

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL
OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA,
HELD TUESDAY, FEBRUARY 13, 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 three resolutions and ten 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 JANUARY 9, 2007 INSTALLATION CEREMONY AND THE MINUTES OF THE JANUARY 23, 2007 CITY COUNCIL MEETING

It was moved by Goulet, and seconded by Clark, to dispense with the reading of the minutes of the January 9, 2007 Installation Ceremony and the minutes of the January 23, 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.

CONSENT AGENDA

Mr. Ed Beasley, City Manager, read agenda item numbers 1 through 4 and Ms. Pamela Hanna, City Clerk, read consent agenda resolution item numbers 5 and 6 by number and title.

1. **SPECIAL EVENT LIQUOR LICENSE FOR CITY OF GLENDALE JAZZ AND BLUES FESTIVAL, APRIL 14 & 15, 2007 – 58TH AND GLENDALE AVENUES**

This is a request for the City Council to approve a special event liquor license for the City of Glendale Office of Special Events. The event will be at 58th and Glendale Avenues on Saturday, April 14, 2007 from 10:00 a.m. to 10:00 p.m. and Sunday, April 15, 2007 from noon to 5:00 p.m. The purpose of this event is for the Glendale Jazz and Blues Festival. The special event liquor license was submitted by Jerry P. McCoy.

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

No previous action has occurred.

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

2. SPECIAL EVENT LIQUOR LICENSE FOR CITY OF GLENDALE GLITTERS SPECTACULAR WEEKEND, NOVEMBER 23 & 24, 2007 – 5800 WEST GLENN DRIVE

This is a request for the City Council to approve a special event liquor license for the City of Glendale Office of Special Events. The event will be at 58th and Glendale Avenues on Friday, November 23, 2007 from 5:00 to 10:00 p.m. and Saturday, November 24, 2007 from 5:00 to 10:00 p.m. The purpose of this event is for Glendale Glitters Spectacular Weekend. The special event liquor license was submitted by Jerry P. McCoy.

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

No previous action has occurred.

The Glendale Planning, Fire and Police Departments have reviewed the application and determined that it meets all technical requirements. 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. PROFESSIONAL SERVICES AGREEMENT - STORM SEWER FOR 59TH AVENUE, BROWN STREET TO OLIVE AVENUE

This is a request for the City Council to approve a professional services agreement with Kimley-Horn and Associates to provide design and construction administration services for the construction of a storm sewer in 59th Avenue from Brown Street to Olive Avenue.

This project meets the Council goal of providing a high quality of services for citizens.

The project will install storm sewer pipes, curb inlets, and access manholes. The construction of this storm sewer will reduce the storm water flow into the retention basin

at Sahuaro Ranch Park and eliminate the ponding of water along 59th Avenue. The construction schedule will be coordinated with Glendale Community College staff to minimize the impact on the campus.

A request for proposal was sent to 103 consultants in the Engineering Department's database and 15 proposals were received. Staff from the Engineering Department evaluated the proposals. Kimley-Horn and Associates was selected as the best-qualified firm to perform the required services.

Construction of the storm sewer along 59th Avenue will alleviate drainage issues along Brown Street and along 59th Avenue during and after storms.

Funds for this project are available in the Fiscal Year 2006-07 Capital Improvement Program, 59th Avenue, Brown to Olive project.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$449,622.20

Account Name, Fund, Account and Line Item Number:
 59th Ave. Brown to Olive, Account No. 2180-79003-551200

The recommendation was to authorize the City Manager to enter into an agreement with Kimley-Horn and Associates in an amount not to exceed \$449,622.20 for construction of the storm sewer in 59th Avenue, Brown Street to Olive Avenue.

4. **PROFESSIONAL SERVICES AGREEMENT – RED LIGHT ENFORCEMENT PILOT PROGRAM**

This is a request for the City Council to authorize the establishment of a two-year red light enforcement pilot program and to approve a professional services agreement with American Traffic Solutions, Inc. to install and operate equipment for the pilot program.

The proposed pilot program addresses the Council goal of creating a city with high-quality services for citizens. Many cities in Arizona have used this tool to enhance public safety. This pilot program will allow the city to evaluate this tool as a way of improving public safety for the traveling public.

At the Council's direction, the Transportation Department requested Statements of Qualifications (SOQ) from red light running vendors. Three SOQs were received and evaluated by staff from the Transportation, City Court, and Police Departments. American Traffic Solutions, Inc. of Scottsdale, Arizona was recommended as the most qualified firm. A two-year contract was negotiated with the possibility of two one-year extensions, in an amount not to exceed \$140,200.

The pilot project will cover one approach at one intersection for a two-year period. The location will be identified jointly by the Police and Transportation Departments, and will be based, traffic and accident records, and available right-of-way at an intersection where the city controls all four approaches. An independent consultant, not affiliated with the red light equipment vendor, will conduct an independent evaluation of the safety impacts following the pilot study. Staff is anticipating having the pilot program operational in the summer of 2007.

