

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA,  
HELD TUESDAY, AUGUST 29, 2006, AT 7:00 P.M.**

The meeting was called to order by Mayor Elaine M. Scruggs, with Vice Mayor Thomas R. Eggleston and the following Councilmembers present: Joyce V. Clark, Steven E. Frate, David M. Goulet, H. Philip Lieberman, and Manuel D. Martinez.

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

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

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

**APPROVAL OF THE MINUTES OF THE JUNE 27, 2006 CITY COUNCIL MEETING**

**It was moved by Goulet, and seconded by Frate, to dispense with the reading of the minutes of the June 27, 2006 regular City Council meeting, as each member of the Council had been provided copies in advance, and approve them as written. The motion carried unanimously.**

**BOARDS AND COMMISSIONS**

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

			Effective Date	Expiration Date
<b><u>Arts Commission</u></b>				
Kathleen Roe	Yucca	Re-appointment	08/23/2006	08/23/2008
Jacqueline Markowitz	Sahuaro	Chair Re-appointment	09/27/2006	09/27/2007
Frank Eager	Cholla	Vice Chair Re-appointment	09/27/2006	09/27/2007
<b><u>Citizens Bicycle Advisory Committee</u></b>				
Jim Walker	Cactus	Appointment	08/29/2006	02/05/2008

Bradley J. Meek	Ocotillo (Cholla)	Appointment	08/29/2006	07/18/2007
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**Commission On Persons With Disabilities**

Audrey A. Young	Mayoral (Cactus)	Appointment	08/29/2006	07/27/2008
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Patricia Wyrick	Ocotillo (Barrel)	Appointment	08/29/2006	02/27/2008
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**Community Development Advisory Committee**

Rebecca Ontiveros	CAP Board (Ocotillo)	Re-appointment	09/23/2006	09/23/2008
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Lynn Simon	Ocotillo (Barrel)	Appointment	08/29/2006	07/01/2008
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**Industrial Development Authority**

Cecil R. Daniels	At-Large (Sahuaro)	Appointment	08/29/2006	08/23/2008
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The recommendation was to make appointments to the Boards and Commissions and administer the Oaths of Office.

**It was moved by Martinez, and seconded by Eggleston, to appoint the applicants listed above, for the terms listed above, to the Arts Commission, the Citizens Bicycle Advisory Committee, and the Commission on Persons With Disabilities, the Community Development Advisory Committee and the Industrial Development Authority. The motion carried unanimously.**

Mayor Scruggs called the following appointees forward and issued the Oath of Office. Kathleen Roe, Jacqueline Markowitz, Frank Eager, Jim Walker, Bradley Meek, Audrey Young, Patricia Wyrick, Rebecca Ontiveros, Lynn Simmon and Cecil Daniels.

**PROCLAMATIONS AND AWARDS**

**DROWNING IMPACT AWARENESS MONTH PROCLAMATION**

Present: Braxton Bilbrey, Stacey and Steve Bilbrey, Coach Joe Zemaitis.

This is a request for City Council to proclaim the month of August 2006 as Drowning Impact Awareness Month on behalf of the Water Watchers at Phoenix Children's Hospital.

Drowning Impact Awareness month will raise awareness that the number and impact of child drownings in Arizona affects everyone and that these incidents in Arizona take lives equivalent to a classroom of children each year. Raising awareness will increase understanding and education of effective ways to prevent drowning.

The recommendation was to present the Proclamation to the Glendale Fire Department and Braxton Bilbrey, who is the youngest person to swim from Alcatraz Island to San Francisco Aquatic Park.

Coach Joe Zemaitis thanked Mayor Scruggs for presenting Braxton with the Proclamation. He said that for once there is a good story associated with Drowning Awareness. He stated that he wanted to get the word out that drowning prevention is a year round issue in Arizona. He said that they are always raising money and working on this very important issue.

#### RECOGNIZING THE DEER VALLEY FLYAWAYS GYMNASTICS TEAM

Present: Danielle Hall, Anna Burrola, Delaney Hutchinson, Kinsey Minter, Hannah Klein, Leah Zampini, Zahra Stamps, Sarah Thompson, Shannon Lepicier, Sean Martel, Samantha Calle, Cori Whitson, Amanda Burnett, Katie Peterson, Shea Evans, Micheal Stevenson, Jacob Rimlinger and Tim Martin Executive Director, Valley YMCA  
Not Able to Attend: Dana Hall Coach.

This is a request for City Council to recognize The Deer Valley Flyaways Gymnastics Team on their stellar performance throughout the season that resulted in their participation in the 2006 YMCA National Competition that was held in Hanover, Pennsylvania. The team consists of 18 gymnasts, which included young boys and girls. During the competition the team won 65 medals. The team is supported by the Glendale/Peoria YMCA.

The recommendation was to present the Proclamation to the Deer Valley Flyaways for their hard work and National Honors. Danielle Hall will be accepting the Proclamation on behalf of the team. Danielle has been a member of the YMCA Flyaways for 10 years and has three national titles.

Ms. Danielle Hall thanked Mayor Scruggs and the City Council for the Proclamation to the Deer Valley Flyaways. She accepted on behalf of her team and coaches. She stated that being involved in this endeavor has made a big impact in all their lives. As a coach now, she would like to give back to the community.

## CONSENT AGENDA

Mr. Ed Beasley, City Manager, read Agenda Item Numbers 1 through 17 and Ms. Pamela Hanna, City Clerk, read consent agenda resolutions numbers 18 through 20 by number and title.

Councilmember Lieberman requested Item No. 13 be heard separately.

### 1. LIQUOR LICENSE NO. 3-1064 ALBERTSON'S #974

This is a request for City Council to approve a person-to-person transfer of ownership for this Series 9 (Liquor Store – All Liquor) license for Albertson's #974, located at 20255 North 59<sup>th</sup> Avenue. The Arizona State application (number 09070585) was submitted by Glenn Allen Edmondson.

The 60-day deadline for processing this application was August 5, 2006. A request for an extension was submitted to the Arizona Department of Liquor Licenses and Control on June 8, 2006. The location of the establishment is 20255 North 59<sup>th</sup> Avenue and is within the Cholla District, zoned SC (shopping center). This establishment is over 300 feet from any school or church. This business has been an Albertson's grocery store from June 1996 to present. Albertson's Store #974 held a Series 9 license from May 1996 to July 2005. There was a person-to-person transfer of ownership to Albertson's Inc. that held a Series 9 license from July 2005 to present. This application requests a person-to-person transfer of ownership from Albertson's Inc. to Albertson's LLC. The population density is 3,360 people per square mile. The approval of this license will not increase the total number of liquor licenses in this area. The number of liquor licenses within a one-mile radius is 17 as listed below:

Series	Type	Quantity
6	Bar – All Liquor	2
7	Bar - Beer & Wine	1
9	Liquor Store – All Liquor	3
10	Liquor Store – Beer & Wine	2
12	Restaurant – All Liquor	9
	<b>Total</b>	<u>17</u>

No previous action has occurred.

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

The City of Glendale Planning and Police Departments, as well as the Maricopa County Health Department, have reviewed the application, determined that it meets all technical requirements and have approved this license. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

2. LIQUOR LICENSE NO. 3-1065 ALBERTSON'S #1009

This is a request for City Council to approve a person-to-person transfer of ownership for this Series 9 (Liquor Store – All Liquor) license for Albertson's #1009, located at the 5802 West Olive Avenue. This Albertson's store recently closed and this license will be a placeholder for future sales or transfer. The Arizona State application (number 09070516) was submitted by Glenn Allen Edmondson.

