

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA,
HELD TUESDAY, SEPTEMBER 13, 2005, 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 eight resolutions and five 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 JULY 26, 2005 CITY COUNCIL MEETING

It was moved by Goulet, and seconded by Frate, to dispense with the reading of the minutes of the July 26, 2005 City Council meeting, as each member of the Council had been provided copies in advance, and approve them as written. The motion carried unanimously.

PROCLAMATIONS AND AWARDS

**ARROWHEAD SENIOR LITTLE LEAGUE GIRLS FAST PITCH ALL-STARS –
PROCLAMATION OF RECOGNITION**

This is a request for the City Council to issue a Proclamation of Recognition to the Arrowhead Senior Little League Girls Fast Pitch All-Stars who recently returned from the Senior League Softball World Series in Delaware. We are recognizing the significant accomplishments achieved by the Arrowhead Senior Little League Girls Fast Pitch All-Stars and their coaches, and expressing our gratitude for the pride and recognition they have brought to themselves and the community of Glendale.

The recommendation was to present a Proclamation of Recognition to Manager and Head Coach Mike Bates and the members of the Arrowhead Senior Little League Girls Fast Pitch All-Stars team.

Mayor Scruggs called the managers and the team forward. Manager Mike Bates, Assistant Lance Holtorf, Assistant Brad Nelson, Trainer Steve Leivas, and players Jamie Bates, Teela Nelson, Natalie Schmid, Tera Sutton, Kara Holtorf, Samantha Leivas, Stephanie Bolt, Laura Keto, Stephanie Snider, and Miah Lukaszewski.

Manager Mike Bates thanked the Mayor and Council, stating the proclamation is a great honor not only for their team and league, but also for all of Glendale.

CONSENT AGENDA

Mr. Ed Beasley, City Manager, read Agenda Item Numbers 1 through 11 and Ms. Pamela Hanna, City Clerk, read Consent Resolutions Agenda Item Numbers 12 through 17 by number and title.

Council Member Lieberman requested that item Number 7 be heard separately.

Mr. Craig Tindall, City Attorney, said that item Number 15 is being administratively removed from the agenda.

1. LIQUOR LICENSE NO. 3-1005 – UNCLE CHARLIE’S AMERICAN GRILL

This is a request by David Sanclemente for the City Council to approve a new series 12 (restaurant, all liquor) license for Uncle Charlie’s American Grill located at 5285 West Bell Road. The owner currently holds a series 6 (on- & off-sale retail, all liquor) license at this location.

The approval of this license will increase the total number of liquor licenses in this area. However, it is the applicant’s intention to sell the series 6 license upon approval of the series 12 license.

The establishment is over 300 feet from any school or church. The Planning Department, THE Police Department, and the Maricopa County Health Department have reviewed the application and determined that it meets all technical requirements.

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

The recommendation was to forward a recommendation of approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1005.

2. LIQUOR LICENSE NO. 3-1006 – GLENDALE MARKET

This is a request by Syed Naqvi for the City Council to approve a new series 10 (beer and wine store) license for Glendale Market located at 6448 West Glendale Avenue.

The approval of this license will not increase the total number of liquor licenses in this area. The previous owner held a series 10 liquor license at this location.

The establishment is over 300 feet from any school or church. The Planning Department, the Police Department, and the Maricopa County Health Department have reviewed the application and determined that it meets all technical requirements.

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

The recommendation was to forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1006.

3. LIQUOR LICENSE NO. 3-1007 – PUB

This is a request by Michael Muller for the City Council to approve a person transfer of a series 6 (on- & off-sale retail, all liquor) license for the Pub located at 15249 North 59th Avenue. The previous owner operated this business as the Pub and held a series 6 license at this location.

The approval of this license will not increase the total number of liquor licenses in this area.

The Planning Department, the Police Department, and the Maricopa County Health Department have reviewed the application and determined that it meets all technical requirements.

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

The recommendation was to forward a recommendation of approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1007.

4. LIQUOR LICENSE NO. 3-1008 – OLIVE FOOD STORE

This is a request by Kamel Shiha for the City Council to approve a new series 10 (beer and wine store) license for Olive Food Store located at 4726 West Olive Avenue.

The approval of this license will increase the total number of liquor licenses in this area by one.

The establishment is over 300 feet from any school or church. The Planning Department, Police Department, and the Maricopa County Health Department have reviewed the application and determined that it meets all technical requirements.

A list of 91 signatures, in favor of this application, has been received by the Tax & License Division. Fifty-seven of those signatures fell within one mile of the proposed location.

The recommendation was to forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1008.

5. LIQUOR LICENSE NO. 3-1009 – COCONO'S MEXICAN ISLAND KITCHEN

This is a request by David Salazar for the City Council to approve a new series 12 (restaurant, all liquor) license for Cocono's Mexican Island Kitchen located at 8280 West Union Hills Drive, Suite 110. There have been no prior businesses at this location.