In June of 2006 at an evening meeting, the Council directed staff to move forward with the program and to solicit SOQs for the project from qualified red light enforcement companies.

In May of 2006, a document describing the estimated impacts and costs to the city for a pilot program for automated red-light enforcement was provided to Council. The report also presented the advantages and disadvantages of such a program.

In January of 2006 at a Council Workshop, staff presented the Council with information on red light and speed enforcement programs in Glendale and other Valley cities.

Traffic safety is important to Glendale residents. Implementation of a pilot automated red light running enforcement program will allow the city to evaluate the impact of this tool on intersection safety.

Funding for this pilot program exists in the GO Transportation Program. The total cost of the two-year pilot program is \$402,200 as follows:

- \$140,200 for the two-year professional services agreement with American Traffic Solutions, Inc. for the implementation of the red light camera pilot program;
- \$96,000 (over the two-year study period) for a contractual Management Aide position in the Police Department to work with a sworn officer who will review and approve red light violations in order to complete the daily administrative work related to this pilot program;
- \$156,000 (over the two-year study period) for a contractual Systems Analyst position to facilitate the electronic transfer of violations from the red light running firm into the city court system; and
- \$10,000 for an independent consultant to conduct an evaluation at the end of the pilot study.

Funding for this pilot program exists in the GO Transportation Program and a transfer of \$370,000 from Intersection Improvements, Account No. 2210-65008, and

\$32,200 from Demand Management Account No. 1660-16550-518200 to a new GO Transportation operating division is required.

During the initial pilot study, the city’s portion of fines collected will be deposited back to the GO Program. Estimated revenue to offset the cost of the pilot program is in the range of \$70,000 to \$150,000 per year for a single-approach intersection. This estimate is based on the experience of other municipalities in the Phoenix metro area.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$402,200

Account Name, Fund, Account and Line Item Number:
 GO Transportation operating division to be assigned upon approval, \$402,200

The recommendation was to authorize the City Manager to enter into an agreement with American Traffic Solutions, Inc. in an amount not to exceed \$140,200; approve the establishment of a two-year pilot program costing a total of \$402,200; authorize a transfer of \$370,000 from Intersection Improvements, Account No. 2210-65008 and \$32,200 from Demand Management Account No. 1660-16550-518200 to a new GO Transportation operating division to be assigned upon approval; and authorize two (2) contractual positions for the duration of the two-year pilot program.

CONSENT RESOLUTIONS

5. IRRIGATION EASEMENT AGREEMENT WITH THE BUREAU OF RECLAMATION FOR A PORTION OF 87TH AVENUE BETWEEN MISSOURI AVENUE AND CAMELBACK ROAD

This is a request for the City Council to approve a Contract and Grant of Easement with the U. S. Bureau of Reclamation (BOR), for a portion of 87th Avenue, between Missouri Avenue and Camelback Road.

As part of the Camelback Park subdivision and the development of a proposed city park on the northeast corner of the new alignment of 87th and Missouri avenues, the city requested Salt River Project (SRP) to relocate federally owned irrigation facilities. SRP, as representatives of the BOR, has requested a perpetual easement to recognize the BOR’s rights. To accomplish this, it will be necessary for the city to execute the BOR’s Contract and Grant of Easement for this portion of 87th Avenue. In exchange, the BOR will relinquish its rights to the former location of the irrigation facilities.

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to execute a contract and Grant of Easement with the U. S. Bureau of Reclamation for a portion of 87th Avenue, between Missouri Avenue and Camelback Road.

Resolution No. 4020 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 CONTRACT AND GRANT OF IRRIGATION EASEMENT WITH THE U.S. BUREAU OF RECLAMATION FOR A PORTION OF 87TH AVENUE, BETWEEN MISSOURI AVENUE AND CAMELBACK ROAD IN THE CITY OF GLENDALE.**

6. SUBCONTRACT FOR CENTRAL ARIZONA PROJECT MUNICIPAL AND INDUSTRIAL PRIORITY WATER

This is a request for the City Council to approve and authorize executing a new subcontract with the Central Arizona Water Conservation District and the United States for the delivery of Central Arizona Project (CAP) water.

On August 25, 2006, the Secretary of the Interior published a final reallocation decision for CAP water. That decision reallocated previously uncontracted CAP Project Municipal and Industrial priority water to various Municipal and Industrial water providers in accordance with section 104(b) of the Arizona Water Settlements Act, Public Law 108-451, and the recommendation of the Arizona Department of Water Resources.

Additionally, Section 104(d) of the Arizona Water Settlements Act directed the Secretary of the Interior to offer new subcontracts for CAP Municipal and Industrial priority water.

For Glendale, the new subcontract will replace the existing subcontract from which the city receives its current annual allocation of 14,183 acre-feet of CAP water. Glendale will also receive an additional 3,053 acre-feet annual allocation of CAP water.

The anticipated effective date of the new subcontract is January 1, 2008.

On December 13, 2005, the Council passed Resolution 3915 authorizing the city to enter into the Gila River Indian Community Amended and Restated Water Rights Settlement Agreement and applicable exhibits to the Agreement. This Settlement Agreement was also part of the Arizona Water Settlements Act, Public Law 108-451.