The 60-day deadline for processing this application was August 5, 2006. A request for an extension was submitted to the Arizona Department of Liquor Licenses and Control on June 8, 2006. The location of the establishment is 5802 West Olive Avenue and is within the Barrel District, zoned SC (shopping center). This establishment is over 300 feet from any school or church. This business has been an Albertson's grocery store from February 2004 to July 2006. Albertson's Store #1009 held a Series 9 license from October 2003 to December 2005. There was a person-to-person transfer of ownership to Albertson's Inc. that held a Series 9 license from December 2005 to present. This application requests a person-to-person transfer of ownership from Albertson's Inc. to Albertson's LLC. The population density is 6,369 people per square mile. The approval of this license will not increase the total number of liquor licenses in this area. The number of liquor licenses within a one-mile radius is 19 as listed below:

<b>Series</b>	<b>Type</b>	<b>Quantity</b>
6	Bar – All Liquor	2
7	Bar - Beer & Wine	2
9	Liquor Store – All Liquor	5
10	Off-Sales Retail – Beer & Wine	4
12	Restaurant – All Liquor	5
14	Private Club	1
	<b>Total</b>	<u>19</u>

No previous action has occurred.

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

The City of Glendale Planning and Police Departments, as well as the Maricopa County Health Department, have reviewed the application, determined that it meets all technical requirements and have approved this license. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

3. LIQUOR LICENSE NO. 3-1066 SWEET ORIGINES WINE & CHOCOLATE LOUNGE

This is a request for City Council to approve a new Series 7 (Bar – Beer and Wine) license for Sweet Origines Wine & Chocolate Lounge, located at the 9380 West Westgate Boulevard, Suite D101. The Arizona State application (number 07073006) was submitted by Jeanette Michelle Dubreil.

The 60-day deadline for processing this application was August 10, 2006. A request for an extension was submitted to the Arizona Department of Liquor Licenses and Control on June 12, 2006. This establishment is over 300 feet from any school or church. The location of the establishment will be 9380 West Westgate Boulevard, Suite D101 and is within the Yucca District, zoned PAD (planned area development). This is a new license application and a new location for this Series 7 license. This Series 7 license is a newly issued license through the State Department of Liquor Licenses and Control random selection drawing. The population density is 1,350 people per square mile. The approval of this license will increase the total number of liquor licenses in this area by one. The number of liquor licenses within a one-mile radius is 4 as listed below:

<b>Series</b>	<b>Type</b>	<b>Quantity</b>
6	Bar – All Liquor	2
7	Bar - Beer & Wine	1
12	Restaurant – All Liquor	1
	<b>Total</b>	<u>4</u>

No previous action has occurred.

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

The City of Glendale Planning and Police Departments, as well as the Maricopa County Health Department, have reviewed the application, determined that it meets all technical requirements and have approved this license. Therefore, 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. 3-1067 HAMMERHEADS OCEAN GRILL

This is a request for City Council to approve a new Series 12 (Restaurant – All Liquor) license for Hammerheads Ocean Grill, located at the 6718 West Deer Valley Road, Suite 101-104. The Arizona State application (number 12076730) was submitted by Mark Vernon Boyce.

The 60-day deadline for processing this application was August 27, 2006. A request for an extension was submitted to the Arizona Department of Liquor Licenses and Control on June 29, 2006. The location of the establishment will be 6718 West Deer Valley Road, Suite 101-104 and is within the Cholla District, zoned PAD (planned area development). Currently at this location there is a physical therapy clinic. Hammerheads Ocean Grill will be the first restaurant at this location. This is a new license application and a new location for this Series 12 (Restaurant – All Liquor) license. The population density is 5,086 people per square mile. The approval of this license will increase the total number of liquor licenses in this area by one. The number of liquor licenses within a one-mile radius is 6 as listed below:

<b>Series</b>	<b>Type</b>	<b>Quantity</b>
7	Bar - Beer & Wine	3
9	Liquor Store - All Liquor	2
10	Off-Sale Retail - Beer & Wine	1
	<b>Total</b>	<u>6</u>

No previous action has occurred.

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

The City of Glendale Planning and Police Departments, as well as the Maricopa County Health Department, have reviewed the application, determined that it meets all technical requirements and have approved this license. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

5. LIQUOR LICENSE NO. 3-1068 CACHANILLAS RESTAURANT

This is a request for City Council to approve a new Series 12 (Restaurant – All Liquor) license for Cachanillas Restaurant, to be located at 4935 West Glendale Avenue, Suite 17-18. The Arizona State application (number 12076728) was submitted by Lizeth A. Enriquez.

The 60-day deadline for processing this application was August 27, 2006. A request for an extension was submitted to the Arizona Department of Liquor Licenses and Control on June 29, 2006. The location of the establishment would be at 4935 West Glendale Avenue, Suite 17-18 within the Cactus District, zoned general commercial. At this location there was Schlotzky's Deli from December 1998 to October 2002 and Homi's Deli from March 2003 to December 2005. This is a new license application and a new location for this Series 12 license. The population density is 7,253 people per square mile. The approval of this license will increase the total number of liquor licenses in this area by one. The number of liquor licenses within a one-mile radius is 19 as listed below:

<b>Series</b>	<b>Type</b>	<b>Quantity</b>
6	Bar - All Liquor	2
7	Bar - Beer & Wine	2
9	Liquor Store - All Liquor	2
10	Liquor Store - Beer & Wine	7
12	Restaurant - All Liquor	5
14	Private Club - All Liquor	1
	<b>Total</b>	<hr/> 19

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

The City of Glendale Planning and Police Departments, as well as the Maricopa County Health Department, have reviewed the application, determined that it meets all technical requirements and have approved this license. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

6. LIQUOR LICENSE NO. 3-1069 CVS PHARMACY #9301

This is a request for City Council to approve a person-to-person transfer of ownership for this Series 9 (Liquor Store – All Liquor) license, located at 6712 West Bell Road. The Arizona State application (number 09070570) was submitted by Jason Barclay Morris.

The 60-day deadline for processing this application was August 28, 2006. A request for an extension was submitted to the Arizona Department of Liquor Licenses and Control on June 30, 2006. The location of the establishment is at 6712 West Bell Road, within the Sahuaro District, zoned planned area development. The establishment would be over 300 feet from any school or church. This business has been an Osco Drug store from November 2000 to present. Osco Drug #9301 held a Series 9 license from September 2000 to present. This is a person-to-person transfer of ownership from Osco Drug of Texas, Inc. to CVS EGL Union Hills AZ, LLC. The population density is 2,552 people per square mile. The approval of this license will not increase the total number of liquor licenses in this area. The number of liquor licenses within a one-mile radius is 32 as listed below:

<b>Series</b>	<b>Type</b>	<b>Quantity</b>
6	Bar - All Liquor	6
9	Liquor Store - All Liquor	3
10	Liquor Store - Beer & Wine	8
12	Restaurant - All Liquor	15
	<b>Total</b>	<hr/> 32

No previous action has occurred.

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

The City of Glendale Planning and Police Departments, as well as the Maricopa County Health Department, have reviewed the application, determined that it meets all technical requirements and have approved this license. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

7. LIQUOR LICENSE NO. 3-1071 VINNIE & JOEY'S PLACE

This is a request for City Council to approve a person-to-person transfer of ownership for this Series 6 (Bar – All Liquor) license for Vinnie & Joey's Place, located at 9250 North 43<sup>rd</sup> Avenue, Units 17-18. The Arizona State application (number 06070234) was submitted by Kenneth Thomas DiMichel.

The 60-day deadline for processing this application is September 17, 2006. The location of the establishment is at 9250 North 43rd Avenue, Units 17 – 18, within the Cactus District, zoned C-2 (general commercial). The establishment is over 300 feet from any school or church. This business operated as Time Out Bar from March 2001 to July 2003 under two different owners: Dumf Enterprises, Inc. (March 2001 to April 2002) and Rondi, Inc. (April 2002 to July 2003). It was operated as Sassi Jim's Play Pen Lounge (July 2003 to September 2005) and then as Jeff's Bar (September 2005 to present). From 2001 to present, the business has operated with a Series 6 liquor license. This is a request for a person-to-person transfer of ownership for this license. The population density is 6,957 people per square mile. The approval of this license will not increase the total number of liquor licenses in this area. The number of liquor licenses within a one-mile radius is 32 as listed below:

<b>Series</b>	<b>Type</b>	<b>Quantity</b>
6	Bar - All Liquor	11
7	Bar - Beer & Wine	4
9	Liquor Store - All Liquor	2
10	Liquor Store - Beer & Wine	5
12	Restaurant - All Liquor	10
	<b>Total</b>	<u>32</u>

No previous action has occurred.

