



**MINUTES OF THE  
GLENDALE CITY COUNCIL MEETING  
Council Chambers  
5850 West Glendale Avenue  
September 11, 2012  
7:00 p.m.**

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

Also present were Horatio Skeete, Acting City Manager; Nick DiPiazza, Deputy City Attorney; and Pamela Hanna, City Clerk.

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

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

A statement was filed by the City Clerk that the 12 resolutions 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.

**PROCLAMATIONS AND AWARDS**

**NATIONAL HISPANIC HERITAGE MONTH PROCLAMATION**

PRESENTED BY: Office of the Mayor

ACCEPTED BY: Mr. Joseph Pompa, Glendale Business Owner, La Perla Café

This is a request by the Glendale Hispanic Network (GHN) for City Council to recognize September 15<sup>th</sup> through October 15<sup>th</sup> 2012 as National Hispanic Heritage Month.

Mr. Joseph “Butch” Pompa, Owner of La Perla Café, will be present to accept the Proclamation. La Perla Café was founded in 1946 by Mr. Pompa’s parents, Joseph and Eva Pompa. The Pompa family members are active in the Glendale community and have been for over 66 years.

Mayor Scruggs called Rebecca Daniels forward and she accepted the proclamation on behalf of Mr. Pompa.

Rebecca Daniels thanked the Mayor and Council for the proclamation. She was very proud to receive it on behalf of the community.

## CONSENT AGENDA

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

Mr. Horatio Skeete, Acting City Manager, read agenda item numbers 1 through 8 and Ms. Pamela Hanna, City Clerk, read consent agenda resolution item numbers 9 through 18 by number and title.

Councilmember Lieberman wanted item #7 to be heard separately.

1. SPECIAL EVENT LIQUOR LICENSE, ASSYRIAN CHURCH OF THE EAST  
PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a special event liquor license for the Assyrian Church of the East. The event will be held at Assyrian Church of the East located at 17334 North 63rd Avenue on Sunday, September 23; Saturday, November 3; and Monday, December 31, 2012, from 6 p.m. to 1 a.m. The purpose of this special event liquor license is for fundraising.

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

2. SPECIAL EVENT LIQUOR LICENSE, FRIENDS OF PUBLIC RADIO ARIZONA  
PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a special event liquor license for the Friends of Public Radio Arizona. The event will be held at Westgate City Center located at 6770 North Sunrise Boulevard on Friday, September 28, 2012, from 5 p.m. to 9:30 p.m. The purpose of this special event liquor license is for fundraising.

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

3. LIQUOR LICENSE NO. 5-1580, SPROUTS FARMERS MARKET #9  
PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a new, non-transferable series 10 (Liquor Store - Beer and Wine) license for Sprouts Farmers Market #9 located at 5120 West Peoria Avenue. The Arizona Department of Liquor Licenses and Control application (No. 10076302) was submitted by Randy D. Nations.

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

4. LIQUOR LICENSE NO. 5-1581, SPROUTS FARMERS MARKET #3  
PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a new, non-transferable series 10 (Liquor Store - Beer and Wine) license for Sprouts Farmers Market #3 located at 5665 West Bell Road. The Arizona Department of Liquor Licenses and Control application (No. 10076307) was submitted by Randy D. Nations.

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

5. LIQUOR LICENSE NO. 5-7020, ANGELINA'S VIETNAMESE CUISINE PHO' & GRILL  
PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license for Angelina's Vietnamese Cuisine Pho' & Grill located at 5350 West Bell Road, Suites 123-124. The Arizona Department of Liquor Licenses and Control application (No. 12079198) was submitted by Long Duy Nguyen.

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

6. PURCHASE OF HANDHELD WATER METER READING UNITS  
PRESENTED BY: Craig Johnson, P.E., Executive Director, Water Services

This is a request for City Council to approve the purchase of 14 hand-held electronic computer units which are used for gathering monthly meter reads from the city-owned water meters. These units will be purchased from Mountain States Pipe & Supply Co. in an amount not to exceed \$75,665.21.

7. APPEAL OF DECISION IN SAVE GLENDALE NOW v. CITY OF GLENDALE et al.  
PRESENTED BY: Nick DiPiazza, Deputy City Attorney

This item was heard after the consent agenda items.