This new subcontract enhances both the volume and security of the city's CAP water resources. The subcontract increases the amount of CAP water allocated to the city by 3,053 acre-feet per year. Additionally, the new subcontract identifies the city's allocation of CAP water as a permanent service right.

The city will have one-time capital charges and ongoing operations and maintenance costs associated with the additional allocation volume. The capital cost will not exceed \$3,420,132 and is provided for in the approved Fiscal Year 2006-07 Capital Improvement Plan. The operations and maintenance costs are provided for in the water rates.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$3,420,132

Account Name, Fund, Account and Line Item Number:
 CAP Water Purchase, Account No. 2400-61004-551200

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to execute and effectuate the Subcontract for Central Arizona Project Municipal and Industrial Priority Water.

Resolution No. 4021 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 CONTRACT AND GRANT OF IRRIGATION EASEMENT WITH THE U.S. BUREAU OF RECLAMATION FOR A PORTION OF 87TH AVENUE, BETWEEN MISSOURI AVENUE AND CAMELBACK ROAD IN THE CITY OF GLENDALE.**

It was moved by Lieberman, and seconded by Frate, to approve the recommended actions on Consent Agenda Item Nos. 1 through 6, including the approval and adoption of Resolution No. 4020 New Series and Resolution No. 4021 New Series; and to forward Special Event Liquor License Application for the City of Glendale’s Jazz and Blues Festival to be held in Murphy Park in Downtown Glendale, 58th and Glendale Avenues, on April 14 and 15, 2007, and Special Event Liquor License for the City of Glendale Glitters Spectacular Weekend to be held in Murphy Park in Downtown Glendale, 58th and Glendale Avenues, on November 23 and 24, 2007, to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.

PUBLIC HEARING – LAND DEVELOPMENT ACTIONS

7. GENERAL PLAN AMENDMENT GPA06-07: NORTHEAST CORNER OF 81ST AND GLENDALE AVENUES

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

This is a request by the Planning Commission for the City Council 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 located at the northeast corner of 81st and Glendale Avenues.

Glendale 2025, the city’s General Plan, includes specific goals addressing the need for growth management. General Plan Amendments are tools that can be used

by the city to direct and manage growth. This General Plan Amendment also addresses the goal of encouraging infill development and implements the General Plan.

The existing subdivision at the northeast corner of 81st and Glendale Avenues has a density of 4.2 dwelling units per acre. Updating the land use category for this subdivision would give a more accurate representation of the existing density of that development.

Other existing subdivisions to the north and west have developed within the MDR land use category. Reducing the density of the General Plan land use category for the remainder of this area would place a compatible density range on this property.

This action is not a rezoning, and the existing zoning classifications and permitted uses on the properties will remain the same. This action will only change the city's policy towards future development or redevelopment in the area, as the General Plan is a guide for future public decision making. The application is considered a Minor General Plan Amendment.

The Planning Commission authorized staff to initiate this request at the Planning Commission workshop on May 4, 2006. The Planning Commission voted to recommend approval of GPA06-07 by a five to zero vote at its public hearing on August 17, 2006.

Reducing the density of the area to MDR would provide a land use category, which encourages single-family residential development that is compatible with existing development in the area.

A total of 620 notification letters were sent to adjacent property owners and interested parties on June 30, 2006. The citizen participation letters invited the recipients to submit comments to staff on the proposed General Plan Amendment. One e-mail was received from an investor who owns a four-plex in the area concerned about the change. At the Planning Commission hearing of August 17, 2006, one resident of the existing subdivision expressed a desire that conditions in the quiet single-family neighborhood remain the same.

The recommendation was to conduct a public hearing, waive reading beyond the title, and adopt a resolution for General Plan Amendment GPA06-07, as recommended by the Planning Commission.

Mayor Scruggs opened the public hearing on Agenda Item No. 7. As there were no comments, Mayor Scruggs closed the public hearing.

Resolution No. 4022 New Series was read by number and title only, it being **A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE GENERAL PLAN MAP OF THE CITY OF GLENDALE, ARIZONA, BY APPROVING GENERAL PLAN AMENDMENT GPA06-07**

FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF 81ST AND GLENDALE AVENUES.

It was moved by Clark, and seconded by Lieberman, to pass, adopt and approve Resolution No. 4022 New Series. The motion carried unanimously.

8. REZONING APPLICATION ZON05-18: JAS HOLDINGS – 5330 WEST UNION HILLS DRIVE

Mr. Jim May, AICP, Deputy Director for Current Planning, presented this item.

This is a request by JAS Holdings for the City Council to approve rezoning approximately 5.2 acres from Agricultural (A-1) to Suburban Residence (SR-30) for the property located at 5330 West Union Hills Drive.

The proposed SR-30 zoning designation is compatible with the Low Density Residential designation of surrounding properties. The proposed project incorporates sound growth management techniques by utilizing surrounding infrastructure and is consistent with the General Plan.