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

The City of Glendale Planning and Police Departments, as well as the Maricopa County Health Department, have reviewed the application, determined that it meets all technical requirements and have approved this license. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

8. SPECIAL EVENT LIQUOR LICENSE FOR SOROPTIMIST INTERNATIONAL OF THE KACHINAS, INC.

This is a request for City Council to approve a special event liquor license for Soroptimist International of the Kachinas, Inc. to be held at Glendale Women's Club, located at 7032 North 56<sup>th</sup> Avenue. The fundraising event will be on Saturday, September 16, 2006 from 10:00 a.m. to 3:00 p.m. The proceeds from this event will be used for local charities that benefit women and girls. The special event liquor license was submitted by Janet R. Jennings.

If this license is approved, the total days expended by this applicant will be one of the allowed 10 days this year. Under the provisions of Arizona Revised Statutes Sec. 4-203.02, the Arizona Department of Liquor Licenses and Control may issue a special event liquor license only if the City Council recommends approval of such license.

No previous action has occurred.

The City of Glendale Planning, Fire and Police Departments have reviewed the application, determined that it meets all technical requirements and have approved the license. Therefore, it is staff's recommendation to forward the application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

9. SPECIAL EVENT LIQUOR LICENSE FOR ST. HELEN'S CATHOLIC CHURCH – SEPTEMBER 16, 2006

This is a request for City Council to approve a special event liquor license for a wine-tasting fundraiser for St. Helen's Catholic Church, located at 5510 West Cholla Street. The event will be on Saturday, September 16, 2006 from 6:30 to 10:30 p.m. The special event liquor license application was submitted by Eric B. Biallas.

If this license is approved, the total days expended by the applicant will be one of the allowed 10 days this year. Under the provisions of Arizona Revised Statutes Sec. 4-230.02, the Arizona Department of Liquor Licenses and Control may issue a special event liquor license only if the City Council recommends approval of such license.

No previous action has occurred.

The City of Glendale Planning and Police Departments have reviewed the application, determined that it meets all technical requirements and have approved this license. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

10. SPECIAL EVENT LIQUOR LICENSE FOR ST. HELEN'S CATHOLIC CHURCH  
– OCTOBER 14, 2006

This is a request for City Council to approve a special event liquor license for an Oktoberfest fundraiser for St. Helen's Catholic Church, located at 5510 West Cholla Street. The event will be on Saturday, October 14, 2006 from 6:30 to 10:30 p.m. The special event liquor license application was submitted by Eric B. Baillas.

If this license is approved, the total days expended by the applicant will be two of the allowed 10 days this year. Under the provisions of Arizona Revised Statutes Sec. 4-230.02, the Arizona Department of Liquor Licenses and Control may issue a special event liquor license only if the City Council recommends approval of such license.

No previous action has occurred.

The City of Glendale Planning and Police Departments have reviewed the application, determined that it meets all technical requirements and have approved this license. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

11. SPECIAL EVENT LIQUOR LICENSE FOR ST. LOUIS THE KING CHURCH

This is a request for City Council to approve a special event liquor license for St. Louis the King Church located at 4331 West Maryland Avenue. The fundraising event will be on Friday, October 6, 2006 from 6:00 to 11:00 p.m., Saturday, October 7, 2006 from 11:00 a.m. to midnight and Sunday, October 8, 2006 from 11:00 a.m. to 11:00 p.m. The special event liquor license was submitted by Marc Gerard Riccitelli.

If this license is approved, the total days expended by this applicant will be three of the allowed 10 days this year. Under the provisions of Arizona Revised Statutes Sec. 4-203.02, the Arizona Department of Liquor Licenses and Control may issue a special event liquor license only if the City Council recommends approval of such license.

No previous action has occurred.

The City of Glendale Planning, Fire and Police Departments have reviewed the application, determined that it meets all technical requirements and have approved the license. Therefore, it is staff's recommendation to forward the application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

12. SPECIAL EVENT LIQUOR LICENSE FOR OUR LADY OF PERPETUAL HELP SCHOOL

This is a request for City Council to approve a special event liquor license for Our Lady of Perpetual Help School located at 7521 North 57<sup>th</sup> Avenue. The fundraising event will be on Saturday, October 21, 2006 from 3:00 to 10:00 p.m. and Sunday, October 22, 2006 from 10:00 a.m. to 10:00 p.m. The special event liquor license was submitted by Maureen E. DeGrose.

If this license is approved, the total days expended by this applicant will be three of the allowed 10 days this year. Under the provisions of Arizona Revised Statutes Sec. 4-203.02, the Arizona Department of Liquor Licenses and Control may issue a special event liquor license only if the City Council recommends approval of such license.

No previous action has occurred.

The City of Glendale Planning, Fire and Police Departments have reviewed the application, determined that it meets all technical requirements and have approved the license. Therefore, it is staff's recommendation to forward the application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

14. AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT AND AWARD OF CONSTRUCTION CONTRACT, 61ST AVENUE RELIEF SEWER

This is a request for City Council to authorize the City Manager to enter into Amendment No. 1 to the Professional Services Agreement (PSA) with Entellus, Inc. for construction management, and a construction contract with Holl-Wenn Construction, Inc. for installation of the 61<sup>st</sup> Avenue Relief Sewer. A transfer of funds is also requested to complete the construction.

One of Council's strategic goals is high quality service for citizens. This project will improve the 61<sup>st</sup> Avenue sewer line by increasing the carrying capacity from Northern to Alice avenues.

The existing sewer in 61<sup>st</sup> Avenue from Northern to Alice Avenues is eight inches in diameter, relatively shallow, and was installed in the middle to late 1960's. Since the time of its installation, a significant amount of multi-family housing has been constructed in its service area, with the result being that the sewer is currently at its design capacity.

Entellus, Inc. has completed the engineering design phase of the project as covered in the existing PSA with the city. Amendment No. 1 to the PSA with Entellus, Inc. provides construction management services.

On August 10, 2006, six bids were received and opened for the construction contract. Staff and consultant reviewed the bids and Holl-Wenn Construction, Inc., a licensed and qualified contractor, submitted the lowest responsive bid.

Council approved the PSA for the design contract with Entellus, Inc. on May 25, 2004 to design the relief sewer line.

The project will improve the sewer system in 61<sup>st</sup> Avenue between Northern to Alice Avenues, improving the quality of life for those residents in the surrounding neighborhood through increased carrying capacity.

Funds of \$67,269.86 for Amendment No. 1 are available in Fiscal Year 2006-07 Capital Improvement Program, 61<sup>st</sup> Ave Sewer Line.

Funds of \$128,173.55 are available in the 61<sup>st</sup> Ave Sewer Line account 2420-63012-550800 for the Fiscal Year 2006-07 Capital Improvement Plan. A transfer of funds in the amount of \$759,000 from the Sewer Line Replacement account 2420-63016-550800 to the 61<sup>st</sup> Ave Sewer Line account 2420-63012-550800 is requested to complete construction.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		954,443.41

**Account Name, Fund, Account and Line Item Number:**  
 61<sup>st</sup> Ave Sewer Line – Account No., 2420-63012-550800

The recommendation was to authorize the City Manager to enter into Amendment No. 1 to the Professional Services Agreement with Entellus, Inc. in an amount not to exceed \$67,269.86 and to enter into a construction contract with Holl-Wenn Construction, Inc. for installation of the 61<sup>st</sup> Avenue Relief Sewer in the amount of \$887,173.55 and approve the transfer of funds.

