

MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA,
HELD TUESDAY, OCTOBER 9, 2007, AT 7:00 P.M.

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

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 five resolutions and four ordinances to be considered at the meeting were available for public examination and the title posted at City Hall more than 72 hours in advance of the meeting.

APPROVAL OF THE MINUTES OF THE SEPTEMBER 25, 2007 CITY COUNCIL MEETING

It was moved by Goulet, and seconded by Clark, to dispense with the reading of the minutes of the September 25, 2007 regular City Council meeting, as each member of the Council had been provided copies in advance, and approve them as written. The motion carried unanimously.

PROCLAMATIONS AND AWARDS

COMMENDING KIWANIS CLUB OF GLENDALE FOR 35 YEARS OF COMMUNITY SERVICE

This is a request for the City Council to commend the Kiwanis Club of Glendale on their 35th anniversary. The Kiwanis organization provides support services to children in the community and helps to provide needed equipment to other service organizations.

Accepting the proclamation will be Charter member Earl Rufibach; Jessica Knaack, the newest Kiwanis member; and Kiwanis Club of Glendale President Bill Nelson.

Kiwanis International has been providing services to communities for over 90 years. The Kiwanis Club of Glendale was established in 1972, and has been providing exemplary service to the Glendale community throughout the years.

The recommendation was to present the proclamation to the Kiwanis Club of Glendale.

Mayor Scruggs presented the proclamation commending Kiwanis Club of Glendale for

35 years of community service to Charter member Earl Rufibach, Jessica Knaack; and Bill Nelson, Kiwanis Club of Glendale President.

Mr. Bill Nelson thanked the city and Council for the proclamation and introduced Mr. Earl Rafibach to say a few words. Mr. Rafibach stated that the Kiwanis organization had been a tremendous support in the community for 35 years. He explained that the Kiwanis Club of Glendale was the first to have admitted women. He noted that the Kiwanis Club helps youths as well as seniors. He said their future was with the Key Club youth involvement.

Mayor Scruggs commented on her daughter being a Key Club member in high school and their great achievements.

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN PUBLIC PURCHASING

This is a request for the City Council to accept the Outstanding Agency Accreditation Achievement Award from the National Institute of Governmental Purchasing (NIGP).

NIGP's accreditation program formally recognizes excellence in public purchasing. NIGP established a body of standards reflecting what should be in place for support of operations, business community involvement, effective financial expenditures and controls. The certification process requires substantial documentation of policies, regulations, professionalism of staff and demonstration of best practices. These standards of performance focused on the Finance Department's Materials Management Division's contributions and value to the city. While the NIGP membership represents 2,600 governmental agencies throughout the United States and Canada, only 99 governments have attained this distinction.

This award was presented to the city originally in 2001. The award is made every five years. This year's award marks the second consecutive time that the city received the award.

Efficiency in procurement optimizes the expenditures of public funds and provides for the timely support of materials and services necessary for the daily operations of the city.

The recommendation was to accept the Outstanding Agency Accreditation Achievement Award from NIGP.

Mr. Raymond H. Shuey, Chief Financial Officer/Finance Director, and Mr. William E. Brewer, Materials Manager, presented the Outstanding Agency Accreditation Achievement Award from the National Institute of Governmental Purchasing to the Mayor and Council.

Mayor Scruggs thanked both Mr. Shuey and Mr. Brewer for their dedicated service. She also recognized all the people that had a part in helping the city in this tremendous accomplishment.

CONSENT AGENDA

Mayor Scruggs asked if Council wanted to hear any of the Consent Agenda Items separately. Councilmember Lieberman asked to hear Agenda Item 5 separately.

Mr. Ed Beasley, City Manager, read agenda item numbers 1 through 8 and Ms. Pamela Hanna, City Clerk, read consent agenda resolution item numbers 9 through 13 by number and title.

1. SPECIAL EVENT LIQUOR LICENSE FOR SERENO SOCCER CLUB – OCTOBER 19 & 20, 2007 AND NOVEMBER 10, 16, & 17, 2007

This is a request for the City Council to approve a special event liquor license for Sereno Soccer Club, a nonprofit organization dedicated to youth soccer. The events will be held on the plaza in front of the Jobing.com arena on Friday, October 19, 2007 from 5:00 p.m. to 12:00 a.m. (midnight) and Saturday, October 20, 2007 from 5:00 p.m. to 12:00 a.m. (midnight), November 10, 16 & 17, 2007 from 5:00 p.m. to 12:00 a.m. The purpose of these events is to be part of the Nissan Concert Series promotion, with 25 percent of the proceeds going to Sereno Soccer Club. The special events liquor licenses were submitted by Chuck Schmidt.

If these licenses are approved, the total days expended by this applicant will be five of the allowed 10 days per year. Sereno would use funds from the events to provide Phoenix and Glendale youth with financial assistance to help them and their parents participate in the club.

By hosting a variety of concerts and events at Westgate City Center, featuring local and nationally acclaimed acts, the applicant looks to draw a wide range of visitors from across the Valley and neighboring states, increasing exposure of Glendale's sports and entertainment district, and encouraging those new and returning visitors to come back to Glendale. 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 Council recommends approval of such license.

No previous action has occurred.

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

2. SPECIAL EVENT LIQUOR LICENSE FOR OUR LADY OF PERPETUAL HELP SCHOOL – OCTOBER 27 & 28, 2007

This is a request for the City Council to approve a special event liquor license for Our Lady of Perpetual Help School located at 7521 North 57th Avenue. The fundraising event will be held on Saturday, October 27, 2007 from 3:00 p.m. to 10:00 p.m. and Sunday, October 28, 2007 from 10:00 a.m. to 7:00 p.m. The special event liquor license was submitted by Maureen Elizabeth DeGrose.

If this license is approved, the total days expended by this applicant will be two 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 Council recommends approval of such license.

No previous action has occurred.

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

3. SPECIAL EVENT LIQUOR LICENSE FOR THUNDERBIRD RUGBY FOOTBALL CLUB – NOVEMBER 10 & 11, 2007

This is a request for the City Council to approve a special event liquor license for Thunderbird Rugby Football Club for an athletic tournament to be held at 15249 North 59th Avenue. The event will be held on Saturday, November 10, 2007 from 8:00 a.m. to 8:00 p.m. and Sunday, November 11, 2007 from 8:00 a.m. to 8:00 p.m. The special event liquor license was submitted by Juan Pablo Zahr.

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 Council recommends approval of such license.

No previous action has occurred.

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

4. SPECIAL EVENT LIQUOR LICENSE FOR GLENDALE ARTS COUNCIL – JANUARY 18, 2008

This is a request for the City Council to approve a special event liquor license for Glendale Arts Council for an art exhibit reception to be held at Sahuaro Ranch Park, located at 9802 North 59 Avenue. The reception will be held on Friday, January 18, 2008 from 7:00 p.m. to 9:00 p.m. The special event liquor license was submitted by Judith Lee Atkins.

If this license is approved, the total days expended by this applicant will be one of the allowed 10 days per 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 Council recommends approval of such license.

No previous action has occurred.