The approval of this license will increase the total number of liquor licenses in this area by one.

The establishment is over 300 feet from any school or church. The Planning Department, the Police Department, and the Maricopa County Health Department have reviewed the application and have determined that it meets all technical requirements.

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

The recommendation was to forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1009.

6. LIQUOR LICENSE NO. 3-1010 – ALBERTSON'S NO. 974

This is a request by Glenn Edmondson for the City Council to approve a person and location transfer of a series 9 (off-sale retail, all liquor) license for Albertson's Number 974 located at 20255 North 59th Avenue. Albertson's currently holds a series 9 license at this location.

The approval of this license will increase the total number of liquor licenses in this area by one. However, it will not increase the number of active licenses in the area. If approved, this location will have one active and one inactive license. Albertson's has purchased a series 9 license from Osco Drugs in Mesa. Albertson's will keep the new license at its existing store until such time it transfers to a different location.

The establishment is over 300 feet from any school or church. The Planning Department, the Police Department, and Maricopa County Health Department have reviewed the application and determined that it meets all technical requirements.

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

The recommendation was to forward a recommendation of approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1010.

8. LIQUOR LICENSE NO. 3-1012 – DILLON'S ARROWHEAD

This is a request by James Dillon for the City Council to approve a new series 12 (restaurant, all liquor) license for Dillon's Arrowhead located at 20585 North 59th Avenue. The previous owner operated this business as Javelina Springs.

The approval of this license will not increase the total number of liquor licenses in this area. This is due to the fact that series 12 licenses are not transferable.

The establishment is over 300 feet from any school or church. The Planning Department, the Police Department, and the Maricopa County Health Department have reviewed the application and have determined that it meets all technical requirements.

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

The recommendation was to forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1012.

9. SPECIAL EVENT LIQUOR LICENSE – ST. LOUIS THE KING CHURCH

This is a request by Marc Riccitelli for the City Council to approve a special event liquor license for St. Louis the King Church. The event is the Fall Festival 2005 fundraiser, which will be held at 4331 West Maryland Avenue.

The event will be held from 6 p.m. to 11 p.m. Friday, September 30; from 11 a.m. to midnight Saturday, October 1; and from 11 a.m. to 11 p.m. Sunday, October 2, 2005. 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.

The recommendation was to forward a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Special Event Liquor License.

10. HAZARDOUS MATERIAL DETECTION EQUIPMENT PURCHASE

This is a request for the City Council to approve the expenditure of grant funding in the amount of \$85,000 for the purchase of hazardous detection equipment from a sole source vendor.

One of Council's goals is ensuring public safety and awareness. This purchase will assist in achieving that goal should a major incident occur in the city.

The State Homeland Security Grant Program is a Weapons of Mass Destruction program funded through the Department of Homeland Security and managed by the Arizona Division of Emergency Management. The Fire Department is tasked with providing an emergency response and mitigation plan for protection against a possible weapons of mass destruction chemical or biological attack.

The one-time cost is estimated to be \$85,000 and is contained within the 2004 State Homeland Security Grant Fund. The grant funding expended for the original purchase will provide a three-year warranty for the equipment.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X		X			\$85,000

Account Name, Fund, Account and Line Item Number:

State Homeland Security Grant, 47-7722-8400

The recommendation was to approve the expenditure of grant funding in the amount of \$85,000 for the purchase of hazardous detection equipment.

11. AWARD OF PROPOSAL 05-20: TAXI SUBSIDY PILOT PROGRAM

This is a request for the City Council to award the contract to Easter Seals for the Taxi Subsidy Pilot Program.

A Council goal is to provide transportation options in the City of Glendale. This item supports that goal by providing an optional method of transportation to residents with special transportation needs.

The Taxi Subsidy Program was developed to provide a transportation option to eligible Glendale residents requiring special-needs transportation, including people with special medical needs and victims of domestic abuse.

A Request for Proposal was published on July 7, 2005 and two proposals were received. A committee, consisting of staff from the Deputy City Manager's Office, Materials Management, Transportation and the Police Department, reviewed the proposals. Specific evaluation criteria included cost, customer service, experience with similar projects, and an implementation timeline. The proposal scoring the highest was from Easter Seals. If approved by the Council, the contract will begin immediately and end June 30, 2006. Should the Council provide direction to continue the program after the pilot period, the proposal specifications contain an option clause that will permit the City, at the discretion of the City Manager, to extend this agreement in one-year increments for four additional years.

The Council approved the funds for the Taxi Subsidy Program as a pilot program for Fiscal Year 2005-06.