8. AUTHORIZATION TO PURCHASE AUDIOLOG EQUIPMENT  
PRESENTED BY: Debora Black, Interim Police Chief

This is a request for City Council to approve a purchase from Verint for audiolog equipment in an amount not to exceed \$98,332.75.

This equipment will replace the Police Department's current 48 channel 911 recording server. Staff is requesting Council approve the purchase from Verint for audiolog equipment in an amount not to exceed \$98,332.75.

## CONSENT RESOLUTIONS

### 9. INTERGOVERNMENTAL AGREEMENTS WITH U.S. DRUG ENFORCEMENT ADMINISTRATION

PRESENTED BY: Debora Black, Interim Police Chief

RESOLUTION: 4602

This is a request for City Council to authorize the City Manager to enter into two intergovernmental agreements (IGAs) with the United States Department of Justice, Drug Enforcement Administration (DEA). The IGAs allow for the assignment of two Glendale detectives to a DEA Task Force in the Phoenix area.

Staff is requesting Council waive reading beyond the title and adopt a Resolution authorizing the City Manager to enter into two intergovernmental agreements with the United States Department of Justice, Drug Enforcement Administration.

**Resolution No. 4602 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF TWO INTERGOVERNMENTAL AGREEMENTS WITH THE UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION (DEA) FOR ASSIGNMENT OF ONE GLENDALE POLICE DETECTIVE TO THE DEA PHOENIX TASK FORCE GROUP AND ONE GLENDALE POLICE DETECTIVE TO THE DEA TUCSON TASK FORCE GROUP.**

### 10. WEST VALLEY DOMESTIC VIOLENCE FATALITY REVIEW TEAM INTERGOVERNMENTAL AGREEMENT

PRESENTED BY: Debora Black, Interim Police Chief

RESOLUTION: 4603

This is a request for City Council to authorize the City Manager to enter into an intergovernmental agreement (IGA) with the cities and towns of Avondale, Buckeye, El Mirage, Goodyear, Peoria, Surprise, Tolleson, and Wickenburg to establish a West Valley Domestic Violence Fatality Review Team. The West Valley Domestic Violence Fatality Review Team will conduct confidential review of domestic violence fatality and near fatality situations and make recommendations to improve the system.

Staff is requesting Council waive reading beyond the title and adopt a Resolution authorizing the City Manager to enter into an intergovernmental agreement with the cities and towns of Avondale, Buckeye, El Mirage, Goodyear, Peoria, Surprise, Tolleson, and Wickenburg to establish a West Valley Domestic Violence Fatality Review Team.

**Resolution No. 4603 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 REGARDING THE CREATION AND PARTICIPATION IN THE WEST VALLEY DOMESTIC VIOLENCE FATALITY**

**REVIEW TEAM WITH THE CITIES/TOWNS OF AVONDALE, BUCKEYE, EL MIRAGE, GOODYEAR, PEORIA, SURPRISE, TOLLESON AND WICKENBURG ON BEHALF OF THE GLENDALE POLICE DEPARTMENT.**

**11. VICTIM'S RIGHTS PROGRAM GRANTS**

PRESENTED BY: Debora Black, Interim Police Chief

RESOLUTION: 4604

This is a request for City Council to authorize the City Manager to enter into two grant agreements from the State of Arizona Office of the Attorney General for the Victim's Rights Program.

Funding from these grants will be used to help the Police Department and Prosecutor's Office offset costs associated with the performance of duties that are mandated under victims' rights laws. Staff is requesting Council waive reading beyond the title and adopt a Resolution authorizing the City Manager to enter into two grant agreements from the State of Arizona Office of the Attorney General.

**Resolution No. 4604 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ACCEPTING TWO GRANT OFFERS TOTALING APPROXIMATELY \$84,840 FROM THE STATE OF ARIZONA, OFFICE OF THE ATTORNEY GENERAL, FOR THE VICTIM'S RIGHTS PROGRAM.**

**12. ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY GRANTS**

PRESENTED BY: Debora Black, Interim Police Chief

RESOLUTION: 4605

This is a request for City Council to authorize the City Manager to enter into four 2013 Governor's Office of Highway Safety (GOHS) grant agreements in the total amount of \$76,000.

