing darts at a wall or in a vacuum. She said in the interest of more information being accessible to the citizens, we need to talk about how that might work in terms of putting that report up there. And then, she commented, of course we all know the real answer to all of this will be when we get a whole lot more money and we can give more money to the department to address the many needs we have.

Councilmember Martinez commented on the two years of study, the new methodology used, as well as the high tech equipment used to evaluate the streets conditions below the street. Ms. Woytenko stated he was correct and explained some of the factors that went into their decision. The study referred to led up to the pavement management report. A contractor drove every street in Glendale, using a tool to determine, not just the surface conditions that are visible, but the structure beneath the street to determine potential issues with that street.

**It was moved by Clark, and seconded by Martinez, to authorize the City Manager to enter into a construction agreement with Southwest Slurry Seal, Inc. in an amount not to exceed \$2,000,000 for the repair and surface treatment of city maintained roadways; and further authorizing the City Manager, at his discretion, to extend the term in accordance with the provisions of the construction agreement. The motion carried. Aye votes: Clark, Lieberman, Knaack, Martinez and Scruggs. Nay vote: Alvarez.**

## **PUBLIC HEARING - RESOLUTIONS**

### **11. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM RECOMMENDATIONS AND ANNUAL ACTION PLAN (RESOLUTION) (PUBLIC HEARING REQUIRED)**

Jim Colson, Deputy City Manager, presented this item.

This is a request for City Council to conduct a public hearing and adopt a resolution authorizing submission of the FY 2012-13 Community Development Block Grant (CDBG) recommendations and Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD).

Since 1977, Glendale has received approximately \$68 million in CDBG and other federal funds to assist thousands of Glendale homeowners and individuals with services that provide housing and improve their living conditions.

The Annual Action Plan is the yearly implementation document that outlines all proposed funding for CDBG, Home Investment Partnerships (HOME), and Emergency Solutions Grants (ESG) funds. This document is required in order to receive funding under these federal programs, and must be approved by Council and submitted to HUD no later than May 15, 2012.

The adoption of the FY 2012-13 CDBG recommendations and Annual Action Plan required an extensive public review process conducted by the Community Development Advisory Committee (CDAC). This public process resulted in the review of 39 applications, which included formal agency presentations. As a result, the CDAC is recommending \$2,083,478 in CDBG grants, \$486,556 in HOME grants, and \$174,160 in ESG grants. These grants will be used to directly benefit Glendale residents.

The Council previously reviewed and approved the process by which the CDAC determines the City’s community needs and prioritizes its recommendations, through the adoption of Glendale’s Five-Year Consolidated Plan for fiscal Years 2010 through 2014 on April 27, 2010.

These funds have provided assistance to Glendale residents with public service programs such as homeless prevention, domestic violence assistance, and services for seniors, youth, and the disabled. These funds have assisted with many physical improvement projects and continue to provide funding for a variety of projects that help revitalize the downtown infrastructure and remove blighted, underperforming structures.

The FY 2012-13 funding recommendations were developed after an extensive public process that included a public notice on August 24, 2011, inviting applicants to the September 14, 2011 orientation session. Thirty-nine applications for funding were forwarded to CDAC for applicant presentations on January 4, 11, and 18, 2012. Each of these hearings allowed for public comment, however, no comments were submitted. The CDAC conducted a hearing on March 15, 2012 to vote on the ESG recommendations and allow for additional public input and comment, of which none was received.

The CDBG, HOME, and ESG programs are federally funded. The HOME program requires a 25% match from non-federal funds for in-house projects such as replacement housing. An annual match allocation of \$25,000 is provided through the Community Revitalization operating budget towards the 25% match requirement for HOME projects administered by the city. Outside non-profit agencies that are awarded HOME funds are required to provide their own source of match to meet the 25% requirement.

<b>Grants</b>	<b>Capital Expense</b>	<b>One-Time Cost</b>	<b>Budgeted</b>	<b>Unbudgeted</b>	<b>Total</b>
X			X		\$2,769,194

<b><u>Account Name, Fund, Account and Line Item Number:</u></b> Community Development Block Grant, Account No. 1320-31001-518200, \$2,083,478 Home Investment Partnerships Program, Account No. 1300-30001-518200, \$486,556 Emergency Solutions Grants Program, Account No. 1830-31900-518200, \$174,160 Community Revitalization Program, Account No. 1000-15010-518200, \$25,000
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The recommendation is to conduct a public hearing, waive reading beyond the title, and adopt a resolution authorizing the submission of the FY 2012-13 Community Development Block Grant recommendations and Annual Action Plan to the U.S. Department of Housing and Urban Development.

Councilmember Lieberman stated that due to the shortage of budget funds, he assumes federal grants will pay for this project.

Jim Colson, Deputy City Manager, explained that most were federal grants; however, the \$25,000 in the Community Revitalization budget was a matching fund.

