

***PLEASE NOTE: Since the Glendale City Council does not take formal action at the Workshops, Workshop minutes are not approved by the City Council.**

**MINUTES
CITY OF GLENDALE
CITY COUNCIL WORKSHOP
MAY 1, 2007
1:30 P.M.**

PRESENT: Mayor Elaine M. Scruggs, Vice Mayor Manuel D. Martinez, and Councilmembers Joyce V. Clark, Steven E. Frate, David M. Goulet, Yvonne J. Knaack, and H. Phillip Lieberman

ALSO PRESENT: Ed Beasley, City Manager; Pam Kavanaugh, Assistant City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk

1. ANNEXATION REQUESTS

CITY STAFF PRESENTING THIS ITEM: Mr. Jon Froke, AICP, Planning Director, Mr. Thomas Ritz, AICP, Senior Planner, and Mr. Horatio Skeete, Deputy City Manager.

This is a request for the City Council to provide guidance concerning two annexation requests received by the Planning Department. The requests are as follows:

- AN-168 – Canusa Homes - Approximately five acres located at the southeast corner of 81st and Myrtle Avenues.
- AN-170 – Sarival and Maryland Avenues – Approximately 76 acres located at the southeast corner of Sarival and Maryland Avenues.

Glendale 2025, Glendale’s General Plan, includes specific goals addressing the need for growth management. Annexation is a tool that can be used by the city to direct and manage growth.

Once annexed, the development of these sites will require the city to provide police, fire, and sanitation services. Since the properties are currently undeveloped. The city has the opportunity to work with each developer to best plan for future emergency response and sanitation needs.

If Council guides staff to proceed with the annexations, the next step in the process is to record the blank annexation petitions and schedule public hearings for each annexation as required by state statutes.

Council held a workshop on the area proposed to be annexed by AN-168, Canusa Homes at the southeast corner of 81st and Myrtle Avenues on October 19, 2004. At that time, the guidance was not to pursue annexation without a definite development plan.

The annexation of these areas would require that any future development meet the Glendale General Plan Requirements, as well as all other development standards for the city.

The annexation of the area within AN-170 would ensure city review of all development for compatibility with the mission of Luke Air Force Base.

Staff is seeking guidance from the Council to continue with the two annexation processes in accordance with the procedures proscribed in the state statutes.

Mr. Jon Froke, AICP, Planning Director, summarized the annexation process of the area within AN-170 and reviewed development for compatibility with the mission of Luke Air Force Base. Approximately 76 acres located at the southeast corner of Sarival and Maryland Avenues.

Councilmember Clark asked how they proposed to handle public safety needs as development occurs further west. Mr. Horatio Skeete, Deputy City Manager, said that staff had considered that very issue. He explained that they had already set up meetings with police and fire to help address those issues. He added that he would be updating Council as new developments arise. Councilmember Clark voiced her concerns on whether the safety sales tax would pass and be able to meet the growing annexation needs caused by annexation in the west.

Councilmember Goulet asked Mr. Froke to explain the issues surrounding the phrase "compatibility" on this parcel of land in relationship to Luke Air Force Base. Mr. Froke explained that they would work very closely with Luke Air Force Base on any development plan as the property goes through the entitlement process with possible limits on building height given the proximity to the base.

Mr. Skeete noted that in addition to the height issue there would also be restrictions on the amount of density that would be developed in this area.

Mayor Scruggs asked if the current owner of the property would be the one planning to develop the property or would they annex the property to be sold for development. Mr. Thomas Ritz, AICP, Senior Planner, stated that the current property owner was interested in developing the area and had in preliminary discussions indicated that it would be an industrial subdivision with lots offered for sale. Mayor Scruggs asked if the owner was aware of the issues surrounding the compatibility in regards to the Luke Air Force Base. Mr. Ritz said that the property owner was aware of the state statutes concerning the Base. He said that he had also stressed the city's commitment to protecting and working with Luke Air Force Base.

Mayor Scruggs asked to revisit what had already been approved and where those locations were as well as how many houses have been approved. She also asked the timeframe for the developers to begin construction. Mr. Froke provided a slide

summary on the annexation process for both parcels. He stated that the timeframe for construction in the area would be within 18 months.

