

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA,
HELD TUESDAY, DECEMBER 13, 2005, AT 7:00 P.M.**

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

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

Mayor Scruggs welcomed students from Ironwood High School Government Class: Ryan Caracciolo, Eric Collins, Autumn Sanders, Josh Maisner and Charlene Tosh.

Mayor Scruggs welcomed students from Cactus High School Government Class: Jessica Camden, Darryl Porter, Kyrie Maltby, Matthew Brown, Jon Shaulis, Aaron Helvig and Sierra Eckert.

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

A statement was filed by the City Clerk that the four resolutions and two 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 NOVEMBER 22, 2005 CITY COUNCIL MEETING

It was moved by Goulet, and seconded by Frate, to dispense with the reading of the minutes of the November 22, 2005 City Council Meeting, as each member of the Council had been provided copies in advance, including a clarification, and approve them as written. The motion carried unanimously.

PROCLAMATIONS AND AWARDS

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

This is a request for the City Council to accept the Certificate of Achievement for Excellence in Financial Reporting award for the city's Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2003-04.

The Government Finance Officers Association of the United States and Canada (GFOA) recently issued the plaque awarding a Certificate of Achievement for Excellence in Financial Reporting for the city's Comprehensive Annual Financial Report for the Fiscal Year ending June 30, 2004.

This award is presented to the city for the seventeenth consecutive time.

Each year a CAFR is prepared to provide complete, readily available information to the City Council, citizens, the media, other public agencies and New York based bond-rating agencies. Preparation of a CAFR reflects positively on a local government's financial management, as it relates to providing complete public disclosure of its financial condition. It provides valuable information on topics as diverse as employee pension plan performance, debt management, and ten-year trends in general government revenues and expenditures.

The recommendation was to accept the Certificate of Achievement for Excellence in Financial Reporting.

Mr. Ray Shuey, Chief Financial Officer, presented the Certificate of Achievement for Excellence in Financial Reporting award for the City's Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2003-04 to the Mayor and Council. Mayor Scruggs thanked Mr. Shuey and the Finance Department, stating it is through their knowledge, leadership, and commitment that the City of Glendale has been able to do the wonderful, exciting and innovative things it has done over the past few years.

CONSENT AGENDA

Mr. Ed Beasley, City Manager, read Agenda Item Numbers 1 through 9 and Ms. Pamela Hanna, City Clerk, read Consent Resolutions Agenda Item Numbers 10 through 13 by number and title.

Mayor Scruggs requested item number 11 be heard separately. Councilmember Lieberman requested that item number 13 be heard separately.

1. LIQUOR LICENSE NO. 3-1019 - LITTLE SAIGON RESTAURANT

This is a request by Caroline Cao for the City Council to approve a new series 12 (restaurant, all liquor) license for Little Saigon Restaurant, located at 7016 North 57th Avenue.

The approval of this license will not increase the total number of liquor licenses in this area. The previous owner held a series 12 liquor license at this location.

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

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

The recommendation was to forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1019.

2. LIQUOR LICENSE NO. 3-1020 - TOKYO LOBBY SUSHI

This is a request by Kelvin Kim for the City Council to approve a series 12 (restaurant - all liquor) liquor license for Tokyo Lobby Sushi, located at 5775 West Bell Road, Suite 9.

The approval of this license will not increase the total number of liquor licenses in this area. The previous owner held a series 12 (restaurant – all liquor) liquor license at this location.

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

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

The recommendation was to forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1020.

3. LIQUOR LICENSE NO. 3-1021 - GINGER CHINA BISTRO

This is a request by Jim Tse for the City Council to approve a series 12 (restaurant – all liquor) liquor license for Ginger China Bistro, located at 5940 West Union Hills Drive.

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

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

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

The recommendation was to forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1021.

4. LIQUOR LICENSE NO. 3-1022 – GLENDALE GAS LIGHT INN

This is a request by Paul Seabrook for the City Council to approve a series 7 (On/Off-Sale Retail-Beer & Wine Bar) liquor license for Glendale Gas Light Inn, located at 5747 West Glendale Avenue.

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

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

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

The recommendation was to forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1022.

5. LIQUOR LICENSE NO. 3-1023 - FAMOUS SAM'S

This is a request by Tiffany Wilson for the City Council to approve a series 12 (restaurant – all liquor) liquor license for Famous Sam's, located at 5016 West Olive Avenue.

The approval of this license will not increase the total number of liquor licenses in this area. The previous owner held a series 12 (restaurant – all liquor) liquor license at this location.

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

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

The recommendation was to forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control for Liquor License Number 3-1023.

6. BINGO LICENSE NO. 4-3306 - CASA CAMPANA HOME OWNERS' ASSOCIATION

This is a request by Robert Staats for a new Class A Bingo License for Casa Campana Home Owners' Association. Mr. Staats is the manager for Casa Campana Home Owners' Association, which intends to hold its bingo games in their clubhouse

that is located at 17201 North 66th Drive. The organization plans to hold bingo games on Tuesday evenings at 7:00 p.m.

The City has determined that this application meets all technical requirements. Home Owners' Associations are one of the qualifying organizations for a Class A license per Arizona Revised Statutes Title 5, Chapter 4, Article 1. Any person or organization, except for a person or organization that holds a liquor license, may hold a Class A bingo license.

The City of Glendale Police Department has conducted a background check on Mr. Staats and has determined that he meets all qualifications under Glendale City Code Section 5-70. The City of Glendale Planning Department has determined that this application meets all technical requirements, since the games are restricted to Casa Campana Home Owners' Association residents or their guests as confirmed by Mr. Staats.

No protests were received.

The recommendation was to forward a recommendation for approval to the Arizona Department of Revenue – Bingo Section for Bingo License Number 4-3306.

7. AWARD OF PROPOSAL 05-46, TRACTOR/BACKHOE

This is a request for the City Council to approve the purchase of a tractor/backhoe from R.D.O. Equipment Company for the Utilities Department.

Two proposals were received for the purchase of the tractor/backhoe. An evaluation panel consisting of staff from the Utilities and Equipment Management departments reviewed the proposals received. Specific evaluation factors included earliest delivery schedule, cost, compliance with specifications, warranty/ability to honor warranty, and ability to provide parts and service. R.D.O. Equipment Company submitted the proposal that scored highest and was selected for recommendation by the evaluation committee.

The new unit would replace a 1993 tractor/backhoe that has served its useful service life.

Maintaining quality infrastructure is vital for the delivery of safe potable water to the city's residents in a timely manner. This piece of equipment is essential for the maintenance of that infrastructure.