Recognizing the need for transportation beyond what is provided by current services, the Taxi Subsidy Program will provide a transportation option for persons in Glendale requiring special-needs transportation. The program will provide non-emergency medical needs transportation to persons receiving repetitive medical treatments such as dialysis and chemotherapy treatments.

Based on a suggestion made following a previous Council Budget Workshop, a component was added to include persons who are victims of domestic violence in this program. This element will be coordinated by the Victim's Assistance caseworkers in the Police Department.

Funds for this program are budgeted in the Fixed Route division of the GO Transportation Program Account Number 25-6354-7330 in the amount of \$100,000.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
		X	X		\$100,000

Account Name, Fund, Account and Line Item Number:
 Fixed Route – 25-6354-7330

The recommendation was to award the contract to Easter Seals for the Taxi Subsidy Pilot Program in an amount not to exceed \$100,000.

CONSENT RESOLUTIONS

12. INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY TO PROVIDE SPECIAL TRANSPORTATION SERVICES

This is a request for the City Council to adopt a resolution authorizing the entering into of an Intergovernmental Agreement with Maricopa County Special Transportation Services (STS) to provide transit services to the citizens of Glendale.

One of the Council goals is to provide transportation options in the City of Glendale. This item supports that goal by providing an optional method of transportation to residents traveling to destinations outside of Glendale.

This agreement with Maricopa County is to provide special transportation services to persons traveling outside of Glendale. The agreement provides up to 1,204 trips, at a cost of \$16.16 per trip, not to exceed \$19,457.

Maricopa County STS provides an affordable transit option to elderly, low-income and disabled citizens in Glendale needing transportation to destinations outside the city for social, medical or employment purposes. The service reduces the need for passengers to transfer from one city service to another at city boundaries.

Funds for this program are budgeted in the Fixed Route division of the GO Transportation Program Account Number 25-6354-7330 in the amount of \$19,457.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$19,457

Account Name, Fund, Account and Line Item Number:
 Fixed Route – 25-6354-7330

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the entering into of an Intergovernmental Agreement with Maricopa County Special Transportation Services for the provision of transit services in an amount not to exceed \$19,457.

Resolution No. 3883 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 MARICOPA COUNTY HUMAN SERVICES DEPARTMENT FOR A SPECIAL TRANSPORTATION SERVICES PROGRAM.**

13. AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY FOR TRANSIT CUSTOMER SERVICES

This is a request for the City Council to approve a resolution authorizing the entering into of an amendment to the intergovernmental agreement (IGA) with the Regional Public Transportation Authority (RPTA) for the continued provision of transit services in the City of Glendale.

This request promotes the Council goal of providing transportation options to the citizens of Glendale.

The IGA provides regional fixed route customer services and communication for all routes in Glendale. The cost for this service is \$151,608 through January 31, 2006. Effective February 1, 2006, the RPTA will assume all costs relating to the regional fixed route customer services and communication expenses. Currently, fixed route service is provided in Glendale with funds from the GO Glendale Transportation Plan and the RPTA. 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 2005-06 at an estimated cost to the RPTA of \$942,600.

This is an annual agreement to provide bus service in addition to the service provided by the GO Glendale Transportation Plan.

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

The Regional Customer Services Center provides customer assistance to fixed route passengers. Customers can call the Customer Services Center and get assistance in planning their bus trip. They can also use the Internet to access information on bus routes. In addition, Regional Customer Services provides informational brochures and the bus book.

Costs are \$151,608 for the Regional Customer Services portion of the IGA. The amount is budgeted in the Fixed Route division of the GO Transportation Program, Account Number 25-6354-7330.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$151,608

Account Name, Fund, Account and Line Item Number:
 Fixed Route: 25-6354-7330

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the entering into of an amendment to the intergovernmental agreement with the Regional Public Transportation Authority to continue the provision of public transportation services in Glendale in an amount not to exceed \$151,608.

Resolution No. 3884 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.**

14. EXTENSION OF INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR FIXED ROUTE BUS SERVICES

This is a request for the City Council to approve a resolution authorizing the entering into of an amendment to the intergovernmental agreement (IGA) with the City of Phoenix (Contract Change Order No. 7) for the continued operation of fixed route bus services in the City of Glendale.

This request promotes the Council goal to provide transportation options to the citizens of Glendale.

The City of Phoenix provides fixed route bus service in Glendale through an IGA. The amendment will provide continuation of current levels of fixed route bus service to the citizens of Glendale. Bus service is provided with the funds from the GO Glendale Transportation Plan.

This is an annual IGA approved by the Council to provide fixed route services in Glendale.

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

The cost for Fiscal Year 2005-06 Change Order No. 7 is \$3,162,850. The amount is budgeted in the Fixed Route division of the GO Transportation Program, Account Number 25-6354-7330.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$3,162,850

Account Name, Fund, Account and Line Item Number:
 Fixed Route: 25-6354-7330

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the entering into of Contract Change Order No. 7 to the intergovernmental agreement with the City of Phoenix for the continued operation of fixed route bus services in Glendale in an amount not to exceed \$3,162,850.