The grant funding will be used towards DUI task forces, seat belt enforcement, equipment, and training. Staff is requesting Council waive reading beyond the title and adopt a Resolution authorizing the City Manager to enter into four 2013 Governor's Office of Highway Safety grant agreements.

**Resolution No. 4605 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ACCEPTANCE OF FOUR GOVERNOR'S OFFICE OF HIGHWAY SAFETY GRANTS ON BEHALF OF THE GLENDALE POLICE DEPARTMENT.**

**13. AMENDMENTS TO THE 2009-10 ARIZONA DEPARTMENT OF HOMELAND SECURITY SUB-GRANTEE AGREEMENTS**

PRESENTED BY: Chris DeChant, Assistant Fire Chief

RESOLUTION: 4606

This is a request for City Council to accept four Amendments to the 2009-10 Arizona Department of Homeland Security (AZDOHS) Sub-grantee Agreement between the AZDOHS and the Glendale Fire Department.

Staff is requesting Council waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into Amendments 1-4 to the 2009-10 AZDOHS Sub-grantee Agreement.

**Resolution No. 4606 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, RATIFYING THE ENTERING INTO BY THE GLENDALE FIRE DEPARTMENT OF AMENDMENT NOS. 1 AND 2 TO THE 2009 ARIZONA DEPARTMENT OF HOMELAND SECURITY GRANT FUNDING EXTENDING THE PERIOD OF PERFORMANCE; AND AUTHORIZING THE ENTERING INTO OF AMENDMENT NOS. 3 AND 4 TO THE 2009 ARIZONA DEPARTMENT OF HOMELAND SECURITY GRANT FUNDING FURTHER EXTENDING THE PERIOD OF PERFORMANCE ALL ON BEHALF OF THE GLENDALE FIRE DEPARTMENT.**

14. 2012 ARIZONA DEPARTMENT OF HOMELAND SECURITY GRANT ACCEPTANCE

PRESENTED BY: Chris DeChant, Assistant Fire Chief

RESOLUTION: 4607

This is a request for City Council to accept 2012 grant funds from the Arizona Department of Homeland Security (AZDOHS).

Staff is requesting Council waive reading beyond the title and adopt a resolution authorizing the City Manager to accept the 2012 grant funds from the AZDOHS.

**Resolution No. 4607 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ACCEPTANCE OF 2012 ARIZONA DEPARTMENT OF HOMELAND SECURITY GRANT FUNDING IN THE APPROXIMATE AMOUNT OF \$367,047 ON BEHALF OF THE GLENDALE FIRE AND POLICE DEPARTMENTS.**

15. AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY

PRESENTED BY: Rebecca H. Daniel, Community Action Program Administrator

RESOLUTION: 4608

This is a request for City Council to authorize the City Manager to enter into Amendment No. 6 to the intergovernmental agreement (IGA) with the Arizona Department of Economic Security (DES) for Community Action Program (CAP) funding and operations.

DES has changed the terms and conditions, fingerprinting section 32.1.1, within the original contract. This contract change to the IGA between the City and DES requires City Council approval. Staff is requesting Council to waive reading beyond the title and adopt a resolution

authorizing the City Manager to enter into Amendment No. 6 to the IGA with DES for CAP operations.

**Resolution No. 4608 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 AMENDMENT NO. 6 TO THE INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF ECONOMIC SECURITY FOR COMMUNITY ACTION PROGRAM FUNDING.**

**16. LICENSE AGREEMENTS FOR T-MOBILE WEST CORPORATION**

PRESENTED BY: Gregory Rodzenko, P.E., Acting City Engineer

RESOLUTION: 4609

This is a request for City Council to adopt a resolution authorizing the City Manager to execute three license agreements.

Staff is requesting Council waive reading beyond the title and adopt a resolution authorizing the City Manager to execute three license agreements between the city and T-Mobile West Corporation (T-Mobile) to operate wireless communication sites at three locations within public right-of-way.