The current A-1 zoning designation was the initial city zoning placed on the property when annexed. The assisted living center is now closed, and the existing building is vacant. The applicant intends to renovate the existing building for a religious facility and charter school.

The Planning Commission recommended approval of this rezoning application on September 21, 2006.

This will facilitate redevelopment of deteriorating property that will be beneficial to the area and community as a whole.

The applicant held a neighborhood meeting on September 26, 2005 at Deer Valley High School. Six neighbors attended this meeting. Neighborhood concerns expressed were the phasing of the planned improvements to the site and the hours of operation. As the proposed uses were subsequently modified, a second neighborhood meeting was held on April 19, 2006 at Deer Valley High School to discuss a reduction in the hours of operation. No neighbors attended this meeting. Staff has received no phone calls or letters concerning this project.

At the Planning Commission hearing of September 21, 2006, there were three people who spoke on the request. The first person spoke of concern for fencing and lighting for the proposed project. The second person spoke of concern for the use of a private school on the site and the proposed hours of operation. The third person noted concern for traffic on the streets in the neighborhood and preferred to see homes built at that location instead of a public building.

It was noted by staff and a planning commissioner that these items were related to the development of the site and not the rezoning request before the Planning Commission. The issues raised by those who spoke would be dealt with in the next proposal.

The recommendation was to conduct a public hearing, waive reading beyond the title, and adopt the ordinance for Rezoning Application ZON05-18, subject to the stipulations as recommended by the Planning Commission.

Mayor Scruggs opened the public hearing on Agenda Item No. 8. As there were no comments, Mayor Scruggs closed the public hearing.

Councilmember Lieberman inquired as to the status of 54th Avenue street improvements. Mr. May stated that there was pavement on the street; however, there is no curb, gutter or sidewalks. They will be putting in a curb, gutter and sidewalks to finish that portion of the street. He added that they will be changing the driveways and making improvements in the city's rights of way as well. Councilmember Lieberman asked if they are intending to finish the whole street, which is now owned by the city. Mr. May stated that they would not.

Mayor Scruggs questioned the improvements on only half of 54th Avenue. She also had concerns with having a high school at that location. She asked if there would be alternative ways you could drive in and out of that location without only using Union Hills Drive. She was concerned with additional traffic and teenagers driving around in that area. Mr. May stated that the intent was to have the school traffic enter off of Union Hills Drive and circulate north around the school where there is a drop off lane on the east side of the facility. There is also a driveway cut proposed on 54th Avenue that would allow additional access. Mayor Scruggs asked if there had been a traffic study done, specifically calculating the school's traffic. Mr. May noted that the traffic engineer and transportation department had both reviewed the site and were in agreement.

Mr. Jamsheed Mehta, Transportation Director, stated that they had reviewed this site and had no concerns. He said that they would review the site further, if the Council so wishes.

Vice Mayor Martinez commented that he believed the intended traffic flow would end up going typically onto Union Hills Drive.

Mr. May stated that the parking area for the school would be fenced. This will provide a certain amount security with the teen drivers. The most likely scenario would be traffic would come in from Union Hills Drive to the parking lot and depart out Union Hills or 54th Avenue. Mayor Scruggs asked how many parking spaces there were in the parking lot. Mr. May answered that there were a total of 165 parking spaces on the property.

Vice Mayor Martinez inquired if this request was for both the school and the religious center. Mr. May stated that this request involved only the rezoning. He said that the specific uses would be reviewed and approved through the conditional use permit process by the Planning Commission if this case is approved today.

Councilmember Lieberman asked if this was going to be a church and a school. Mr. May answered affirmatively. Councilmember Lieberman commented that the only road in proximity to the location was 54th Avenue and it would be fenced, which allows them very little access to streets. Mr. May stated that they were proposing a driveway onto 54th Avenue. Councilmember Lieberman voiced his concern with the traffic flow generally going only onto Union Hills Drive. Mr. May pointed out additional access to the facility located on the aerial photos.

Mayor Scruggs commented that she believes there might also be an overflow going through the neighborhoods, which she sees as a big problem. Mr. May stated that it was an issue that could be addressed in the conditional use permit process; however, at this time the request was to approve only the rezoning.

Councilmember Clark asked if the traffic department had studied the potential flow into the neighborhoods. Mr. May stated that they had not studied that aspect of the traffic flow; however, it was a reasonable stipulation in this case.

Mayor Scruggs stated that this location was a difficult one. She asked when it would be appropriate to offer a stipulation on the traffic flow into the neighborhoods. Mr. May answered that it could be done today.

Councilmember Goulet suggested possibly doing a traffic study. He asked if the applicant would be willing to comply. Mr. May stated that they would require a traffic study to be prepared by the applicant and approved by the city prior to moving forward with the condition use permit.

Mr. Froke suggested that it might be best to table this item to allow Planning Staff and Transportation Staff additional time to work with the applicant on addressing the issues identified tonight. Mayor Scruggs agreed with Mr. Froke.