Mayor Scruggs asked if the recommendation from the Planning Department was to move forward. Mr. Froke stated that they recommend continuing the dialogue with the property owner and proceeding with other annexation projects that are pending in the loop 303 corridor.

Councilmember Clark asked if the other annexations would be primarily commercial or residential. Mr. Ritz noted that they would be entirely industrial with some commercial use.

Mayor Scruggs noted that the direction given today needs to be consistent with the other parcels that may come forward in the future.

Councilmember Frate asked if staff believed the best use of these parcels would be commercial. Mr. Froke explained that from a land use perspective, it would best for employment with low intensity. Councilmember Frate asked if the county was providing law enforcement services at the moment. Mr. Froke said they were. Councilmember Frate asked where the closest public safety department was for that area. Mr. Froke said that probably the closest would be at Bell Avenue and Dysart Rd., which was some distance away.

Mayor Scruggs discussed a scenario in which a murder had occurred on one of the empty parcels. She asked which jurisdiction would be the one to respond. Chief Conrad stated that if a murder happened in a part of incorporated Glendale, his agency would be the one responsible for the investigation of that crime. Mayor Scruggs asked in a situation concerning a fire, which station would be called. Chief Burdick stated that Rural Metro currently responds to situations in the far West Valley. He added that a population exceeding 10,000 was the threshold at which time a new station would be added under Council's direction. Mayor Scruggs noted that in annexation of this property there would be no response difference for fire; however for police, Glendale would be committed to respond, adding to the call volume.

Councilmember Lieberman was concerned about the noise levels in regards to Luke Air Force Base and the surrounding communities. Mr. Froke referred to the exhibit in the packet of information Council received. He said that the 65 LDN permitted one home per acre. Mr. Ritz noted that under the state statutes there were various land uses that were permitted in each of the ranges. He stated that when you got to 80 LDN it would be predominantly industrial and structures such as parking lots. He said the state recognizes having different noise contours requires having different permitted uses.

Vice Mayor Martinez stated that he supports moving forward with the annexation. He said that in doing so they would control the development and keep it low density and industrial.

Councilmember Clark agreed to develop it as an industrial area primarily because of the noise issue and its close proximity to Luke Air Force Base. However she said the issue that concerns her was the public service issue and how long it would be before Glendale would have to cover those costs. Councilmember Lieberman stated that both Councilmember Clark and Vice Mayor Martinez made good points.

Mayor Scruggs asked Chief Conrad to come forward and help explain his plan for this

annexation in regards to safety. She said Mr. Froke stated that at the end of this year there would be 650 homes under construction, with commercial construction starting in 12 months in the area being annexed. She asked Chief Conrad what his plan was in providing police protection for the 650 homes and the hundred and five acres of commercial land. Chief Conrad explained that they would conduct an analysis starting with the sheriff's office in terms of the number of calls for service and the types of criminal activity in the area. He said that they would be working closely with the developers for them to have adequate security on site to help with any immediate issues. Mayor Scruggs asked that at the point when the people start moving into their homes, Glendale police would be providing service out of 83rd and Bethany, which would be an extend service. Chief Conrad stated that she was correct. Mayor Scruggs noted that they would probably see a recommendation for additional staffing for next year's budget because of this annexation.

Mayor Scruggs asked if it was possible to accomplish both a simultaneous annexation and rezoning process because of the concerns of the residential zoning that exists. Mr. Froke stated that they could possibly go back and work with the applicant on this issue.

Mr. Skeete stated that the simultaneous annexation and rezoning could be done by encouraging the applicant's to start that process now; by the time it comes back to Council the rezoning process will have begun and they could probably do the annexation and rezoning in the same timeframe. He said that the applicants were in the audience and they have heard what was required of them. Mr. Tindall noted that they would still have to do a compatible zoning first, and then later in the meeting, if possible, they could do the rezoning; however they could not skip any procedures. Mr. Froke added that the process was actually done for the Loop 303 and Peoria, where the annexation and zoning was held on the same night.

Councilmember Clark reiterated her concerns on the public safety issue for the annexation area; however, she did support the annexation. She would like to wait and see what staff brings forward in terms of the public safety issue before they continue with additional annexation.