15. AWARD OF PHASE ONE FINAL CONSTRUCTION CONTRACT – PUBLIC SAFETY TRAINING CENTER

This is a request for City Council to authorize the City Manager to enter into the third and final component of the construction contract with D.L. Withers Construction, LC, for Phase I of the Public Safety Training Center.

This contract is for the construction of the training building, training props, police firing range, associated parking and landscaping of the driving training track.

The Public Safety Training Center and Emergency Operations Center (EOC) will provide a new resource for the training of fire and police personnel and a centralized control of emergency operations in the city. The ability to meet the future demands for trained public safety personnel and improve command and control of emergency operations will help ensure the public's safety.

The growth of the metropolitan area along with the projected attrition of personnel for the next decade has created the need for a regional training facility located in the West Valley.

The current training accommodations are at critical limits. The only training facility for firefighters from the West Valley is at the Phoenix Regional Training Academy. Nineteen communities in the Valley, including Glendale, utilize this facility.

Partnerships with various West Valley cities and with Maricopa Community College District (MCCD) will enhance the function and value of the training and continuing education of fire and police personnel, and ensure the number of trained public safety staff is available for the protection of the community.

On May 23, 2006, Council authorized the transfer of \$500,000 in appropriation and funds from FY 2005-06 General Fund Contingency, Account No. 01-2450-7000 to the EOC Equipment PAYGO Account No. 01-8218-8400 for the purchase of equipment for the EOC.

On March 28, 2006, Council approved the second construction contract with D.L. Withers Construction, LC, for the construction of the administration and classroom building, associated underground utilities, a section of the parking lot and a section of the landscaping.

On March 14, 2006, Council approved an intergovernmental agreement with the cities of Avondale, Peoria and Surprise, and the MCCD for the financial and operational partnership of the training center.

On July 26, 2005, Council approved the first construction contract with D.L. Withers Construction, LC, for the construction of the earthen levee and rough site grading in the amount of \$7,596,339. The construction of the levee has been completed.

On June 28, 2005, Council awarded a professional services contract to Lawrence Enyart Architects for design and construction administration services, and a Construction Manager at Risk contract to D.L. Withers Construction, LC, for design support services.

In July of 2004, Council approved a contract with Lawrence Enyart Architects (LEA) to develop the Public Safety Training Facility Master Plan, which was completed in January of 2005. The project was presented at council budget workshops on April 5 and 19, 2005 and approved as part of the Fiscal Year 2005-06 budget.

The facility will provide the Glendale Fire and Police Departments the ability to train public safety employees to meet future needs. Partnerships with various west valley cities and the MCCD will enhance the protection of the community and help reduce costs for the facility.

The total cost for the third and final component of Phase One is \$13,951,574. Funds are available in Training Facility Phase I and the EOC Equipment accounts.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$13,151,574
	X		X		\$ 800,000

<b><u>Account Name, Fund, Account and Line Item Number:</u></b> Training Facility Phase I, Account No. 1270-85004-550800, \$13,151,574 EOC Equipment, Account No. 1000-81023-551400, \$800,000
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The recommendation was to authorize the City Manager to enter into the construction contract with D.L. Withers Construction, LC, in the amount \$13,951,574.

16. AWARD OF CONSTRUCTION CONTRACT: BETHANY HOME ROAD STREET AND DRAINAGE IMPROVEMENTS, 75<sup>TH</sup> TO 83<sup>RD</sup> AVENUES

This is a request for City Council to authorize the City Manager to enter into a construction contract with Achen-Gardner Engineering, LLC, for the Bethany Home Road Street and Drainage Improvement, between 75th and 83rd Avenues. The project includes the construction of approximately 1,500 lineal feet of 108-inch diameter storm drain, and a bridge over the Grand Canal.

This project will help fulfill Council’s goal of providing high quality services for citizens by improving the transportation and drainage facilities within the area.

Planning for this project began several years ago when it became necessary to realign Bethany Home Road to provide a safer intersection with Bethany Home Road and 83rd Avenue. The project will allow for the extension of Bethany Home Road between 83rd and 91st Avenues and the traffic interchange with the Loop 101. The street improvements include the construction of curb, gutter, sidewalk, landscaping, streetlights, traffic signals, underground conversion of the existing overhead utilities, and asphalt pavement. The project also includes the relocation of a pressure-reducing valve at 75th Avenue and Bethany Home Road to provide a safer working environment for the Utility Department. A storm drain is also being constructed as part of this project

to provide an outlet for the future storm drains serving the downtown area and connect the Bethany Home Outfall Channel.

On August 3, 2006, five bids were received and opened with Achen-Gardner Engineering, LLC, a licensed and qualified contractor, submitting the lowest bid in the amount of \$6,134,398.70.

On February 24, 2004, Council awarded a professional services agreement with Earth Tech to design the street and storm drain improvements.

In March 2001, Council entered into an intergovernmental agreement with the Flood Control District of Maricopa County (FCD) for the purpose of cost sharing on the design, construction, and property acquisition for the Bethany Home Outfall Channel. This agreement also included cost sharing for the storm drain in Bethany Home Road between 83<sup>rd</sup> and 58<sup>th</sup> Avenues. The agreement stated that the FCD would reimburse the city for 50% of the cost of design and construction of the storm drain in Bethany Home Road.

The Bethany Home Road street realignment and storm drain will benefit the city by providing a safer intersection with 83<sup>rd</sup> Avenue and Bethany Home Road. It will also provide the first step in construction of a storm drain that will eventually relieve flooding problems in the southerly portion of the city.

A public meeting was held on the Bethany Home Road project on February 16, 2005. Among those that attended, twenty-three citizens signed the attendance roster.

Funds for the construction of the street and storm drain improvements are available in various project budgets in the current Capital Improvement Program. A transfer of \$510,000 of contingency appropriation authority only is required from Roadway Improvements Development Impact Fee Contingency, Account No. 1600-12029-510200, to Bethany Home Road, 75<sup>th</sup>- 83<sup>rd</sup> Avenues, Account No. 1600-67810-550800.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$6,134,398.70

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

Bethany Home Road, 75<sup>th</sup> to 83<sup>rd</sup> Avenues (Storm Drain Improvements), Account No. 2180-79009-550800 \$3,000,610  
 Oasis Water Campus, Account No. 2400-61003-550800 \$50,264.18  
 Bethany Home Road, 75<sup>th</sup> to 83<sup>rd</sup> Avenues (Street Improvements), Account No. 2000-68901-550800, \$2,258,784.17  
 75<sup>th</sup> Ave/Bethany Home Road – Intersection, Account No. 2210-65047-550800 \$208,569.55  
 Bethany Home Road, 75<sup>th</sup> - 83<sup>rd</sup> Avenues, Account No. 1600-67810-550800 \$510,000  
 Development Agreements – Signals, Account No. 1600-67803-500800, \$106,170.80

The recommendation was to approve the transfer and award the construction contract to Achen-Gardner Engineering, LLC, in the amount of \$6,134,398.70, for the construction of the Bethany Home Road Street and Drainage Improvements, between 75<sup>th</sup> and 83<sup>rd</sup> Avenues.

17. AGREEMENT AWARD FOR PLANNING AND MANAGEMENT OF EVENT TRANSPORTATION SERVICES

This is a request for City Council to ratify an agreement with Gameday Management Group for planning and management of event transportation services. The agreement term is for one year from the date of execution by the Council. Transportation services include providing buses and personnel for shuttle bus services to and from the city parking lot located at 91<sup>st</sup> and Orangewood Avenues and the stadium.

One of Council's goals is to provide high quality services to citizens. Provision of this agreement will assist in the coordination of exceptional service delivery for residents and visitors to Glendale during events at the stadium.