Councilmember Alvarez asked what the final number was for CASS. Mr. Colson stated the figure was approximately \$100,000 provided from three separate sources.

Gilbert Lopez, Community Revitalization Administrator, noted the figure was closer to \$120,000. He explained the different categories that were funded. Councilmember Alvarez expressed her concern that the city was providing a lot of money to one agency when they have local churches that need it desperately. She continued to check the math and believes it was a number much larger than the \$120,000.

Councilmember Clark questioned the amount of money going to the Community Revitalization Program of over \$500,000 to take care of 55 units. However, the Glendale's Emergency Home Repair Program, which does a lot of the same things with a lot less, was able to help 113 housing units. She also inquired about the New Leaf Faith House Emergency Shelter and another similar organization doing more for much less. She questioned if the city was actually getting a fair return on their investment. Mr. Lopez explained that staff provides all the information to CDAC and they examine all the application. He noted the programs were not identical and possibly not comparable in what they provide. He explained there had been a lot of discussion and extensive analysis on this issue, specifically because of the needs in the community and because of the bad economy. Councilmember Clark said she understands the process, however, would like to add that sometimes it was not just about quality but quantity. Mr. Gilbert explained more details on the procedure regarding the Community Revitalization Housing Program and all the costs involved. Councilmember Clark was still concerned stating that when you break the cost down; they were receiving \$500,000 to rehab 55 houses, which comes to \$99,000 a house. Mr. Gilbert said he would be happy to provide Council with the breakdown of how the money was being spent.

Mayor Scruggs said maybe next year when staff looks at this, they might change the information forms as Councilmember Clark is suggesting to better address some of these issues. She said that she may be wrong but thought the New Leaf Faith House was just a Glendale facility so it's just that one facility whereas UMOM doesn't have a place in Glendale. She continued UMOM is a huge organization that draws funding and has a very wide circle of funders throughout Maricopa County, and she didn't know if it's statewide. Whereas New Leaf Faith House is just a Glendale location, so it's not going to be the same type of interest from these large organizations to send the money just to Glendale. She didn't know if that's the reason for the difference; she guessed the funding sources are different and she didn't know if there was a way to quantify when it goes to CDAC. Mr. Lopez explained New Leaf Faith House was a domestic violence shelter and the assessment also deals with the length of time spent there.

Councilmember Clark stated Councilmember Lieberman corrected her on her math. The figure was not \$99,000 a house but rather 9,900. She apologized for her error.

Mayor Scruggs said well that makes a huge difference.

**Resolution No. 4563 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 AND AUTHORIZING SUBMISSION OF THE FISCAL YEAR 2012-13 ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND ACCEPTING (1) A COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF \$2,083,478; (2) A HOME INVESTMENT PARTNERSHIPS PROGRAM ALLOCATION IN THE AMOUNT OF \$486,556; AND (3) EMERGENCY SOLUTIONS GRANTS PROGRAM FUNDING IN THE AMOUNT OF \$174,160.**

**Mayor Scruggs opened the public hearing on Agenda Item No. 11.**

**As there were no comments, Mayor Scruggs closed the public hearing.**

**It was moved by Martinez, and seconded by Knaack, to pass, adopt and approve Resolution No. 4563 New Series. The motion carried unanimously.**

**12. EMERGENCY SOLUTIONS GRANTS PROGRAM SUBSTANTIAL AMENDMENT TO THE FY 2011-2012 ANNUAL ACTION PLAN (RESOLUTION) (PUBLIC HEARING REQUIRED)**

Jim Colson, Deputy City Manager, presented this item.

This is a request for City Council to conduct a public hearing and adopt a resolution authorizing submission of an Emergency Solutions Grants (ESG) Substantial Amendment of the FY 2011-12 Community Development Block Grant (CDBG) Annual Action Plan, to the U.S. Department of Housing and Urban Development (HUD).

In January 2012, HUD replaced the Emergency *Shelter* Grants program with the Emergency *Solutions* Grants program. The focus of the new ESG program has shifted from an emphasis on homeless shelter operations to rapid re-housing of recently homeless individuals and families. This change is based on the success of the American Recovery and Reinvestment Act funded Homelessness Prevention and Rapid Re-Housing Program (HPRP). The new rules became effective January 4, 2012.

HUD has made an additional \$54,953 in ESG funds available to the city. In order to access the funds, we are required to amend our existing FY 2011-12 CDBG Annual Action Plan. This process will provide the public the opportunity to comment on the proposed use of the additional ESG funds.

Previously, the Community Action Program (CAP) office provided case management and housing assistance to over 413 Glendale citizens under HPRP. Based on their success, the Community Development Advisory Committee (CDAC) is recommending that we again partner

with the CAP office to provide comprehensive homeless prevention and rapid re-housing assistance to Glendale citizens under the ESG program.