Ongoing funding for the replacement, operation, and maintenance funding for this equipment is included in the approved Fiscal Year 2005-06 budget.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$72,961

Account Name, Fund, Account and Line Item Number:
 Water Distribution, Equipment, 83-6442-8400

The recommendation was to award the contract for a tractor/backhoe for the Utilities Department to R.D.O. Equipment Company in an amount not to exceed \$72,961, taxes included.

8. CONTRACT AMENDMENT FOR INTERSECTION PROJECTS IN THE GLENDALE ONBOARD TRANSPORTATION PROGRAM

This is a request for the City Council to amend an existing contract with AMEC Infrastructure in an amount not to exceed \$239,375.

These intersection improvements support the Council goals of creating transportation options and ensuring public safety.

The amendment includes additional funding for design and construction management of two additional intersections at 51st Avenue and Bell Road and 59th Avenue and Bethany Home Road.

Additional funds are also needed to complete the environmental analysis for two intersections located at 51st Avenue and Camelback Road and Northern and 51st Avenues. This environmental analysis is necessary to accept \$1 million in federal funds recently awarded for these two projects. GO Program funds have been recommended for these four projects by the Citizen Transportation Oversight Commission (CTOC).

On February 3, 2005, the CTOC took action to include two new intersection projects located at 51st Avenue and Bell Road and at 59th Avenue and Bethany Home Road. The projects are included in the Fiscal Year 2005-2029 Program, as recommended by the CTOC on February 3, 2005 and approved by the Council on February 22, 2005.

On November 6, 2003, the Citizens Transportation Oversight Commission (CTOC) took action to recommend the use of GO Program sales tax to fund the design and construction of the intersection projects at 51st Avenue and Camelback Road and 51st and Northern Avenues.

These proposed intersection improvements will help reduce congestion through creation of more transportation options.

The GO Program provides multiple opportunities for public input. This year, an annual report was mailed to all Glendale households, a transportation fair was held on April 17, 2005, and a community meeting for the annual report was held on April 21, 2005. AMEC Infrastructure will also conduct public information meetings during the final design process so citizens remain informed of the progress being made and the schedule for the project.

Engineering Department staff has negotiated a fee for additional design and construction services with AMEC Infrastructure in the amount of \$239,375.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$239,375

<u>Account Name, Fund, Account and Line Item Number:</u>
51 st /Camelback to Grand, Account No. 33-9450-8330 (\$198,475)
51 st Ave/Bell – Intersect Impr, Account No. 33-9482-8330 (\$20,450)
59 th Ave/Bethany Home – Inters, Account No. 33-9491-8330 (\$20,450)

The recommendation was to approve the amendment to the professional services agreement with AMEC Infrastructure in an amount not to exceed \$239,375.

9. FALL 2005 NEIGHBORHOOD IMPROVEMENT GRANT RECOMMENDATIONS

This is a request for the City Council to approve the Fall 2005 neighborhood grant projects, as recommended by the Citizens’ Advisory Commission on Neighborhoods.

As part of its commitment to revitalizing and preserving older neighborhoods, the Council established the Neighborhood Grants Program and the Citizens’ Advisory Commission on Neighborhoods to make funding recommendations on neighborhood enhancement and revitalization projects. The recommended neighborhood grant projects are consistent with the policies of the Neighborhood Grants Program as established by the Council and support the implementation of goals and objectives relating to the Neighborhood Element of the General Plan.

For Fiscal Year 2005-06, the Council set aside \$700,000 to support various neighborhood grant projects. Of this amount, \$350,000 was available to neighborhoods for the Fall 2005 funding cycle. On November 2, 2005, the Commission on Neighborhoods concluded a two-month review process of six neighborhood grant requests and voted to recommend the following five for funding:

Heart of Glendale Neighborhood Association – \$57,788.22 for design and construction administration costs associated with installing new playground equipment and a picnic ramada in Clavelito Park, located at 53rd Avenue and Ocotillo Road.

Bethany Heights Neighborhood Association – \$117,509 to fund the installation of two ramadas and four picnic tables within Mary Silva Park, which is located at the intersection of 45th and Marshall Avenues.

Sunburst Farms Neighborhood Association – \$52,794 to landscape a half-mile median on the north side of Greenway Road, from 51st to 55th Avenues. Landscaping will include the installation of trees, scrubs, granite, river rock and an irrigation system.

Arrowhead Ranch Phase II Homeowners' Association – \$15,111.50 to fund design of streetscaping along the west side of 75th Avenue, from Adobe Road to just south of the Loop 101 Freeway. Proposed improvements include the replacement of citrus trees, a failing irrigation system and the installation of a neighborhood identification monument.

Tamarac At Maryland Lakes HOA – \$26,797.28 to fund the installation of lighting within the neighborhood's common area. This neighborhood is located between 48th Drive (east), 48th Avenue (west), Krall Street (north) and Sierra Vista Drive (south).

At a separate meeting earlier this fall (conducted on October 5, 2005), the Commission also voted to unanimously recommend the appropriation of additional neighborhood improvement grant funds in the amount of \$160,000 to assist the Sky View West I Neighborhood Association complete its Fall 2004 improvement project. Although the neighborhood successfully applied for and received \$261,190 in previous neighborhood grants (Fall 2004 and Spring 2005) for this project, unforeseen and significant increases in construction costs made it necessary to recommend the project for the additional funding. Funds in the recommended amount are currently available in the Neighborhood Improvement Grants budget.

This program and its funding were reviewed, discussed and approved by Council as a part of the Fiscal Year 2005-06 budget setting process. The Mayor and City Council have also reviewed and approved over 150 previous neighborhood grant requests since 1995.

Each of the recommended grant projects will make needed improvements in the respective neighborhoods.

The following public meetings were held for the Fall 2005 grants process:

On August 11 and 20, 2005, the Neighborhood Partnership staff conducted two grant orientations to educate prospective neighborhood applicants about the neighborhood grants process.

On October 12, 2005, the Neighborhood Partnership staff facilitated a grant hearing where the five neighborhood applicants publicly presented their grant requests.

On November 2, 2005, the Neighborhood Partnership staff facilitated a grant hearing where the Commission on Neighborhoods considered and made funding recommendations for each of the six neighborhood grant requests.

In addition to the above meetings, direct mail, neighborhood newsletters, website publicity, media releases and e-mail notification were all used to notify Glendale residents of the opportunity to apply for a Fall 2005 neighborhood grant.

Funds for the proposed neighborhood grant requests (\$270,000) and the Skyview West I Neighborhood Grant Project (\$160,000) are available in the following Fiscal Year 2005-06 Neighborhood Improvement Grant Accounts 01-4420-8320 and 01-4420-7330.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X	X	X		\$430,000

Account Name, Fund, Account and Line Item Number:

Neighborhood Improvement Grant Account No. 01-4420-8330 - \$228,091.22

Neighborhood Improvement Grant Account No. 01-4420-7330 - \$201,908.78

The recommendation was to approve the Citizens' Advisory Commission on Neighborhoods funding recommendations for neighborhood improvement grants in the amount of \$270,000 and the additional grant funds for the Skyview West I Neighborhood Association Grant Project in the amount of \$160,000.

