



**MINUTES OF THE
GLENDALE CITY COUNCIL MEETING
Council Chambers
5850 West Glendale Avenue
September 25, 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; Craig Tindall, 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 3 resolutions and 3 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 AUGUST 14, 2012 AND SEPTEMBER 11, 2012 CITY COUNCIL MEETINGS

It was moved by Martinez, and seconded by Knaack, to dispense with the reading of the minutes of the August 14, 2012 and September 11, 2012 Regular City Council meetings, as each member of the Council had been provided copies in advance, and approve them as written. The motion carried unanimously.

BOARDS, COMMISSIONS AND OTHER BODIES

BOARDS, COMMISSIONS AND OTHER BODIES

PRESENTED BY: Councilmember Joyce Clark

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

Arts Commission

Carol Ladd	Cactus	Reappointment	09/25/2012	08/23/2014
Carol Ladd – Chair	Cactus	Appointment	09/25/2012	08/23/2013
JoAnn Lee – Vice Chair	Cholla	Appointment	09/25/2012	08/23/2013

Aviation Advisory Commission

Ron Cohoe	Yucca	Reappointment	11/24/2012	11/24/2013
Ron Cohoe – Chair	Yucca	Reappointment	11/24/2012	11/24/2013

Citizens Transportation Oversight Commission

Jack Bethel	Barrel	Appointment	09/25/2012	07/25/2014
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Commission On Persons With Disabilities

John Fallucca	Cholla	Reappointment	09/25/2012	07/27/2014
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Community Development Advisory Committee

Marcia Garland	Barrel	Appointment	09/25/2012	07/01/2014
Chuck Jared	Cactus	Appointment	09/25/2012	06/29/2014
Vickie Loya	Cholla	Appointment	09/25/2012	07/01/2014

Library Advisory Board

Chase MacKay (Teen)	Yucca	Appointment	09/25/2012	05/27/2013
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Parks and Recreation Advisory Commission

James Baribault	Barrel	Appointment	09/25/2012	04/09/2014
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Risk Management/Worker’s Compensation Trust Fund Board

John Stern	Cholla	Reappointment	09/25/2012	07/24/2015
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It was moved by Clark, and seconded by Frate, to appoint Carol Ladd and JoAnn Lee to the Arts Commission; Ron Cohoe to the Aviation Advisory Commission; Jack Bethel to the Citizens Transportation Oversight Commission; John Fallucca to the Commission on Persons with Disabilities; Marcia Garland, Chuck Jared and Vickie Loya to the Community Development Advisory Committee; Chase McKay as a teen appointment to the Library Advisory Board; James Baribault to the Parks & Recreation Advisory Commission; and John Stern to the Risk Management/Worker’s Compensation Trust Fund Board, for the terms listed above. The motion carried unanimously.

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

PROCLAMATIONS AND AWARDS

DOMESTIC VIOLENCE AWARENESS MONTH PROCLAMATION

PRESENTED BY: Office of the Mayor

ACCEPTED BY: Rob Walecki, Glendale City Prosecutor, and Paul Ferguson, Glendale Domestic Violence Assistant City Prosecutor

This is a request for City Council to proclaim October 2012 as Domestic Violence Awareness Month and present the Proclamation to Rob Walecki, Glendale City Prosecutor, and Paul Ferguson, Glendale Domestic Violence Assistant City Prosecutor.

Mayor Scruggs called Rob Walecki and Paul Ferguson forward to accept the proclamation.

FIRE PREVENTION MONTH PROCLAMATION

PRESENTED BY: Office of the Mayor

ACCEPTED BY: Bill Epps, Chief Executive Officer, American Red Cross Grand Canyon Chapter

This is a request for City Council to proclaim October 2012 as Fire Prevention Month in Glendale and present the proclamation to Mr. Bill Epps, Chief Executive Officer for the American Red Cross, Grand Canyon Chapter.

Mayor Scruggs called Bill Epps forward to accept the proclamation.

CONSENT AGENDA

Items on the consent agenda are intended to be acted upon in one motion.

Mr. Horatio Skeete, Acting City Manager, read agenda item numbers 1 through 4 and Ms. Pamela Hanna, City Clerk, read consent agenda resolution item numbers 5 through 8 by number and title.