The Council reviewed and approved the process by which the CDAC determines the city's community needs and prioritizes its recommendations, through the adoption of Glendale's Five-Year Consolidated Plan for fiscal Years 2010 through 2014 at the Council meeting on April 27, 2010.

These funds target homelessness by providing prevention and rapid re-housing of Glendale citizens. In the current economic environment, these services are greatly needed.

CDAC discussed the ESG program at their January 19, 2012 funding recommendation public meeting. A formal public hearing was held during their March 15, 2012 meeting. No public comments were received, and after the hearing, CDAC voted to recommend that the Community Revitalization Division partner with the CAP office to provide ESG services.

The ESG program is federally funded and requires a 100% match of direct delivery program funds. The match requirement will be met through the use of Arizona Department of Economic Security salary funds used by CAP to manage the program.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X					\$54,953

<b><u>Account Name, Fund, Account and Line Item Number:</u></b> Emergency Solutions Grants Program, Account No. 1830-31900-518200, \$54,953
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The recommendation is to conduct a public hearing, waive reading beyond the title, and adopt a resolution authorizing submission of an Emergency Solutions Grants Substantial Amendment of the FY 2011-12 Community Development Block Grant Annual Action Plan, to the U.S. Department of Housing and Urban Development.

Councilmember Lieberman expressed his support for this item, and added he believes the city could still do more to help the people in Glendale.

**Resolution No. 4564 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 AND AUTHORIZING THE SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OF AN EMERGENCY SOLUTIONS GRANTS (ESG) PROGRAM AMENDMENT TO THE ANNUAL ACTION PLAN FOR FISCAL YEAR 2011-12 TO REALLOCATE \$54,953 FOR HOMELESS PREVENTION AND RAPID RE-HOUSING ASSISTANCE TO GLENDALE RESIDENTS.**

**Mayor Scruggs opened the public hearing on Agenda Item No. 12.**

**As there were no comments, Mayor Scruggs closed the public hearing.**

**It was moved by Clark, and seconded by Knaack, to pass, adopt and approve Resolution No. 4564 New Series. The motion carried unanimously.**

## **RESOLUTIONS**

### **13. OLIVE MARKETPLACE SETTLEMENT AGREEMENT FIRST AMENDMENT**

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

This is a request for City Council to adopt a resolution authorizing and directing the City Manager to enter into the First Amendment to the Olive Marketplace Settlement Agreement with Olive Marketplace, L.L.C., as the assignee of Hayscale, L.L.C.

Olive Marketplace is a commercial shopping center located at 5125 West Olive Avenue. Phase I development consisted of a Wal-Mart Neighborhood Market and CVS Pharmacy.

Frontera Development, the master developer for Olive Marketplace, is in the early planning stages of Phase II. The proposed development for Phase II would include a new freestanding building with retail shops, and a Circle K convenience store and gas station on Olive Avenue.

In accordance with the Settlement Agreement, substantial off-site street improvements, utility undergrounding, perimeter landscaping, and the removal of non-conforming billboards have been completed in preparation of developing this site for commercial purposes.

A provision in the 2004 Settlement Agreement did not allow convenience store uses and gasoline sales. Frontera Development and the City of Glendale acknowledge that amendments to the Development Plan may be necessary from time to time to reflect changes in market conditions. All parties have agreed to enter into this amendment to allow the development of the property to include gasoline sales and convenience stores, subject to Design Review approval and Conditional Use Permit approval.

On May 25, 2004, Council approved the Settlement Agreement with Hayscale, L.L.C.

The approval of the First Amendment to the Olive Marketplace Settlement Agreement will allow the construction of future phases of development at Olive Marketplace, subject to Design Review approval and Conditional Use Permit approval.

The recommendation is to waive reading beyond the title and adopt a resolution authorizing and directing the City Manager to enter into the First Amendment to the Olive Marketplace Settlement Agreement with Olive Marketplace, L.L.C., as the assignee of Hayscale, L.L.C.

**Resolution No. 4565 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ARIZONA, AUTHORIZING AND DIRECTING THE**

**ENTERING INTO OF THE FIRST AMENDMENT TO OLIVE MARKETPLACE — 51<sup>ST</sup> AVENUE AND OLIVE SETTLEMENT AGREEMENT WITH OLIVE MARKETPLACE, LLC, AS THE ASSIGNEE OF HAYSCALE, L.L.C.; AND DIRECTING THAT THE DOCUMENT BE RECORDED.**

Mayor Scruggs asked Councilmembers if they had any questions. No

Mayor Scruggs said she just has one little quick question. She was curious on this item and the next one that has to do with the agreement with Texaco. Why did they not go to the Planning Commission before Council?

Jon M. Froke, AICP, Planning Director, stated the Council adopted the settlement agreement and that did not require Planning Commission action.

Mayor Scruggs said so it's because it has to do with an agreement that the Council approves so that's why it comes straight here, but the actual action of creating the development on the PAD would go through the Planning Commission, correct? Mr. Froke replied yes.