**Resolution No. 4609 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 CITY MANAGER TO EXECUTE THREE SEPARATE LICENSE AGREEMENTS FOR T-MOBILE WEST CORPORATION IN THE FOLLOWING CITY RIGHTS-OF-WAY: 5402 WEST UNION HILLS DRIVE, 6510 WEST CACTUS ROAD, AND 7978 NORTH 53<sup>RD</sup> AVENUE.**

**17. LICENSE AGREEMENT FOR CRICKET COMMUNICATIONS**

PRESENTED BY: Gregory Rodzenko, P.E., Acting City Engineer

RESOLUTION: 4610

This is a request for City Council to adopt a resolution authorizing the City Manager to execute a license agreement.

Staff is requesting Council waive reading beyond the title and adopt a resolution authorizing the City Manager to execute a license agreement between the city and Cricket Communications (Cricket) for the continued use of a wireless communication site within O'Neil Park located at 6448 West Missouri Avenue.

**Resolution No. 4610 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 CITY MANAGER TO EXECUTE A LICENSE AGREEMENT FOR WIRELESS COMMUNICATIONS SITE IN O'NEIL PARK WITH CRICKET COMMUNICATIONS, INC.**

18. CANVASS OF ELECTION FOR THE 2012 PRIMARY

PRESENTED BY: Pamela Hanna, City Clerk

RESOLUTION: 4611

This is a request for City Council to adopt a resolution declaring and adopting the results of the August 28, 2012 Primary Election.

Staff is requesting Council waive reading beyond the title and adopt the Canvass of Election for the 2012 Primary.

**Resolution No. 4611 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE PRIMARY ELECTION HELD ON AUGUST 28, 2012; AND ORDERING THAT A CERTIFIED COPY OF THIS RESOLUTION BE RECORDED.**

**It was moved by Frate and seconded by Knaack, to approve the recommended actions on Consent Agenda Item Nos. 1 through 6 and Nos. 8 through 18, including the approval and adoption of Resolution No. 4602 New Series, Resolution No. 4603 New Series, Resolution No. 4604 New Series, Resolution No. 4605 New Series, Resolution No. 4606 New Series, Resolution No. 4607 New Series, Resolution No. 4608 New Series, Resolution No. 4609 New Series, Resolution No. 4610 New Series, and Resolution No. 4611 New Series; and to forward Special Event Liquor License Application for Assyrian Church of the East and Friends of Public Radio Arizona and Liquor License Application No. 5-1580 for Sprouts Farmers Market #9, No. 5-1581 for Sprouts Farmers Market #3 and 5-7020 for Angelina's Vietnamese Cuisine Pho' & Grill to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.**

7. APPEAL OF DECISION IN SAVE GLENDALE NOW v. CITY OF GLENDALE et al.

PRESENTED BY: Nick DiPiazza, Deputy City Attorney

This is a request for City Council to ratify instructions previously given to the City Attorney to take necessary and timely legal action for the appeal to the Arizona Supreme Court of the Court of Appeal's decision in the matter of Save Glendale Now v. City of Glendale et al.

Councilmember Lieberman pointed out that this motion was being done after the fact since the Arizona Supreme Court has denied it. He was pleased to announce that the Arizona Supreme Court denied hearing the appeal, therefore, Save Glendale Now won and was awarded all their legal fees paid by the city of Glendale. He said Save Glendale Now won in a big way.

Diane Douglas, a Sahuaro resident, agreed with Councilmember Lieberman. She stated that the public should have been involved in this discussion and not held in Executive Session. She also made mention of the misleading wording which precedes the Consent Agenda. She noted not all Consent Agendas are studied in a workshop.

Ken Jones, an Ocotillo resident, stated the courts and the people of the community spoke on what they believed was right. He said it was time the Council started listening to the citizens of

Glendale. He disagrees with the city attorney fighting the people's desire to be heard and vote on this tax issue. He asked the Council to support the people's voice in this matter and do what is right. He mentioned the court's decision in favor of the Tohono O'odham Nation.

Councilmember Clark stated that in regard to the Appeals Court decision, it is her understanding the Appeals Court reviewed the procedural actions of the lower court. They found no issue with the procedural issues that were utilized in the lower court decision. She believes what the court did was take up the issue in regards to the content of the initiative itself. She said some issues being talked about by Save Glendale Now regarding the sales tax were misleading. Save Glendale Now was telling everyone that this initiative will roll back the sales tax increase and she believes that is not correct. She stated she had no problem with the sales tax being on the November ballot as long as people understand it will take effect for future Council action. She said that to say otherwise was false advertising. She noted many of the 4000 signatures collected by Save Glendale Now were erroneous and were invalidated.