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

6. FOR SWEETWATER AND 55TH AVENUES SEWER LIFT STATION

This is a request for the City Council to approve the Professional Services Agreement with Rothberg, Tamburini & Winsor, Inc. to provide a Design Concept Report for the Sewer Lift Station located at Sweetwater and 55th Avenues. The project is required due to the need to replace aging equipment, as well as reconfigure access into and around existing facilities.

One of THE Council's strategic goals is high-quality service for citizens. This project will improve the operation of the sewer lift station.

This project includes engineering services to prepare a Design Concept Report to establish a basis of design for rehabilitation of the 22-year-old Sweetwater & 55th Avenues Sewer Lift Station. The project includes subsurface soils investigations, public meetings with the local Homeowner's Association, evaluation of existing site facilities, completion of a site topographic survey, and an evaluation of options for rehabilitating the sewer lift station.

A Request for Proposal was issued to hire a consultant to provide professional services to prepare a Design Concept Report for the rehabilitation of the Sweetwater & 55th Avenues Sewer Lift Station. Eight firms submitted proposals and Rothberg, Tamburini & Winsor was determined by staff to be the most qualified consultant for the project.

Rehabilitation of the sewer lift station will ensure continuous pumping of the wastewater flow from the north side of the Arizona Canal Diversion Channel to the south side of the channel in the local area.

Funding is available in the Utility Department's Fiscal Year 2007-08 Capital Improvement Plan.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$107,019

Account Name, Fund, Account and Line Item Number:

Sweetwater & 55th Ave SLS, Account No.2420-63021-551200

The recommendation was to authorize the City Manager to enter into a Professional Services Agreement with Rothberg, Tamburini & Winsor, Inc. to provide a Design Concept Report for the Sewer Lift Station located at Sweetwater and 55th Avenues, in an amount not to exceed \$107,019.

7. AWARD OF PROPOSAL 07-43, AERIAL TRAFFIC TRUCK EQUIPMENT

This is a request for the City Council to approve the purchase of a truck service body and articulated aerial device from Utility Crane & Equipment in the amount for \$83,038 to repair and maintain the city's traffic signals.

The purchase of the truck service body and aerial device promotes the quality of life for Glendale residents by providing the equipment needed to effectively install, repair and maintain the city's traffic light system.

The Transportation Department is currently using a 1982 aerial platform truck to install and repair the city's traffic signals. Over the past three years the occurrence of mechanical breakdowns due to the age and natural wear of the vehicle have consistently increased. The condition of the current equipment has seriously hampered the ability to repair traffic signals in an efficient manner. The new equipment will allow at least two signal technicians to be elevated to traffic signal height. This will allow staff to better handle the heavy traffic signal equipment often weighing over 100 pounds.

Two proposals were received. An evaluation committee consisting of staff from the Transportation and Field Operations departments reviewed the offers received. Evaluation factors included cost, compliance with specifications, ability to provide parts and service, warranty information, and delivery schedule. The proposal submitted from Utility Crane & Equipment scored highest by the committee.

The truck service body and articulated aerial device will be installed on a Ford 550 4x2 truck cab and chassis, which will be purchased separately, and shipped to Utility Crane & Equipment for the installation.

The total cost is \$83,038. Funding for this equipment is available in the Transportation Department's Fiscal Year 2007-08 Operating and Capital budgets.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
		X			\$83,038

Account Name, Fund, Account and Line Item Number:

Traffic Signals, Account No. 1340-16810-524400 (\$20,759)

Dev. Agree. Signals, Account No. 1600-67803-551400 (\$62,279)

The recommendation was to award the request for proposal for the purchase of a truck service body and articulating aerial device to Utility Crane & Equipment in the amount not to exceed \$83,038.

8. AWARD OF CONTRACT – DESIGN CONCEPT GRAND AVENUE IMPROVEMENTS

This is a request for the City Council to authorize the entering into a contract with DMJM Harris in an amount not to exceed \$1,265,113 for a Design Concept Report for Grand Avenue between 43rd and 71st Avenues.

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

In the period of 2003 through 2007, Arizona Department of Transportation (ADOT) Engineering completed grade separations at major arterial streets along Grand Avenue. Funds are available to complete access control and beautification projects between the grade separations in Glendale by 2010.

In 2003, Glendale completed the Grand Avenue Limited Expressway Design Concept Study for the Glendale area. In 2006, the Maricopa Association of Governments (MAG) Regional Council adopted the Grand Avenue Major Investment Study (MIS), Phase II for Grand Avenue improvements between Loop 101 and Interstate 17. In general, it is understood that Glendale funds would be focused on securing right-of-way and ADOT funds would be focused on design and construction.

ADOT has agreed to allow the City of Glendale to take the lead in developing the design concept for improvements between the existing grade separations in Glendale, and ADOT will reimburse Glendale for these costs, as agreed to in the intergovernmental agreement for this project. The city will retain the same consultant firm of DMJM for this project. The scope of

work for this project includes a Design Concept Report, Environmental Study, and a Stage II 30% Design. It is anticipated that this process will allow Glendale to work closely with land owners to develop compatible improvements. In some cases, several adjacent properties will be acquired so that after transportation improvements are completed, excess properties can be combined for resale to create viable economic development projects.

On July 15, 2003, the Council reviewed and provided direction on the proposed Grand Avenue improvements.

In November of 2001, Glendale voters approved roadway improvements on Grand Avenue to enhance traffic flow and improve aesthetics within the corridor.

The proposed improvements on Grand Avenue will help improve traffic flow, provide safer access to adjacent properties, improve street lighting, and improve the appearance of Grand Avenue, including landscaping, sign upgrades, sidewalks, and the under-grounding of utilities.

A public meeting in Glendale was conducted by MAG staff in November of 2004 to receive comments on the draft Grand Avenue MIS, Phase II Report.

Two public meetings were held specifically for Grand Avenue on July 24, 2003 and September 10, 2003.

The proposed improvements on Grand Avenue have been presented at each of the annual GO Program public meetings since 2003.

The cost of the design concept report is \$1,265,113. The city will complete the design concept report and receive a reimbursement of \$1,000,000 from ADOT. The city's required contribution of \$265,113 is available in the Fiscal Year 2007-08 Transportation Capital Improvement Plan. The ADOT reimbursement will be deposited in the Transportation Sales Tax fund.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$1,265,113

Account Name, Fund, Account and Line Item Number:
 Grand Ave Access Enhancements, Account No. 2210-65007-550800

The recommendation was to authorize the City Manager to enter into a contract with DMJM Harris for the design concept of Grand Avenue improvements between 43rd and 71st Avenues in an amount not to exceed \$1,265,113.

CONSENT RESOLUTIONS

9. INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR GRAND AVENUE IMPROVEMENTS

This is a request for the City Council to authorize the City Manager to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation to complete a design concept report for Grand Avenue between 43rd and 71st Avenues. Improvements include access management and beautification.

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

The Arizona Department of Transportation (ADOT) has completed grade separations at major intersections along Grand Avenue; however, improvements are needed between these ADOT improvements to increase traffic flow, improve the appearance of Grand Avenue, and contribute to the economic well being of the city. In November of 2001, Glendale voters approved roadway improvements to Grand Avenue as part of the city's transportation election and, in November of 2004, voters in the region approved Proposition 400, which includes funding for additional improvements to Grand Avenue.