Councilmember Knaack remarked that the Frontera representatives have done a wonderful job on that corner. She noted that once it was done, the neighbors were appreciative to have that wonderful property as an asset instead of the cornfield that was previously there.

Mr. Jay Schnieder, Frontera representative, stated he did not have a presentation to make, however, would like to thank Glendale staff and specifically Mr. Froke. He said he looks forward in continuing to invest in this neighborhood.

**It was moved by Knaack, and seconded by Martinez, to pass, adopt and approve Resolution No. 4565 New Series. The motion carried unanimously.**

**14. AMENDMENT NO. 1 TO THE AGREEMENT WITH TEXACO, INC.**

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

This is a request for City Council to adopt a resolution authorizing the City Manager to execute Amendment No. 1 to the Agreement with Texaco, Inc. (Texaco) for a Property Building Setback and Release of Liability at 5039 West Glendale Avenue.

When the City of Glendale entered into an agreement with Texaco in 1971, the city required a 65-foot building setback to accommodate the erection of a Texaco sign and sufficient property for a future widening of Glendale Avenue. Additionally, the city required Texaco to indemnify the city by filing a Certificate of Public Liability Insurance. It was stipulated that the sign could be erected on the condition that in the event of a street-widening project, the sign would be removed at Texaco's expense.

In 1988, this portion of Glendale Avenue was widened. In 2007, a previous property owner conveyed sufficient property for the city's right-of-way needs for a bus bay construction.

Current city planning and zoning guidelines for areas near the location of the former Texaco gas station now require a 25-foot building setback. Landowners in this part of the city are no longer required to indemnify the city or purchase liability insurance solely as a consequence of a building setback agreement with the city. The Texaco sign structure was relocated outside the city right-of-way to accommodate the bus bay.

The current property owner, MAMOU, LLC, wishes to amend the 1971 agreement and release it from certain conditions to avoid any possible cloud on the title.

On February 18, 1971, Council approved the original agreement with Texaco, Inc.

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to execute Amendment No. 1 to the Agreement with Texaco Inc. for a Property Building Setback and Release of Liability at 5039 West Glendale Avenue.

Mayor Scruggs asked Councilmembers if they had any questions for Mr. Froke. No. Okay and out of courtesy, would the applicant's representative wish to make any comments at this point? No.

**Resolution No. 4566 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AMENDMENT NO. 1 TO THE AGREEMENT WITH TEXACO INC. CONCERNING THE PROPERTY BUILDING SETBACK AT 5039 WEST GLENDALE AVENUE; AND DIRECTING THAT THE DOCUMENT BE RECORDED.**

**It was moved by Clark, and seconded by Lieberman, to pass, adopt and approve Resolution No. 4566 New Series. The motion carried unanimously.**

**15. AUTHORIZATION TO PAY DEPOSIT IN THE CONDEMNATION ACTION TO ACQUIRE REAL PROPERTY FOR GLENDALE MUNICIPAL AIRPORT RUNWAY PROTECTION ZONE**

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

This is a request for City Council to adopt a resolution authorizing payment of the cash deposit in the condemnation action to acquire 38.5 acres of property owned by Conair Corporation for a runway protection zone (RPZ) at the Glendale Municipal Airport, and to authorize the transfer of budget appropriation for this purchase and legal fees and costs for the condemnation lawsuit.

In 2001, the Federal Aviation Administration (FAA) and the City of Glendale approved the extension of Runway 19 at the Glendale Municipal Airport. This project extended the RPZ onto property owned by Conair Corporation, located directly north of the airport. The RPZ is a trapezoidal-shaped area defined by the FAA as a clear zone beyond the end of the runway that is designed to preclude obstructions.

In December 2011, Council authorized the acquisition of property owned by Conair Corporation by condemnation or otherwise. The city and Conair have attempted to negotiate a voluntary sale, but cannot agree on all terms of the sale. The parties have agreed that the city will file a condemnation lawsuit, that the date of valuation for the property will be 2001, and that the cash deposit in the amount of \$5,220,635 will enable the city to obtain immediate possession of the 38.5 acres of property. This amount reflects the city’s initial appraisal amount, including interest and other damages Conair would likely recover.

While the parties agree on the above-mentioned terms, Conair does not agree with the city’s valuation of the property, so that will be determined in the litigation. Depending on the amount ultimately recovered by Conair, the city may be required to pay additional amounts or may be reimbursed any overpayment.

This is a request to approve payment of \$5,220,635 to the Maricopa County Superior Court in order to obtain immediate possession of the 38.5 acres. Additionally, upon taking possession of the property, the city will incur additional project costs, including expenses for court and legal fees and fencing to secure the property. These additional costs are estimated at \$738,060.

On April 5, 2012, the Citizens’ Transportation Oversight Commission recommended that the City Council authorize the City Manager to acquire 38.5 acres of property for an RPZ at the Glendale Municipal Airport, and authorize the transfer of budget appropriation for this purchase.