Ordinance No. 2544 New Series was read by number and title only, it being **AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING PROPERTY FROM A-1 (AGRICULTURAL) TO SR-30 (SUBURBAN RESIDENCE); AMENDING THE ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.**

It was moved by Martinez, and seconded by Lieberman, to TABLE Agenda Item No. 8. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Lieberman, Martinez, Frate, Knaack, and Scruggs. Members voting “nay”: Goulet.

9. ZONING ORDINANCE TEXT AMENDMENT APPLICATION ZTA06-02:
RECREATIONAL VEHICLE STORAGE FACILITIES AND RELATED USES IN
THE SPECIAL USE DISTRICT (CITY-WIDE)

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

This is a request by Earl, Curley, & Lagarde, P.C. for the City Council to approve a text amendment to the zoning ordinance that will allow recreational vehicle (RV) storage and related land uses in the Special Use District (SUD).

The proposed text amendment creates the opportunity for applicants, through an SUD application, to rezone a property to allow for RV storage facilities and related land uses.

Currently, RV storage is permitted only in the Heavy Commercial (C-3) zoning district and in the General Commercial (C-2) zoning district with a conditional use permit. The SUD is intended to accommodate unique land uses. Adding RV storage facilities to the SUD is appropriate. Future requests for RV storage will be evaluated through the Planning Commission and the City Council.

The Planning Commission recommended approval of this text amendment on December 7, 2006.

The proposed amendment would create more options for RV storage facilities thus increasing the amount of storage locations for residents in Glendale. This type of business will provide alternatives to residents whose subdivisions prohibit RV parking on residential property.

On June 16, 2006, Earl, Curley, & Lagarde, P.C. mailed out notification letters to approximately 110 property owners and interested parties notifying them of the text amendment request. On July 12, 2006, one individual contacted the applicant and expressed support for the proposed amendment. The applicant's Citizen Participation Final Report was presented to the Council prior to the meeting.

A notice of this hearing was published in the *Glendale Star* on January 25, 2007. Postcards were mailed to 110 property owners and interested parties on January 26, 2007.

The recommendation was to conduct a public hearing, waive reading beyond the title, and adopt the ordinance for ZTA06-02, as recommended by the Planning Commission.

Mayor Scruggs opened the public hearing on Agenda Item No. 9. As there were no comments, Mayor Scruggs closed the public hearing.

Councilmember Clark asked Mr. Froke to cite the land uses that are currently allowed under a special use permit. He stated that section 6.500 of the zoning ordinance outlines the provisions of the special use permit. He read the seven land uses that were permitted at this time.

Councilmember Clark asked Mr. Froke if he saw any unintended consequences to this amendment to the zoning ordinance. He stated that they had done a study and no consequences were foreseen.

In response to a request for clarification by Mayor Scruggs, Mr. Froke stated that a request for a special use district is site specific to a particular piece of property, legal description, and there is a site plan that needs to be attached when requesting it.

Councilmember Clark asked for further clarification on this issue. Mr. Craig Tindall, City Attorney, stated that if the applicant wishes to change the description, he must go through the application process once again as if it was a new application.

Councilmember Goulet asked if it was prohibited to serve or repair any of the vehicles on the premises. He said he was concern with excess tires and oil deposits. Mr. Frate stated that it was prohibited.

Mr. Andy Moore, applicant, stated that Mr. Froke had done a good job outlining the intent. He said that his objective was to serve the people that have RVs that are not allowed in the neighborhoods because of strict CC&R's. He said that the ordinance states that the applications will be processed in the same manner as other zoning amendments subject to the same notice and public hearing procedures. It acts just like a zoning category; the property will be rezoned, although not really changing the underlying hard zoning, should the special use not develop. He added that he agreed with staff that this was the best way to handle this type of use.

Councilmember Clark asked what the underlying zoning was on this location. Mr. Moore stated that it was A-1 for the top portion and C-0 for the bottom. She stated that she believes that established RV parking was appropriate.

Mayor Scruggs stated as a side note, that there was a piece of legislation going through that would remove the rights the HOA's have regarding parking restrictions they have in their CC&R's. She added that if it goes through, there might not be a need for RV lots.

Ordinance No. 2545 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 TO ALLOW RECREATIONAL VEHICLE STORAGE AND RELATED USES IN THE SPECIAL USE DISTRICT (SUD); AND PROVIDING FOR AN EFFECTIVE DATE.**

It was moved by Frate, and seconded by Knaack, to approve Ordinance No. 2545 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.

ORDINANCES

10. INTERFERENCE WITH ATHLETIC CONTESTS AND EXHIBITIONS ORDINANCE

Mr. Steve Conrad, Police Chief, presented this item.

This is a request for the City Council to adopt the proposed ordinance that amends Chapter 26 of the City Code, by adding Section 26-68 Athletic contests and exhibitions – invading playing area, and Section 26-69 Athletic contests and exhibitions – throwing of bottles, cans, other objects prohibited. Section 26-68 is directed at behavior two hours prior to, through two hours after an athletic event, addressing any interference with the athletic contest or exhibition. Section 26-69 is specific to throwing objects in the stands or onto the playing field. Both apply solely to venues with fixed seating capacity of 10,000 persons or more.