In 2003, Glendale completed the Grand Avenue Limited Expressway Design Concept Study for the portion of Grand in Glendale. Based on this design study, the Maricopa Association of Governments (MAG) completed the Grand Avenue Major Investment Study (MIS), Phase II, in January of 2006. This MIS outlines a concept for access control and beautification along Grand Avenue between Loop 101 and McDowell Road. In general, it is understood that Glendale funds would be focused on securing right-of-way and ADOT funds would be focused on design and construction.

The project includes access control and beautification projects. Access control improvements include driveway closures, reconfigured access to streets, right-turn lanes and median closures. Beautification improvements include landscaping of adjacent railroad property, medians and highway right-of-way, improved lighting, and removal of blighted conditions by acquiring specific properties.

Approval of the intergovernmental agreement for this project will allow the city of Glendale to take the lead in the design concept for improvements between the existing grade separations in Glendale, and ADOT will reimburse Glendale for these design costs. The scope of work for this project includes a Design Concept Report, Environmental Study, and a Stage II 30% Design. It is anticipated that this process will allow Glendale to work closely with land

owners to develop compatible improvements. In some cases, several adjacent properties will be acquired so that after transportation improvements are completed, excess properties can be combined for resale to create viable economic development projects.

On July 15, 2003, the Council reviewed and provided direction on the proposed Grand Avenue improvements.

In November of 2001, Glendale voters approved roadway improvements on Grand Avenue to enhance traffic flow and improve aesthetics within the corridor.

The proposed improvements on Grand Avenue will help improve traffic flow, provide safer access to adjacent properties, improve street lighting, and improve the appearance of Grand Avenue, with new sidewalks, landscaping, and undergrounding-utilities.

A public meeting in Glendale was conducted by MAG staff in November of 2004 to receive comments on the draft Grand Avenue MIS, Phase II Report.

Two public meetings were held specifically for Grand Avenue on July 24, 2003 and September 10, 2003.

The proposed improvements on Grand Avenue have been presented at each of the annual GO Program public meetings since 2003.

This IGA provides for ADOT to reimburse the city of Glendale up to \$1,000,000 to complete a design concept report (including related plans and studies) for Grand roadway improvements between 43rd and 71st Avenues.

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an Intergovernmental Agreement with the Arizona Department of Transportation to complete a design concept for Grand Avenue improvements between 43rd and 71st Avenues.

Resolution No. 4097 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 ARIZONA DEPARTMENT OF TRANSPORTATION TO COMPLETE A DESIGN CONCEPT REPORT FOR GRAND AVENUE BETWEEN 43RD AND 71ST AVENUES.

10. INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION FOR AN ON-STREET BICYCLE ROUTE

This is a request for the City Council to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) for the construction of an on-

street bike route on 63rd and 61st Avenues, from Olive to Grand Avenues.

Providing bicycle lanes on a widened roadway will allow cyclists and motorists to comfortably share the road, enhancing public safety. In addition, by making bicycling convenient and safe, the overall quality of life will be enhanced for Glendale residents.

The Glendale Bicycle Plan includes 63rd Avenue as a nearly continuous north-south route, extending through the entire city of Glendale for a distance of 13 miles. Some sections of the 63rd Avenue bicycle route are in need of significant improvements in order to operate efficiently as a bicycle route. The section of 63rd Avenue between Alice Avenue to Frier Drive needs to be widened. The bike route improvements continue east on Frier Drive, providing a direct connection to the proposed Bike Park (Safety City Park) on the west side of 63rd Avenue and Lions Park on the east side of 63rd Avenue. The bike route continues south on 61st Avenue to the intersection of Grand, Myrtle, and 61st Avenues.

On November 8, 2005, the Council approved a professional services agreement with Parsons Transportation Group for engineering design of a bicycle/pedestrian bridge at 63rd Avenue and Loop 101 and bicycle route improvements along 63rd Avenue from Grand to Olive Avenues.

On April 12, 2005, the Council awarded a contract to Nickle Contracting, LLC, for the construction of the 63rd and Northern Avenues Community Park, which includes the portion of 63rd Avenue bicycle improvements between Frier Drive and Northern Avenue.

In June 2004, the Council approved funding for the match in the Fiscal Year 2004-05 Capital Improvement Program budget.

Providing transportation alternatives to Glendale residents is part of the overall Transportation Master Plan. The citizens of Glendale actively use bike routes and paths around the city. Improving this section of the city's bike path system will provide for safer and more convenient bicycling.

On October 25, 2006, a public meeting was held at City Hall for public review of the proposed project. Approximately 15 residents attended this meeting to express their opinions on the proposed project; however, there were no written comments submitted regarding this project.

The 2001 voter-approved Glendale Onboard Transportation Program included bicycle and pedestrian improvements and the bike route improvements on 63rd Avenue from Olive to Grand Avenues. Staff and representatives from the city of Glendale have participated in a number of Glendale Onboard open houses where the 63rd Avenue and 61st Avenue bike route improvements were presented for review. The Glendale Parks and Recreation Department and members of the Citizens Bicycle Advisory Committee and the Citizen Transportation Oversight

Commission have also reviewed the design of the project.

The cost for construction of the project is \$349,812. ADOT will manage construction of the project and the city will receive Federal Congestion Mitigation and Air Quality (CMAQ) funds in the amount \$316,300. The city's required contribution of \$33,512 is available in the Fiscal Year 2007-08 Transportation Capital Improvement Plan (CIP).

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$33,512

Account Name, Fund, Account and Line Item Number:

Bike Rte Imp/63rd – Grand Ave, Account No. 2210-65019-551200

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to sign any and all documentation relating to the Intergovernmental Agreement with the Arizona Department of Transportation for the on-street bike route on 63rd and 61st avenues, from Olive to Grand Avenues.

Resolution No. 4098 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 ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF AN ON-STREET BIKE ROUTE ON 63RD AND 61ST AVENUES, FROM OLIVE TO GRAND AVENUES.

11. 95TH AVENUE STREET IMPROVEMENTS NORTH OF GLENDALE AVENUE

This is a request for the City Council to adopt a resolution authorizing the City Manager to enter into a Development Agreement for street improvements on 95th Avenue north of Glendale Avenue.

This project meets the Council goal of a city with high-quality service for citizens by improving the roadway and traffic circulation in the area.

95th Avenue was constructed north of Glendale Avenue as a half street because the city

did not have the right-of-way to construct a full roadway. The roadway, as currently constructed, does not allow the opportunity for south bound traffic to turn left, traveling east out of the Zanjero Development, forcing vehicles to travel west. Between the existing 165,000 square feet of retail and the 566 residential units in final stages of development, four hotels scheduled to open the end of this year and beginning of next year, and design review approved on 2.7 million square feet of retail, residential, restaurants, and office, the roadway, as it currently exists, will not and does not adequately support the traffic volumes.

Subsequently, Cabela's acquired the needed right-of-way for the city to construct the remainder of the road way. With the additional right-of-way it will allow for the widening of 95th Avenue to two lanes northbound and two lanes southbound from Glendale Avenue to Cabela Drive. The project also includes curb, gutter, storm drain, median, sidewalk, fencing, access gates, utility relocations, landscaping, and a twelve-inch waterline. Construction would begin sometime in February of 2008, after the Super Bowl.

Construction of pavement widening, median, curb and gutter, sidewalks, landscaping, streetlight and traffic signal relocation will provide improved traffic flows, less congestion, and aesthetic enhancements.