Councilmember Lieberman disagreed with Councilmember Clark's comments. He reiterated that the Supreme Court voted in favor of Save Glendale Now on three counts by all three judges. He reiterated that Save Glendale Now won big in this case. He said he was still unclear if the sales tax will appear on the ballot in November. However, their intent is to have the sales tax rolled back to August 2012.

Rod Williams, an Ocotillo resident and chairman of Save Glendale Now, stated he was very surprised this discussion was taking place now since citizen comments were made at the end of the meeting. He stated there was nothing misleading about what they presented. He said the judge's decision reverses the Council's decision made on June 12 to raise the sales tax and puts it on the November ballot. In regards to signatures, there were 4,138 and the majority of those were good signatures. The city did not accept a lot of those signatures since the circulators were not certified. The city failed, however, to go to the Secretary of State's website to verify the petition circulator's information. He stated that you do not have to be a Arizona resident to circulate petitions but you do have to be certified by the state. The city threw out 410 signatures based on that and that is why he filed another lawsuit on Monday to challenge that determination. He said that everybody knows the tax cannot be increased without the vote of the people from this point on.

Councilmember Clark reiterated her comments. The Supreme Court, in denying review of this issue at this time, indicated that the issue was not "ripe" which means this was not a legislative issue to be looked at until it's voted on one way or the other.

**It was moved by Frate, and seconded by Knaack, to pass and adopt Consent Item Number 7.**

Mayor Scruggs said she was going to vote against this as you've read in the newspaper. She did not support this going to the Supreme Court in the first place so therefore she's not going to vote to ratify this action that should have been taken earlier on. The reason City Council did not have a meeting on August 28<sup>th</sup> was because it was Election Day. But that's not why she's not supporting this in the first place. She continued that her feeling, her personal feeling, is that the

time that is being wasted continuing to argue legal issues that Council doesn't really understand in the first place, could be better spent in such ways as what was going to begin the next day. Wednesday at 1:30 p.m. the Council will begin to look at hard facts that will be presented by the Acting City Manager, Mr. Horatio Skeete, in terms of what will need to be done if indeed the initiative passes and it's determined to be legal and it goes into effect and the tax rate returns to 2.2%.

Mayor Scruggs said so there are two ways to approach this matter, one is the way that the city attorney and the majority of the Councilmembers have chosen to do. And that is to continue to keep it from going on to the ballot. Which she really did not quite understand since what Council heard is that it will not have any effect on anything anyway so why fight it? She didn't quite understand that. So that is one way to approach it. The other way is to get busy, and be honest, open a dialogue with the employees and with the citizens. And say "you know, you have a choice, if you choose this way, these are the things that will happen, if you choose that way, these are the thing that will happen". But give people information, that's what an election is all about. It's voting based on information before you. And she really applauded the approach that is being taken by Mr. Skeete. She's looking forward to the meeting tomorrow as unpleasant as the information is going to be because she thought there is good information to be told to give our residents an opportunity to choose to not or go forward with the initiative. But to continue this with esoteric legal interpretations that can be argued back and forth, she thinks it's a phenomenal waste of time. So she will not support this motion.

Councilmember Lieberman said he would also vote against it.

Councilmember Martinez agreed this was a very complicated issue. However, he agrees with the city attorney that if this passes in November, it will not have an effect on the vote taken by the Council in June regarding the sales tax. He welcomed and was eager to have the public workshop tomorrow so the people can know what the city was facing.

Mayor Scruggs asked if Mr. Tindall, City Attorney will be at the workshop tomorrow.

Nick DiPiazza, Deputy City Attorney, replied yes.

Mayor Scruggs said there are a lot of words that are being used in such a way that are quite confusing. So here are some of the questions she would like to have answered by Mr. DiPiazza or Mr. Tindall or whatever city attorney is going to staff the meeting. Numerous references are being made if this vote is successful and that the action will not be retroactive. She did not think this group ever asked for this to be retroactive. They were asking for there to be an action taken to enact a Charter amendment going forward. Her reading of all of this has never indicated that they think something is going to go back to June or whatever the date was that the vote happened.