This ordinance would improve the quality of services for citizens and participants involved in athletic contests and exhibitions by prohibiting disruptive behavior at those events.

The City Attorney’s Office, in cooperation with the Police Department, developed this ordinance to provide a means of preventing and controlling disturbances on the playing field of major events. This ordinance provides for a straightforward prohibition against such conduct.

The recommendation was to waive the reading beyond the title and adopt an ordinance that amends Chapter 26 of City Code concerning interference with athletic contests and exhibitions.

Mayor Scruggs asked how it was decided to apply this solely to venues with fixed seating capacity of 10,000 persons or more. Chief Conrad stated that they did not want to add restrictions to smaller venues such as high school games, etc. He said that the high schools typically have their own security. They wanted to focus on large events, especially college games where people are trying to get on the fields. Mayor Scruggs stated that she still believes this should include a larger range of venues.

Councilmember Clark asked what was done when people throw cans, bottles and garbage out of their cars as they are leaving the games. Chief Conrad stated that the littering laws would address this problem and should an officer witness this occurring they would take action.

Ordinance No. 2546 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 26, ARTICLE III, BY ADDING A NEW DIVISION 4 RELATING TO INTERFERENCE WITH ATHLETIC CONTESTS AND EXHIBITIONS; AND SPECIFYING PENALTIES FOR VIOLATION THEREOF.**

It was moved by Goulet, and seconded by Frate, to approve Ordinance No. 2546 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.

11. DEEDS AND EASEMENTS ORDINANCE

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

This is a request for the City Council to formally accept real estate properties on behalf of the City of Glendale.

The Deeds and Easements Ordinance is comprised of properties that have been deeded to the City. The City Clerk has recorded these deeds with Maricopa County. As a matter of practice, the Council formally accepts these properties by ordinance.

The recommendation was to waive reading beyond the title and adopt an ordinance formally accepting the real estate properties on behalf of the City of Glendale.

Ordinance No. 2547 New Series was read by number and title only, it being **AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ACCEPTING DEEDS AND EASEMENTS FOR PROPERTY CONVEYED TO THE CITY OF GLENDALE.**

It was moved by Clark, and seconded by Frate, to approve Ordinance No. 2547 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.

12. ANNEXATION AREA NO. 159 ORDINANCE: PARK AND RIDE LOT – 9890 WEST GLENDALE AVENUE

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

This is a request for the City Council to adopt an annexation ordinance for Annexation Area No. 159, which consists of approximately 29 acres located at the northeast corner of 99th and Glendale Avenues.

Glendale 2025, the city's General Plan, includes specific goals addressing the need for growth management. The Land Use Element, Goal 2 – "Promote sound growth management methods" and the Growth Areas Element, Goal 3 – "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 29-acre site is located at the northeast corner of 99th and Glendale Avenues within the Glendale strip annexation boundary. Glendale owns the property and appropriate signatures have been gathered in support of annexation.

If annexed by the city, this area will receive city services that include police, fire, and sanitation services. The property is located within the city's water and sewer service areas and would be eligible for connection to these utilities once annexation has been completed. The initial Glendale zoning for the property will be A-1 (Agricultural). All development that may occur on this parcel must comply with current Glendale development standards and policies.

On November 28, 2006, the Council conducted a public hearing on the blank annexation petition for Annexation Area No. 159 as required by State Statute. The Council reviewed the proposed design of the Park and Ride lot at the workshop on October 3, 2006.

The design contract was approved at the Council meeting held on December 13, 2005.

The Council approved the city's purchase of the property on May 24, 2005.

The annexation of this 29-acre site would require that any future development of this location meet the Glendale General Plan requirements, as well as all other development standards for the city. The proposed Park and Ride lot will increase the range of transportation options provided to city residents.

The recommendation was to waive reading beyond the title and adopt an ordinance for Annexation Area No. 159.

Ordinance No. 2548 New Series was read by number and title only, it being **AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, EXTENDING AND INCREASING THE COPORATE LIMITS OF THE CITY OF GLENDALE, MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, SECTION 9-471, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING THERETO CERTAIN TERRITORY LOCATED WITHIN AN EXISTING COUNTY ISLAND OF THE CITY OF GLENDALE TO BE KNOWN AS ANNEXTION AREA NO. 159.**

It was moved by Clark, and seconded by Martinez, to approve Ordinance No. 2548 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.

13. SALE OF ADDITIONAL RIGHT-OF-WAY TO THE CITY OF PHOENIX FOR CAMELBACK ROAD AT 107TH AVENUE

Mr. Larry J. Broyles, P.E., City Engineer, presented this item.

This is a request for the City Council to approve the conveyance of additional right-of-way for Camelback Road to the City of Phoenix in conjunction with its road improvement project.

In December of 2005, the City of Phoenix informed Glendale of its need to acquire additional right-of-way for Camelback Road from Glendale’s “Camelback Ranch” property at the northwest corner of Camelback Road and 107th Avenue. Phoenix is proposing to widen the roadway to accommodate anticipated higher traffic volumes.