This approval request is a retroactive authorization due to the timing of final negotiations with the Cardinals on the overall stadium-parking plan. Furthermore, an agreement for shuttle services was not completed until August 1, 2006 due to ongoing parking plan discussions during Council break. Per the agreement with the Arizona Cardinals and Arizona Sports and Tourism Authority (AZSTA), shuttle bus service is to be provided to people parking in the city lot located at 91<sup>st</sup> and Orangewood Avenues.

Pursuant to Glendale City Code, section 2-145(1)(g), the City Manager may waive formal purchasing procedures to avoid unnecessary delay and or expense. Waiving the formal purchasing procedures allowed the city to meet contractual obligations made with the Arizona Cardinals and AZSTA. Upon final determination of service required, four companies were contacted to submit an offer to provide event transportation service including shuttle bus service. Gameday Management Group was selected to provide the service. Gameday Management Group provided event transportation services for the first stadium event scheduled August 12, 2006 in which the city needed to provide services.

Gameday Management Group is a Florida based event management company with experience at the 1996 World Olympics in Atlanta, Georgia, the 1999 Men's College Basketball Final Four, the Daytona International Raceway, and eight Superbowls, including the upcoming Superbowl XLI in Jacksonville, Florida.

Council approved one-time budget supplementals in the Fiscal Year 2006-07 budget for Stadium Transportation Plan Implementation in the amount of \$484,000. The monies requested were to cover the costs of opening day and ongoing costs of implementing parking and shuttle plans for Arizona Cardinal football games.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$473,000

**Account Name, Fund, Account and Line Item Number:**  
 Stadium – Transportation Ops, Account No. 1340-16840-518200

The recommendation was to ratify the agreement with Gameday Management Group in the amount of \$473,000.

**CONSENT RESOLUTIONS**

18. **INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR FIXED ROUTE BUS SERVICES**

This is a request for City Council to authorize the City Manager to enter into an Intergovernmental Agreement (IGA) with the City of Phoenix (Contract Change Order No. 8) for the continued operation of fixed route bus services in the City of Glendale.

One of Council’s goals is to provide high quality services for citizens. Improving and providing transportation options within the city will assist in achieving this goal.

For over 25 years fixed route bus service has been provided in Glendale through an agreement with the City of Phoenix. The agreement will provide continuation of current levels of fixed route bus service to the citizens of Glendale. Bus service is provided with funds from the GO Glendale Transportation Plan.

This is an annual IGA approved by Council to provide fixed route services in Glendale. This agreement was last approved by Council on September 13, 2005.

This contract provides citizens of Glendale with all or part of the bus service on Bethany Home, Glendale, Northern, Olive, Peoria, Thunderbird, Bell, Union Hills, 51<sup>st</sup>, 59<sup>th</sup>, and 67<sup>th</sup> Avenues every half-hour, Monday through Saturday from approximately 5 a.m. to 10 p.m. with hourly service on Sundays and holidays. Fixed route service was provided to more than two million riders in Glendale last year.

The cost for Fiscal Year 2006-07 Change Order No. 8 is \$2,982,197. The amount is budgeted in the Fixed Route division of the GO Transportation Program, account number 1660-16540-518200.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$2,982,197

**Account Name, Fund, Account and Line Item Number:**  
 Fixed Route, Account No., 1660-16540-518200

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement (Contract Change Order No. 8) with the City of Phoenix for the continued operation of fixed route bus services in Glendale in an amount not to exceed \$2,982,197.

Resolution No. 3981 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 (GRANT PASS-THROUGH AGREEMENT) WITH THE CITY OF PHOENIX FOR GRANT NO. AZ-90-X074 RELATING TO TRANSIT SERVICES.**

19. INTERGOVERNMENTAL AGREEMENT WITH THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY FOR TRANSIT SERVICES

This is a request for City Council to authorize the City Manager to enter into an Intergovernmental Agreement (IGA) with the Regional Public Transportation Authority (RPTA) for the continued provision of transit services in the City of Glendale.

Improving and providing transportation options within the city will assist Council in achieving the goal to provide high quality services for citizens.

Approval of this IGA will provide for the continuation of the current level of bus service provided by the RPTA in Glendale for Fiscal Year 2006-07 at an estimated cost to the RPTA of \$880,567. The agreement also provides for reimbursement of Americans With Disabilities Act (ADA) paratransit costs up to \$190,900 for Fiscal Year 2005-06 and up to \$495,400 for Fiscal Year 2006-07.

This is an annual agreement to provide bus service in addition to the service provided by the GO Glendale Transportation Plan. This agreement was last approved by Council on September 13, 2005.

This contract provides citizens of Glendale with all or part of the bus service on Glendale, Peoria, Grand, 59<sup>th</sup>, and 67<sup>th</sup> Avenues and two express routes available every half-hour, Monday through Saturday from approximately 5 a.m. to 10 p.m., with hourly service on Sundays and holidays. Fixed route service was provided to more than two million riders in Glendale last year.

The costs of providing the transit services are included in the Transportation Department's operating budget for the Dial-A-Ride division. This agreement with RPTA provides for reimbursement of ADA paratransit expenses up to \$190,900 for Fiscal Year 2005-06 and up to \$495,400 for Fiscal Year 2006-07. Funds will be deposited to account 1660-16530-419250, Regional Public Transit Authority revenue.

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement with the Regional Public Transportation Authority to continue the provision of public transportation services in Glendale.

Resolution No. 3982 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 AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA) FOR THE PROVISION OF PUBLIC TRANSPORTATION SERVICES.**

20. APPLICATION FOR 2006 TRANSPORTATION ENHANCEMENT FUNDS FOR EXTENSION OF GRAND CANAL PATHWAY

This is a request for City Council to authorize an application for 2006 Transportation Enhancement funds and acceptance of the grant award. The Arizona Department of Transportation (ADOT) requires a formal resolution from the Glendale City Council authorizing submission of the application and the required matching funds.

The application is to extend the Grand Canal pathway from Loop 101 to New River located at approximately 107<sup>th</sup> Avenue.

One of Council's goals is to provide high quality services to citizens. Improving and providing transportation options within the city will assist in achieving this goal.

In November of 2001, Glendale voters approved the half-cent transportation sales tax package, including a ballot map of bicycle and pedestrian projects that included the Grand Canal Multi-use Path from Loop 101 to New River.

This project will be another step in the completion of a multi-use pathway system in Glendale. It will connect the existing Grand Canal pathway to Glendale's planned New River Multi-use path. Glendale's existing Thunderbird Paseo and Skunk Creek pathways will also connect to the Grand Canal pathway via planned trails along the New River in Glendale and Peoria, which will provide a direct connection to the Grand Canal pathway in south Glendale. Once completed, Glendale will have one of the premier off-street pathway systems in the Valley. The Grand Canal Multi-Use path has also been identified as a key segment in the Maricopa Association of Government's Regional Off-Street System Plan as well as the Maricopa County Trails System Plan. When completed these pathways will provide the citizens of Glendale with off-street transportation options.

The Maricopa Association of Governments (MAG) ranked this enhancement project as one of the top five proposals in the county. MAG will recommend this project to ADOT for funding if the City Council approves its submission.

Council approved funds for the project in the Fiscal Year 2007-2008 Capital Improvement Program budget.

Allowing users of the multi-use pathway to avoid busy arterials streets in the area will enhance public safety. By making bicycling and walking more convenient and safe, the overall quality of life will be enhanced for Glendale residents.

In 2001, voters approved a half-cent transportation sales tax ballot question, which included this project. The project has also been reviewed and approved for inclusion in the GO Program by the Citizen Bicycle Advisory Committee and the Citizen Transportation Oversight Commission.

The estimated cost for construction of the project is \$678,268. The grant application requests \$500,000. The city's required contribution for matching funds is \$178,268.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$178,268

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

Grand Canal Multi-use Path from Loop 101 to New River, Account No. 2210-65030-551200, FY 2007-2008 - \$178,268.

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the submission of the 2006 Transportation Enhancement grant application described herein and authorizing acceptance of the grant award.