Councilmember Lieberman requested item number 4 be heard separately.

1. SPECIAL EVENT LIQUOR LICENSE, ST. RAPHAEL CATHOLIC CHURCH

PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a special event liquor license for St. Raphael Catholic Church. The event will be held at St. Raphael Catholic Church inside Hibner Hall located at 5525 West Acoma Road on Saturday, February 9, 2013, from 6 p.m. to 10 p.m. The purpose of this special event liquor license is for a fundraiser.

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

2. LIQUOR LICENSE NO. 5-6572, MAMA LUPITAS RESTAURANT & BAR

PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license for Mama Lupitas Restaurant & Bar located at 6550 West Glendale Avenue, Suite 14.

The Arizona Department of Liquor Licenses and Control application (No. 12079214) was submitted by Mark Andrew Tafoya.

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. 5-7002, KIKU REVOLVING SUSHI BAR

PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license for Kiku Revolving Sushi Bar located at 8190 West Union Hills Drive, Suite 155. The Arizona Department of Liquor Licenses and Control application (No. 12079224) was submitted by Phillip Scott Picard.

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

4. APPEAL OF DECISION IN GILA RIVER INDIAN COMMUNITY, et al., v.

DEPARTMENT OF INTERIOR AND TOHONO O'ODHAM NATION, et al.

PRESENTER BY: Craig Tindall, City Attorney

This item was heard after the consent agenda items.

CONSENT RESOLUTIONS

5. ARIZONA CRIMINAL JUSTICE COMMISSION GRANT

PRESENTED BY: Debora Black, Interim Police Chief

RESOLUTION: 4614

This is a request for City Council to authorize the City Manager to enter into a FY 2012-13 Project Safe Neighborhoods grant from the Arizona Criminal Justice Commission.

This grant award will support the Police Department by providing overtime funding for personnel in the amount of \$15,255 during the grant period between July 1, 2012 and June 30, 2013. Staff is requesting Council waive reading beyond the title and adopt a Resolution authorizing the City Manager to enter into a FY 2012-13 Project Safe Neighborhoods grant from the Arizona Criminal Justice Commission.

Resolution No. 4614 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 GRANT OFFER FROM THE ARIZONA CRIMINAL JUSTICE COMMISSION, PROJECT SAFE NEIGHBORHOODS TO SUPPORT OVERTIME ENFORCEMENT ACTIVITIES BY THE GLENDALE POLICE DEPARTMENT TO ADDRESS FIREARM VIOLENCE REDUCTION.

6. INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE NEW RIVER PATHWAY

PRESENTED BY: Jamsheed Mehta, AICP, Executive Director, Transportation Services
RESOLUTION: 4615

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 construction of a multiuse pathway along the east bank of New River, from the Bethany Home Road alignment to Northern Avenue.

Resolution No. 4615 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 CONSTRUCTION OF A 10-FOOT WIDE CONCRETE PATHWAY FROM THE BETHANY HOME ROAD ALIGNMENT TO NORTHERN AVENUE.

It was moved by Frate and seconded by Knaack, to approve the recommended actions on Consent Agenda Item Nos. 1 through 3 and 5 and 6, including the approval and adoption of Resolution No. 4614 New Series and Resolution No. 4615 New Series; and to forward Special Event Liquor License Application for St. Raphael Catholic Church and Liquor License Application No. 5-6572 for Mama Lupitas Restaurant and Bar and No. 5-7002 for Kiku Revolving Sushi Bar to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.

4. APPEAL OF DECISION IN GILA RIVER INDIAN COMMUNITY, et al., v. DEPARTMENT OF INTERIOR AND TOHONO O'ODHAM NATION, et al.

PRESENTER BY: Craig Tindall, City Attorney

This is a request for City Council to authorize the City Attorney to take the necessary and timely legal action for the further appeal of the 9th Circuit Court of Appeal's decision in the matter of Gila River Indian Community, et al. v. Department of Interior and Tohono O'odham Nation, et al.