Mayor Scruggs said so let's hear an explanation of when he talks about retroactive and he puts that out in a statement that this will not be retroactive. She didn't think that was ever the intent, number one. Then she keeps hearing two things referenced as the City Attorney's opinion. One of those is that this will only apply going forward, if there is to be any change in the tax rate that

has to be voted on by the public going forward. But then on the other hand Mr. Tindall has advised us and has been quoted in the newspaper as saying that if this initiative is approved by the voters that it will require a Council action to change the City Charter to amend these rates and if the City Council chooses not do to that then nothing happens. So those are two very, very different interpretations and both of them have come from the City Attorney. And the one that says, well yes if the Council votes to amend the City Charter then these rates go into effect. Then the third thing is, there is an issue of constitutionality which she thought everybody who read the decision understands that there could be a question as to whether the whole action is constitutional or not and what would happen if the initiative passes successfully. But honestly, she thought he needs to clarify this because he is saying different things at different times and all its doing is further inflaming the public.

Councilmember Alvarez stated the comment she has heard was that if this was successful, there will be city layoffs and everything looked very grim for the city. However, she believes if this happens the money being used for sports should be used to keep the city running. She believes the Coyote deal was only a luxury since it has not made any money for the city. She explained this was what most of the constituents were upset about. She stated the mindset of this Council had to change. The city cannot say they are going to lay off employees because of lack of money. The city does have the money but they just put it in the wrong place.

Mayor Scruggs stated the Council will be discussing this issue and many others in the workshop tomorrow.

**Vote on the item. Aye: Frate, Knaack, Martinez, Clark. Nay: Alvarez, Lieberman, Scruggs. The motion carried.**

## **BIDS AND CONTRACTS**

### **19. PROFESSIONAL SERVICES AGREEMENT FOR SWEETWATER LIFT STATION IMPROVEMENTS**

PRESENTED BY: Craig Johnson, P.E., Executive Director, Water Services

This is a request for City Council to authorize the City Manager to enter into a professional services agreement with Brown and Caldwell, Inc. in amount not to exceed \$321,493, for design and construction administration services to improve the Sweetwater Lift Station and associated pipelines and manholes.

**It was moved by Frate, and seconded by Martinez, to authorize the City Manager to enter into a professional services agreement with Brown and Caldwell, Inc. in amount not to exceed \$321,493, for design and construction administration services to improve the Sweetwater Lift Station and associated pipelines and manholes. The motion carried unanimously.**

### **20. CONSTRUCTION AGREEMENT FOR FIRE HYDRANT AND VALVE REPLACEMENTS**

PRESENTED BY: Craig Johnson, P.E., Executive Director, Water Services

This is a request for City Council to authorize the City Manager to enter into a construction agreement with Sand Dollar Construction, Inc. for the replacement of water line valves and fire hydrants in an amount not to exceed \$452,000.

**It was moved by Lieberman, and seconded by Clark, to award construction agreement for fire hydrant and valve replacements with Sand Dollar Construction, Inc. in an amount not to exceed \$452,000. The motion carried unanimously.**

**21. AWARD OF BID 12-35, SOLAR LIGHT FIXTURES**

PRESENTED BY: Stuart Kent, Executive Director, Public Works

This is a request for City Council to award Invitation for Bid (IFB) 12-35 and authorize the City Manager to enter into a contract for the purchase and installation of solar light fixtures with CS Construction, Inc., in an amount not to exceed \$225,650.

Vice Mayor Frate commented on solar lighting being put in back in 2009 in his district. He was glad to see this was being done on a larger scale. He said solar lighting has come a long way and was pleased to see it.

Councilmember Knaack asked if anything has been done to enhance security on solar lighting because of the vandalism problems in the parks. Stuart Kent, Executive Director, Public Works, explained the devices were being placed on top of the poles which seem to help matters.

Councilmember Martinez asked if this was the first time solar lighting was being used in parks. Mr. Kent replied they have done this in three other parks; however, this project was on a much larger scale. They hope to expand this if the economy gets better and more funding becomes available. Councilmember Martinez asked if this is being done primarily where vandalism was more prevalent. Mr. Kent replied yes.