CONSENT RESOLUTIONS

10. ASSIGNMENT OF DEVELOPMENT AGREEMENT C-5123 WITH CORNERSTONE AT GLENDALE, LLC

This is a request for the City Council to adopt a resolution authorizing the assignment of developer's rights of the Development Agreement with Cornerstone at Glendale, LLC and amending the development schedule.

The development of this site will promote economic development, will provide job opportunities, and will support financial stability through increased revenue.

The city entered into a Disposition and Development Agreement (DDA) with Cornerstone at Glendale, LLC for the 19-acre property located at the northeast corner of Camelback Road and 99th Avenue. Pursuant to the terms of the DDA, the city rezoned the property to Planned Area Development (PAD) in July 2005, and closed escrow on the sale of the property to Cornerstone at Glendale, LLC in August.

In October of 2005, the city was notified that Cornerstone at Glendale, LLC had received an acquisition proposal from Greenfield, LLC to purchase the property and develop it in conformance with the requirements of the DDA, but at an upgraded level.

According to the terms of the DDA, the city must approve of any assignment of the Developer's Rights to any individual other than Douglas Dragoo, the President of Cornerstone at Glendale, LLC.

After the acquisition, Greenfield, LLC will amend the site plan, project narrative, and development timetable to accommodate the transaction and upgraded development.

Council approved the original development agreement with Cornerstone at Glendale, LLC on July 27, 2004.

This project will provide additional sales tax revenue to the City of Glendale and will improve the quality of life for nearby residents by developing much-needed retail, restaurant, employment, and office amenities. The Business Park component will create a site for new businesses to locate in the city.

The recommendation was to waive reading beyond the title and authorize the resolution assigning the Developer's Rights in the Disposition and Development Agreement C-5123 to Greenfield, LLC and amending the development schedule.

Resolution No. 3912 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 ASSIGNMENT AND ASSUMPTION OF AMENDED DEVELOPMENT AGREEMENT AND DISPOSITION AGREEMENT AND CONSENT OF CITY OF GLENDALE WITH CORNERSTONE AT GLENDALE LLC FOR THE DEVELOPMENT OF A RETAIL AND OFFICE SITE ON THE NORTHEAST CORNER OF 99TH AVENUE AND CAMELBACK ROAD; AND DIRECTING THAT SAID DOCUMENT BE RECORDED.**

12. INTERGOVERNMENTAL AGREEMENT WITH THE PEORIA UNIFIED SCHOOL DISTRICT

This is a request for the City Council to adopt a resolution authorizing the City Manager to enter into an Intergovernmental Agreement with the Peoria Unified School District for city use of the Kellis High School parking lot and reciprocal use of the recreation facilities located at 8900 West Orangewood Avenue.

The parking lot will be used for overflow parking during Cardinals football games, mega events, and Arizona Sports and Tourism Authority events. In exchange for use of the parking lot the city will fund and construct a lighting system for ball fields at the high school.

This agreement furthers Council strategic priorities of enhancing the quality of life for Glendale residents, strengthening community relationships, and creating new partnerships.

As part of the Agreement with the Arizona Sports and Tourism Authority for the development of the Cardinals Stadium, the city agreed to provide off-site, overflow parking opportunities within a one-mile radius of the stadium. The Intergovernmental Agreement with the Peoria Unified School District/Raymond E. Kellis High School provides for city use of the school parking lot as over flow parking for Cardinals football games, mega events, and Arizona Sports and Tourism Authority events that will occur during non-school hours.

In addition, both organizations will allow reciprocal uses of their recreation facilities based upon availability and mutual agreement. The agreement establishes a maintenance fund that both parties will contribute to for future repairs of the lighting system. Each organization shall pay for electricity during its use of the lights. The School District will provide routine maintenance and service to the sports fields and the city will provide routine maintenance and service to the lighting system.

The agreement will provide additional parking that will assist in reducing potential overflow parking in adjacent neighborhoods during large events and football games. Lighted sports fields and reciprocal uses of school and city recreation facilities will provide opportunities to offer expanded and joint recreation activities to the community.

The anticipated installation cost of the sports field lights will not exceed \$350,000. The installation cost is in the Fiscal Year 2005-06 Capital Improvement Budget. An operating budget supplemental will be submitted to fund electric utilities, light replacement, and parking lot cleaning.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	\$350,000	X	X		\$350,000

Account Name, Fund, Account and Line Item Number:
 Soccer Lights, 36-8941-8300

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 Peoria Unified School District.

Resolution No. 3914 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 TOLLESON UNION HIGH SCHOOL DISTRICT TO CONSTRUCT A LIGHTING SYSTEM FOR THE BALLFIELDS AND USE OF PARKING FACILITIES AT COPPER CANYON HIGH SCHOOL LOCATED AT 9126 WEST CAMELBACK ROAD IN GLENDALE.**

It was moved by Lieberman and seconded by Clark, to approve the recommended actions on Consent Agenda Item Nos. 1 through 10 and 12, including the approval and adoption of Resolution No. 3912 New Series, and Resolution No. 3914 New Series; and to forward Liquor License Application No. 3-1019 for Little Saigon Restaurant, Liquor License Application No. 3-1020 for Tokyo Lobby Sushi, Liquor License Application No. 3-1021 for Ginger China Bistro, Liquor License Application No. 3-1022 for Glendale Gas Light Inn, Liquor License Application No. 3-1023 for Famous Sam's; and Bingo License No. 4-3306 for Casa Campana Home Owners' Association to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.

11. INTERGOVERNMENTAL AGREEMENT WITH THE TOLLESON UNION HIGH SCHOOL DISTRICT

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

This is a request for the City Council to adopt a resolution authorizing the City Manager to enter into an Intergovernmental Agreement with Tolleson Union High School District for city use of the Copper Canyon High School parking lot and reciprocal use of recreation facilities located at 9126 West Camelback Road.

The parking lot will be used for overflow parking during Cardinals football games, mega events, and Arizona Sports and Tourism Authority events. In exchange for use of the parking lot, the city will construct a lighting system for sports fields at the high school.

This agreement furthers Council strategic priorities of enhancing the quality of life for Glendale residents, strengthening community relationships, and creating new partnerships.