Councilmember Frate stated that they had made that commitment when they approved Wolf Crossing to be developed. He added that they could provide adequate police protection and therefore supports this recommendation.

Vice Mayor Martinez stated his support for the annexation.

Mayor Scruggs stated that the majority of the Council approves moving ahead with the annexation. She reiterated her request for simultaneous zoning and annexation if possible. Mr. Ritz said that he would pass along her request to the applicant.

Vice Mayor Martinez asked for clarification on the annexation parcels. Mr. Ritz provided a brief summary using the slide presentation.

2. COUNCIL ITEMS OF SPECIAL INTEREST

CITY STAFF PRESENTING THIS ITEM: Ms. Pam Kavanaugh, Assistant City Manager

This is the quarterly opportunity for the City Council to identify topics of interest they would like the City Manager to research and assess for placement on a future workshop agenda.

In the fall of 2002, the Council approved a procedural guideline allowing for topics of special interest to be identified by the Council on a quarterly basis for follow-up by the City Manager.

Staff requests the Council to identify items of interest for follow-up by staff during the next quarter.

Ms. Pam Kavanaugh, Assistant City Manager, presented a summary of the Council approved procedural guideline allowing for topics of special interest to be identified by the Council on a quarterly basis. She noted that there were six topics of special interest for review this quarter.

Council Code of Ethics

Councilmember Lieberman stated that he had questions regarding the Council Code of Ethics item. He read segments of the 1994 City Council Code of Ethics. He noted that since 1994 until this year there hadn't been any change in Vice Mayor's. He stated that this would be his 16th year serving in City Council, with many positions held. He highlighted many guidelines that he believed needed to be reviewed because of different changes that have occurred.

Vice Mayor Martinez discussed his thoughts on the Code of Ethics and how it applies to this Council. He explained that part of it deals with how the City Councilmember's should conduct them and treat one another with respect. He quoted from a Washington post article on the subject. He proposed drafting a document with the Council's input on a proposed Code of Ethics policy.

Councilmember Clark stated she had proposed a Code of Ethics before and noted the date of her memo on the subject. She stated her support for the Council Code of Ethics, which should have been done a long time ago. She noted that the last time the guidelines were reviewed was 12 years ago and believes the time for that is way past due. She added that as far as the proposed document, she would like it to have some citizen input instead of simply keeping everything in-house. She reiterated her support for the Code of Ethics, citing that it would increase their efficiency and professionalism as well as develop standards for future Council's.

Councilmember Goulet discussed his thoughts on the Code of Ethics. He stated that he could cite numerous infractions that occur frequently regarding the Code of Ethics. He said Councilmembers have a responsibility to conduct themselves with the utmost professionalism. Citizen input was already heard loudly when electing new members. He believed that it would be difficult for the Councilmembers to come to agreement on a Code of Ethics but the main problem would be compliance once the Code was in place.

He added that at times he had been very disappointed with some of the issues regarding the Council.

Vice Mayor Martinez agreed with Councilmember Goulet that possibly not everyone would agree on many issues, however believed they could come to a consensus concerning the Code of Ethics.

Councilmember Clark commented that persons should not cast stones unless they were without fault. She added that the Council had not been interested in a Code of Ethics for years, however she does support enacting a Code of Ethics with the input of the citizens.

Councilmember Frate stated his support for enacting a Code of Ethics at a retreat with a third party to guide them through the process. He agreed with Councilmember Goulet in stating that if at this point Councilmember's were unclear as to how to act, they should really look within themselves. He said that he too has seen instances where ethics were in question.

Councilmember Lieberman offered his support for a retreat for discussion on enacting a Code of Ethics with a third party. He listed several cities that already had a booklet with a Code of Ethics and suggested looking through them. He noted that the citizen input was at the ballot box with him repeatedly being reelected. He added that he believed if you were reelected by a sizable margin it would signify that you were doing a good job.

Councilmember Knaack stated her support for the Code of Ethics. She added that they should all abide by it already, however it was a good idea to have it down on paper. She said that there should be some sort of accountability or sanctions or else it might not work.

Mayor Scruggs said she agreed with Vice Mayor Martinez's idea of a retreat with outside legal counsel present. She discussed the Executive Session confidentiality rule and how any Councilmember breaking it shall be investigated by the city attorney's office. She noted that this had been a continuous problem and had not been dealt with accordingly.