To accomplish this, Phoenix requires an additional 10 feet of right-of-way along the north side of Camelback Road, and 15 feet of right-of-way along the west side of a portion of 107th Avenue. The total land area needed for right-of-way consists of 9,647 square feet. An additional 200 square feet is needed for temporary construction easement purposes.

The City of Phoenix has offered \$34,450 for both properties based on the appraised value, and an additional \$75 for a temporary construction easement. The proceeds from the sale will be deposited into the General Fund.

The recommendation was to waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute all documents necessary to complete the conveyance of additional Camelback Road right-of-way and to grant a temporary construction easement to the City of Phoenix according to the terms of the Purchase Agreement.

Ordinance No. 2549 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 AND DIRECTING THE SALE OF ADDITIONAL RIGHT-OF-WAY LOCATED ALONG THE NORTH SIDE OF CAMELBACK ROAD AND ALONG THE WEST SIDE OF A PORTION OF 107TH AVENUE TO THE CITY OF PHOENIX FOR A ROAD IMPROVEMENT PROJECT; DIRECTING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO COMPLETE THIS TRANSACTION; AUTHORIZING THE CITY MANAGER TO EXECUTE A TEMPORARY CONSTRUCTION EASEMENT TO THE CITY OF PHOENIX; AND ORDERING THAT THIS ORDINANCE BE PUBLISHED AND POSTED IN ACCORDANCE WITH GLENDALE CITY CODE SEC. 2-167.**

It was moved by Knaack, and seconded by Frate, to approve Ordinance No. 2549 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.

14. SALT RIVER PROJECT EASEMENTS

Mr. Larry J. Broyles, P.E., City Engineer, presented this item.

This is a request for the City Council to adopt an ordinance granting the following easements in favor of Salt River Project (SRP): (1) an underground irrigation easement across 91st Avenue, north of Glendale Avenue; (2) an underground power distribution easement at 64th and Peoria Avenues; (3) an underground power distribution easement along the west side of 43rd Avenue, south of Bethany Home Road; and, (4) along the south side of Coyote Boulevard, east of 95th Avenue.

(1) The contractor for the proposed Wells Fargo facility on the northeast corner of 91st and Glendale Avenues requested SRP relocate its existing irrigation pipe from the east side of 91st Avenue in favor of an existing irrigation easement on the west side of 91st Avenue. SRP agreed to accommodate this request and is requesting an irrigation easement from the city across 91st Avenue to protect its facilities in the new location.

(2) SRP needs to make improvements to its underground power distribution system by looping its existing electric service within 64th Avenue in the Montara Subdivision, and through an existing eight foot and 12-foot Public Utility Easement along and across Montara Park at 64th and Peoria Avenues. SRP has requested an underground power distribution easement on city-owned property for the new installation and protection of their facilities.

(3) The Glendale Onboard (GO) Program is planning intersection improvements currently scheduled to begin construction in February 2007 at 43rd Avenue and Bethany Home Road. SRP was requested to provide underground electrical service for the intersection traffic signals. SRP agreed to accommodate this request and is requesting an underground power distribution easement across city-owned land for the installation and protection of its facilities.

(4) The electrical contractor for the Renaissance Hotel on the southeast corner of 95th Avenue and Coyote Boulevard in the Westgate City Center requested electrical service from SRP. SRP agreed to accommodate this request and is requesting an underground power distribution easement across city-owned land for the installation and protection of its facilities.

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

Ordinance No. 2550 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 THE FOLLOWING EASEMENTS IN FAVOR OF SALT RIVER PROJECT: (1) AN UNDERGROUND IRRIGATION EASEMENT ACROSS 91ST AVENUE, NORTH OF GLENDALE AVENUE; (2) AN UNDERGROUND POWER DISTRIBUTION EASEMENT AT 64TH AND PEORIA AVENUES; (3) AN UNDERGROUND POWER DISTRIBUTION EASEMENT ALONG THE WEST SIDE OF 43RD AVENUE, SOUTH OF BETHANY HOME ROAD; AND (4) AN UNDERGROUND POWER DISTRIBUTION EASEMENT ALONG THE SOUTH SIDE OF COYOTE BOULEVARD, EAST OF 95TH AVENUE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.**

It was moved by Clark, and seconded by Martinez, to approve Ordinance No. 2550 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. SALT RIVER PROJECT MONITORING WELL EASEMENT

Mr. Larry J. Broyles, P.E., City Engineer, presented this item.

This is a request for the City Council to adopt an ordinance granting a monitoring well easement in favor of Salt River Project (SRP) on city-owned land south of the city’s West Area Water Reclamation Facility (WAWRF).

As part of the Arizona Department of Water Resources recharge permit and the New River Agua Fria Underground Storage Project, SRP has requested an easement to drill and operate a groundwater monitoring well on city-owned land in the vicinity of the city’s WAWRF. For security reasons, staff has recommended a site south of the WAWRF for the monitoring well, and to reserve the right to review and approve any alteration of the wells, or well sites, by SRP or its representatives and to receive copies of all physical, geological, and hydrological data collected. This easement is necessary for SRP’s ingress/egress, and to protect SRP’s facilities in this location.