On December 20, 2011, Council authorized the acquisition of this property by condemnation or otherwise.

The city is seeking reimbursement through an FAA grant of up to 90% of the full market value of the property. However, such reimbursement will not be received this fiscal year. In order to acquire this property expeditiously, appropriation will be transferred from the Land Purchase Project within the Airport Grant Fund to the Airport RPZ Acquisition Project within the GO Transportation Construction Fund.

<b>Grants</b>	<b>Capital Expense</b>	<b>One-Time Cost</b>	<b>Budgeted</b>	<b>Unbudgeted</b>	<b>Total</b>
	X		X		\$5,958,695

**Account Name, Fund, Account and Line Item Number:**  
 Airport RPZ Acquisition, Account No. 2210-65091-550400, \$5,958,695

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to execute all documents necessary to make the cash deposit of \$5,220,635 to obtain immediate possession of 38.5 acres of property for a runway protection zone at the Glendale Municipal Airport, and authorize the transfer of budget appropriation for this amount and \$738,060 for court and legal fees and related costs.

Councilmember Lieberman read from the summary to verify that in order to acquire this property expeditiously, appropriation would be transferred from the Land Purchase Project within the Airport Grant Fund to the Airport RPZ Acquisition Project within the GO Transportation Construction Fund. Mr. Jamsheed Mehta, AICP, Executive Director, Transportation Services, stated he was correct. He added the city is seeking reimbursement through an FAA grant of up to 90% of the full market value of the property.

Councilmember Lieberman asked where the transfer for the \$738,000 for court and legal fees were coming from. Mr. Mehta explained that was the same source as the GO Transportation fund. Councilmember Lieberman stated the ½ cent sales tax approved in 2001 brings in somewhere between \$18 million to \$22 million a year into their budget plans. Mr. Mehta stated he was correct.

Mayor Scruggs asked can the FAA repay the amount that we know right now, the \$5.2 million, or are they going to wait until the court cases are finished before making a payment?

Mr. Mehta explained the final appraisal would be the one that had a shelf life of up to six months. He added that should this court case proceed longer, they would not have the most recent appraised amount to forward to the FAA. Therefore they will wait for the full settlement and submit that once that concludes.

Mayor Scruggs said could bit be a couple of years until the GO fund is replenished? Mr. Mehta stated they were eligible to receive reimbursement in 2013 assuming by that time they know the final amount and they had full clearance from the FAA.

Mayor Scruggs asked if the legal proceeding takes longer than FY13, does the money that the FAA has set aside for Glendale go someplace else? Mr. Mehta replied no. He said the project has been identified and is priority.

Mayor Scruggs said it might be worthwhile to mention that when the citizens approved Proposition 400 for the Glendale Transportation Tax, the airport was always part of the funds because it is a form of transportation. Mr. Mehta stated the GO Transportation ballot included projects associated with economic development and expansion of the airport.

Mayor Scruggs asked are there any other questions regarding this item? No

Andrew Marwick, a Phoenix resident, commented on the amount Glendale has already paid into this project while they have not yet received an outcome or any reimbursement. He questioned tonight's request for another \$6 million for the deposit on the property. He added the land being purchased was full of junk, wash debris, and garbage. He wonders if this was the best use of the GO Transportation funds.

**Resolution No. 4567 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 PAYMENT OF THE CASH DEPOSIT IN THE CONDEMNATION ACTION TO ACQUIRE 38.5 ACRES OF PROPERTY OWNED BY**

**CONAIR CORPORATION FOR A RUNWAY PROTECTION ZONE AT THE GLENDALE MUNICIPAL AIRPORT; AND FURTHER AUTHORIZING THE TRANSFER OF BUDGET APPROPRIATION FOR THIS PURCHASE ALONG WITH THE ASSOCIATED LEGAL FEES AND COSTS.**

**It was moved by Clark, and seconded by Martinez, to pass, adopt and approve Resolution No. 4567 New Series. The motion carried unanimously.**

**16. AMENDMENTS TO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR THE SHARING OF TELECOMMUNICATIONS FACILITIES**

Mark Burdick, Fire Chief, presented this item.

This is a request for City Council to adopt a resolution authorizing the City Manager to enter into Amendment No. 001, Supplemental Agreement No. 1, and Site Specific Supplement No. 002 to an intergovernmental agreement (IGA) with the City of Phoenix (Phoenix) for the sharing of telecommunications facilities.

In 2002, Glendale entered into an agreement with Phoenix to provide additional radio coverage to the Glendale Fire Department, Police Department, Public Works Department, and other West Valley agencies. This enhanced coverage has allowed Glendale to maintain compatible communications with other automatic aid cities.