Councilmember Clark commented that when discussing assumptions on rules that might have been broken it should be based on fact. Mayor Scruggs noted that they would be bringing in provable facts when discussing these infractions. She said that she agreed with Councilmember Knaack in that there needed to be accountability and sanctions applied and upheld or what would be the purpose of it being enacted.

Mayor Scruggs directed Vice Mayor Martinez to take the lead and determine the best way to go about with the place, time and legal counsel to be present and report back to the Council with an update.

Ms. Kavanaugh stated that she as well as staff would be assisting Vice Mayor Martinez in any way they can.

Graffiti Enforcement and Reduction Efforts

Councilmember Frate asked to discuss the 77 reported graffiti offenses. He suggested having a task force within the police department to combat this issue. He asked if the Council was willing to do something regarding this issue.

Vice Mayor Martinez commented that in the Cholla district, this type of vandalism was happening more often. He asked what happens when someone is caught? Chief Conrad stated that it depended on the amount of damage done. He said that the type of punishment depended on the offence. Vice Mayor Martinez asked if most graffiti that fell under the lowest offence would be just a fine with no community service. Chief Conrad stated that he was correct; however the courts do have flexibility when issuing sentencing. Vice Mayor Martinez suggested having the city attorney possibly look into having harsher penalties.

Mayor Scruggs submitted a plan of action that had been submitted to her by a concerned citizen. She stated that citizens had been very upset with the growing signs of graffiti and would like to take some action.

Councilmember Frate commented that as a whole, the city does a tremendous job in dealing with graffiti.

Councilmember Knaack added that it took citizen and business involvement to combat this growing issue. She said that now this was happening in the daylight hours not just in the middle of the night. She noted that it takes citizens participation in calling in the graffiti as well as cleaning it up immediately if possible.

Councilmember Lieberman suggested possibly putting the graffiti hotline number on garbage containers for easy access, as well as on other city mailers. Ms. Kavanaugh informed the Council that there was currently a bill, which enhances sentencing that the Governor had just signed regarding juvenile offenders.

Political Signs

Mr. Dan Gunn, Code Compliance Director, stated that the current zoning ordinance does address the issue of political signs in right of ways, however it has not always been enforced. He said that they would enact a zero tolerance policy, as they go into the political season, which means there will be no warnings with the removal of signs, being immediate. He added that they would notify the candidate when their sign has been removed, however if it were removed a second time it will not be returned. Notifications will be sent to candidates 120 days prior to the primaries to register and as they register, Glendale will send them information on how the city will be dealing with the political sign issue. He explained that at the end of the election cycle they would have ten days to remove signs, if not the city would do their sweep of abandoned signs.

Councilmember Clark asked how they would deal with private property issues. Mr. Gunn said that the ordinance does provide for political signs on private property with limitations. He noted that since they are on private property they would follow the normal notification process.

Councilmember Frate asked if political signs could only go up within the 180-day timeframe. Mr. Gunn stated that there was no timeframe as to when a political sign can go up. Councilmember Frate said he had a problem with the city having to remove signs that are left after the election. He said there should be a penalty or some sort of fine to the candidates or the committees that put them up.

Councilmember Lieberman stated that they should also have another type of ordinance that would penalize people who vandalize other people's signs. He said that he had personally had that problem.

Mayor Scruggs asked if it was possible that when people register at the Secretary of State office they would receive a hand out of information on Glendale's sign regulations. Mr. Gunn stated that he would look into it.

Sex Offender Notification

Chief Steven Conrad reported on the most current Sex Offenders Notification issues. The issues that were discussed in a previous workshop were reverse 911 as a method to notify residents in the area that a registered sex offender had moved into that area. He said that they had looked into it and it was something that the 911 system was not set up to do. The other issue was to possibly notify residence by email of a sex offender moving into the area. He said that the marketing department that handles the web pages for the police department added a link of level three sex offenders with addresses and pictures of the offenders. The link will also have information on all sex offenders in the state. They will be adding level two sex offenders shortly. He added that they had also set up a link for interested parties who wanted to be notified by email on sex offenders in their area. He said that there had been 800 hits in two weeks with 16 people registered to receive notifications by email.