Resolution No. 3885 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 CONTRACT CHANGE ORDER NO. 7 TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR THE OPERATION OF FIXED ROUTE BUS SERVICES IN THE CITY OF GLENDALE.**

15. **REQUEST FOR INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY SUPERIOR COURT FOR JURY SERVICES – (ITEM NOT HEARD)**

This is a request for the City Council to enter into an intergovernmental agreement with the Maricopa County Superior Court to provide Glendale City Court with qualified jurors for jury trials.

The Superior Court has provided jury services based on similar agreements since 1993.

The agreement includes two payments of \$53 for developing programming for the jury lists and a \$1.25 charge for printing and postage for each jury questionnaire and summons. Funds are available in City Court operational budget, 01-1410-7920. The cost for this service is estimated to be approximately \$3,100 per year. The agreement will be in effect from July 1, 2005 to June 30, 2007.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			\$6,200		\$6,200

Account Name, Fund, Account and Line Item Number:

City Court Operational Budget 01-1410-7920

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the entering into of an intergovernmental agreement with the Maricopa County Superior Court to provide Glendale City Court with qualified jurors for jury trials.

Resolution No. 3886 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 SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY FOR JURY SERVICES.**

This item was administratively removed from the agenda.

16. **REQUEST EXEMPTION FROM INDUSTRIAL COMMISSION OF ARIZONA FINANCIAL REQUIREMENTS**

This is a request for the City Council to adopt a resolution stating that the city provides sufficient funding to cover liabilities for workers' compensation claims. Adopting a resolution in lieu of posting security will reduce workers' compensation trust fund expenses.

Maintaining sufficient funding to cover actuarial liabilities provides financial stability to meet current and future workers' compensation claim obligations.

The Industrial Commission of Arizona (ICA) revised rules in March 2005 to exempt public entities from posting a letter of credit provided they adequately fund liabilities and pass a resolution prior to July 1st each year.

The current annual cost for the letter of credit is \$11,364. By adopting the resolution, the city can cancel the letter of credit and obtain a refund estimated to be \$8,523 for the balance of the fiscal year. The refund will be deposited back to the workers' compensation trust fund.

Resolution No. 3887 New Series was read by number and title only, it being **A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REQUESTING EXEMPTION FROM THE REQUIREMENT BY THE INDUSTRIAL COMMISSION OF ARIZONA TO POST SECURITY FOR THE CITY OF GLENDALE'S SELF-INSURED WORKERS COMPENSATION CLAIMS; AND CANCELLING THE LETTER OF CREDIT ON FILE WITH THE BANK OF AMERICA.**

17. SETTLEMENT WITH DELOITTE & TOUCHE IN THE NATIONAL CENTURY FINANCIAL ENTERPRISES CLAIM

This is a request for the City Council to adopt a resolution ratifying the proposed settlement with Deloitte & Touche in the National Century Financial Enterprise claim.

This will have the effect of providing financial stability and settling litigation in an efficient manner.

In 2001 and 2002, the City of Glendale, as a member of the Local Government Investment Pool 55, invested in debt securities of National Century Financial Enterprises ("NCFE"). Decisions as to the management of the investment pool were made by the State of Arizona. In November of 2002, NCFE declared bankruptcy.

In order to pursue recovery of this loss effectively and cost efficiently, Glendale and several other municipalities formed a loss recovery coalition and agreed to pursue these claims jointly. Claims were brought against several of the world's largest financial institutions and accounting firms. Through the bankruptcy process, Glendale has recovered \$407,996.97.

Very recently, one of the accounting firms, Deloitte & Touche, offered to settle all claims made by the consortium in an aggregate amount of \$5,200,000. This amount is to be divided pro rata among the consortium based on the value of each entities investment. Based on this division, Glendale's share of the recovery will be \$114,689.31.

This settlement leaves several other defendants against which to pursue the consortium's claims. The amount offered represents one of the top five settlements with an accounting firm in similar types of litigation. It was recommended by the City Attorney to approve settlement of this claim for the amount offered. That recommendation was also consistent with the consortium's national legal counsel, the local legal counsel, the State Treasurer's Office and the City Chief Financial Officer.

Contingent approval was relayed to the consortium pending ratification by the City Council in September. Should the Council decide at this time not to accept the settlement and proceed in a different matter, the City will withdraw and its allocation will be divided among the remaining members.

The recommendation was to waive reading beyond the title and adopt a resolution ratifying the settlement with Deloitte & Touche in the National Century Financial Enterprise claim.