As part of the Agreement with the Arizona Sports and Tourism Authority for the development of the Cardinals Stadium, the city agreed to provide off-site, overflow parking opportunities within a one-mile radius of the stadium. The Intergovernmental Agreement with the Tolleson Union High School District/Copper Canyon High School provides for city use of the school parking lot as over flow parking for Cardinals football games, mega events, and Arizona Sports and Tourism Authority events that will occur during non-school hours.

In addition, both organizations will allow reciprocal uses of their recreation facilities based upon availability and mutual agreement. The agreement establishes a maintenance fund that both parties will contribute to for future repairs of the lighting system. The School District will pay for electrical costs and the city will maintain the lighting system.

The agreement will provide additional parking that will assist in reducing potential overflow parking in adjacent neighborhoods during large events and football games. Lighted sports fields and reciprocal uses of school and city recreation facilities will provide opportunities to offer expanded and joint recreation activities to the community.

The anticipated installation cost of the sports field lights will not exceed \$350,000. The installation cost is in the Fiscal Year 2005-06 Capital Improvement Budget. An operating budget supplemental will be submitted to fund light replacement and parking lot cleaning.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	\$350,000	X	X		\$350,000

<u>Account Name, Fund, Account and Line Item Number:</u> Soccer Lights, 36-8941-8300
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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 Tolleson Union High School District.

Mayor Scruggs explained she pulled the item from the Consent Agenda because the agreement differs substantially from the one the city has with the Peoria School District in that there is no limitation on the usage of any city facilities by the school district at any time and that the school districts use of the fields could go on forever. She asked Ms. Benna to read the letter received from the School District and asked if any motion was made to file both the intergovernmental agreement and the letter. Mr. Tindall stated that there is a term in the agreement that limits the period in which the district could use city facilities and that the letter could not be considered as a part of the agreement. He said the letter addresses the practical matter of the School District and city formulating a master schedule to ensure the facilities are available when needed. Additionally, the letter provides a clear indication of the intent of the parties with respect to the use of city facilities and would be instrumental if there was a dispute concerning this provision. Mayor Scruggs said she does not agree that the intergovernmental agreement has boundaries. Mr. Tindall said the agreement specifies a term and the rights provided by the agreement will expire when that term expires. He said the School District is only able to use the facilities when the city is not using them for their purposes. He said, while the letter is not part of the intergovernmental agreement, but would be instrumental to interpreting that provision.

Mayor Scruggs said Peoria School District's agreement with the city says the city will allow the School District priority use of certain recreation facilities when not being used for Parks and Recreation programs, events or maintenance. She identified the specific facilities and uses outlined under the agreement, stating an annual facility use calendar is to be developed jointly by January 15 of each year and used to ensure both parties receive equitable benefits from the agreement. She said if it is found one party

is receiving greater benefit, market rate fees might be assessed to that party for facility use. She expressed her opinion the Peoria agreement is fairer in that it gives the general public a greater opportunity to compete for the use of the city's facilities. She pointed out the Tolleson agreement does not mention an annual use agreement, equal usage of the facilities, or the specific facilities involved. She said it was her desire that the letter, which sets forth some of those issues, would be made part of the Tolleson agreement. She expressed concern that one entity could override the requests of any other entity or individual in the city. Mr. Tindall explained the IGA could only be adopted as it is written but that again the letter would provide clarification should there be confusion in the future. Mayor Scruggs asked why the letter cannot be included as part of the motion. Mr. Tindall said a motion could be made that requests an amendment to the IGA consistent with the letter. He stated they could also approve the IGA with direction to staff to amend the agreement consistent with the letter, which would have to go back to the School District for review and approval.

Mayor Scruggs said she appreciates the intentions of the School District, knowing the agreement will benefit the city by providing parking to people visiting the stadium. She stated, however, as an elected official she cannot approve an agreement that gives one entity control over every recreational facility in the City of Glendale. She thanked the Tolleson School District for their efforts, goodwill and partnership with the city.

Councilmember Lieberman suggested they table the issue for further clarification. He agreed the agreement is too broad as written.

Councilmember Clark said the School District has indicated their willingness to negotiate a master calendar. She asked Mayor Scruggs if she would be comfortable approving the agreement with an amendment that states both parties agree to enter into negotiation for a master calendar by a particular date each year. Mr. Tindall said such a motion would be acceptable. Mayor Scruggs read the letter from the School District into the record, pointing out it goes beyond the issue of just the master calendar. Councilmember Clark agreed the language in the letter is appropriate and should be incorporated into the IGA.

Councilmember Martinez asked if they are under any time constraints to pass the item. Ms. Benna responded no, stating they simply want to move the process forward as quickly as they can.

Councilmember Goulet suggested they meet with the School District to ensure both parties understand the intent of the agreement. He agreed the issue should be tabled, stating it would be inappropriate to try to negotiate changes at this point.

Mayor Scruggs asked Ms. Hilda Rosales, a representative from the Tolleson Union High School District, to come forward. She expressed the city's appreciation to the School District for their willingness to partner with the city to address the need for overflow parking at the stadium. She said, however, Council feels the agreement is too

vague and would like the School District to consider adding the language set forth in the letter from Dr. Flores into the agreement. Ms. Rosales said she would take the Council's comments back to the School District.

Councilmember Frate asked Ms. Rosales if she is comfortable taking their concerns back to the School District. Ms. Rosales responded yes, stating both parties need to be comfortable with the agreement.

Mayor Scruggs also thanked Ms. Rosales for the other partnerships the School District has entered into with the city, stating they are going quite well.

Councilmember Clark noted the date referenced in Dr. Flores's letter concerning the master calendar will have to be changed if they table the issue because there will not be adequate time for the city and School District to approve the IGA prior to January 15. Mr. Tindall suggested they set forth a later date in the first year, with January 15th being the deadline for the master calendar in subsequent years. Ms. Rosales noted the School District's next Board meeting is scheduled for January 10, stating they might be able to meet the January 15 date.

Vice Mayor Eggleston also thanked the School District for their partnership.

Resolution No. 3913 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 TOLLESON UNION HIGH SCHOOL DISTRICT TO CONSTRUCT A LIGHTING SYSTEM FOR THE BALLFIELDS AND USE OF PARKING FACILITIES AT COPPER CANYON HIGH SCHOOL LOCATED AT 9126 WEST CAMELBACK ROAD IN GLENDALE.**

It was moved by Eggleston, and seconded by Lieberman, to table this item to the second regularly scheduled business meeting in January 2006. Motion carried, with the following Councilmembers voting "aye": Goulet, Lieberman, Eggleston, Martinez, Frate, and Scruggs. Members voting "nay": Clark.

13. GILA RIVER INDIAN COMMUNITY WATER RIGHTS SETTLEMENT AGREEMENT

Mr. Craig Tindall, City Attorney, presented this item.

This is a request for the City Council to approve and authorize the entering into of the Gila River Indian Community Amended and Restated Water Rights Settlement Agreement and applicable exhibits.