Councilmember Lieberman commented that the court judgment proved the Tohono O'odham Nation had not done anything wrong in their quest to build a casino. He mentioned the millions the city has spent in legal costs fighting this issue when the city budget was in a deficit.

Craig Tindall, City Attorney, explained the decision was a split decision, therefore at this time the city has the option to appeal.

Councilmember Lieberman asked if the next appeal was to the Supreme Court. Mr. Tindall noted that was one of the options. Councilmember Lieberman questioned all the attorney bills the city would have to pay to still fight this issue. He asked if the city had to pay for everyone's

legal fees since they lost. Mr. Tindall replied he was unclear on that issue. Councilmember Lieberman made a statement regarding the casino development and asked if the Tohono O'odham Nation Gila River Indian Community was spending several million dollars building a new casino on the west side and that their participation in the lawsuit was solely protecting their economic interest. Mr. Tindall said that he would not verify the several facts of the statement that he had no knowledge of that fact the GRIC was building a Westside casino. Councilmember Lieberman noted that there was a newspaper article and that Mr. Tindall had to be aware of it and was not being truthful about it. Councilmember Lieberman reiterated the city's current bad budget crisis and does not support the idea to keep fighting this issue when both federal courts ruled in favor of the Nation. He pointed out the benefits of having a casino in Glendale.

Mayor Scruggs commented that she was going to ask all of you as she had asked every audience that has ever been in the City Council that if you hear something that you agree with and that you like – that you raise your hands to indicate your support. If you hear something you don't like – you can go like this, to indicate that you do not support it. But she was going to ask that you register your feelings silently. This is the way the city has conducted business here for years and it is hoped that you will continue that.

Councilmember Alvarez stated that because of the major cuts the city was proposing including libraries, adult center etc., she does not support the idea of the city continuing this legal fight.

Manuel Cruz, a Yucca resident, stated he had opposed the appeal to the 9th Circuit decision concerning the casino. He noted the millions the city has spent fighting the issue of the casino when the city was fiscally strapped for money. He mentioned the benefits of building the casino in Glendale which will bring three to six thousand jobs into the area. He indicated the building of the casino in Glendale will not cost the city one penny. He said his discussions with the Tohono O'odham Nation have been productive and he believes building the casino will bring much needed jobs into the area.

Robert Steiger, a Sahuaro resident, submitted a speakers' card in support of the recommended action, however he did not speak.

It was moved by Frate, and seconded by Knaack, to authorize the City Attorney to take the necessary and timely legal action for the further appeal of the 9th Circuit Court of Appeal's decision in the matter of Gila River Indian Community, et al. v. Department of Interior and Tohono O'odham Nation, et al. The motion carried. Ayes: Clark, Frate, Knaack, Martinez and Scruggs. Nays: Alvarez and Lieberman.

Councilmember Martinez stated he will not go into this matter in detail since it has been discussed many times over. He mentioned how the Tohono O'odham Nation purchased the land under a false pretense. He also does not believe the figures discussed regarding the amount of jobs the casino will bring the city. He believes the money that has been spent was money well spent because in the long run it will be beneficial to the city to not have a sovereign nation in the middle of the city. He believes they have a good chance if they continue the fight to win as they move forward. He supports moving forward with the appeal.

Councilmember Martinez said he was going to make a point of order earlier when Councilmember Lieberman was speaking. He believes there was something in the Code of Ethics and Conduct as to how the Council should treat staff. He noted that Councilmember Lieberman said the City Attorney was being untruthful and believes that was in violation of one of those codes. He indicated he will be looking into that matter.

Councilmember Alvarez noted she remembers a comment from Councilmember Martinez that the Tohono O'odham Indians were foreigners. She said they were a sovereign nation, not foreigners. Councilmember Martinez noted he did not remember saying that, however, if he did, it was not meant in a demeaning fashion.

Councilmember Knaack commented on the job figures being thrown around regarding the casino. She explained that Tanger Outlet had 500 construction jobs and will employ 900 people. She does not see how the casino will bring in 6000 construction jobs and 3000 jobs into the area. She said it does not make any sense. However, because of the current budget crises, she has thought long and hard on this issue. Nevertheless, she will stand by her conviction since this is wrong. She said this decision will affect gaming statewide and possibly nationwide. She believes this decision needs to go to the top and finally be decided.