**It was moved by Lieberman, and seconded by Clark, to award Invitation for Bid (IFB) 12-35 and authorize the City Manager to enter into a contract for the purchase and installation of solar light fixtures with CS Construction, Inc., in an amount not to exceed \$225,650. The motion carried unanimously.**

**RESOLUTIONS**

**22. INTERGOVERNMENTAL AGREEMENT WITH ADOT FOR HIGH INTENSITY ACTIVATED CROSSWALK MAINTENANCE AT 63<sup>RD</sup> AVENUE AND BEARDSLEY ROAD**

PRESENTED BY: Jamsheed Mehta, AICP, Executive Director, Transportation Services

RESOLUTION: 4612

This intergovernmental agreement (IGA) clarifies maintenance responsibilities of the HAWK beacon. Staff is requesting City Council waive reading beyond the title and adopt a resolution

authorizing the City Manager to enter into an IGA with the Arizona Department of Transportation (ADOT) for maintenance of the High Intensity Activated Crosswalk (HAWK) Beacon on the westbound Loop 101 frontage road (Beardsley Road) at 63<sup>rd</sup> Avenue.

Councilmember Clark asked what the cost of installing one HAWK was. Jamsheed Mehta, AICP, Executive Director, Transportation Services, explained that would be hard to say since the cost was integrated into the project. Councilmember Clark asked if there was a possibility to acquire more grants to install more of these devices for areas that really need it. Mr. Mehta agreed this was a safety issue and staff will be looking for any grants available. Councilmember Clark hopes more of these devices are installed in the future.

Councilmember Knaack commented on the HAWK system and asked if when the pedestrian had cleared the street, the vehicles were okay to move forward. Mr. Mehta said that was correct; motorists may proceed with caution while the red lights are flashing if there are no more pedestrians in the crosswalk. Councilmember Knaack also requested that the area around Glendale Community College be looked at for a HAWK system.

Mayor Scruggs asked Mr. Mehta to explain the system and how it works. Mr. Mehta explained that the HAWK system is similar to a railroad crossing and would only be activated by a pedestrian which would make the lights flash and then go to solid red. When the lights are in a solid red, vehicles should not be going through the pedestrian area.

Mayor Scruggs asked if one was put in on Olive around Glendale Community College, that it was mainly for pedestrians that were crossing in the middle of the block. Mr. Mehta stated that was correct but one could only be located at half mile or greater intervals, and it would need to be practical. Mr. Mehta stated that one would not expect too many of these within close proximity as that would take away from the other objective that is to move vehicles smoothly along the arterial corridor. The location would be studied thoroughly to identify where the pedestrians are coming from and going to, and then the optimal location is chosen. Other considerations for setting a location include underground utilities and the availability of right-of-way to install the HAWK. Mr. Mehta further explained that the cost to install a HAWK would vary because of those considerations.

**Resolution No. 4612 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, FOR THE HAWK (HIGH INTENSITY ACTIVATED CROSSWALK), THE STRIPING MODIFICATIONS AND THE TRAFFIC CONTROL DEVICES ASSOCIATED WITH THE PEDESTRIAN CROSSING ON THE WESTBOUND LOOP 101 FRONTAGE ROAD IN THE VICINITY OF 63<sup>RD</sup> AVENUE.**

**It was moved by Martinez, and seconded by Knaack, to pass, adopt and approve Resolution No. 4612 New Series. The motion carried unanimously.**

23. INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR MARYLAND AVENUE BIKE ROUTE SPOT IMPROVEMENTS

PRESENTED BY: Jamsheed Mehta, AICP, Executive Director, Transportation Services

RESOLUTION: 4613

Staff is requesting City Council waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement (IGA) with the Arizona Department of Transportation (ADOT) for design and construction of spot improvements to an existing bicycle route along Maryland Avenue where gaps in the route currently exist.