Resolution No. 3888 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 SETTLEMENT WITH DELOITTE & TOUCHE IN THE NATIONAL CENTURY FINANCIAL ENTERPRISES CLAIM.**

It was moved by Lieberman and seconded by Goulet, to approve the recommended actions on Consent Agenda Item Nos. 1 through 6, 8 through 14, 16 and 17, including the approval and adoption of Resolution No. 3883 New Series, Resolution No. 3884 New Series, Resolution No. 3885 New Series, Resolution No. 3887 New Series, and Resolution No. 3888 New Series, and to forward Liquor License Applications No. 3-1005 for Uncle Charlie's American Grill; No. 3-1006 for Glendale Market; No. 3-1007 for the Pub; No. 3-1008 for Olive Food Store; No. 3-1009 for Cocono's Mexican Island Kitchen; No. 3-1010 for Albertson's No. 974; and No. 3-1012 for Dillon's Arrowhead; and Special Event Liquor License for St. Louis the King Church, to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.

7. LIQUOR LICENSE NO. 3-1011 – MI RESTAURANT

Mr. Ray Shuey, Chief Financial Officer, presented this item.

This is a request by Chi Lam for the City Council to approve a new series 12 (restaurant, all liquor) license for Mi Restaurant located at 5850 North 43rd Avenue. The previous owner operated this business as Mi Restaurant and held a series 12 license at this location.

The approval of this license will not increase the total number of liquor licenses in this area.

The establishment is over 300 feet from any school or church. The City of Glendale and the Maricopa County Health Department have reviewed the application. The Police Department, the Tax and License Division, and the Planning Department have recommended denial of this application, as this application does not meet technical requirements.

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

The recommendation was to forward a recommendation for denial to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1011.

Councilmember Lieberman explained that he pulled Item 7 because of staff's recommendation for denial.

Councilmember Clark noted several elementary schools are located in the area. Mr. Shuey agreed, stating, however, none are within the 300 foot limit. Councilmember Clark asked if the city has received any complaints concerning the establishment. Mr. Shuey responded no.

Councilmember Lieberman asked about the outcome of citations that were issued to the establishment. Chief Becker said he does not have any information about the citations being adjudicated at this time.

Vice Mayor Eggleston said there appear to be several problems with the subject license and he sees no reason to recommend approval.

It was moved by Eggleston and seconded by Frate, to approve the recommended actions on Agenda Item Nos. 7, to forward a recommendation of denial for Liquor License Application No. 3-1011 to the State of Arizona Department of Liquor Licenses and Control. The motion carried unanimously

BIDS AND CONTRACTS

18. AWARD OF CONSTRUCTION CONTRACT FOR CITY FIBER OPTIC CABLE INSTALLATION

Ms. Debbie Burdette, ITS Manager presented this item. Mr. Chuck Murphy, Chief Information Technology Officer answered questions from the Council.

This is a request for the City Council to award a construction contract to Han Mar Energy, Inc. for installation of conduit, fiber optic cable, and communication equipment to Gateway Public Safety Building, Cholla Water Treatment Plant, and Foothills Library.

This project will help the city in meeting the Council strategic priority of leveraging technology for efficiency and convenience.

On July 14, 2005, the Transportation Department advertised in the Glendale Star a request for contractors to submit a competitive bid to install conduit, fiber optic cable, and communications equipment to the Gateway Public Safety Building, the Cholla Water Treatment Plant, and the Foothills Library. Two bids were received and the lowest responsive bidder was Han Mar Energy, Inc. Once awarded, the contractor will have 10 days from the notice to proceed to begin construction and 105 days to complete the project.

In June of 2005, the Council approved the city Capital Improvement Program, which included projects to install fiber optic cable to the three city facilities.

The total cost for construction is \$623,135. Funds for this project are available in the capital improvement program's Backbone Fiber Optic/Cholla WT and Traffic Signal Computerization projects. Charges will be split equally between each account.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$623,135

Account Name, Fund, Account and Line Item Number:

Backbone Fiber Optic/Cholla WT Account No. 83-8055-8300 (\$311,567.50)

Traffic Signal Computerization Account No. 31-8042-8330 (\$311,567.50)

The recommendation was to award the construction contract with Han Mar Energy, Inc., for installation of conduit, fiber optic cable, and communications equipment to the Gateway Public Safety Building, the Cholla Water Treatment Plant, and the Foothills Library in the amount not to exceed \$623,135.