Ms. Dana Tranberg, Intergovernmental Programs Director, reported on Senate bill 1555, which centers on schools and child care providers. She said that the 700 ft spacing requirement on private or public primary and secondary schools and childcare facilities had passed out of the Senate, however it was changed to 1000 ft when it came out of a conference committee. The bill will go back to the Senate for a final vote and then the Governor for her signature.

Automated Speed Enforcement on State Route 101

Mayor Scruggs asked Mr. Jamsheed Metha, Transportation Director, to report on the Photo Enforcement on Loop 101. Mr. Metha stated that they had received a temporary nine-month permit to perform photo enforcement on six miles of Loop 101. He said that the study concluded that there were benefits associated with enforcing this policy. After reviewing this information, the Governor asked the City of Scottsdale to extend the study to the end of June. They will also look into speed enforcement and other methods of enforcement to help keep accidents low.

Vice Mayor Martinez stated that he was glad that the state had taken the initiative and was looking for new methods to deter speeding.

Public Utility Coordination

Mayor Scruggs asked Mr. Larry Broyles to report on the Public Utility Coordination. Mr. Broyles stated that the City of Glendale had been participating with Arizona Utility Coordination Commission since 1988. He said that they meet with utility companies

once a year to identify new projects coming up. He added that they also meet with utility companies to coordinate relocation issues. He discussed issues such as dealing with obtaining easements, accurate record keeping and location of the actual utility.

Councilmember Clark asked a question in regards to the barricades situation. Mr. Broyles stated that Council did act on the barricade issue. He explained that the barricading ordinance would come into effect and require that they obtain a permit to work and be charged a fee for the number of days the street is closed. He added that if they exceed the time allotted they would be fined. This would also apply to utility companies.

Mayor Scruggs asked the Councilmember's to address any issues that they would like staff to address and report back in three months.

Councilmember Frate stated that he would like staff to look into a Public Safety Memorial for the City of Glendale. It would feature the dedicated public safety personnel. He said that he would like this to be expedited and not wait until the three-month period to report back. Secondly, he would like to look at a program similar to the CPR, a chest compression method. He said that this method would possibly be used more than CPR because it was more comfortable for people to use. He would like to look into the cost of this program and possibly start giving classes.

Vice Mayor Martinez stated that he would like staff to look into the "green pools" issue. He would like staff to explore a way to make this more punitive to owners so as to deter them from letting the pools go unattended.

Councilmember Lieberman asked staff to find where the old pictures of Mayor's from years past are and place them in either the fourth floor hallway of City Hall or the City Council Chambers. He said that past Mayor's should be honored because of their many contributions to the great City of Glendale. Secondly, he asked that since they are opening another convention center, the smaller one should be converted into a little theater. He noted that they have one in Scottsdale and should have one here in Glendale. He added that he would like to know the cost involved as well as any disruption of the normal happenings in the convention center.

Councilmember Knaack asked staff to canvass other cities in the Valley to see how they do their annual evaluation of appointed staff and officials. She was in support of a process that includes an independent facilitator. She would also like to see any other good ideas other Valley cities may have on this issue.

Councilmember Clark asked staff to look into possibly creating an Arts District and would like any information on how to go about it. She agreed with Councilmember Frate on having staff look into a public safety memorial. She added that she would also like information on possibly naming the new regional public safety training facility after Officer Anthony Holly.

3. DISCUSSION ON BALLOT LANGUAGE FOR PROPOSED INCREASE IN EXISTING PUBLIC SAFETY SALES TAX

CITY STAFF PRESENTING THIS ITEM: Mr. Craig Tindall, City Attorney and Mr. Art Lynch, Deputy City Manager.

This is a request for the City Council to provide guidance on the ballot language to be used in a proposed resolution asking the public to consider an increase in the public safety sales tax. For the voters to consider an increase in the public safety sales tax rate, the Council must first adopt a resolution that refers a proposed amendment to the City Code to Glendale voters.

On March 15, 1994, the City Council adopted Ordinance No. 1802 New Series, which created a public safety sales tax, as directed by citizens through a voter initiative.

At its April 10, 2007 meeting, the Council gave guidance to ask voters to consider increasing the public safety sales tax, but excluding food for home consumption from the incremental change in the tax.