Councilmember Clark remarked that the Council has discussed this issue to the point of nausea. She stated the city should continue its battle in conjunction with their partners, the State of Arizona and Gila River Indian Community, which is fighting for every other Indian tribe in support of this action. She explained that even with the budget crises, they could not afford not to fight this issue. She stated they were talking about a decision that will affect Glendale forever. This issue takes land out of production and any hope of the city collecting revenue of any sort forever. She asked those people wanting the casino to talk to the people living in the area about this major intrusion into their way of life. She remarked on the Tohono O'odham Nation being a sovereign nation which meant the city has no control over it. She said this means the police cannot enter the reservation or collect any revenue from it. However, the police department was responsible for any traffic accidents or crime that occurs on Northern or 91st coming from the casino. She agreed with Councilmember Knaack that they should bring this matter to a final conclusion even if it takes the Supreme Court to do it.

Councilmember Alvarez questioned Councilmember Clark's remarks that maybe the Tohono O'odham Nation was not American. Councilmember Clark noted she was sorry Councilmember Alvarez was unable to understand her comments and at no time did she refer to them as being un-American in any way, shape or form.

Mayor Scruggs commented that she almost hated to say anything because Council has done this for three and a half years and it keeps getting twisted and misrepeated. But a sovereign nation means simply that they do not follow any of our laws, rules, regulations or anything else. And that's what she meant when she used the comparison of another county that wouldn't have to follow city and state rules either. Some of you who have been in Arizona a long time may remember in the 1980's when the Salt River Pima Maricopa Indian Community with whom the city is good friends on this issue, they had a real problem with Scottsdale Road and they shut it down. Think back, those of you who have been here a long time, nobody could drive on

Scottsdale Road. They were a sovereign nation and so they just closed their half of the road. And that is what they did. Right now we have been, “we” meaning all the cities in Maricopa County have been trying since Proposition 300 was passed in 1985 to get the south mountain freeway built. And it has been blocked by the Gila River Indian Community, who we are friends with on this particular issue. And they had a vote and they voted that that freeway should never be built even though everybody else in Maricopa County voted for it in 1985 and has been paying taxes for it. So that’s what sovereignty really means. They have their own laws and rules and they see things differently and they really don’t need to abide by anything that the rest of us do. So for her this issue is about the creation of a sovereign nation within our incorporated boundaries and an entity over which the city would have no ability to cause them to cooperate and to follow the common theme of the citizens of Glendale who have voted on a general plan and so forth.

Mayor Scruggs continued regarding Senator McCain, he was pretty much put on the spot at a town hall in the last three weeks or so. And he was here ready to talk about the F-35 coming to Luke Air Force Base but he held a town hall and a Glendale resident approached him and asked why was he not supporting the Tohono O’odham Nation plan and was very, very strong and this has been captured on tape. And he said he was one of the authors of the Indian Gaming Regulatory Act. He was one of the authors of that law that set out how gaming would take place. And that law says that games will take place on Indian Reservations that were created prior to 1988. There was never any intention that that law would be used in the way the Tohono O’odham Nation is trying to use it. When we talk about Scottsdale, all the things going on in Scottsdale, that is their Indian Nation and what Senator McCain said was that there was never any intent on the part of the authors that were trying to create an environment for Indian Nations to be able to engage in gaming. There was never the intent that a Nation would leave their land, come a hundred miles or more away and go around and shop for reservations in areas that have been developed and are now very productive. So that was his answer, yes he was part of the Gila Bend Act, but he was also part of the Indian Gaming Regulatory Act and he has spoken very definitely on it. As somebody said, this discussion has been going on for quite awhile and maybe it’s just time that Council votes. But quite honestly for her the issue is about creating a sovereign nation, taking land away from the City of Glendale, Maricopa County, the State of Arizona and the Indian Gaming Regulatory Act says very definitely that the Governor must approve of this and the Governor has registered disapproval and they have not had anything to say in the development of that land forever.