Councilmember Lieberman asked if people would be able to get online with Cox Cable at all three facilities. Ms. Burdette clarified the contract relates to the city's computer network and telephone system. Mr. Murphy explained the fiber would be used for data communications and possibly for telephone needs. He explained different methods are used to provide telephone service, noting they currently use a copper wire installation. Councilmember Lieberman asked what advantage is there to switching to the rather expensive fiber optics. Mr. Murphy stated fiber optics allow data communications to occur at a much faster rate. Councilmember Lieberman asked if the city would own the fiber optics. Mr. Murphy responded yes. Councilmember Lieberman asked if the city owns the copper wire. Mr. Murphy said the city leases its T-1 communication lines from vendors. Councilmember Lieberman noted a company made an offer years ago to hook up the city's phone lines on its unused fiber optics. He asked if the lines referenced in the contract are those same lines or additional lines. Mr. Murphy stated both conduit and fiber would be installed and immediately utilized. Councilmember Lieberman asked if the leases on the T-1 lines would be dropped once the fiber optics is installed. Mr. Murphy responded yes.

Councilmember Clark asked if the Traffic Signal Computerization Account would be used for this installation. Ms. Burdette said the account would be used to install the fiber to get access to the intersections as well as communications equipment. She clarified the subject intersections are already signalized.

It was moved by Frate, and seconded by Martinez, to award the construction contract with Han Mar Energy, Inc., for installation of conduit, fiber optic cable, and communications equipment to the Gateway Public Safety Building, the Cholla Water Treatment Plant, and the Foothills Library in the amount not to exceed \$623,135. The motion carried unanimously.

ORDINANCES

19. FISCAL YEAR 2004-05 BUDGET AMENDMENTS

Ms. Sherry Schurhammer, Budget Director, presented this item.

This is a request for the City Council to review Fiscal Year 2004-05 budget amendments and adopt an ordinance approving them.

Review of the Fiscal Year 2004-05 budget amendments is consistent with the Council's goal of ensuring the city's financial stability.

A budget amendment is a transfer of appropriation authority from one fund to another fund; it is not a transfer of monies between funds.

The majority of the budget amendments deal with capital projects. During the course of Fiscal Year 2004-05, capital project carryover was reconciled. When departments prepared their Fiscal Year 2004-05 capital project budgets, they estimated the amount of carryover savings they would have. At the end of Fiscal Year 2003-04, the Management and Budget Department reconciled each department's actual savings with their estimated carryover budget for Fiscal Year 2004-05, and then increased or decreased their budgets accordingly.

This type of action is routinely done at the end of each fiscal year. For example, the City Council approved a similar ordinance for Fiscal Year 2003-04 on July 13, 2004.

The City of Glendale's total Fiscal Year 2004-05 budget appropriation for all funds remains unchanged

The recommendation was to waive reading beyond the title and adopt an ordinance approving the Fiscal Year 2004-05 budget amendments.

Ordinance No. 2457 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 TRANSFER OF FUNDS BETWEEN BUDGET ITEMS IN THE ADOPTED FISCAL YEAR 2004-2005 BUDGET; AND DECLARING AN EMERGENCY.**

It was moved by Goulet, and seconded by Frate, to approve Ordinance No. 2457 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.

20. SALT RIVER PROJECT IRRIGATION EASEMENT: 89TH AND GLENDALE AVENUES

Mr. Craig Johnson, Assistant City Engineer, presented this item.

This is a request for the City Council to adopt an ordinance granting an irrigation easement in favor of Salt River Project (SRP) along the west side of 89th Avenue, north of Glendale Avenue. The easement will enable SRP to relocate its existing system to allow for the development of a new residential subdivision, Provence, located between 89th and 91st Avenues, and north of Glendale Avenue.

For aesthetics and safety reasons, SRP, the city and the developer of Provence have agreed to relocate SRP’s existing irrigation ditch. The irrigation system will be tiled and placed underground. Although most of the easement area will be on the developer’s land, a portion will fall within the right of way for 89th Avenue. The easement is being requested to protect SRP’s relocated facilities and existing land rights.

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

Ordinance No. 2458 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 AN IRRIGATION EASEMENT IN FAVOR OF SALT RIVER PROJECT ALONG THE WEST SIDE OF 89TH AVENUE NORTH OF GLENDALE AVENUE FOR THE DEVELOPMENT OF A NEW RESIDENTIAL SUBDIVISION; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.

It was moved by Martinez, and seconded by Eggleston, to approve Ordinance No. 2458 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.

21. SALT RIVER PROJECT IRRIGATION EASEMENT: 59TH AVENUE AND SUNNYSIDE DRIVE

Mr. Craig Johnson, Assistant City Engineer, presented this item.

This is a request for the City Council to adopt an ordinance granting an irrigation easement in favor of Salt River Project (SRP) along the west side of 59th Avenue, north of Sunnyside Drive. The easement will enable SRP to relocate and tile its existing system to allow for the development of a new residential subdivision, Cholla Cove, on the northwest corner of 59th Avenue and Sunnyside Drive.

For aesthetics and safety, the city and the developer of Cholla Cove have requested that SRP relocate and underground its existing irrigation pipe. As part of Cholla Cove development, the developer will also be making improvements to 59th Avenue in the immediate area. The easement is necessary to protect SRP's relocated facilities and existing land rights.