This is a request for Council guidance regarding the language proposed as Proposition 401.

Mr. Art Lynch, Deputy City Manager gave a brief summary on the guidance given by Council to ask voters to consider increasing the public safety sales tax, but excluding food for home consumption from the incremental change in the tax.

Councilmember Clark stated her concerns on the wording used in drafting the proposed law enforcement funding in that it's too broad in stating "other items". She said that it should be more narrowly tailored to only priority needs.

Mayor Scruggs agreed with Councilmember Clark. She discussed the issues surrounding the discussions, which lead to narrowing the wording to only include priority needs.

Councilmember Clark suggested possibly only removing the words "other items" from the documents and only have "securing the necessary personnel and equipment" on both fire and police department.

Councilmember Lieberman discussed the issues regarding the fire department needs.

Chief Burdick stated that they could possibly be in need of an apparatus in the next five years. Councilmember Clark remembered a discussion regarding the fire department not requiring the fire trucks to be funded from this tax, but rather from vehicle replacement or some other funding source. Chief Burdick said that she was correct however this would create better flexibility from a need stand point in the future as needs continue to grow. He said he had concerns with eliminating "other items" because they run the risk of limiting themselves when they might need additional items in the future. Councilmember Clark reiterated that this fund should be mainly for personnel needed in the future as we continue to develop out west.

Mayor Scruggs asked for clarification on how Chief Burdick intended to purchase the equipment. Chief Burdick deferred to Mr. Lynch to clarify that issue.

Mr. Lynch discussed leased items with no long-term debt. Mayor Scruggs asked if the public safety sales tax would be used to pay back debt for leased items. Mr. Lynch said that it would not be used for that purpose. Councilmember Clark asked if any public safety sales tax money was used for any lease purchase payments to be paid off. Mr.

Lynch replied no, those were general fund leases.

Councilmember Clark reiterated her stand on only supporting the public safety sales tax for equipment and personnel. Chief Burdick stated that again, his only concern was not to have Council's hands tied should the need arise for additional funding for a particular item. He added that this was only a suggestion and would abide with Council's direction.

Mayor Scruggs pointed out restricting public safety sales tax to personnel and equipment only, freed up funds in the General Fund for additional needs. Councilmember Clark agreed.

Councilmember Lieberman stated that he disagreed with Councilmember Clark in only having the funds for personnel and equipment only. He noted that by his calculations there would be approximately \$8.5 million that could be used for both additional items and priority items. He added that the demand for additional needs was in the very near future and should be used to match the continued growth.

Vice Mayor Martinez stated that after hearing the discussions it would seem appropriate to leave in "other items" on the fire side to allow for flexibility, with the condition that it would have to meet Council's approval.

Councilmember Frate added that it was all in how it was written in the document and not to have an open-ended checkbook.

Councilmember Clark gave her view that it would be an open-ended checkbook with the words "other items". She noted that there had never been any problems in funding fire trucks before. She didn't support leaving the wording in.

Councilmember Goulet stated that he agreed with Vice Mayor Martinez. He suggested instead of excluding wording, perhaps including additional wording to exclude large purchases from this fund. He said he supports striking it from police and leaving it in for fire.

Vice Mayor Martinez discussed a scenario for Mr. Lynch to clarify, regarding accumulating funds.

Councilmember Knaack stated that she agreed with the public safety sales tax being only for personnel and equipment. She noted felt the voters would approve it this way. She also addressed the increase in pay that would be coming out of the public safety sales tax.

Councilmember Lieberman commented that everything needed Council's approval, including a large purchase such as a fire truck. He said they do have control over what was purchased so it should not be a problem. Mr. Lynch added that a purchase above \$50,000 would require a vote from the Council. He said that Council had the final say.

Mayor Scruggs asked Mr. Lynch about his understanding of the "other items" wording. Mr. Lynch stated that it was meant, as he understood it, to be other necessary items for the police and fire departments to help enhance safety. Councilmember Clark noted that the language was full of holes and could mean almost anything with the way it was written. Mr. Lynch stated that the language reflected the direction in Council's discussions at the April workshop.