The recommendation was to waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute a monitoring well easement in favor of Salt River Project, on city-owned land south of the city’s West Area Water Reclamation Facility.

Councilmember Clark asked about the source of the ground water. Mr. Broyles stated that the ground water was coming from the new Salt River recharge project, which is north of Bethany Home Road on the east side of New River.

Ordinance No. 2551 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 MONITORING WELL EASEMENT IN FAVOR OF SALT RIVER PROJECT ON CITY-OWNED LAND SOUTH OF THE CITY'S WEST AREA WATER RECLAMATION FACILITY; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.**

It was moved by Frate, and seconded by Knaack, to approve Ordinance No. 2551 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.

16. WATERLINE EASEMENT ABANDONMENT: EAST OF 69TH AVENUE AND NORTH OF BETHANY HOME ROAD

Mr. Larry J. Broyles, P.E., City Engineer, presented this item.

This is a request for the City Council to adopt an ordinance authorizing the abandonment of a waterline easement east of 69th Avenue, north of Bethany Home Road, in a residentially zoned area.

Bethany Home Development Company conveyed a waterline easement to the city on April 2, 1986. The development did not occur and the city has not needed to utilize the easement since its dedication. Cameron-Ramona, LLC purchased 5.2 acres of vacant land that contains the northern portion of the waterline easement and requested that the city abandon the easement to accommodate its proposed development project. Rather than leaving a remnant, staff has recommended that the entire easement be abandoned. There have been no objections to the abandonment of the entire waterline easement from any other city departments.

The recommendation was to waive reading beyond the title and adopt an ordinance abandoning a waterline easement east of 69th Avenue, north of Bethany Home Road.

Ordinance No. 2552 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 69TH AVENUE, NORTH OF BETHANY HOME ROAD 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.**

It was moved by Goulet, and seconded by Clark, to approve Ordinance No. 2552 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: 71ST AVENUE, BETWEEN ORANGEWOOD AVENUE AND FRIER DRIVE

Mr. Larry J. Broyles, P.E., 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 along 71st Avenue, between Orangewood Avenue and Frier Drive.

In January of 2005, the Council authorized the design of the Oasis Water Campus Fill Line project, from 71st and Northern Avenues to 79th Avenue and Bethany Home Road. As part of this project the city will be installing 24-inch and 30-inch high-pressure water lines along the east side of 71st Avenue, between Orangewood Avenue and Frier Drive, adjacent to the city-owned detention/retention basin. Land Development staff requires 40-feet of right-of-way on either side of the centerline to meet the city’s Collector Arterial Design Standards. The east side of 71st Avenue along this basin is 33-feet wide, and Council action to formally dedicate the adjacent 7-feet of city-owned land as public right-of-way is required.

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. 2553 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 RIGHT-OF-WAY ALONG 71ST AVENUE, BETWEEN ORANGEWOOD AVENUE AND FRIER DRIVE IN THE CITY OF GLENDALE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.**

It was moved by Goulet, and seconded by Lieberman to approve Ordinance No. 2553 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 a City Council Workshop at 1:30 p.m. on Tuesday, February 20, 2007 in Room B-3 of the City Council Chambers, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried unanimously.

CITIZEN COMMENTS

Mr. Milt Deever wished to make a few comments on the Bond Authorization Election. He said that he did not understand how the City of Glendale selected 70 people to consider a Bond Authorization Election when, in his opinion, it would be difficult for 70 people to work together and get anything done. He felt that the committees had limited expertise in these areas and that it became clear that the city staff had its own agenda and people followed it. He was also concerned about the city's impact on long-term debt. He said that they had \$2 Million of long-term debt facing the city. He also had concern with the open meetings that never occurred. He added that he believes they should rethink the Bond Authorization Election because of the many issues surrounding it.

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Goulet announced a neighborhood meeting for the Orchard Glenn HOA to be held at 61st Drive and Ocotillo, starting at 5:30pm. He encouraged everyone in the neighborhood to attend.

Councilmember Frate thanked the city departments who participated at the Sahuaro Ranch Spring Fling. He estimated over 250 citizens were in attendance. He also thanked the Glendale Fire Cadets, Glendale Police Explorers, hockey team, and Glendale-Peoria YMCA. He reminded everyone to always watch children around water.

Councilmember Knaack thanked the city staff for their help these last few weeks with her introduction to the Council. She stated that they all have been very kind and patient with her. She has learned a great deal with their help and affirmed that she cannot thank them enough for their assistance.

Vice Mayor Martinez announced a meeting February 22, 2007 at 6:00pm at Legends Springs Elementary School.

Mayor Scruggs thanked the Parks and Recreation Department for helping Councilmember Frate with the Spring Fling. She added that they also worked at the Luke West Valley Recreation Event at Cooper Canyon last Saturday and did a tremendous job.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:45 p.m.

Pamela Hanna - City Clerk