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

Ordinance No. 2459 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 AN IRRIGATION EASEMENT IN FAVOR OF SALT RIVER PROJECT ALONG THE WEST SIDE OF 59TH AVENUE NORTH OF SUNNYSIDE DRIVE FOR THE DEVELOPMENT OF A NEW RESIDENTIAL SUBDIVISION; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.**

It was moved by Frate, and seconded by Clark, to approve Ordinance No. 2459 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.

22. SALT RIVER PROJECT IRRIGATION EASEMENT: MARYLAND AVENUE AND LOOP 101

Mr. Craig Johnson, Assistant City Engineer, presented this item.

This is a request for the City Council to adopt an ordinance granting an irrigation easement in favor of Salt River Project (SRP) to relocate a turnout structure and related facilities at the southwest corner of Maryland Avenue and the Loop 101.

As part of the Maryland Avenue crossing of Loop 101, between 95th and 99th Avenues, SRP is being asked to relocate its irrigation facilities as needed. In order to protect these facilities, SRP is requesting easements for all new locations.

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

Ordinance No. 2460 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 AN IRRIGATION EASEMENT IN FAVOR OF SALT RIVER PROJECT TO RELOCATE A TURNOUT STRUCTURE AND RELATED FACILITIES AT THE SOUTHWEST CORNER OF MARYLAND AVENUE AND THE LOOP 101; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.**

It was moved by Martinez, and seconded by Frate, to approve Ordinance No. 2460 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.

23. SALT RIVER PROJECT POWER DISTRIBUTION EASEMENTS: MARYLAND AVENUE AND LOOP 101

Mr. Craig Johnson, Assistant City Engineer, presented this item.

This is a request for the City Council to adopt an ordinance granting two power distribution easements along Maryland Avenue on both the east and west sides of the Loop 101, in favor of Salt River Project (SRP) to relocate its electrical facilities.

As part of the Maryland Avenue crossing of Loop 101, between 95th and 99th Avenues, SRP is being asked to relocate its electrical facilities as needed. In order to protect these facilities, SRP is requesting easements for all new locations.

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

Ordinance No. 2461 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 TWO POWER DISTRIBUTION EASEMENTS IN FAVOR OF SALT RIVER PROJECT TO RELOCATE ITS ELECTRICAL FACILITIES NORTH OF MARYLAND AVENUE ON BOTH THE EAST AND WEST SIDES OF THE LOOP 101; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.**

It was moved by Eggleston, and seconded by Martinez, to approve Ordinance No. 2461 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.

PUBLIC HEARING - RESOLUTION

24. GENERAL PLAN AMENDMENT GPA05-03: AMENDED "PUBLIC FACILITY" DEFINITION AND LAND USE MAP MODIFICATIONS

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

This is a request for the City Council to conduct a public hearing and adopt a resolution approving a General Plan Amendment GPA05-03 to amend the definition for "Public Facility" and the General Plan land use map for 34 separate locations.

The recommended action is consistent with the goal of providing accurate land use information to the public and will provide the correct depiction of existing land uses in the city.

The proposed amendment to the definition for the "Public Facility" land use category includes quasi-public uses such as electrical substations and well sites. Modifications to the Land Use Map to conform to the amended "Public Facility" category are also included as part of this request.

The balance of the modifications to the Land Use Map are a natural outcome of implementing the General Plan and continuous use of the Land Use Map by the Planning Commission, the Planning Department, and the public. The modifications offer a more accurate land use map and a more suitable definition of "Public Facility".

The Planning Commission conducted a public hearing on this request on July 21, 2005 and unanimously recommended approval of GPA05-03.

Approval of this amendment will provide a more accurate General Plan Land Use Map.

Eighty-three notification letters were sent to adjacent property owners and interested parties on May 5, 2005. No inquiries were received.

A public notice for the Planning Commission hearing on these applications was published in the Glendale Star on June 30, 2005. Notification letters were mailed out on July 1, 2005. At the public hearing no one spoke on this agenda item.

A public notice for the City Council hearing on this application was published in the Glendale Star on August 18, 2005. Notification letters were mailed out on August 19, 2005.

The recommendation was to conduct a public hearing, waive reading beyond the title, and adopt a resolution amending the definition for "Public Facility" and modifying the General Plan Land Use Map for the thirty-four sites identified.

Resolution No. 3889 New Series was read by number and title only, it being **A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE GENERAL PLAN OF THE CITY OF GLENDALE, ARIZONA, GPA05-03 BY AMENDING THE DEFINITION OF “PUBLIC FACILITY” AND THE GENERAL PLAN LAND USE MAP FOR 34 SEPARATE LOCATIONS.**

Mayor Scruggs opened the public hearing on Agenda Item No. 24. As there were no comments, Mayor Scruggs closed the public hearing.