Funding in the amount of \$2,449,748 is available in the Fiscal Year 2007-08 and 2008-09 GO Transportation Capital Improvement Plan budget.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$2,449,748

Account Name, Fund, Account and Line Item Number:

95th Ave. – Glendale to Cabela, Account No. 2210-65079-550800, \$2,449,748

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into a Development Agreement for the widening of 95th Avenue for the amount of \$2,449,748.

Resolution No. 4099 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 DEVELOPMENT AGREEMENT WITH CABELA'S RETAIL, INC. CONCERNING RIGHT-

OF-WAY IMPROVEMENTS ON 95TH AVENUE BETWEEN GLENDALE AVENUE AND 250 FEET NORTH OF CABELA DRIVE; AND DIRECTING THAT THE DEVELOPMENT AGREEMENT BE RECORDED.

12. JUSTICE ASSISTANCE GRANT AWARD

This is a request for the City Council to accept grant funding from the Bureau of Justice Assistance – Justice Assistance Grant (JAG) in the amount of \$64,700. This grant provides funding for technology improvements for law enforcement purposes. Specifically, this grant focuses funding on the purchase of infrastructure, hardware and software to enhance applications for mobile digital computers.

This grant supports the Council’s goal of a city with high-quality services for citizens and one community focused on public safety for citizens and visitors.

Previously, the U.S. Department of Justice has made funding available to cities through the Local Law Enforcement Block Grant (LLEBG) and Edward Byrne Memorial Justice Assistance grant funds. The U.S. Department of Justice has combined the LLEBG and Edward Byrne Memorial Justice Assistance grant funds into the JAG fund and Maricopa County serves as the fiscal agent for this pass-through grant. The Glendale Police Department received funding through the LLEBG in 1996, 2000, 2001, 2002, and 2004. In addition, funding through the Edward Byrne Memorial Justice Assistance grant was received in 2001. This is the third year the city has been allocated JAG funding.

The enhanced mobile digital computers will permit officers to receive technology updates to their vehicles without having to take the vehicle out of service. This permits officers to remain available for calls for service.

There is no financial match required. This is one-time funding by the Bureau of Justice Assistance.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X					\$64,700

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to accept the grant funds in the amount of \$64,700 from the U.S. Department of Justice for the Justice Assistance Grant.

Resolution No. 4100 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ACCEPTING THE GRANT OFFER FROM THE BUREAU OF JUSTICE

ASSISTANCE – JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$64,700 FOR TECHNOLOGY IMPROVEMENTS FOR LAW ENFORCEMENT PURPOSES.

13. INTERGOVERNMENTAL AGREEMENTS – SCHOOL RESOURCE OFFICERS

This is a request for the City Council to authorize the City Manager to approve the intergovernmental agreements (IGA) between the city of Glendale and two local school districts to assign Glendale Police Officers to the campuses as School Resource Officers (SRO).

The presence of school resource officers at these schools is a positive approach to promoting public safety and awareness, and meets the Council goal of a city with high-quality services for citizens. It promotes a positive partnership with the school districts, the individual schools, and the Police Department.

In the past, school resource officers were partially funded by grant sources which have now expired. Two of the officers will continue their SRO duties at the schools that have agreed to pay \$49,500 per officer towards the cost of their salaries and benefits. One officer is assigned to Independence High School, which is in the Glendale Union High School District. The other officer is assigned to Barcelona Middle School, which is in the Alhambra School District.

These partnerships with the schools enable students to experience a positive educational influence by police officers in their school environment.

At the October 24, 2006 meeting, the Council approved IGAs with five school districts for six SROs assigned to four high schools and two middle schools.

School Resource Officers have been assigned to the schools and intergovernmental agreements have been approved each year since 1992.

These intergovernmental agreements will continue the assignment of one officer to each of the schools during the Fiscal Year 2007-08. The assigned officers participate in educational programs, which aid students in dealing successfully with peer pressure, child abuse, gangs, drug awareness, and other related issues. The officers will investigate school-related criminal activities and assist school administrators in addressing these matters.

The officers work on campus while school is in session. During the summer break, officers will complete duties assigned by the Glendale Police department. This partnership allows the Police Department to continue educational efforts in local schools, while increasing police visibility and the presence in the community.

Both of the school resource officers are fully funded in the Police Department's General Fund operating budget. The city receives partial salary reimbursement of \$49,500 from each district, for a total reimbursement of \$99,000.

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the city to approve intergovernmental agreements with Glendale Union High School District for Independence High School, and Alhambra School District for Barcelona Middle School.

Resolution No. 4101 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 INTERGOVERNMENTAL AGREEMENTS WITH THE ALHAMBRA SCHOOL DISTRICT (BARCELONA ELEMENTARY SCHOOL) AND THE GLENDALE UNION HIGH SCHOOL DISTRICT (INDEPENDENCE HIGH SCHOOL) FOR THE ASSIGNMENT OF ONE POLICE OFFICER AT EACH LOCATION TO AID IN REDUCING CRIME THROUGH EDUCATION, POSITIVE INTERACTION AND ENFORCEMENT.

Mr. Leonard Clark, a Barrel resident, stated that he had lived in the City of Glendale for 20 years. He said that he was in favor of the Council voting for liquor licenses for the Sereno Soccer Club, Our Lady of Perpetual Help, and Thunderbird Rugby. He said that all were great causes that would help the City of Glendale.

It was moved by Frate, and seconded by Martinez, to approve the recommended actions on Consent Agenda Item Nos. 1 through 4 and 6 through 13 including the approval and adoption of Resolution No. 4097 New Series, Resolution No. 4098 New Series, Resolution No. 4099 New Series, Resolution No. 4100 New Series, and Resolution No. 4101 New Series; and to forward Special Event Liquor License Applications for (1) Sereno Soccer Club for Nissan Concert Series events to be held on October 19 and 20, 2007 and November 10, 16 and 17, 2007 on the plaza in front of the Jobing.com arena; (2) Our Lady of Perpetual Help School for a fundraising event to be held on October 27 and 28, 2007 at Our Lady of Perpetual Help School located at 7521 North 57th Avenue; (3) Thunderbird Rugby Football Club for an athletic tournament to be held on November 10 and 11, 2007 at 15249 North 59th Avenue; and (4) Glendale Arts Council for an art exhibit reception to be held on January 18, 2008 at Sahuaro Ranch Park located at 9802 North 59th Avenue, to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.

5. GLENDALE SPRING TRAINING FACILITY CONSTRUCTION MANAGER AT RISK CONTRACT AUTHORITY REQUEST

This is a request for the City Council to authorize the City Manager to enter into the Construction Manager at Risk contract with M. A. Mortenson Company relating to the construction of the Glendale Spring Training Facility.

The Council has a strategic goal of one community with quality economic development that creates high-quality development, bringing in new capital investment and sales tax revenue, encouraging economic development activity and aids in the creation of new jobs in the

community.

A Request for Qualification for design, architectural, engineering and construction management services for the Glendale Spring Training Facility was published in the Glendale Star on January 18, 2007.

The Glendale Spring Training Facility will be the Spring Training home of two Major League Baseball teams: the Los Angeles Dodgers and the Chicago White Sox. Both teams have storied histories and are a major part of the Major League Baseball history. The facility will benefit these two highly successful professional sports franchises.