BIDS AND CONTRACTS

7. AWARD OF BID 12-41, STREETLIGHT MAINTENANCE

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

This is a request for City Council to award the bid and authorize the City Manager to enter into a contract with Fluoresco Lighting-Sign Maintenance Corp. (Fluoresco) in an amount not to exceed \$306,851 for the repair and maintenance of city streetlights.

Councilmember Clark asked where these street lights were located. Jamsheed Mehta, AICP, Executive Director, Transportation Services stated the lights were located on the arterial street system throughout the city of Glendale.

It was moved by Clark, and seconded by Lieberman, to award the bid and authorize the City Manager to enter into a contract with Fluoresco Lighting-Sign Maintenance Corp. (Fluoresco) in an amount not to exceed \$306,851 for the repair and maintenance of city streetlights. The motion carried unanimously.

8. AWARD OF PROPOSAL 12-36, COLLECTION SERVICES

PRESENTED BY: Diane Goke, Chief Financial Officer

This is a request for City Council to award proposal 12-36 and authorize the City Manager to enter into an agreement for Collection Services with Progressive Financial Services, Incorporated for three years, with the option to extend the agreement for an additional two years, in one-year increments.

Councilmember Clark suggested that in the future staff look at the rate of collection as one of the primary factors to consider when selecting a firm. She noted it makes no sense for a firm to offer a good rate if their collection rate was poor.

Councilmember Alvarez asked how much they have to owe to go into collections. Diane Goke, Chief Financial Officer, stated the city pursues all collection efforts and anything over \$50. Councilmember Alvarez commented on a client that owed over \$90,000. She asked if they were also sent to collections. Ms. Goke replied yes, and added the city also does internal collection efforts. Ms. Goke explained the bid process and the way the city selects the best firm for the city.

Mayor Scruggs asked if getting a high score for costs means the provider was expensive or not expensive.

Ms. Goke explained the higher the score the lower the cost.

It was moved by Frate, and seconded by Clark, to award proposal 12-36 and authorize the City Manager to enter into an agreement for Collection Services with Progressive Financial Services, Incorporated for three years, with the option to extend the agreement for an additional two years, in one-year increments. The motion carried unanimously.

9. PROFESSIONAL SERVICES AGREEMENT WITH TETRA TECH BAS, INC. FOR LANDFILL GENERAL ENGINEERING SERVICES

PRESENTED BY: Stuart Kent, Executive Director, Public Works

This is a request for City Council to authorize the City Manager to enter into a professional services agreement with Tetra Tech BAS, Inc. for general engineering services on projects specifically related to the City of Glendale Landfill. Staff recommends approval of this agreement in an amount not to exceed \$120,000 annually.

It was moved by Clark, and seconded by Lieberman, to authorize the City Manager to enter into a professional services agreement with Tetra Tech BAS, Inc. for general engineering services on projects specifically related to the City of Glendale Landfill in an amount not to exceed \$120,000 annually. The motion carried unanimously.

10. AUTHORIZATION TO PURCHASE TASERS

PRESENTED BY: Rick St. John, Interim Assistant Police Chief

This is a request for City Council to approve the purchase of 435 Taser devices to replace the Police Department's current Taser devices. These units will be purchased from Taser International in an amount not to exceed \$596,430.

It is staff's recommendation for Council to approve the purchase of 435 Taser devices from Taser International in an amount not to exceed \$596,430.

Councilmember Clark wondered what kind of Tasers the city was purchasing. Rick St. John, Interim Assistant Police Chief, replied the city was getting the X-2, a smaller version than the X-3 that proved to be too bulky.

It was moved by Frate, and seconded by Martinez, to approve the purchase of 435 Taser devices from Taser International in an amount not to exceed \$596,430. The motion carried unanimously.

ORDINANCES

11. ABANDONMENT OF AN INGRESS/EGRESS AND UTILITY EASEMENT FOR CARMEL ESTATES

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

ORDINANCE: 2815

This is a request for City Council to adopt an ordinance authorizing the City Manager to abandon an ingress/egress and utility easement at 54th Lane and Topeka Drive for the Carmel Estates development. Staff is requesting Council waive reading beyond the title and adopt an ordinance authorizing the easement abandonment.