It was moved by Frate, and seconded by Clark, to pass, adopt and approve Resolution No. 3889 New Series. The motion carried unanimously.

RESOLUTIONS

25. DOMESTIC VIOLENCE VICTIM SERVICES AND PROGRAM ENHANCEMENTS GRANT

Ms. Elizabeth Finn, Presiding Judge, presented this item.

This is a request for the City Council to adopt a resolution authorizing the acceptance of a two-year \$400,000 grant from the U.S. Department of Justice. This grant will fund several domestic violence victim services and program enhancements.

The official name of the grant is Grant to Encourage Arrest Policies and Enforcement of Protection Orders from the U.S. Department of Justice Office on Violence Against Women.

This request supports the Council priorities of ensuring public safety and awareness, coordinating exceptional service delivery, and leveraging technology for efficiency and convenience.

The Glendale Domestic Violence Task Force was formed in December of 2004 to provide systemic responses to a wide variety of local domestic violence issues. The Task Force has endorsed a collaborative partnership to seek funding for seven victim services and program enhancements. Partners include the City Court, the City Prosecutors' Office, the Police Department, the Information Technology Department, the West Valley Advocacy Center/PREHAB of Arizona, Incorporated and the Task Force.

The services and enhancements to be provided as a result of this grant award include the following:

A fulltime Compliance Specialist for Treatment Court;
 A joint website between the Court and the City Prosecutors' Office to provide online assistance to victims;
 A part-time Victim Advocate;
 A part-time Pro Tem Judge;
 Overtime pay for police officers to serve domestic violence arrest warrants;
 Cell phones for domestic violence detectives and advocates; and
 Staff training.

This item positively impacts Glendale residents by strengthening legal advocacy service programs for victims of domestic violence who typically are unaware of their basic rights and are confused by the complexities of the necessary legal processes. A Compliance Specialist would manage, coordinate and expand the activities of Treatment Court which specializes in monitoring defendants' compliance to domestic violence counseling and treatment orders. Greater tools and resources would be available for police to apprehend domestic violence perpetrators.

There is no financial match required for this two-year grant, which runs from July 1, 2005 thru June 30, 2007.

One new FTE, a compliance specialist for Treatment Court, will be created as a result of this grant. The new FTE will be responsible for coordinating the court calendars and other activities associated with Treatment Court. The compliance specialist will serve as liaison for all Treatment Court partners. Partners include the court, public defender, prosecutor and licensed treatment providers. Expanded Treatment Court activities will include increased community service opportunities and the development of a vocational, educational, and employment resource center for participants. The FTE will also be responsible for grant management duties.

If this program proves successful, a supplemental for Fiscal Year 2007-08 general fund operating dollars will be submitted to continue the services.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
\$400,000		X	X		\$400,000

Account Name, Fund, Account and Line Item Number:

A specific account will be established in Fund 47, the city's grant fund, once the grant agreements are formally executed.

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the acceptance of a two-year grant from the U.S. Department of Justice Office on Violence Against Women for domestic violence victim services and program enhancements.

Councilmember Frate asked if the city would have funds available to continue the program once the two-year grant expires. Judge Finn stated if the grant is not renewed they will request that the city absorb the program's only FTE into the budget. She said the remaining individuals are already employees of the city or would be contract employees.

Resolution No. 3890 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 AND ACCEPTING THE TWO-YEAR GRANT OFFER FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN, FOR DOMESTIC VIOLENCE VICTIM SERVICES AND PROGRAM ENHANCEMENTS.**

It was moved by Martinez, and seconded by Clark, to pass, adopt and approve Resolution No. 3890 New Series. The motion carried unanimously.

CITIZEN COMMENTS

No comments were made.

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Clark thanked Mr. Beasley and staff for all they have done for the victims of Hurricane Katrina.

Councilmember Lieberman pointed out the Council passed three ordinances related to the overpass on Maryland and the Westgate project. He said he is delighted with the improvements being made at Westgate.

Vice Mayor Eggleston announced a public meeting about a new underpass at Cactus and 51st Avenue will be held tomorrow night at Cholla School.

Councilmember Martinez said he will hold a meeting tomorrow night at Deer Valley High School.

Councilmember Frate noted the city dedicated Fire Station 159 last Saturday. He thanked everyone who attended the open house. He said he attended the Arizona Law Enforcement Academy graduation on September 2, pointing out Glendale had 11 police officers graduate. He thanked those who turned out on August 31 for the last Water Walk of the year. He urged everyone to watch children around water.

Councilmember Lieberman invited everyone to attend the Fiesta Day Glendale event this weekend

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:00 p.m.

Pamela Hanna - City Clerk