The Gila River Indian Community reservation was established by an act of Congress in 1859. It is located on 372,000 acres south of the Phoenix metropolitan area with over 29,000 members.

When the Gila River Indian Community was established by the federal government, no water rights were specifically allocated to the Gila River Indian Community. Therefore, in 1924, the Gila River Indian Community began legal action to secure water rights that it claimed were due to it. The Gila River Indian Community has continuously asserted that the upstream users of the Gila River diverted the river's flow illegally and deprived the Gila River Indian Community of 1.5 million acre feet of water annually.

The Gila River Indian Community's litigation has been heard as the Gila River General Stream Adjudication ("Adjudication") for the last few decades. Due to the complex nature of the Gila River Indian Community's claims and the effect on associated water rights claims made, pursuant to several decrees and agreements that have been formulated since the turn of the century, no final ruling in the Adjudication has ever been reached. After decades of negotiations, several of the parties, including a consortium of cities, of which Glendale is a member, have developed a viable settlement agreement with the Gila River Indian Community.

The City of Glendale, by Resolution No. 3711 passed on October 14, 2003, approved and subsequently entered into the Gila River Indian Community Water Rights Settlement Agreement.

The Arizona Water Settlements Act, Public Law 108-451 (the "Act"), effective December 10, 2004, requires that the Gila River Indian Community Water Rights Settlement Agreement be amended to conform with the Act, as one of the conditions to Congressional authorization for federal actions required under that settlement agreement.

The parties to the Gila River Indian Community Water Rights Settlement Agreement have met and agreed to redraft that agreement to meet the requirements of the Act, and to title the new agreement the *Gila River Indian Community Amended and Restated Water Rights Settlement Agreement*. The best interests of the City of Glendale will be served by entering into the *Gila River Indian Community Amended and Restated Water Rights Settlement Agreement*.

The practical result of the settlement will reduce by \$26 an acre foot the annual capital repayment charge for municipal and industrial water. The City of Glendale has 14,100 acre-feet CAP (Central Arizona Project) allocation. Thus, CAP settlement is now saving the City \$366,600 in annual capital repayment charges.

No direct expenditures or receipts are associated with the proposed Gila River Indian Community amended and restated water rights settlement agreement. The City will have increased capital charges that are associated with the increase of water volume due to the reallocation. Those costs are provided for in the current CIP budget.

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to sign all documents necessary to effectuate the City's agreement to the proposed Gila River Indian Community Amended and Restated Water Rights Settlement Agreement.

Councilmember Lieberman explained he pulled the item off the Consent Agenda to point out that this is the 81st year the issue has been in litigation. He stated the city would save \$366,000 a year in water payments to the CAP.

Resolution No. 3915 New Series was read by number and title only, it being **A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE ENTERING INTO OF THE GILA RIVER INDIAN COMMUNITY AMENDED AND RESTATED WATER RIGHTS SETTLEMENT AGREEMENT AND APPLICABLE EXHIBITS THERETO.**

It was moved by Frate, and seconded by Martinez, to adopt Resolution No. 3915 New Series, approving and authorizing the entering into of the Gila River Indian Community Amended and Restated Water Rights Settlement Agreement and applicable exhibits thereto. The motion carried unanimously.

BIDS AND CONTRACTS

14. PROFESSIONAL SERVICES AGREEMENT - PARK AND RIDE LOT AT NORTHEAST CORNER OF 99TH AND GLENDALE AVENUES

Mr. Horatio Skeete, Deputy City Manager, presented this item.

This is a request for the City Council to approve a professional services agreement in an amount not to exceed \$1,587,382 with INCA Engineers, Inc. for design of a park-and-ride lot on city-owned property located at the northeast corner of 99th and Glendale Avenues.

This project supports the Council goals of creating transportation options and enhancing the quality of life for Glendale residents.

On November 6, 2001, voters approved funding to construct park-and-ride lots to meet transit needs. This construction of the park-and-ride lot for commuter use is partially funded with federal transit funds. The park-and-ride lot may be used for overflow parking for stadium events, provided it does not affect commuter usage. This site was chosen for its easy access to the freeway, as well as existing transit service on Glendale Avenue. This park-and-ride lot will also facilitate planned new express bus routes, which begin in 2007.

The park-and-ride facility will include bus bays, platform(s), passenger shelters, lighted canopies, site lighting, landscaping and irrigation, and a security building/comfort room. Design will be finalized after input is received from the Council, the Citizens Transportation Oversight Commission (CTOC), and the Arts Commission.

On May 24, 2005, the Council approved the purchase of 22 acres of surplus right-of-way from the Arizona Department of Transportation for transit-related use on the northwest corner of Loop 101 and Glendale Avenue.

Construction of the park-and-ride facility at 99th and Glendale avenues will encourage public transit use by commuters and it will benefit existing bus service on Glendale Avenue. Also, this park-and-ride lot will be a key component of transportation service for the entertainment district. In addition to providing the required parking space for the Park-and-Ride lot, this 22-acre facility will also provide overflow parking for large-scale events in the entertainment district.

This project was presented at public meetings held as part of the Glendale Onboard Transportation Program. One project specific public meeting is planned for the citizens in the project area.

Funds for the design are available in Fiscal Year 2005-06 of the Glendale Onboard Transportation Program, Park-and-Ride Lot-Loop101/Glendale, Account No. 33-9455-8330. Federal transit funding in the amount of \$2.8 million is available to facilitate construction of this project.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$1,587,382

<p><u>Account Name, Fund, Account and Line Item Number:</u> Park-and-Ride Lot-Loop101/Glendale, Account No. 33-9455-8330</p>
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The recommendation was to approve the professional services agreement with INCA Engineers, Inc. in an amount not to exceed \$1,587,382.

Councilmember Goulet said the parcel is unusual in terms of its shape. He expressed concern about the efficiency of the Park and Ride lot and asked Mr. Skeete if he is comfortable that people parking in the north half will be able to reach a pickup location within a reasonable distance. Mr. Skeete said they have looked at a variety of preliminary designs and the intent is to design a facility for 400 to 600 cars. He said a facility of that size could be accommodated in the south portion of the lot, with the rest of the site left available for future expansion and overflow parking for the stadium and arena.

Councilmember Lieberman said the agreement lacks the design specifics he feels are necessary. Mr. Skeete explained they have not yet started designing the facility, stating the lot design and configuration will be brought to CTOC and the City of Glendale as they proceed through the design process.