Resolution No. 3983 New Series was read by number and title only, it being **A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE SUBMISSION OF AN APPLICATION AND MATCHING FUNDS TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION ENHANCEMENT GRANT FOR THE EXTENSION OF THE GRAND CANAL PATHWAY AND AUTHORIZING THE ACCEPTANCE OF THE GRANT IF AWARDED.**

It was moved by Frate and seconded by Eggleston, to approve the recommended actions on Consent Agenda Item Nos. 1 through 12 and 14 through 20, including the approval and adoption of Resolution No. 3981 New Series, Resolution No. 3982 New Series, and Resolution No. 3983 New Series; and to forward Liquor License Application No. 3-1064 for Albertson's #974, Liquor License Application No. 3-1065 for Albertson's #1009, Liquor License Application No. 3-1066 for Sweet Origines Wine & Chocolate Lounge, Liquor License Application No. 3-1067 for Hammerheads Ocean Grill, Liquor License Application No. 3-1068 Cachanillas Restaurant, Liquor License Application No. 1069 for CVS Pharmacy #9301, Liquor License No. 3-1071 for Vinnie & Joey's Place; and Special Event Liquor License Applications for Soroptimist International of the Kachinas, Inc., for St. Helen's Catholic Church – September 16, 2006, for St.

**Helen’s Catholic Church- October 14, 2006, for St. Louis the King Church, and for Our Lady of Perpetual Help School, to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.**

13. AGREEMENT FOR PURCHASE OF POLICE PROTECTIVE GEAR

Mr. Steven Conrad, Police Chief, presented this item.

This is a request for City Council to authorize the City Manager to enter into a cooperative purchase agreement with Aramsco Incorporated for the purchase of police protective gear.

This approval of a cooperative purchase agreement with Aramsco Incorporated will ensure that police personnel will have the proper level of personal protection equipment to keep them safe when responding or working at a weapons of mass destruction related incident.

The City of Phoenix, using a competitive process, awarded a bid for protective gear to Aramsco Incorporated, whose list of specifications included a variety of personal protective equipment (PPD) products. Glendale’s Police Department utilizes such products.

Glendale’s Purchasing Ordinance, Section 2.149, allows cooperative purchases. The City of Phoenix contract with Aramsco Incorporated is valid through December 31, 2006. The bid specifications contain an option that will permit a one-year extension and Glendale would follow the terms of the agreement.

Police protective gear purchases from Aramsco Incorporated will be paid for out of the Fiscal Year 2003-04 Homeland Security Grant Program awarded to the City of Glendale.

<b>Grants</b>	<b>Capital Expense</b>	<b>One-Time Cost</b>	<b>Budgeted</b>	<b>Unbudgeted</b>	<b>Total</b>
X		X	X		137,405.91

**Account Name, Fund, Account and Line Item Number:**  
 State Homeland Security Grant Program (SHSGP), PD, PPE Level One, Account No. 1840-33009-551400

The recommendation was to authorize the City Manager to enter into the cooperative purchase agreement with Aramsco Incorporated for the purchase of police protective gear in an amount not to exceed \$137,405.91.

Councilmember Lieberman stated his support of the purchase agreement. He wished to make it clear to the citizens of Glendale that the money did not come out of the budget. He stated it would be paid for out of the Homeland Security Grant awarded to the City of Glendale. He also wanted to make the citizens aware that the City of Glendale is the leader in receiving this equipment via grants from Homeland Security. He also asked which other Maricopa County cities are receiving this equipment.

Mr. Steven Conrad, Police Chief agreed that this is part of a grant from Homeland Security to combat terrorism. The other cities involved are Avondale, Goodyear, Surprise, El Mirage, Tolleson, Youngtown, Buckeye, and Wickenburg.

**It was moved by Lieberman, and seconded by Clark, to authorize the City Manager to enter into the cooperative purchase agreement with Aramsco Incorporated for the purchase of police protective gear in an amount not to exceed \$137,405.91. The motion carried unanimously.**

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

### 21. PROPOSED ANNEXATION REQUEST AN-161: 17504 WEST NORTHERN AVENUE

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

This is a request for City Council to conduct a public hearing on the blank annexation petition for Annexation Area No. 161, as required by state statute.

Glendale 2025, the city's General Plan, includes specific goals addressing the need for growth management. The Land Use Element, Goal 2 – "Promote sound growth management methods" and the Growth Areas Element, Goal 3 – "Manage growth to achieve reasonable, responsible urban development." Annexation is a tool that can be used by the city to direct and manage growth.

The 445-acre site is located at the northwest corner of Cotton Lane and Northern Avenue, west of the Loop 303.

The applicant, Kohner Properties, is proposing a single-family residential development for the entire 445 acres. Discussions thus far have included the siting of a fire station as well as open space, a future elementary school site and amenity features for the residents. If annexed by the city, this area will receive city services that include police, fire, and sanitation services. Private companies provide other needed utilities in this area of the city. All development that may occur on this parcel must comply with current Glendale development standards and policies.

The blank annexation petition was recorded on August 8, 2006. This public hearing is being conducted during the last 10 days of the 30-day waiting period required by state statute. Recording the blank petition is the first formal step taken in the annexation process. The next step is to hold a public hearing. All property owners within the area to be annexed have been notified by first class mail. The proposed annexation area has been posted and the public hearing has been advertised in the Glendale Star.

Once the public hearing has been conducted and the 30-day waiting period expires on September 7, 2006, signatures may be gathered. Once the required signatures in favor of annexation are obtained, Council will be asked to consider the adoption of an annexation ordinance for this area.

At the January 10, 2006 Workshop, Council directed staff to proceed with the annexation process for Annexation Area No. 161.

The annexation of this 445-acre area would require that any future development of this location meet the Glendale General Plan requirements, as well as all other development standards for the city.

The recommendation was to conduct a public hearing on the blank annexation petition for Annexation Area No. 161 as required by state statute.

**Mayor Scruggs opened the public hearing on Agenda Item No. 21. As there were no comments, Mayor Scruggs closed the public hearing.**

**No action was taken on Agenda Item No. 21.**

22. PROPOSED ANNEXATION REQUEST AN-163: 8707-8709 WEST NORTHERN AVENUE

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

This is a request for City Council to conduct a public hearing on the blank annexation petition for Annexation Area No. 163, as required by state statute.

Glendale 2025, the city's General Plan, includes specific goals addressing the need for growth management. The Land Use Element, Goal 2 – "Promote sound growth management methods" and the Growth Areas Element, Goal 3 – "Manage growth to achieve reasonable, responsible urban development." Annexation is a tool that can be used by the city to direct and manage growth.

The 11.2-acre site is located at the southeast corner of the 87<sup>th</sup> Avenue alignment and Northern Avenue.

The applicant, Malouf Homes, is proposing a single-family residential development for the entire 11.2 acres. The applicant has also been informed of the future development requirements of the Northern Parkway, which is located along the northern boundary of this site and the applicant wishes to proceed with the annexation and development of this property.

If annexed by the city, this area will receive city services that include police, fire, and sanitation services. The 11.2 acres is located within the City of Glendale water and sewer service areas and would be eligible for connection to these utilities once annexation has been completed. All development that may occur on this parcel must comply with current City of Glendale development standards and policies.

The blank annexation petition was recorded on August 8, 2006. This public hearing is being conducted during the last 10 days of the 30-day waiting period required by state statute. Recording the blank petition is the first formal step taken in the annexation process. The next step is to hold a public hearing. All property owners within the area to be annexed have been notified by first class mail. The proposed annexation area has been posted in at least three conspicuous places and the public hearing has been advertised in the Glendale Star.

At the January 10, 2006 Workshop, the City Council directed staff to proceed with the annexation process for Annexation Area No. 163.

The annexation of this 11.2-acre area would require that any future development of this location meet the Glendale General Plan requirements, as well as all other development standards for the City of Glendale.