Ordinance No. 2815 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 ABANDONMENT OF AN INGRESS/EGRESS AND UTILITY EASEMENT AT 54TH LANE AND TOPEKA DRIVE FOR THE CARMEL ESTATES DEVELOPMENT TO THE OWNERS OF RECORD OF THE ABUTTING PROPERTY; AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

It was moved by Knaack, and seconded by Clark, to approve Ordinance No. 2815 New Series. Motion carried on a roll call vote, with the following Councilmembers voting "aye":

Alvarez, Clark, Lieberman, Knaack, Martinez, Frate, and Scruggs. Members voting “nay”: none.

12. LAND EXCHANGE: TOPEKA DRIVE, EAST OF 54TH LANE

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

ORDINANCE: 2816

This is a request for City Council to adopt an ordinance authorizing the City Manager to complete a land exchange of a city-owned parcel with Mandalay Communities, Inc. The parcel is located on Topeka Drive, east of 54th Lane. Staff is requesting Council waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute the documents necessary to complete the land exchange.

Ordinance No. 2816 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 ENTERING INTO OF A REAL PROPERTY PURCHASE AND EXCHANGE AGREEMENT WITH MANDALAY COMMUNITIES, INC. FOR THE PROPOSED CARMEL ESTATES LOCATED NEAR 54TH AVENUE AND TOPEKA DRIVE; AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

It was moved by Martinez, and seconded by Knaack, to approve Ordinance No. 2816 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Alvarez, Clark, Lieberman, Knaack, Martinez, Frate, and Scruggs. Members voting “nay”: none.

13. WATERLINE EASEMENT ABANDONMENT AT 59TH AVENUE AND UNION HILLS DRIVE

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

ORDINANCE: 2817

This is a request for City Council to adopt an ordinance authorizing the City Manager to abandon a waterline easement at the northwest corner of 59th Avenue and Union Hills Drive for the II Palazzo development. Staff is requesting Council waive reading beyond the title and adopt an ordinance authorizing the easement abandonment.

Ordinance No. 2817 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 ABANDONMENT OF AN EXISTING WATERLINE EASEMENT AT THE NORTHWEST CORNER OF 59TH AVENUE AND UNION HILLS DRIVE TO THE OWNERS OF RECORD OF THE ABUTTING PROPERTY; AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

It was moved by Frate, and seconded by Martinez, to approve Ordinance No. 2817 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”:

Alvarez, Clark, Lieberman, Knaack, Martinez, Frate, and Scruggs. Members voting “nay”: none.

RESOLUTIONS

14. JOINT PROJECT AGREEMENT WITH ADOT FOR AIRPORT RUNWAY PAVEMENT PRESERVATION

PRESENTED BY: Jamsheed Mehta, AICP, Executive Director, Transportation Services
RESOLUTION: 4616

Staff is requesting City Council waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into a joint project agreement (JPA) with the Arizona Department of Transportation (ADOT) for an airport runway pavement preservation project.

Resolution No. 4616 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF A JOINT PROJECT AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, FOR A PAVEMENT PRESERVATION PROJECT AT THE GLENDALE MUNICIPAL AIRPORT.

It was moved by Clark, and seconded by Frate, to pass, adopt and approve Resolution No. 4616 New Series. The motion carried unanimously.

REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION

It was moved by Frate, and seconded by Knaack, to hold a City Council Workshop at 1:30 p.m. in Room B-3 of the City Council Chambers on Tuesday, October 2, 2012, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried unanimously.

CITIZEN COMMENTS

Bud Zomok, an Ocotillo resident, commented on the budget workshop the Council had today. He said it would be a horrific error on the part of the city to cut programs that generate income and bring people to Glendale such as Glendale Glitters. He also does not support the elimination of the Visitors Center since it does a lot for incoming business and people and one that should not be cut.

Dave Campbell, an Ocotillo resident, commented on the possibility of cutting Glendale Glitters. He said as a business owner in the downtown area, cutting this event would be disastrous to his business as well as other businesses in the area.

Olivia Khiel, a Sahuaro resident, stated she was here today to speak in support of the libraries and the fire departments since the Council was proposing making significant cuts in both. She believes this was not right since the Council’s job was to provide basic services to the people.