Councilmember Lieberman asked if the design would come before the City Council for approval. He said the agreement does not include enough information concerning the bike lot, the number of parking spaces, bus turnarounds, and so forth for him to be comfortable approving the item. He expressed his opinion the design should come back to Council for approval. Mr. Skeete said the parking spaces would be located on five to six acres of the site, with the rest of the site left available for special events parking. He said the design elements Councilmember Lieberman mentioned have not yet been developed, but can be brought back to Council in the future if Council so desires. Councilmember Lieberman said, while there is no doubt INCA Engineers is a qualified firm, the agreement itself lacks the detailed specifics he believes it should have, for instance, concerning security and restroom facilities. Mr. Skeete said the Park and Ride facilities are typically secured facilities and the restroom facilities will be limited to use by bus drivers. Councilmember Lieberman asked if the city requested a tentative line drawing of the layout in its bid request. Mr. Tindall explained the contract is for the design of the Park and Ride lot and the standard process for seeking a designer is to give them a relatively broad scope of the work so as to be able to direct their work as the project develops. He assured the Council the designer would work with the city to develop the project according to the city's desires. Councilmember Lieberman asked Mr. Tindall to define who at the city will work with the designer, pointing out citizens will only have input into the design through CTOC. Mr. Tindall indicated that CTOC provides for a citizen input.

Councilmember Clark said Councilmember Lieberman is concerned that the agreement is not specific enough in terms of the elements he wants to see in the design. Councilmember Lieberman agreed, stating the city did not give the designer enough direction in terms of what they want included in the design. He expressed concern that the language of the contract says, "may include" rather than "must include". Mr. Tindall reiterated that the city will be telling the designer what it wants as they proceed through the design process. Councilmember Clark said Councilmember Lieberman is looking for assurances that the elements he believes are critical to the Park and Ride Lot will be brought to the designer. Mr. Skeete said they would be. He stated staff would present the preliminary designs to the Council at one or more of its workshops so they can follow the plan as it matures.

Mayor Scruggs said it was pointed out by Councilmember Lieberman, in a previous case, that they cannot combine a Park and Ride lot with event parking on the same property. She stated the general elements set forth in the agreement call for the site to be attractive and secure, with low maintenance, safe circulation, and sidewalks and hardscape features. She said the city couldn't create a situation where stadium goers take all of the Park and Ride spaces, asking how they will accommodate the two separate uses on the same property. Mr. Skeete said their conversations with the

designer have taken the joint use of the property into consideration. He stated the facility would be designed in such a way that the Park and Ride component will be protected from use by the general public. Mayor Scruggs said their concern is that the city will pay \$1,587,382 and not have its concerns addressed.

Councilmember Martinez asked if INCA Engineers have designed other similar facilities. Mr. Skeete responded yes. Councilmember Martinez asked about the comments made during CTOC's public meeting. Mr. Skeete said the public presentation addressed general concerns, but did not address specifics of the design. Councilmember Martinez asked if another public meeting would be held. Mr. Skeete said they would make the design available for public review once it begins to mature. Councilmember Martinez asked if there will be an opportunity at that time to incorporate any elements the public and City Council feel are necessary. Mr. Skeete answered yes.

In response to Councilmember Martinez's question, Mr. Tindall said award of the contract is contingent upon approval by Council.

Councilmember Lieberman referenced the General Information section of the agreement, stating the Park and Ride facility will include bus bays, platforms, passenger shelters, lighted canopies, site lighting, landscaping and irrigation, and a security building/comfort room. He said it goes on to say the design will be finalized after input is received from Council, citizens, transport and so on. He stated, however, there is no mention of some of those amenities under General Project Elements.

Councilmember Martinez asked Mr. Mark Wavering of INCA Engineers to respond to the concerns expressed by Council. Mr. Wavering stated his firm has designed two Park and Ride lots within the Phoenix metropolitan area.

Mayor Scruggs explained she is concerned about the dual use of the lot, stating she does not see where the contract addresses the two distinctly different uses. She asked Mr. Wavering if he understands the design of the facility would have to protect the Park and Ride lot from parking by the general public. Mr. Wavering responded yes, stating 650 spaces will be dedicated to the Park and Ride Lot with separate entrances off Glendale and 99th Avenues. He suggested they monitor parking during events rather than physically blocking off the Park and Ride spaces so as not to disrupt transit service.

Councilmember Lieberman recognized that the configuration of the lot makes it difficult to develop. He questioned whether it would be feasible to have an exit from the freeway. Mr. Wavering said the two Park and Ride lots they designed along the Loop 101 enter and exit onto entrance ramps of the freeway. Councilmember Lieberman said he does not believe ADOT will let them put an exit from the freeway except at the intersection. Mr. Wavering said they would be discussing the issue with ADOT. He noted there are some benefits to the fact it would come off the auxiliary line between Glendale and Northern Avenues.

Vice Mayor Eggleston asked if the \$2.8 million in federal funds could be used when the lot will serve dual purposes. Mr. Wavering deferred the question to Mr. Skeete. Vice Mayor Eggleston asked if the buses would enter at the south end of the property and drive the length of parking area, exiting at the north end. Mr. Wavering said that is one possibility. He assured Vice Mayor Eggleston they will design the facility to minimize the distance people have to walk. Mr. Skeete said they have spoken to the local Federal Funds Administrator and, while it is possible, he does not anticipate the need to mingle the funds. He explained the Park and Ride Lot will utilize the federal funds and the rest of the project will be paid for out of CTOC's budget.

Mayor Scruggs mentioned they seem to be having technical problems with the sound system.

Mr. Skeete confirmed for Vice Mayor Eggleston the \$2.8 million in federal funds could be used to construct the Park and Ride Lot, even though the city anticipates the facility serving dual purposes.

In response to Councilmember Lieberman's comments, Mr. Wavering displayed an aerial map and identified the location of the exits onto 99th and Glendale Avenues.

Councilmember Frate said he is impressed with Mr. Wavering's knowledge of the situation, particularly since the contract has not yet been awarded. He said, given Mr. Skeete's assurances that the designer and the city will work together to design the facility, he is comfortable awarding the contract.

It was moved by Eggleston, and seconded by Frate, to approve the professional services agreement with INCA Engineers, Inc. in an amount not to exceed \$1,587,382.

Councilmember Lieberman asked Vice Mayor Eggleston to add "with Council approval of the final drawings" to his motion. Vice Mayor Eggleston asked Mr. Tindall if the additional language is necessary. Mr. Tindall stated the ultimate design would come back to Council for approval regardless of whether the additional language is included in the motion.

Upon a call for the question, the motion passed by a vote of 6 to 1 with the following Councilmembers voting "aye": Clark, Eggleston, Frate, Goulet, Martinez and Scruggs. Councilmembers voting "nay": Lieberman.

ORDINANCES

15. MOTORIZED SKATEBOARD ORDINANCE

Acting Police Chief Preston Becker, presented this item.