The recommendation was to conduct a public hearing on the blank annexation petition for Annexation Area No. 163 as required by state statute.

**Mayor Scruggs opened the public hearing on Agenda Item No. 22. As there were no comments, Mayor Scruggs closed the public hearing.**

**No action was taken on Agenda Item No. 22.**

## **ORDINANCES**

### **23. ARIZONA PUBLIC SERVICE COMPANY UTILITY EASEMENTS**

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

This is a request for City Council to adopt an ordinance granting the following utility easements in favor of Arizona Public Service Company (APS); (1) at the city's Public Safety Training Facility located at 11550 West Glendale Avenue; and (2) at the city's Field Operations Center located at 6210 West Myrtle Avenue.

The city is building a new Public Safety Training Facility on the north side of Glendale Avenue, west of the city's landfill. The city requested APS provide electrical service to the new facility.

The city is building a new Transit Building near the Field Operations Center on the north side of Myrtle Avenue, west of Grand Avenue. The city requested APS provide electrical service to the new facility.

These easements are necessary to protect APS' facilities in these locations.

The recommendation was to waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute the easements in favor of Arizona Public Service Company.

Ordinance No. 2522 New Series was read by number and title only, it being **AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER TO EXECUTE UTILITY EASEMENTS IN FAVOR OF ARIZONA PUBLIC SERVICE COMPANY AT THE CITY'S PUBLIC SAFETY TRAINING FACILITY LOCATED AT 11550 WEST GLENDALE AVENUE AND AT ITS FIELD OPERATIONS CENTER LOCATED AT 6210 WEST MYRTLE AVENUE IN GLENDALE, ARIZONA; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.**

**It was moved by Frate, and seconded by Lieberman, to approve Ordinance No. 2522 New Series. Motion carried on a roll call vote, with the following Councilmembers voting "aye": Clark, Goulet, Lieberman, Eggleston, Martinez, Frate, and Scruggs. Members voting "nay": none.**

#### 24. SALT RIVER PROJECT EASEMENTS

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

This is a request for City Council to adopt an ordinance granting the following easements in favor of Salt River Project (SRP); (1) an underground power distribution easement on the northwest corner of 91<sup>st</sup> Avenue and Bethany Home Road; (2) an underground power distribution easement on the southeast corner of 61<sup>st</sup> and Sweetwater Avenues; (3) an irrigation easement along 43<sup>rd</sup> Avenue at Bethany Home Road; and, (4) an irrigation easement along 43<sup>rd</sup> Avenue at Northern Avenue.

The city has made improvements to the Youth Sports Complex on property that the city is leasing at the northwest corner of 91<sup>st</sup> Avenue and Bethany Home Road. To operate the irrigation system and other facilities, the city requested SRP provide electrical power.

The city has made improvements to Desert Valley Park located at the southeast corner of 61<sup>st</sup> and Sweetwater Avenues and has requested SRP provide electrical power to operate the irrigation system and pathway lights. SRP has requested an easement for the installation and protection of their facilities.

Glendale Onboard (GO) will be making improvements to the major intersections along 43<sup>rd</sup> Avenue, between Bethany Home Road and Peoria Avenue, beginning in October of 2006. The city requested SRP relocate its existing irrigation pipe and turnout structures at the intersections of 43<sup>rd</sup> Avenue with Bethany Home Road and Northern Avenue to accommodate construction in these areas.

These easements are necessary to protect SRP's existing land rights and facilities in the new locations.

The recommendation was to waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute the four easements in favor of Salt River Project.

Ordinance No. 2523 New Series was read by number and title only, it being **AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FOLLOWING EASEMENTS IN FAVOR OF SALT RIVER PROJECT: (1) A POWER DISTRIBUTION EASEMENT ON THE NORTHWEST CORNER OF 91<sup>ST</sup> AVENUE AND BETHANY HOME ROAD; (2) AN UNDERGROUND POWER DISTRIBUTION EASEMENT ON THE SOUTHEAST CORNER OF 61<sup>ST</sup> AND SWEETWATER AVENUES; (3) AN IRRIGATION EASEMENT ALONG 43<sup>RD</sup> AVENUE AT BETHANY HOME ROAD; AND (4) AN IRRIGATION EASEMENT ALONG 43<sup>RD</sup> AVENUE AT NORTHERN AVENUE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.**

**It was moved by Martinez, and seconded by Frate, to approve Ordinance No. 2523 New Series. Motion carried on a roll call vote, with the following Councilmembers voting "aye": Clark, Goulet, Lieberman, Eggleston, Martinez, Frate, and Scruggs. Members voting "nay": none.**

25. DEDICATION OF ADDITIONAL RIGHT-OF-WAY, PUBLIC UTILITY EASEMENT, WATER AND SEWER LINE EASEMENTS: GLENDALE AVENUE AND CABELA DRIVE, EAST OF 95<sup>TH</sup> AVENUE

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

This is a request for City Council to adopt an ordinance to dedicate city-owned property as additional right-of-way along the north side of Glendale Avenue and along the south side of Cabela Drive, east of 95<sup>th</sup> Avenue; to dedicate a public utility easement along the south side of Cabela Drive, east of 95<sup>th</sup> Avenue; and to dedicate

perpetual easements for the city's water and sewer lines providing service to the Cabela's site.

The installation of infrastructure to serve the Cabela's store and other developments in the Zanjero subdivision resulted in the need for dedication of additional rights-of-way and relocation of the adjacent public utility easement. The city currently holds title to portions of the needed areas along the north side of Glendale Avenue and along the south side of Cabela Drive, east of 95<sup>th</sup> Avenue. In developing the Cabela's site, the city installed certain necessary water and sewer lines. Dedication of perpetual easements for these facilities will protect the city's facilities on this site.

The recommendation was to waive reading beyond the title and adopt an ordinance authorizing the City Manager to sign all documents necessary for the dedication of additional rights-of-way along the north side of Glendale Avenue and along the south side of Cabela Drive, east of 95<sup>th</sup> Avenue; for the dedication of a new public utility easement adjacent to Cabela Drive, east of 95<sup>th</sup> Avenue; and for perpetual easements for the city's water and sewer lines and related facilities.

Ordinance No. 2524 New Series was read by number and title only, it being **AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE DEDICATION OF ADDITIONAL RIGHTS-OF-WAY ALONG THE NORTH SIDE OF GLENDALE AVENUE AND ALONG THE SOUTH SIDE OF CABELA DRIVE, EAST OF 95<sup>TH</sup> AVENUE; FOR THE DEDICATION OF A NEW PUBLIC UTILITY EASEMENT ADJACENT TO CABELA DRIVE, EAST OF 95<sup>TH</sup> AVENUE; AND FOR PERPETUAL EASEMENTS FOR THE CITY'S WATER AND SEWER LINES AND RELATED FACILITIES; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.**

**It was moved by Clark, and seconded by Lieberman, to approve Ordinance No. 2524 New Series. Motion carried on a roll call vote, with the following Councilmembers voting "aye": Clark, Goulet, Lieberman, Eggleston, Martinez, Frate, and Scruggs. Members voting "nay": none.**

26. FOOTHILLS PARK AND SKATE COURT CONCESSIONS

Ms. Becky Benna, Parks and Recreation Director, presented this item.

This is a request for City Council to authorize the City Manager to enter into a lease agreement with Action Park Alliance (APA) to provide retail, concessions, equipment rental and repair, and programs for the Foothills Park and Skate Court, located at 57<sup>th</sup> Avenue and Union Hills Drive.

The agreement addresses the Council's strategic goal to provide high quality services for our citizens. The agreement also addresses several strategic priorities, including ensuring public safety and awareness, coordinating exceptional service delivery through an integrated approach, strengthening community relationships, creating new partnerships, and enhancing the quality of life for Glendale residents.