Amendment No. 001 will extend the current contract an additional 10 years, with the effective dates of June 1, 2012 through June 1, 2022. Supplement Agreement No. 1 will add two VHF antennas to an existing Glendale monopole, at Phoenix's expense, to continue to enhance radio communication. The Site Specific Supplement No. 002 allows Phoenix to install a Phoenix Fire Department VHF receiver and a microwave shot to Phoenix's North Mountain backhaul site at the Pyramid Peak Water Treatment Plant. Phoenix will install one 19-inch equipment cabinet in the existing communications building and will utilize an existing 80-foot monopole to install a VHF antenna and a 4-foot microwave dish. This will provide enhanced radio coverage in an area of Phoenix and Glendale surrounding the water treatment plant. Phoenix will cover the cost for installation and maintenance. There will be no cost to Glendale.

On July 2, 2002, Council approved an intergovernmental agreement between the City of Phoenix and City of Glendale for the sharing of telecommunications facilities.

The agreement extension and additional equipment will continue to enhance Glendale's radio communications with other valley cities.

The recommendation is to waive reading beyond title and adopt a resolution authorizing the entering into Amendment No. 001, Supplemental Agreement No. 1, and Site Specific Supplement No. 002 to an intergovernmental agreement (IGA) with the City of Phoenix for the sharing of telecommunications facilities.

Mayor Scruggs asked are there any questions regarding this item? No

**Resolution No. 4568 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 INTERGOVERNMENTAL AGREEMENTS WITH THE CITY OF PHOENIX FOR SHARING OF TELECOMMUNICATIONS FACILITIES BY THE GLENDALE FIRE DEPARTMENT.**

**It was moved by Martinez, and seconded by Knaack, to pass, adopt and approve Resolution No. 4568 New Series. The motion carried unanimously.**

## **ORDINANCES**

### **17. FIREWORKS ORDINANCE**

Mark Burdick, Fire Chief, presented this item.

This is a request for City Council to adopt an ordinance prohibiting the use of consumer fireworks within the City of Glendale limits.

The use of consumer fireworks within Glendale presents a risk of injury to persons and property. The City of Glendale currently does not have an ordinance relating to consumer fireworks usage within the City of Glendale limits. This request is to enact an ordinance prohibiting the use of consumer fireworks on public as well as private property. The full ban on consumer fireworks will allow the city to be consistent with most other valley cities. Other valley cities that currently ban consumer fireworks are: Avondale, Chandler, El Mirage, Goodyear, Peoria, Phoenix, Scottsdale, Surprise, and Tempe.

On April 3, 2012, Council discussed the fireworks ordinance during a workshop meeting and provided guidance to staff to draft an ordinance banning the use of consumer fireworks.

At the January 17, 2012 workshop, staff provided information to Council regarding the laws on fireworks, a potential fireworks ordinance as other cities have done, as well as what opportunities there are for banning the use of fireworks in the city.

During the September 6, 2011 workshop, Council requested information regarding fireworks as a Council Item of Special Interest.

Prohibiting the use of consumer fireworks within Glendale, specifically on private property, protects citizen's rights to privacy and safeguards residential neighborhoods from fire damage and unwanted noise.

The recommendation is to waive reading beyond title and adopt an ordinance prohibiting the use of consumer fireworks within the City of Glendale limits.

Mayor Scruggs asked are there any questions regarding this item? She wanted to make it clear fireworks will be prohibited and illegal everywhere in the City of Glendale.

Councilmember Knaack commented that it had always been illegal until a year ago. This ordinance was in the interest of safety and the city should join with the rest of the cities and prohibit the use of fireworks.

Mayor Scruggs said for those who might actually be watching this program or maybe the media might pick this up, part of the ordinance, in addition to having some sort of a fine of \$235-class one misdemeanor, involves whether emergency responses are required. Does Council want to talk about this or do they want me to read it? Mayor Scruggs read the section of the ordinance to which she referred.

Mayor Scruggs said so what it says is that if the Fire Department has to respond, the fire department will determine how much it will cost for them to respond; if the ambulances or police have to respond, they will determine how much are the costs. She noted so this could get very, very expensive for the individual who broke the law in the first place.

**Ordinance No. 2801 New Series was read by number and title only, it being AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE, CHAPTER 26 (OFFENSES—MISCELLANEOUS), ARTICLE III (OFFENSES AGAINST PUBLIC SAFETY AND ORDER) BY ADDING A NEW DIVISION 5 ENTITLED “FIREWORKS” PROHIBITING THE USE OF FIREWORKS WITHIN THE CITY; PROVIDING FOR THE REPEAL OF CONFLICTING CODE PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.**

**It was moved by Clark, and seconded by Knaack, to approve Ordinance No. 2801 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Alvarez, Clark, Lieberman, Knaack, Martinez, and Scruggs. Members voting “nay”: none.**

#### **REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION**

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

#### **MOTION TO EXCUSE VICE MAYOR FRATE**

**It was moved by Martinez, and seconded by Knaack, to excuse Vice Mayor Frate from tonight’s Council meeting. The motion carried unanimously.**

Mayor Scruggs said the Council will take a short break and be back for the citizen comment portion of the meeting.