This is a request for the City Council to approve a Motorized Skateboard Ordinance banning their use on the city's roadways, sidewalks, properties, and parks. Motorized skateboards are defined as a self-propelled device that has a motor, gas or electric, a deck on which a person may ride at least two tandem wheels in contact with the ground and which is not otherwise defined in A.R.S. Title 28 (A.R.S. § 28-101 et. Seq.) as a motor vehicle, motorcycle, motor-driven cycle, motorized wheelchair or electric personal assistive mobility device.

This ordinance supports the Council's goal of ensuring public safety and awareness and will result in fewer complaints by Glendale citizens regarding safety concerns and noise complaints in residential neighborhoods. The reduction in motorized skateboards on city roadways will reduce the potential for accidents involving motorized skateboard operators.

In 1996, Glendale enacted an ordinance allowing the operation of motorized skateboards on roadways with several restrictions. Since then, due to complaints from Glendale residents regarding noise and safety concerns, several Councilmembers requested that the issue be researched by the Police Department. The Council requested a public outreach program to gauge the public's opinion regarding the operation of motorized skateboards in the city prior to exploring any changes to the current city ordinance.

In April 2005, the Police Department launched a public outreach campaign and the results were provided to the Council on July 5, 2005. The public response was overwhelmingly in support of a ban of motorized skateboards on city roadways. Based on the public's input, the Council requested that an ordinance be drafted. The ordinance was presented to the Council at the November 15, 2005 Council Workshop and the Council directed the Police Department to bring forward to a regular meeting the ordinance prohibiting the operation of motorized skateboards on city roadways, sidewalks, parks, and city properties.

The Police Department will implement an educational component upon approval of the proposed ordinance. The educational component includes a media release, a Connection article, a City Beat Channel 11 story, distribution of door hangers by patrol officers, and an informational web link on the Glendale Internet site. Patrol officers will be trained on the changes to the Glendale ordinance regulating motorized skateboards. Officers will be provided informational cards that will be given to the public during their contacts with residents. Officers will be asked to inform residents of the change and issue verbal warnings to both the operators and, if the violator is a minor, to the parents of the minor regarding any violations.

The following timeline depicts past actions.

On November 15, 2005, at a city council workshop session, the Council directed the Police Department to bring forward to a regular meeting the ordinance prohibiting the operation of motorized skateboards on city roadways, sidewalks, parks, and city properties.

In July of 2005, the Council provided direction to the Police Department to develop a city ordinance banning motorized skateboards for their review and to include an educational component. The Council also requested that staff research the feasibility of a buy-back program.

During April and May of 2005, the Police Department conducted public meetings and a survey concerning the issue of motorized skateboards.

In January of 2005, the Police Department presented the Council with a recommendation to ban play vehicles, at which time, the Council requested additional information and the public outreach efforts.

At the July 2004 workshop, Councilmembers asked the Police Department for suggestions on strengthening the current ordinance.

At the April 2004 workshop, as a result of ongoing public complaints, Councilmember Goulet requested that the Police Department provide research on the motorized skateboard use in the city.

In January of 2003, due to many public complaints, Councilmember Frate asked the Police Department staff to review the current ordinance.

In July of 1999, the ordinance was amended to add the requirement of a notarized permission slip for users of motorized skateboards.

In January of 1996, Glendale adopted the current motorized skateboard ordinance.

The ordinance prohibiting the operation of motorized skateboards on city roadways, sidewalks, parks and city property will result in fewer complaints by Glendale citizens regarding safety concerns and noise complaints in residential neighborhoods. The reduction in motorized skateboards on city roadways will reduce the potential for accidents involving motorized skateboard operators.

The Police Department sought the public's input regarding the regulation of motorized skateboards and provided information on a city webpage, in mailings, and in the news media. Public input was obtained in three ways; through an on-line web page survey, a hotline phone number, and during public meetings. The public was notified by utilizing the media, emails to constituents, at district meetings, mailings, a Connection article, and in a City Beat story. The Police Department received a total of 473 responses regarding the motorized skateboard issue and 77.6% preferred a complete

ban. The surveys received by the Police Department were evenly distributed throughout the City of Glendale.

For the educational campaign, the Marketing Department has designed a door hanger card that will be utilized by the Police Department to assist in notifying the public of the new ordinance. The cost to produce 1,000 information cards is estimated to be \$750.

The recommendation was to waive reading beyond the title and adopt an ordinance banning the use of motorized skateboards on the city's roadways, sidewalks, properties, and parks.

Ordinance No. 2473 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 GLENDALE CITY CODE, CHAPTER 8, BANNING THE USE OF MOTORIZED SKATEBOARDS ON PUBLIC PROPERTY AND RIGHT-OF-WAY; PROVIDING PENALTIES FOR VIOLATION; AND ESTABLISHING AN EFFECTIVE DATE.**

Mr. Joe Hutchinson, a resident of the City of Glendale Barrel District, said a city must offer amenities such as libraries, parks and culture for it to attract and maintain citizens. He stated clean, quiet neighborhoods are an element of quality of life and quiet pavement efforts made by the city and state are compromised when residents have to endure the noise created by motorized skateboards. He asked the Council to ban go-peds.

Ms. Kathleen Lewis, a resident of the City of Glendale Cholla District, said the go-peds are not only noisy and annoying, but also very dangerous to children who ride them and to other vehicles on the road. She agreed the City Council needs to vote to ban go-peds in the City of Glendale.

It was moved by Goulet, and seconded by Frate, to approve Ordinance No. 2473 New Series. Motion carried on a roll call vote, with the following Councilmembers voting "aye": Clark, Goulet, Lieberman, Eggleston, and Martinez, Frate. Members voting "nay": Scruggs.

16. ARTS ORDINANCE AMENDMENT

Ms. Rodeane Widom, Library Director, presented this item.

This is a request for the City Council to amend Glendale City Code, Chapter 2, Article VI relating to public art and performing arts.

The proposed amendment includes updating definitions, clarifying terms, officers and duties for the Arts Commission. The amended arts ordinance calls for elimination of the separate art preservation fund. One fund will be utilized for funding art acquisitions, preservation, performing arts, and administration of the program.

The quality of life element of the General Plan 2025, adopted in 2002, identifies arts, culture, and museums as priorities for programs and facilities for the city. Arts and culture are also listed as priorities in the Parks and Recreation Master Plan and the Glendale City Center Master Plan, both adopted in 2002.

The current arts ordinance has restrictive language, requiring setting aside five percent of funds collected or up to \$50,000 in a special fund designated "art preservation fund" which shall be used for the preservation of works of art owned by the city. The art preservation fund currently does not generate adequate funding to support preservation and program administration. General funds have been utilized over the past two fiscal years to fully fund the program. (The Finance and Management and Budget Departments concur with clarifying the arts ordinance.)