She noted their job did not include fighting multimillion dollar battles with Indian Nations or the NHL. She talked about the benefits of the libraries. She remarked that in her opinion the Council has failed the citizens and many are not running for reelection and are leaving the city in shambles with their decision making.

Bonnie Steiger, a Sahuaro resident, stated she attended the previous workshop on the budget and what needs to be cut. She said she normally was not in favor of sales tax increases, however, believes this one was needed to keep the city running and not have to cut city services. She said they were not in favor of the repeal of the sales tax increase. She explained most of the problem was because of the recession and not the Coyote issue or the City Council.

Elizabeth Reissig, a Sahuaro resident, commented on all the wonderful things in Glendale and the challenges they were currently going through. She supports Channel 11, Glendale Special Events and other city services and hopes they do not get cut.

Scott Hanson, a Phoenix resident, said he does not support cutting Glendale Special Events. He hopes the Council reconsiders their position on this matter. He talked about how special these events were to everybody.

Tony Scalia, a Cholla resident, said he does not support cutting Glendale Special Events. He said these events were spectacular and hopes they do not go away. He asked the Council to find a way to keep them in the city.

Linda Moran-Whittle, owner of Papa Ed's Ice Cream in the Ocotillo district, stated the recommendations to cut made by the City Manager were very deep and devastating to many of them. She does not support cutting Glendale Special Events since this would be a blow to what she has been able to achieve in her first four years in Glendale. She said the events that have already occurred have brought 26% revenue of her total revenue for that same period. She believes she will not be able to absorb the cost without the special events and will possibly go out of business.

Carol Migray, an Ocotillo resident and business owner, stated she does not support cutting Glendale Special Events because of the negative effect it will have on businesses in the city. She talked about the wonderful stories everyone tells regarding the events in Glendale.

Diane Steele, an Ocotillo resident, submitted a speaker's card about Special Events, but left before speaking.

Dr. Dan Mayzanas, a business owner in Sahuaro, stated he was here in support of all the events in Glendale. He said he and his family have gone to each and every event held in Glendale. The events provide a great way for people to relax and enjoy themselves. He supports the merchants that have come forward to also support the events.

Nancy Forney, a Barrel resident and business owner, stated she was here in support of all the special events in Glendale. She discussed the benefits of having these events in Glendale. She said not having these events would devastate the community.

Gwyn MacArthur, a Sahuaro resident, stated she was here in support of all the special events in Glendale. She discussed the benefits to the community of having these events in Glendale.

Cristian Martinez, a Barrel resident, stated he was here today to speak in support of the libraries since they had become like a second home for him. He said he had been devastated when he heard the Council was considering closing some libraries. He noted that in his mind, this was equal to receiving an eviction notice or seeing your home foreclosed upon. He questioned the benefits of closing the libraries or turning over operation to a second party. He explained that with the proposed cuts he wonders why anybody would want to live in Glendale.

Sarah Manzanares, a Peoria resident, said she was here in support of all the special events in Glendale. She discussed the benefits to the community of having these events in Glendale. She suggested charging a small fee to offset the cost instead of cutting the events all together.

Sandra Burr, a Barrel resident, submitted a speakers' card to speak on saving money, but left before speaking.

Cary Pfeffer, a Phoenix resident, stated he was here in support of the communication process that the City of Glendale established. He commends the city for keeping the citizens involved in this time when they have to make these difficult decisions. He hopes the city continues this practice.

Cherish Michael, a Barrel resident; spoke on behalf of Theresa Michael. Ms. Michael stated she was here to speak in regards to the police force in Glendale. She believes they have one of the best in the county. Therefore, it made no sense to cut funds from that department when crime was up in the city. She supports the sales tax increase and will be happy to pay it to keep services intact.

Jay Levine, a Phoenix resident, said he was here in support of the special events in Glendale. He discussed the benefits to the community of having these events in Glendale. He said that as a business owner, these events account for 20% of his gross yearly revenue. He explained these festivals have been hugely successful and they should not cut off the hand that helps feed them.