In January of 2005, the Parks and Recreation Department advertised a Request for Proposal (RFP) to provide management, concession and pro shop services at Foothills Regional Skate Court. One proposal was received from Action Park Alliance, Inc. (APA), located in California. Notices were sent to Glendale skate and bike shops to solicit proposals from local vendors as well as national vendors. However, no local vendors responded or attended the pre-proposal conference to clarify questions related to the request for proposals.

In addition, during the summer of 2005, staff began development of a management plan for the Foothills Park and Skate Court. The process to develop the plan included surveying other cities regarding their management and maintenance practices, talking with businesses and schools located near the park, and analysis of the Foothills Park and Skate Court uses and issues. As a result, the plan's focus is to provide consistent standards and practices for the facility and addresses four main areas: safety and maintenance, communication, programming and operations.

One of the elements of the management plan is to provide a professional pro shop and concessionaire on-site to serve the park and skate court users. Once the plan was finalized, staff began design of a concessions facility located in the park and adjacent to the skate court. It also began negotiations with APA to provide professional, adult-supervised pro shop, concessions and programming services. As a result, the proposed agreement includes the following:

Sale of food and non-alcoholic refreshments; sale, rental and repair of skateboarding and in-line skating equipment; and partnering with the Parks and Recreation Department to offer and promote programs and events in the skate court.

The initial term of the proposed agreement is for five years and could be renewed for another five-year term, unless either party chooses to terminate within 90 days of renewal. There would be no operating costs to the city for utilizing APA's services.

APA would not be charged rent the first six months of the lease to allow for start-up preparation of the concessions and pro shop. Second six months - APA would pay \$800 per month to the city. Years two through five - \$800 per month and 5% of the gross annual revenues above the \$300,000 level or 6% of the gross annual revenues above the \$500,000

In addition, pending satisfactory performance at the Foothills facility, APA would also have first right of refusal for providing concession and pro shop services to the future western area park facility.

Staff also verified the high quality and consistency of APA's services provided to the cities of Orlando, Florida and San Diego, California that have utilized APA's services over several years and continue to use their services. Both cities provided excellent referrals.

Staff presented the proposal submitted by APA to the Parks and Recreation Commission at its March 2005 meeting for discussion and input. At the Commission's meeting in July 2005, staff also presented a management plan for the Foothills Park and Skate Court facility. One of the elements of the plan included developing a contract with APA to provide pro shop and concessions services, as well as programs and events to the park and skate court, but not supervise and manage the skate court.

In October of 2005, a citizen skate court advisory committee was formed that includes representatives from local businesses, schools, skate court users, parents, police, and neighborhood partnership, library and parks and recreation staff. The committee meets on a regular basis to discuss and address programming and volunteer opportunities, and behavior at the park and at area businesses.

The management plan has assisted staff in monitoring and managing park and skate court use and created open communication and partnerships with the area businesses and schools.

Through Action Park Alliance's sports expertise, professional sports affiliation and highly trained staff, the community will benefit from the offering of various youth programs, local demonstrations, and special events. In addition, the concessionaire would provide the park and skate court users professional, adult-supervised pro shop and concession services on-site during the park and skate court hours of operations.

The recommendation was to waive reading beyond title and adopt an ordinance authorizing the City Manager to enter into an agreement with Action Park Alliance for the operation of the Foothills Park and Skate Court Concessions and Pro Shop.

Councilmember Frate said he thought this was a project that needed to be addressed. He said it is very exciting to see this come to the Foothills Park. He indicated he likes the idea of the concession stand to sell food and drinks so kids don't have to cross the street.

Councilmember Lieberman noted that two other parties had been interested in the park's development but never came forward. He said he is glad that the development is coming in now.

Mayor Scruggs added that this development is great for the kids. She further added it would keep them safer by not crossing the street for refreshments. She wished the project coordinators luck with the project.

Ordinance No. 2525 New Series was read by number and title only, it being **AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE MAYOR AND/OR CITY MANAGER AND CITY CLERK TO EXECUTE THE FOOTHILLS SKATE COURT CONCESSIONAIRE AND PROSHOP LEASE AGREEMENT WITH ACTION PARK ALLIANCE.**

It was moved by Martinez, and seconded by Lieberman, to approve Ordinance No. 2525 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Eggleston, Martinez, Frate, and Scruggs. Members voting “nay”: none.

#### REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION

It was moved by Eggleston, and seconded by Martinez, to hold a City Council Workshop at 1:30 p.m. on Tuesday, September 5, 2006 in Room B-3 of the City Council Chambers, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. It was also moved to vacate the Regular City Council Meeting of September 12, 2006 due to the City of Glendale Primary Election. The motion carried unanimously.

#### CITIZEN COMMENTS

Mr. Milt Deever, a resident of the City of Glendale, Cholla District, expressed his dissatisfaction with the city’s public record request process. He made two public record requests, one was for tax information for the Glendale Arena and the other related to construction documents. He said he received the wrong information. He stated that the confusion might be in the submission process. He said that there is a small amount of space to request information and it might confuse the reader. He also added that under Article XIII, Sec. 1 of the City Charter states that all records must be open to all citizens. He said that the City Manager is in charge of the information getting to the people and that in the future he will invoke his rights as a citizen under this article.

Rev. Trina Zelle, a resident of the City of Glendale, explained she is the Director of Interfaith Worker Justice of Arizona. She began by thanking Mr. Horatio Skeete, Deputy City Manager, for his kind response to her letter. She then expressed her concerns about worker treatment, specifically the workers on the Oasis Water Plant. She asked the City Council to develop guidelines for contractors and subcontractors to adhere to fair and equal treatment of workers.

Mr. Jose Corrales, a resident of Phoenix, spoke with Mr. Juan Ramirez translating. Mr. Corrales complained about the contractor's treatment of workers at the Oasis Water Treatment Plant.

Mr. Juan Ramirez, a resident of the City of Glendale, expressed this concern about the treatment of the workers. He stated he is a former worker at the Oasis Water Plant, and he believes the company treats the workers badly. He said he is asking the City Council for their help and support in this matter.

## **COUNCIL COMMENTS AND SUGGESTIONS**

Councilmember Clark stated that there would be a preseason game August 31, 2006. She described the traffic barricade plan for the game. She asked any residents wanting information or experiencing problems to please call the hot line or her office.

Councilmember Goulet expressed appreciation to Director Johnson and his staff for all the Glendale area improvements. He stated he appreciates all their efforts. He believes the City is looking great.

Councilmember Lieberman stated that the entrance to Glendale starts at 43rd Ave. not 51st Ave. He said not including the area on Glendale Avenue between 51 Avenue and 43 Avenue in improvements is a continuing problem that needs to be addressed. He stated that for whatever reason the city does not appear to consider 43 Avenue the entrance to Glendale. He further said he would continue to address this issue. Councilmember Lieberman stated on a different matter that he had attended a meeting in Tucson. He participated in two good sessions, which addressed Indian concerns with water resources and affordable housing. He reminded everyone to vote on September the 12<sup>th</sup>. Finally, Councilmember Lieberman cautioned everyone on the Labor Day weekend traffic and stressed caution while driving.

Vice Mayor Eggleston wished to recognize Cabela's, noting that everyone benefits from the store. He stated that the parking lot was full when he recently drove by the store. He also wanted to remind everyone to vote on September 12<sup>th</sup>. He said there would be early voting at the Glendale Adult Center.

Councilmember Martinez indicated his office had been receiving calls about when the recreation center would open. He stated that they would let the public know as soon as a confirmed date becomes available.

Councilmember Frate said announced that the Barn Restaurant, which was built in 1974, had been demolished as a result of a fire. He speculated that the site could possibly develop as a bank. On a different matter he stated that the information he received while attending the Tucson conference was for the citizens to be prepared for a natural disaster. He encouraged citizens to follow the rule of having a three-day supply of essentials on hand. He also cautioned everyone on the three-day holiday coming up.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:05 p.m.

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Pamela Hanna - City Clerk