The arts ordinance was last amended in 1998 to increase the art levy on capital construction projects from one-half percent to one percent and establish the performing arts program. The Arts Commission and the arts program were established by the city in 1983.

The recommendation was to waive reading beyond the title and adopt an ordinance approving the proposed revisions to the arts ordinance.

Ordinance No. 2474 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 GLENDALE CITY CODE, CHAPTER 2, ARTICLE VI RELATING TO PUBLIC ART AND PERFORMING ARTS.**

It was moved by Martinez, and seconded by Frate, to approve Ordinance No. 2474 New Series. Motion carried on a roll call vote, with the following Councilmembers voting "aye": Clark, Goulet, Lieberman, Eggleston, Martinez, Frate, and Scruggs. Members voting "nay": none.

REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION

It was moved by Eggleston, and seconded by Martinez, to hold a City Council Workshop at 1:30 p.m. in Room B-3 of the City Council Chambers on Tuesday, December 20, 2005, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried unanimously.

CITIZEN COMMENTS

Ms. Susan Stutzman, a resident of the City of Glendale Barrel District, spoke on behalf of herself and Trish Edwards. She said Wal-Mart should not be built in any form at the corner of 51st Avenue and Olive, pointing out it was just a few years ago that the people of Glendale spoke out against the superstore proposed for that location. She said Glendale residents have not forgotten the Hurley family's switch-and-bait tactics to get support for their change from Agriculture to Commercial. She pointed out there are already two grocery stores on the corner, with three other stores, including a Wal-Mart Superstore, within one mile, stating the only reason Wal-Mart would build that close to an already existing Wal-Mart is to run other businesses out of the neighborhood. She said her neighborhood was very involved in the development of the Wal-Mart at 55th Avenue and Northern, placing restrictions on lighting, security, buffer zones, walls and fencing, and prohibiting RV parking. She warned that it would not be an easy haul for Wal-Mart to place an establishment at that location. She stated residents still care about their property values and the safety and traffic issues that plague the four square miles surrounding 51st Avenue and Olive. She said the neighborhood tries to support the already existing grocery stores and privately owned shops, however, more and more dollar stores and payday loan establishments have opened. She said those establishments have changed the demographics of their neighborhood and businesses are moving or closing for good. She urged the Council to stop plans for the Wal-Mart store, stating the Hurley family has other options including a residential development. A written copy of her comments was submitted for the record.

Ms. Debra Kist, a resident of the City of Glendale Barrel District, said she is disappointed that five years later they are once again discussing the property at 51st Avenue and Olive. She referenced the original proposal from the Hurley family, stating it speaks to the opportunity for a different type of retail establishment that does not negatively impact the viability of the three other existing commercial sites. She said the proposal also calls for stores not currently available in the immediate area. She stated Wal-Mart stores are already located at 91st Avenue and Camelback, 59th and Northern, 59th and Bell, 75th Avenue and Glendale, 83rd Avenue and Peoria, and 83rd Avenue and Union Hills and one is proposed at 83rd Avenue and Camelback. She said she has seen how the existence of too many of the same businesses can leave the city with empty buildings and fewer high paying jobs that offer insurance. She stated the Hurley's have an obligation to uphold their past promises and to not negatively impact the area. She pointed out Fry's has plans to spend over \$650,000 to renovate their center, asking what will happen when Fry's decides not to renew its contract when it expires. She urged the Council to encourage the Hurley's to look at a different type of use for the property.

Ms. Kathleen Lewis, a resident of the City of Glendale Cholla District, said the two grocery stores already located at 51st and Olive have coexisted fairly well over the years and the centers used to be filled with small businesses, until Wal-Mart came in and drove the businesses to other cities. She said the Hurley women keep talking about sit-down restaurants and what they will do for the neighborhood, expressing her

opinion they have done nothing but destroy the neighborhood and drive businesses away. She assured the Council they would receive thousands of letters, cards and names of those who oppose the proposed Wal-Mart. She said that intersection is one of the most dangerous in Glendale, if not the metro-Phoenix area. She said residents in the neighborhood want quality businesses that attract other businesses to the area and revenue to the city. She suggested if the Hurley's are unable to develop the property with quality businesses, they should develop it as residential or leave it agricultural. She stated she does not want to start Glendale Citizens for Responsible Development up again, but she will if she has to.

Ms. Julie Effron, a resident of the City of Glendale Barrel District, said her neighbors are not happy to be back or that there are plans for a sixth grocery store within one mile. She said people in the Barrel District know about the proposed Wal-Mart, but those on the other side of 51st Avenue do not. She said the citizens of Glendale deserve to know what is going on regardless of the district in which they live. She stated residents made it clear five years ago that they did not want a Wal-Mart at 51st Avenue and Olive.

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Clark wished everyone a Merry Christmas and a Happy New Year.

Councilmember Goulet echoed Councilmember Clark's good wishes.

Councilmember Lieberman thanked the 11 citizens who serve on the Neighborhood Commission. He also wished everyone a happy holiday and urged everyone to be safe as they celebrate. He noted the city's DUI task force would be on the streets beginning Friday. He said Councilmember Clark made a wonderful presentation about the need to volunteer, showing through pictures how blessed residents of Glendale are when compared to three-fifths of the rest of the world. He encouraged people to come forward and volunteer on one of the city's 18 committees.

Vice Mayor Eggleston said the Council attended the groundbreaking ceremony for the Cabella's store, which is expected to open next August.

Councilmember Martinez wished everyone a Merry Christmas and Happy New Year.

Councilmember Frate thanked the students from Cactus and Ironwood High Schools for attending the meeting. He encouraged everyone to remember what the holiday season is about. He commended City of Glendale employees for giving back to the community by donating gifts and money to the Salvation Army. He urged everyone to watch children around water, noting a near drowning occurred in Glendale since the Council's last meeting.

Mayor Scruggs thanked everyone who spoke on the Wal-Mart issue. She said she and Vice Mayor Eggleston met with Mr. Sean Lake and other Wal-Mart representatives earlier in the year, where she and Vice Mayor Eggleston explained that Wal-Mart would not be welcomed at 51st Avenue and Olive given their previous experience. She said the Wal-Mart representatives essentially told them that there was nothing they could do about it. She explained that, aside from the proposed drive-thru pharmacy, the case would not come before the Council because it fits within the zoning regulations. She encouraged residents to contact the Hurley family and Wal-Mart directly. She agreed that it is an extraordinarily unfortunate situation. She said Wal-Mart told them at their meeting that they would hold a neighborhood meeting, but one has not yet been scheduled.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:05 p.m.

Pamela Hanna - City Clerk