## **CITIZEN COMMENTS**

Mayor Scruggs said the April 10, 2012 meeting of the Glendale City Council is called back to order and we will now go to citizen comments. This is an opportunity that the City of Glendale makes available to citizens to speak on matters that are about city business but not listed on the agenda. We cannot take action on these matters. She said there are 14 speaker cards here and so she would allocate four minutes per speaker. She said each speaker should come to the podium when their name is called and state their name and address for the record.

Andrew Marwick, a Phoenix resident, commented on the sales tax in Wisconsin being less than Glendale's tax. He also discussed the challenges of cities having a higher tax being so close together. He stated that people will end up avoiding Glendale because of the higher tax and spend their money elsewhere.

Darcy Serlin, a Phoenix resident, remarked on the Coyotes issue and stated they did nothing for businesses in Glendale. She stated that people and kids in Glendale don't even know whom the Coyotes are playing and the excitement today with their winning streak will eventually die down.

Cristian Martinez, a Barrel resident, said he wished to correct some erroneous statements the Mayor had made in a workshop session. He said that only 12.1% of the city's budget in the general fund was comprised by the Parks, Recreation and Library departments, not the 29% cited by the Mayor. Those numbers can be found on pages nine and ten of the city's budget handbook. He was concerned with the lack of program funds for the libraries. He explained this would make things much harder to get kids excited about books and coming to the library. He cited the summer book program and how the lack of funding will negatively impact literacy levels. He also disapproves of cuts to the security guards at the libraries. However, he did want to thank the Council for not reducing library hours. He also thanked the Councilmembers who visited story time at the libraries.

Regina Moritz, a Sahuaro resident, expressed her approval of how careful the Council was being with expenditures to the budget. However, she was concerned with the lack of funding for older streets discussed by Councilmember Alvarez as well as the lack of funds for park maintenance. She was also very upset the Council and staff might consider spending additional money for the Coyotes and the Jobing.com arena. She asked Council not to destroy the city by spending more money in order to keep the Coyotes here. She suggested they sell the arena or bulldoze it to get some money back. She refuses to have anymore of her taxes go to help the Coyotes and their efforts. She also disapproves of the city's proposed sales tax increases.

Bonnie Steiger, a Sahuaro resident, stated she has lived in Glendale for the past 35 years and has been through a few Glendale Mayors. She finds that Mayor Scruggs has been one of the best Mayors for Glendale. She said she supports the Coyotes but was against the Casino.

Monique Reaux, a Phoenix resident, thanked the Council for fighting to keep the Coyotes in Glendale, which she believes is a valuable resource for the city. She hopes this agreement will come to a good resolution soon and that Mr. Jamison becomes the next owner. She said Coyote fans don't all live in Glendale but tend to do their shopping here because the city was providing

something they were willing to pay for. She also does her shopping in Glendale and will not be shopping in Phoenix just to save eight cents on a loaf of bread. She stated the Council had gone above and beyond the call of duty and expressed thanks. She added she could not do their job and sit there and take abuse from some of the people that speak before them. She said the Council's convictions have let everyone know they want the very best for the city and the people they represent. She hopes they continue to fight and get an agreement that benefits the city. She stated it had been an honor and a pleasure to participate in the Council's process. She wished Mayor Scruggs a great deal of luck, happiness and laughter in her civilian life.

Cynthia Leach, a Mesa resident, thanked the Council for their support of the Coyotes. She hopes they continue to support the Coyotes and keep them in Glendale.

Ken Jones, an Ocotillo resident, reiterated his comments regarding his disapproval of the Coyotes and the \$20 million dollars the city has set aside for the arena. He disapproved of the cuts in city programs and community projects. He really believes they city needs to move forward in a different direction, because what they have been doing is clearly not working. He recommended a plan that a friend provided him that will save the city \$19 million dollars. He stated that Mr. Beasley's pending retirement in April would be good for Glendale, in order for things to get back on track.

Francine Romesburg, a Barrel resident, commented on the debt the city was facing and how they were still considering paying the \$20 million for the arena. She believes this is a waste of money for the city and taxpayers. She also cited the money the city has spent on attorney fees fighting the casino issue when many were in favor of having it built. She asked the Council to stop putting the city in more debt, just to keep hockey. She listed the many events, community projects, and jobs lost because of the poor budget management of the Coyotes. She voiced her disapproval regarding the increase in taxes, which will put Glendale as one of the highest of any city in the county. She stated that this was insane due to the economic downturn and the fact that people are losing their jobs and homes.