Proposed elements of the Glendale Spring Training Facility will include a stadium with lawn seats, two major league practice fields per team, minor league practice fields for each team, team clubhouses, workout fields and parking. The Spring Training Facility is scheduled to open in 2009.

At the completion of a public selection process, M.A. Mortenson was selected as the construction manager at risk. In accordance with that process, Mortenson has been providing valuable preconstruction services during the design process.

A special City Council meeting was convened on November 15, 2006 to request authorization for the City Manager to enter into a Memorandum of Understanding with two Major League Baseball teams for the development of a Spring Training Facility. The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into a Memorandum of Understanding with two Major League Baseball teams.

On June 26, 2007, the City Council approved a resolution authorizing the City Manager to enter into the several agreements necessary to initiate development of the Spring Training Facility. Because design was underway at that point, the construction manager at risk contract was to be brought to council at the appropriate time. The design process has reached a point where it is appropriate to engage a construction manager at risk.

The development of a Spring Training Facility will enhance the quality of life for Glendale residents, while promoting economic development opportunities and will complement the synergy that exists with the area's sports and entertainment district. A Spring Training Facility will have a substantial economic impact on the surrounding region and will provide baseball fans, residents, and tourists a full array of recreational and retail activities like no other in the country.

By allowing the City Manager the authority to enter into the CMAR contract, the Council has adopted the use of an efficient business practice designed to save time in the development of the Spring Training Facility. The value of time saved is reflected in the lower costs for construction products.

The recommendation was to authorize the City Manager to enter into a Construction Manager at Risk contract with M. A. Mortenson Company relating to the construction of the Glendale Spring Training Facility.

Mr. Art Lynch provided a summary on the construction of the Glendale spring training facility. He asked Council for any questions or comments.

Councilmember Lieberman stated that he was not clear on, nor did he agree with many of the issues surrounding this project. He questioned how the construction manager could also be the contractor. He stated that this would limit the guidelines for safety measures. Mr. Lynch stated that they would use an independent reviewer to monitor the progress of the construction manager at risk. He said this process of review would insure the quality of the project. Councilmember Lieberman reiterated that the construction manager at risk should be separate from the contractor to avoid one working for the other. He said it was not the case here; they were one and the same.

Councilmember Lieberman also requested clarification on the corporation. He read from a memo stating that the agreement was being made between the owner, the City of Glendale and the Arizona Municipal Corporation. He noted that the memo does not mention anything in regards to a private corporation lead by city managers, citizens, or City Council members. Mr. Lynch stated that there were actually two different actions; one was the public facility corporation which was the independent board now in the process of being formed. It would have a public representative in addition to a city representative. The other party would be an independent firm with expertise in the construction of large facilities. Councilmember Lieberman commented that those two distinctions were not clear in their communications.

Councilmember Lieberman asked how much the project was going to cost the city. He read from the contract which stated no solid figures on price. Mr. Lynch stated that there were two things occurring; one was a request to authorize the City Manager to finish the negotiations, which would set the cost of the facility. The public facility corporation was a financing corporation and not a management corporation nor an owner. Councilmember Lieberman reiterated that he would like to see firm cost figures on this project because it all comes down to it being a Glendale project. He commented that he had heard estimates ranging from \$71 million to \$93 million. Mr. Lynch explained that the budget was approximately \$92 million and could fluctuate during negotiations. Additionally, it was important to note that the Arizona Sports and Tourism Authority is providing funding for up to 2/3 of the amount of the project.

Councilmember Lieberman acknowledged Mr. Lynch's exemplary job in protecting the city as a City Official, however still had concerns with how the document read. He read a portion of the document stating the construction manager could establish a sum for his exclusive use. Mr. Lynch stated that all pricing, reviews and construction follow similar processes used in all other construction manager at risk contracts. Each follows a review point and stages that would not allow a manager to arbitrarily come up with a number. Additionally, there are internal controls and appropriate documentation to protect the city. Councilmember Lieberman stated that he was still not convinced. He read from the document stating that it was still possible to

come up with changes in orders, which changes the pricing. He noted that he realizes that this would all come up for a vote if changed; however they still had that option.

Councilmember Lieberman asked if the baseball owners were going to fund any part of this project. He added that as he understands it, they were not going to fund any of the construction. Additionally, should they decide to add any other luxuries, aside from the set price, would they have to fund them. He commented that at this point in time, it was not clear. Mr. Lynch stated that there was some room for flexibility regarding the owners; however they were under the same time constraints and project schedules. He noted that they would also have to generate the funding

Councilmember Lieberman continued to read from the document stating that the owner would designate a representative who would have express authority to bind the owner with respect to all matters requiring the owner's approval. He commented that he agreed with that statement; however he would like to know how the municipal property corporation was relative, when the owner was responsible for that person. Mr. Lynch explained that the public finance corporation would be dealing with the financing and monetary activities. He added that construction matters would be deliberated and reviewed from the city's stand point as well as from the construction manager view. They would then evaluate the appropriate cost.

Councilmember Lieberman commented that an architect had already been retained. He explained that the city had voted on the contract and architect. He continued on with the document, which talked about contingencies, construction manager's fees, reimbursement insurance and bonds, privilege taxes and the pre-construction of service compensations that were guaranteed by the construction manager not to exceed the GMP. Councilmember Lieberman explained that after reading this, he would have liked to have seen a separate construction manager, rather than a contractor and a construction manager being one and the same. He added that in his view, they lose control over the project and maintaining it as written.

Councilmember Lieberman continued to read and asked if the Council had voted to have the owner designate a representative to have the authority to bind the owner with respect to all matters requiring the owner's approval, with the owner's representative being Mr. Ed Beasley, City Manager. He commented that he did not recall voting on this item. Mr. Lynch explained that appointment of the representative would be done after the negotiations were completed and the agreements signed. Councilmember Lieberman asked if Mr. Beasley represented the owner, the city, the municipal property corporation or both. Mr. Lynch stated that Mr. Beasley would be a part of the owner and a City Representative.

Councilmember Lieberman commented that they had received this document on Friday and believes that they did not get a chance to thoroughly look over it. He stated that he felt pressured and rushed in making a decision which was a large part of his objection. He continued to read and stated that in the document it read that as they were building the project, the city had to pay for it, which meant that they could at anytime, come asking for additional funds for the project. Mr. Lynch explained that they would be establishing a payment structure that was consistent with what was done on other large projects.

Vice Mayor Martinez commented that the Council had received the document last week, which was about the same time they receive documents to look over during the weekend. He further stated that he had made the observation that this was a document that was very similar to other contracts. Mr. Lynch agreed and stated that this was the standard ATA-21 form that was used for construction managers at risk. Vice Mayor Martinez stated that therefore, there had not been anything new and similar contracts were used on other projects completed. Mr. Lynch reiterated that this was very consistent with what was used on other projects.

Councilmember Lieberman reiterated his concerns with having the construction manager also being the contractor. He further pointed out that this document was delivered in his mailbox for review at 3:38 pm on Friday afternoon. He asked Mr. Lynch if they had ever done a project that involved having the construction manager also double as the contractor. He noted that he had never seen document #565, however he could be mistaken. Mr. Lynch stated that they had used it before on other large projects with the same structure, such as the Renaissance Hotel.