Councilmember Clark asked Mr. Tindall what was meant by the wording “other items”. Mr. Tindall stated that it was to avoid discussion of what is or isn’t equipment with the understanding that it be associated with personnel. Mr. Tindall provided additional wording to read as follows: “public safety tax shall be expended for the purposes of securing necessary personnel equipment and other necessary items directly associated with the necessary personnel for the Glendale police department to carry out their law enforcement mission.”

Vice Mayor Martinez asked if this language excluded large purchase items such as a fire truck. Mr. Tindall stated that it would be very difficult taking that language and interpreting it to include large items.

Vice Mayor Martinez asked Chief Burdick to clarify as to any equipment that might be needed in the future that this language might impede. Chief Burdick explained his needs assessment that was provided to the Council in which they have equipment cost, personnel and apparatus equipment of \$2.2 million. The total for the first year was \$5.2 million as identified in the plan. He discussed the plan process in determining the cost for each additional year. He explained his reasoning for wanting that added flexibility in the language but ultimately Council would need to make the final approval. He added that this other language provided flexibility for them to do things besides just restrictive to hiring bodies. He added that he did not want to get behind again and have to play catch up.

Vice Mayor Martinez asked if they were to strike the language, could they still come through the regular budget process and make requests. Chief Burdick referred the question to Mr. Tindall. Mr. Tindall stated that any supplemental request could come before Council.

Mayor Scruggs stated that she was concerned that fire believed that, because they would be receiving tax funding, they would not be eligible to receive funding from the general fund. She noted that it was not the case.

Councilmember Lieberman asked for clarification on the funds that would be acquired from the public safety sales tax.

Mr. Lynch stated that the \$20.25 million was the 4/10 increase in the tax plus, the one tenth that would equal \$8 million. He added that if you were only talking about the increase in the taxes, it would be closer to \$6 million. Mayor Scruggs noted that the existing one tenth of a cent had already been spent so that should not be included.

Mayor Scruggs stated that so far what she has heard from the Council was that the wording “other items” would come out of the law enforcement funding but would stay in the fire and emergency medical services funding.

Councilmember Clark stated that her position was to strike it from both.

Mayor Scruggs stated that she and Councilmember Knaack support striking it from both.

Vice Mayor Martinez stated that he supports leaving it in for fire and striking it from police.

Mayor Scruggs stated that language will be changed for police per Mr. Tindall’s recommendation, but fire will stay the same.

Mayor Scruggs read from the original ordinance 1802. She said that the same language was not in the new proposed ordinance. She noted that her concern was that there was no language for supplanting or moving of expenses from the general fund over to the new fund.

Councilmember Knaack asked for clarification on this being an amendment to an already voter approved tax. Mr. Tindall stated that in essence, this process was just an increase to an already voter approved tax as opposed to creating an entirely new tax.

Mr. Tindall read new language prepared to address Mayor Scruggs concerns on the supplanting issue.

Mayor Scruggs asked how they would keep a protection of there not being any rebate associated with any economic development project and it not affecting public safety or transportation. Mr. Tindall explained that in their development agreements it stated that it excluded the public safety sales tax, so that an increase under any model would not be part of a rebate or sales tax incentives that had been given under other agreements. He added that they would identify that specifically under any new agreements.

Councilmember Lieberman discussed the term “for home consumption” and how it would apply.

Mayor Scruggs asked if the code amendment was language that was already in place in the model city tax code. Mr. Tindall stated that she was correct. She asked if the tax increase would apply when you stayed in a hotel or ate at a restaurant. Mr. Tindall said yes, because those are retail sales taxes.

Mayor Scruggs asked if everyone was comfortable with the new supplanting language. Everyone was in favor.

Mayor Scruggs asked what the next step was in the process. Mr. Tindall stated that the pamphlet would have all the information, including changes so voters would see exactly what is being adopted since they have to adopt new sections of the model city tax code. He explained that the next step would be to make the adjustments that have been discussed today to be reviewed in a night meeting in May.

Mr. Tindall stated that a request was made by the tax and licensing people that the effective date for implementation would be in November of this year if the ballot measure passes. Mayor Scruggs commented that it was a very quick turnaround.

Mayor Scruggs asked Council if everyone was satisfied with moving with this item to a Regular City Council Meeting? All the Councilmember’s agreed.

ADJOURNMENT

The meeting was adjourned at 5:25 p.m.