Brett Heising, a Phoenix resident, thanked the Council for their battle to keep the Coyotes in Glendale. He hopes the city will continue to fight for this cause. He believes they have come a long way and it appears that the finish line is near. He asked them to stay strong and keep the Coyotes in Glendale. He congratulated Mr. Beasley and staff, given that they have been under a lot of heat and have taken a lot of fire. He stated they deserve to be congratulated for all their hard work.

Gibson McKay, a Phoenix resident, stated he was a big hockey fan and believes in the Coyotes. He knows the Council has had a couple of difficult years, but believes the end is near. He stated he visits Glendale often and spends his money here hoping to add to the city's tax base. He believes it is important for them to keep the Coyotes in Glendale, although he knows this is a highly controversial issue. He wished the Council the best moving forward.

Arthur L. Thruston, a Cactus resident, made the observation that Mr. Beasley had probably put together the most outstanding group of professional qualified individuals he has ever seen in any city, county or state. He commended Mr. Beasley as a City Manager and thanked staff for the

professionalism they have demonstrated day after day, year after year. He believes it was not necessary for staff to continue to be part of this portion of the meeting when they have been working such long hours on the budget. He noted they also need time to be at home with their families. He commented on the Coyotes last win, which he considers a win for Glendale as well. He also remarked on the Wall Street Journal's recent report that Glendale will have the highest tax rate in the nation.

## **COUNCIL COMMENTS AND SUGGESTIONS**

Councilmember Alvarez noted she had always said she had nothing against the Coyotes and would like to help them if the city had money. However, she does not like the city punishing the taxpayer and especially the employees. Employee's need their money just like everyone else does and this is not a time for layoffs. She expressed her opposition to furloughs and believes that money should not be spent on anything that will hurt their community. They need the libraries and activities for their children as well as police, fire and public works; therefore they should not cut services. She will not vote for anything that will hurt the people resulting in layoffs or reductions in public services. She did not like to hear any type of blame on any particular person and this was not the time to start blaming anyone. She said that before they start blaming anyone they should have substantial proof of their claims. She said Mr. Beasley announced his retirement and the Council did not ask him to leave. She does not appreciate the insults and wild accusations. She said she dreads coming to these meetings and then having to look at her email messages when they all say she never does anything right. She will not speak against anyone unless she has proof.

Councilmember Clark said it was too late to offer any political statements but said "Go Coyotes!" and reinforced her support of the team.

Councilmember Lieberman commented that two of the speakers tonight Andrew Marwick and Darcy Serlin were getting married Saturday, May 5<sup>th</sup> in Arizona. On another subject, he just received his 20-year plaque for being on the Council. He said was very happy and proud to have served his community for 20 years. He noted the four people who spoke in favor of the Coyotes are not subject to the sales increase since they do not live in Glendale. He also mentioned that not a single fan from Glendale was here tonight asking them to support the Coyote issue. He commented on the city not being able to water their parks because of budget constraints and now they are all just dirt. He explained his objection to giving any more money to the Coyotes and the arena when they have already given away millions. He listed the many areas they have had to cut because of lack of funding. However, they were planning to give someone \$17 million in the next budget year. He said they have had three owners including the NHL for the Coyotes for the last six years. He discussed how increasing taxes in Glendale would only end up hurting businesses. He said he was not happy with the decisions the Council recently made regarding these important issues. On another subject, he noted that Sterling Ridge passed away a week ago and his wife was very ill and could not attend his funeral. He stated that Sterling Ridge was one of the reasons ASU West was here and that he was Mayor of Glendale at one time.

Councilmember Lieberman stated he would be retiring and will not seeking re-election. He listed the many accomplishments Glendale has made in prior years and hopes to have those times

again. He mentioned Bike Night at Westgate, which draws about 80,000 participants. He thanked everyone for his or her participation this evening.

Councilmember Martinez commented on budget reduction and noted that his suggestion of including furloughs in lieu of having layoffs was not supported by the Council. He stated that Ms. Bonnie Steiger, a Sahuaro resident, was a speaker who came up and supported the Coyotes and the arena. He also supports the Coyotes and the arena; however, knows time was running short on the Coyote negotiations. He still believes they can complete a deal before the budget goes into effect. He said Council did not cut much from the libraries and kept the hours the same. They only cut a few programs to better balance the budget. He agreed these were very difficult times; however, sometimes hardships are inevitable. He believes by going through these hardships now, there will be great gains in the long term.

Councilmember Knaack agreed with Councilmember Martinez's comments tonight. She hopes everyone interested in the city has watched these meetings and knows the Council's position. She said she gave her direction based on what she thought was best for the city and will stand by her decisions.

Mayor Scruggs thanked everyone who attended tonight and stayed for the duration of the meeting. She thanked everyone for being so polite and courteous expressing interest in their city. She wished them all a good night. The meeting is adjourned.

## **ADJOURNMENT**

With no further business, the meeting was adjourned at 11:10 p.m.

Darcie McCracken  
Darcie McCracken - Deputy City Clerk