Mayor Scruggs specifically asked if they have had a similar situation where the construction manager was also the contractor. Mr. Craig Johnson, Assistant City Engineer, explained that they do use a construction manager at risk which also serves as the construction contractor. He stated that in revised statutes, the contractor had to perform 45% of the work, which meant that the CM at risk when doing construction had no requirement to perform a certain amount of work. The city hires the CM at risk to be the construction manager and contractor, and he in turn hires out the sub-contractor to do most of the work. Mayor Scruggs asked if this was also done on regular projects. Mr. Johnson stated that it was; they routinely use the CM at risk who also serves as the construction manager and contractor. He added that they would also need to come before the Council to have a bid approved when a construction contractor did not have a construction manager. He noted that there was two different types of construction work that they typically asked the Council to approve.

Councilmember Frate asked Mr. Lynch to explain the purpose and benefit of having a construction manager at risk. Mr. Lynch stated that there were a number of benefits such as receiving the expertise, quality and performance of the project. He added that they also had a set price guaranteed that protected the project from changing dramatically. Councilmember Frate commented that ADOT uses CM at risk and had reported that the freeways were built and finished ahead of time. He noted that the CM at risk was an excellent tool to use.

Mayor Scruggs asked Mr. Lynch to elaborate on the public facility corporation and the City of Glendale's role in the project. Mr. Lynch stated that the public facility corporation was the financing organization, which was the bank paying for the original construction of the building. He provided an example of a house being built based on the bank's construction financing. He explained that after the facility was built the public corporation would handle the collection of money and the paying of the mortgage payments which would pay off the debt or bond holders.

Mayor Scruggs noted that the citizens of Glendale were protected from liability for the

cost of the debt of the stadium because of the public facility corporation. She asked Mr. Lynch to elaborate on the issue. Mr. Lynch stated that because the corporation had a separate corporation status, it had the obligation to make all the payments, therefore the city and citizens had no liability, obligation or legal requirement to make payments on those bonds. Mayor Scruggs commented that the city and citizens were still the owners of the complex.

Councilmember Clark noted that the payment of those funds could not be taken from the general fund. Mr. Lynch stated that she was correct. She added that it was part of the reason why the public facility corporation was such an effective tool to use.

Councilmember Clark discussed the construction document and how the format of this document, coupled with the bold-faced announcement title, may have contributed to some misunderstanding.

Mayor Scruggs asked for any further comments. There were none from the Council. She called Mr. Leonard Clark, a Barrel resident to come forward and speak on this item.

Mr. Leonard Clark, a Barrel resident stated his concerns on this item. He asked the Council to table this item for further deliberation. He pointed to safety concerns on having the same construction and contractor manager.

Councilmember Lieberman commented that the copy before them was not the original copy discussed. He said that the one before them had many changes done to it.

Mayor Scruggs asked Mr. Johnson to come forward once again and explain the safety issue and building inspectors. She noted that she wanted the viewing audience to be totally aware of all the information given out as well as the vote today. Mr. Johnson explained that once the design was completed it would be reviewed by the Building Safety Department and stamped with their approval. The process continues with a permit to construct the work. The building inspectors inspect each permit to insure the building codes are complied with properly during the construction period. In addition, architects and engineers were also hired to perform construction administration. Each step was tightly developed to insure quality and safe product.

Mayor Scruggs commented on the real advantage of having a CM at risk. She noted that the State Legislators deemed this process so valuable in moving projects forward quickly and keeping cost under control, that they passed legislation for ADOT to use this process. She added that this was a common practice in the City of Glendale and other cities around the country. She stated that in no way were they skipping any steps in terms of safety.

Councilmember Lieberman asked if the inspection process had any relation to the construction time schedule or cost of the project. Mr. Johnson stated that the building safety inspectors were not concerned with the cost of a project or time schedules, but rather the building code. He added that the in-house inspectors work very closely with the team during construction, design and administration.

Councilmember Clark reassured the public on the safety issue, based on a visit to the city's arena during construction. She stated that the contractor had a very rigid set of safety rules for not only employees, but also visitors. She explained that they practiced extraordinary employee and visitor safety. She further added that she had observed the work of the Building Safety department and their only concern was that the building was built correctly to ensure public safety.

Vice Mayor Martinez commented that Mr. Craig Tindall had indeed sent a reviewed document for Council's assessment. He stated that he did not see any major changes; however, if there were any, the Council was always informed ahead of time.

It was moved by Frate, and seconded by Martinez, to authorize the City Manager to enter into a Construction Manager at Risk contract with M.A. Mortenson Company relating to the construction of the Glendale Spring Training Facility. The motion carried, with Lieberman voting "nay".

PROFESSIONAL SERVICES AGREEMENT

PUBLIC HEARING – LAND DEVELOPMENT ACTIONS

14. PROPOSED ANNEXATION AN-168: ESTATES AT MIDWAY – 7118 NORTH 80TH AVENUE

Mr. Thomas Ritz, AICP, Senior Planner, presented this item.

This is a request by Canusa Homes for the City Council to conduct a public hearing on the blank annexation petition for Annexation Area No. AN-168 as required by state statute.

Glendale 2025, the city's General Plan, includes specific goals addressing the need for growth management which include: The land use element, goal two, promote sound growth management methods, and the growth areas element, goal three, manage growth to achieve reasonable, responsible urban development. Annexation is a tool that can be used by the city to direct and manage growth.

The approximately five-acre property is currently vacant, and the applicant has proposed developing a 21-lot single-family residential subdivision on the property with a minimum lot size of 6,000 square feet. As currently configured, the subdivision would not have any access from the south.

The proposed annexation will ensure that development is in conformance with the General Plan designation of Medium Density Residential and is developed to city standards. This site will also receive city services, including police, fire, water, sewer, and sanitation services if annexed.

The property is currently zoned Multiple-family Residential (R-4) and Multiple-family Residential (R-5) in Maricopa County. Once annexed to the city, Glendale applies the most comparable city zoning to the property. The most compatible Glendale zoning districts are Multiple Residence (R-5) and Multiple Residence (R-4). In keeping with Council direction, however, staff anticipates that the filed rezoning request will be considered concurrently with the adoption of an annexation ordinance.

The blank annexation petition was recorded on September 12, 2007. This public hearing is being conducted during the last 10 days of the 30-day waiting period required by state statute. Recording the blank annexation petition is the first formal step taken in the annexation process. The next step is to hold a public hearing on the blank annexation petition.

Once the public hearing has been conducted and the 30-day waiting period expires, the appropriate signatures may be gathered. Once the required number of property owner signatures requesting annexation is obtained, the Council will be asked to consider the adoption of an annexation ordinance.

The Council directed staff to proceed with the annexation process for this site at its May 1, 2007 workshop.

On February 13, 2007, the Council approved a Planning Commission initiated General Plan Amendment to amend the General Plan Land Use Map from Medium High Density Residential (MHDR) 8 – 12 dwelling units per acre to Medium Density Residential (MDR) 3.5 - 5 dwelling units per acre for approximately 20 acres of land, including this property, at the northeast corner of 81st and Glendale Avenues. This General Plan Amendment changed the city's policy towards future development or redevelopment in the area. Reducing the density of the area to Medium Density Residential encourages single-family residential development in the area.