**Resolution No. 4613 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, FOR THE DESIGN AND CONSTRUCTION OF SPOT IMPROVEMENTS TO AN EXISTING BICYCLE ROUTE ALONG MARYLAND AVENUE FROM 67<sup>TH</sup> AVENUE TO 69<sup>TH</sup> AVENUE AND FROM 79<sup>TH</sup> AVENUE TO 83<sup>RD</sup> AVENUE.**

**It was moved by Lieberman, and seconded by Clark, to pass, adopt and approve Resolution No. 4613 New Series. The motion carried unanimously.**

**REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION**

**It was moved by Frate, and seconded by Clark, to hold a City Council Workshop at 1:30 p.m. in Room B-3 of the City Council Chambers on Tuesday, September 18, 2012, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried unanimously.**

**CITIZEN COMMENTS**

Lisa Cleary, Phoenix resident, stated she was here on behalf of the National Multiple Sclerosis Society. She would like to extend an invitation to the Council and the citizens of Glendale to participate in a walk-a-thon on October 13, 2012 at the Westgate City Center. She encouraged everyone to attend this worthy event.

Ken Jones, Glendale resident, stated the importance of rolling back the sales tax increase since the citizens were already being taxed to death. He commented on all the money being spent on sports entertainment when they don't have any money and should be spending it on much more worthy causes such as in the community.

**COUNCIL COMMENTS AND SUGGESTIONS**

Councilmember Alvarez asked the Council to consider having the citizen comments at the beginning of the meeting instead of the end. She believes the taxpayers should be able to tell the

Council their comments early and not wait until the end. In regards to a city audit, she believes they should have an outside forensic audit since they really need to know where the money went and explain that to the community. She said her third request is for Council to have less Executive Sessions and more public sessions.

Councilmember Clark commented on the 9/11 ceremony they attended for those who died on 9/11 as well as for those in the military fighting to keep the country safe against those attacks. She was disturbed in hearing on the radio that some of those ceremonies were cancelled for lack of participation. She said this news was very shocking to hear that some don't care or remember what happened that day. Therefore, she was very proud of Glendale for continuing to have ceremonies to remember those who died and are still fighting for their freedom.

Councilmember Lieberman also commented on the ceremony and stated it was fantastic. He said the police and fire department presented beautiful speeches and his praise goes out to them. He commented on the favorable ruling by the courts for the Tohono O'odham Nation. He agreed with the ruling.

Vice Mayor Frate stated he recently attended the Casa De Oro Residence Hall and the ASU West Verde Dining Pavilion's grand opening. He said it was great to be there and talk to all the students. He noted that the Tulip Tree Florist shop in Glendale gave away a dozen roses to anyone who stopped by. The event was called pass it on. Each person was to keep one rose and pass on the other 11 to different people in the community. He said his first rose was given at the City of Glendale ceremony to remember 9/11. He asked people to continue to honor those who died and to never forget what happened and to continue to ensure this never happens again. He reminded everyone to watch children around water.

Councilmember Martinez remarked on the great 9/11 ceremony put on by public safety. He encourages the public to keep attending these ceremonies.

Councilmember Knaack also wanted to comment on the wonderful speakers at the ceremony. She said the services were very moving and touching. She wanted to thank the police and fire departments for all they do. She said it was an honor to be associated with all of them.

Mayor Scruggs said continuing on that subject for those that will be here next year. She read in the newspaper that a Patriots Day that specifically honors 9/11 had been enacted. She had not heard of this before but for those on staff and Councilmembers that will be here, you might want to think about requesting a proclamation next year in honor of 9/11. Since some have said it's getting easy to forget about it, you should look into this Patriots Day. The only other comment she would like to make which goes all the way back to almost about two hours ago at the beginning of the meeting when Ms. Douglas stood up and referenced the wording on the Consent Agenda. The Mayor addressed Ms. Douglas, stating that she was correct and that was not always accurate all the time and if you've noticed she does not say that either. And she'd talked about this in the past. This wording comes from she thinks from a city attorney back in the 1990's and has just continued on and on. And she believed that she'd made mention of the fact that some items are placed on the agenda that have not been studied in a Council workshop nor are they ever routine in nature. So she's going to suggest that to go along with all the other

improvements that are significant, that Council just leave that sentence off because it doesn't always apply. And just say, "items on the Consent Agenda are intended to be acted upon in one motion" and leave off the rest of it since it's very uncomfortable for her to say when she knows it is not accurate. Well that was her only request for the evening and other than that she has nothing further and the meeting is adjourned.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:38p.m.

Pamela Hanna

Pamela Hanna - City Clerk