Barrie MacArthur, a Peoria resident, said he was here in support of the special events in Glendale. He discussed the benefits to the community of having these events in Glendale. He hopes the Council reconsiders cutting these events since happiness was something for which you cannot pay. He commended the professionalism and work the Glendale City staff generates in producing these events.

Ken Brown, an Ocotillo resident, was here in support of the special events in Glendale. He discussed the benefits to the community of having these events in Glendale. He hopes the Council reconsiders cutting these events.

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Clark stated she shared a lot of the same sentiments that the speakers said about the festivals and libraries. She said this was a very difficult time for Glendale, however they should remember these were only proposed cuts and do not have to happen if the sales tax stays in place. She stated they will have to decide in November the direction Glendale will have to take. She thanked the public for attending the meetings and expressing their thoughts.

Councilmember Lieberman said this had been a very long, interesting and very difficult day. He thanked the public for staying and expressing their views. He understands the comments spoken by the downtown merchants since he had once been one of them.

Vice Mayor Frate commented on the people who were fighting the sales tax increase. He said this sales tax has been in effect since August 1st and so far has not heard of any business going bankrupt over the increase. He explained the Council asked the City Manager to come up with a budget that would show what taking away the increase would do to the city. He said they all had the ability to vote on the outcome they liked best. He asked if 70 cents on a \$100 purchase was worth closing a library or cutting back on police or fire. He resents people coming from outside of Glendale telling the citizens what they believe was best for them. He reminded everyone this tax will not be around forever and will sunset in five years.

Councilmember Martinez thanked everyone who attended the meeting tonight and spoke on what services they'd like to keep. He believes the people running the Save Glendale Now were misguided because the impact of repealing the tax would devastate the city of Glendale. He said the worst case scenario was presented by the City Manager but only if the sales tax is repealed. He said just thinking about what would happen to the city makes him sick. He believes the citizens of Glendale have all the information they need to make an informed decision in November.

Councilmember Knaack commented on the layoffs that will happen if the sales tax does not go through. She cannot imagine the devastation this will create in families that need that income to survive. She said the possibility of laying off this many people just breaks her heart. She hopes and prays that people will see the light and vote no on this initiative and support the sales tax. She thanked everyone for attending tonight.

Mayor Scruggs commented that first off she would like to give a special thanks to Carol and Linda and to Dave, etc. and all who have businesses in Glendale. Thank you for being here tonight and thank you for – well Council needs to come see your businesses. But thank you for taking the time and being here tonight. But thank you mostly for the confidence and the trust you put in Glendale for all these years by establishing your businesses and keeping your businesses open. So she wanted to say that first and foremost. You've heard what the Councilmembers have said; you really are in a much better position to reach people about this Proposition 457 than Council was quite honestly. She didn't know if her colleagues agreed with her but what she was hearing is people are just kind of tuning the Council out. They are saying 'well that is what we expect you to say'. But listen how the speakers captivated Council; she wasn't sure if everyone had a clue how tired Council was. Council started this at 1:30 p.m. today and it's grueling. She means that it was tiring because it's just mind numbing. But what the city was looking at – it just takes everything out of you. But yet the speakers came here and spoke

with their hearts and with courtesy and with passion and they made sense. And they just woke Council all up, they paid attention and you can do that with others. And the speakers can do more than the seven members of Council can ever do to sway people at this time. So as her colleagues have said – help out now for those who don't know – the county will start mailing out ballots on October 11th and a huge percentage of voters are signed up for early ballots. But the speakers do have opportunities to spread the word and tell people who live in Glendale with whom they come in contact, how they feel about Proposition 457. And the speakers words will carry much more weight than anything that comes from Council. So she just seconded what her colleagues have said. And again thank you very much for being here and for speaking the way you did. And protests don't work, protests turn people off. She has already received a lot of complaints today about some phone calls that have started up. People don't like that. They like to hear a reason. Now she wanted to say one other thing that she didn't think she had ever said at a Council meeting. But Vice Mayor Frate is so upset about all of this that he forgot to say for the first time ever – watch children around water. So that tells you how upset the man really is. Thank you, meeting is adjourned.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:35 p.m.

Pamela Hanna

Pamela Hanna - City Clerk