The proposed annexation will permit the development of a single-family residential subdivision on property currently zoned for multiple residences in the county. The proposed annexation will reduce the size of the county island along 80th Avenue.

All property owners within the area to be annexed have been notified of this public hearing by first class mail. The proposed annexation area has been posted in at least three conspicuous places on the property and advertised in The Glendale Star.

The recommendation was to conduct a public hearing on the blank annexation petition for Annexation Area No. AN-168 as required by state statute.

Mayor Scruggs opened the public hearing on Agenda Item No. 14. As there were no comments, Mayor Scruggs closed the public hearing.

No action was taken on this item.

PUBLIC HEARING - ORDINANCES

15. This item was heard later in the meeting after Agenda Item 18.

ORDINANCES

16. SPECIAL EVENTS ORDINANCE

Ms. Cathy Gorham, Director of City Manager Relations, presented this item.

This is a request for the City Council to adopt a special events ordinance that includes provisions to simplify and consolidate different sections of the code for ease of permitting and understanding by the customer or client wanting to hold a special event in Glendale.

Revisions to the special events ordinance address the Council goals of providing high-quality services to citizens and strong neighborhoods by enabling the city to make adequate preparations for events, recouping costs associated with providing services, and protecting the health, safety and welfare of Glendale residents and visitors.

A cross-departmental team, charged with reviewing all city codes that have some relationship to special events, worked with the City Attorney's office on development of a revised special events ordinance.

Additionally, based on research where other cities have hosted events of national significance, this revised ordinance – in conjunction with the city's zoning ordinance - will provide the City Manager with the administrative tools necessary to address last minute pop-up events and potential ambush marketing activities.

At the September 18, 2007 Council workshop, the proposed special event ordinance was presented and the Council directed staff to bring the ordinance to an evening meeting for action.

Community organizations, event promoters, and citizens will benefit from a clearly defined special events application process that promotes the health, safety and welfare of all involved.

The recommendation was to waive reading beyond the title and adopt an ordinance concerning special events including provisions to simplify and consolidate sections of current city code.

Ordinance No. 2591 New Series was read by number and title only, it being AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, CONCERNING SPECIAL EVENTS; AMENDING GLENDALE CITY CODE

CHAPTER 27, SEC. 27-81(a) RELATING TO RESERVATION OF FACILITIES; REPEALING EXISTING GLENDALE CITY CODE, CHAPTER 30, ARTICLE IV (SPECIAL EVENTS) AND CREATING A NEW CHAPTER 29.2 (SPECIAL EVENTS); PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

Councilmember Clark asked for Ms. Gorham to further explain how this provision applied to the general public having a private party at a park. Ms. Gorham stated that a separate section of code deals with events held in city parks and that those procedures would not change. The existing code already outlines how activities of 500 and under is handled for parks.

Vice Mayor Martinez asked Ms. Gorham if this ordinance was established because of ambush marketing and pop-up vendors. Ms. Gorham stated that it was actually to improve customer service to people in the community that wanted to do a special event. She added that ambush marketing was also important; however the primary goal was to streamline and consolidate the process. Vice Mayor Martinez commented on a yearly neighborhood event that could be impacted by this ordinance. Ms. Gorham stated city staff had worked on that specific event with the neighborhood in the past. She added that the new revisions to the ordinance would not have much of an impact on the neighborhood events, other than a new application fee.

Mayor Scruggs discussed the document and its effects. She asked if the applicants had to verify a no detriment to traffic flow, and if so, could they be denied if they were planning a parade. She asked if parades would be denied with this ordinance or if this section of the ordinance had always been in place. Mr. Nick DiPiazza, City Attorney, stated that this was not a departure from the previous ordinance. He said the concern was to look at each application and determine what impact may occur with respect to public safety. Mayor Scruggs asked if these same words were used in the previous ordinance. Mr. DiPiazza stated that she was correct.

Mayor Scruggs asked if the insurance requirements were similar in the new ordinance. Mr. DiPiazza stated that she was also correct. He added that the document was written to apply to both large and small events. Mayor Scruggs asked if this would apply to neighborhood cul-de-sac garage sales. Mr. DiPiazza stated that he did not believe that to be contemplated by the ordinance. Mayor Scruggs commented that as the ordinance was written, any activity fell into this ordinance and even if it was not meant to, the citizens might get confused. Ms. Gorham stated that should the Council decide to approve this ordinance, staff would do an extensive outreach campaign to inform the residents on revisions to the Special Events Ordinance.

Mayor Scruggs commented that she understood that this ordinance was needed because of the larger events taking place, however was concerned on its affect on the small neighborhood events. Ms. Gorham stated that one of the goals of this process was to have a fair and consistent procedure to deal with anyone who wants to do an event within the community. She reiterated that this process had been streamlined for the benefit of the community. She added that there was a provision for management to take a look at special cases. In addition, the goal was not to deny any events but to have language within the ordinance that articulated why an event could potentially be denied so all applicants had a clear understanding of what they needed to do in completing their application. She said comprehensive applications would assist in shortening the

time necessary to process the growing number of applications.

Mayor Scruggs read a passage on the document stating that any activities sponsored in whole or in part by the City of Glendale, therefore, GAIN night parties, would be exempt from applying for permits. Councilmember Lieberman stated his concerns with the new revisions complicating matters for the citizens.

Councilmember Clark commented that she understood the need and intent for the new ordinance because of the larger events, however had concerns with unintended consequences for the citizens. Ms. Gorham stated that many citizens of Glendale were already familiar with the procedures and practices related on how to hold a special event. She added that she did not believe this would inhibit the small community events.

Councilmember Clark asked if this should pass tonight, could they make amendments in the future if needed. Mr. DiPiazza stated that this ordinance, just like any other ordinance, could be amended by the Council at a later date. Councilmember Clark noted that she would be voting to approve the ordinance tonight, however reserves the right to amend should problems arise.

It was moved by Knaack, and seconded by Frate, to approve Ordinance No. 2591 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Martinez, Frate, Knaack, and Scruggs. Members voting “nay”: none.

17. DEDICATION OF RIGHT-OF-WAY: ORANGEWOOD AVENUE, EAST OF 55TH AVENUE

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

This is a request for the City Council to adopt an ordinance to dedicate city-owned property as public right-of-way for the north half of Orangewood Avenue, approximately 209 feet east of 55th Avenue.

The city acquired this property, now known as Sands Park, in December of 1972. A portion of the parcel was improved as Orangewood Avenue, but was never formally dedicated as public right-of-way. Council action is required to formally dedicate this portion of Orangewood Avenue as public right-of-way.

The recommendation was to waive reading beyond the title and adopt an ordinance authorizing the City Manager to sign all documents necessary for the dedication of city-owned real property to the public for roadway purposes.

Ordinance No. 2592 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 A DEDICATION OF CITY-OWNED PROPERTY AS PUBLIC RIGHT-OF-WAY FOR THE NORTH HALF OF

ORANGEWOOD AVENUE, APPROXIMATELY 209 FEET EAST OF 55TH AVENUE IN THE CITY OF GLENDALE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.

Mr. Leonard Clark, a Barrel resident, stated his approval of this ordinance and hopes the Council passes this ordinance.

It was moved by Goulet, and seconded by Clark, to approve Ordinance No. 2592 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Martinez, Frate, Knaack, and Scruggs. Members voting “nay”: none.

18. WATERLINE EASEMENT ABANDONMENT: EAST OF 59TH AVENUE, NORTH OF MISSOURI AVENUE

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

This is a request for the City Council to adopt an ordinance authorizing the abandonment of a portion of a waterline easement east of 59th Avenue, north of Missouri Avenue.

The property owner of two vacant one acre parcels of land has requested the city to abandon its waterline easement across his property. The waterline easement was originally given to the city on July 18, 1988, in anticipation of development of a Lincoln Technical Institute campus along the then-proposed “Paradise Parkway”. Although some site improvements were started, the campus was never finished, and the city has not needed to utilize the easement. The Council authorized the abandonment of the adjacent western portion of the waterline easement on September 26, 2006. There have been no objections to the abandonment of the waterline easement from other city departments.

The recommendation was to waive reading beyond the title and adopt an ordinance abandoning a portion of the waterline easement east of 59th Avenue, north of Missouri Avenue.

Ordinance No. 2593 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 A PORTION OF A WATERLINE EASEMENT LOCATED EAST OF 59TH AVENUE, NORTH OF MISSOURI AVENUE IN THE CITY OF GLENDALE TO THE OWNERS OF RECORD OF THE ABUTTING PROPERTY; AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

Councilmember Frate commented on the Technical Institute Campus along the then proposed Paradise Parkway. He mentioned how things had changed since 1988.

It was moved by Clark, and seconded by Martinez, to approve Ordinance No. 2593 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”:

Clark, Goulet, Lieberman, Martinez, Frate, Knaack, and Scruggs. Members voting “nay”: none.
15. ZONING ORDINANCE TEXT AMENDMENT ZTA 07-01: PROPOSED AMENDMENTS TO SECTIONS 3.100, 3.300 AND 3.900 OF THE ZONING ORDINANCE

Mr. Ron Short, FAICP, Deputy Planning Director, presented this item.

This is a request by the Planning Commission for the City Council to amend Sections 3.100, 3.300, and 3.900 of the City of Glendale’s Zoning Ordinance. The proposed changes would clarify the intent of the ordinance as it relates to the number of Planning Commission, Board of Adjustment, and Historic Preservation board and commission members that must be present to take action on a motion. The proposed amendments will also change the qualification requirements for the Historic Preservation Commissioners, as well as make the ordinance more clear and consistent by reordering various sub-sections.

These amendments are consistent with the Council’s goals for one community with strong neighborhoods, as well as high-quality services for citizens. The amendments will broaden the recruitment of potential Historic Preservation Commissioners, because the qualification requirements will not be as restrictive. This will assist with the ability to retain a fully staffed commission. The amendments will also make the language more clear and consistent with the intent of the ordinance.

The current language in the zoning ordinance states that five out of the seven Historic Preservation Commissioners shall possess backgrounds in disciplines, such as architecture, history, architectural history, planning, archaeology, or related historic preservation disciplines, such as cultural geography and cultural anthropology. These required qualifications have made it difficult to recruit qualified candidates for the Historic Preservation Commission. The Planning Commission has requested that the wording for the Historic Preservation Commission qualification requirements be changed from “shall have” to “prefer to have”.

In addition, several areas of Section 3.100, 3.300 and 3.900 need clarification to make the ordinance clearer, and more functional. Some of the amendments include adding the word “conditional” in front of the words “use permits”; replacing the word “by-laws” with the word “guidelines” and adding the word “present” after the word “members” to clarify the number of members required to move forward with commission and board action. Additionally, the proposal includes correcting various grammatical and typographical errors.

The Planning Commission recommended approval of the proposed text amendments at the public hearing held on September 20, 2007.

Staff presented the proposed amendments to the City Code Sub-Committee on May 22, 2007, where it was recommended that the Planning Commission, Board of Adjustment, and the Historic Preservation Commission be made aware of the changes prior to moving forward.

The proposed amendments will assist the Historic Preservation Commission by broadening the recruitment of qualified applicants. The citizens of Glendale will be better served

by not only by having a fully staffed commission, but one where the members have more diverse backgrounds.

The amendments will also assist the citizens and internal users by ensuring that the language in the ordinance is consistent with the intent of the ordinance. Moreover, reorganizing various sections will make the document easier to reference, and correcting typographical and grammatical errors will provide the community with a more professional document.

Notification letters were sent to 62 individuals on the city-wide interested parties list, the Planning Commission, Board of Adjustment, Historic Preservation Commission, and the Glendale Historical Society on August 15, 2007. The proposed text amendments were posted on the Planning Department website on August 15, 2007. There were no comments on the notification letters, and there were no comments submitted via the website.

Notice of this hearing was published in the Glendale Star on September 13, 2007.

The recommendation was to conduct a public hearing, waive reading beyond the title, and adopt the ordinance for ZTA07-01 as recommended by the Planning Commission.

Mayor Scruggs opened the public hearing on Agenda Item No. 15. As there were no comments, Mayor Scruggs closed the public hearing.

Ordinance No. 2590 New Series was read by number and title only, it being AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE ZONING ORDINANCE OF THE CITY OF GLENDALE, ARIZONA, ARTICLE 3 (ADMINISTRATION) BY AMENDING SECTION 3.100 (ADMINISTRATIVE BODIES AND OFFICERS), SECTION 3.300 (GENERAL PROCEDURES), AND SECTION 3.900 (CONDITIONAL USE PERMITS); AND SETTING FORTH AN EFFECTIVE DATE.

It was moved by Frate, and seconded by Knaack, to approve Ordinance No. 2590 New Series. Motion carried on a roll call vote, with the following Councilmembers voting "aye": Clark, Goulet, Lieberman, Martinez, Frate, Knaack, and Scruggs. Members voting "nay": none.

REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION

It was moved by Martinez, and seconded by Frate, to hold the next regularly scheduled City Council Workshop session at 1:30 p.m. in Room B-3 of the City Council Chambers on Tuesday, October 16, 2007, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried unanimously.

CITIZEN COMMENTS

Mr. Leonard Clark, a Barrel resident, thanked the staff and City Council for their work and

dedication to the city. He noted that even if they do not always agree with one another, they all had the citizen's best interest at heart. He voiced his concern about the war on terror.

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Goulet reminded everyone of GAIN night and encouraged residents to come out and enjoy the game night activities.

Councilmember Lieberman reminded everyone of the motor cycle ride for breast cancer this Saturday at 10:00am. He added that this Sunday in the City of Mesa, there was another motor cycle ride for the Pediatric Brain Tumor Foundation.

Councilmember Frate commented that he would be going out on GAIN night and encouraged everyone to attend. He reported that there had been many incidents of fires lately, he asked the public to be vigilant. He reminded everyone to watch children around water even with the cooler temperatures.

Councilmember Knaack thanked the Mayor for the Kiwanis Club proclamation. She also thanked all the members who attended.

Mayor Scruggs reminded everyone of the Leukemia and Lymphoma Society which was holding their annual Light the Night Walk at Sahuaro Ranch Park on Friday night October 12th. She encouraged everyone to attend this worthwhile cause.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:00 p.m.

Pamela Hanna
Pamela Hanna - City Clerk