

City of Glendale Council Workshop & Executive Session Agenda

March 5, 2013 – 1:30 p.m.

Workshop meetings are telecast live at 1:30 p.m. on the first and third Tuesday of the month. Repeat broadcasts are telecast the first and third week of the month – Wednesday at 3:00 p.m., Thursday at 1:00 p.m., Friday at 8:30 a.m., Saturday at 2:00 p.m., Sunday at 9:00 a.m. and Monday at 2:00 p.m. on Glendale Channel 11.

Welcome!

We are glad you have chosen to attend this City Council workshop. We hope you enjoy listening to this informative discussion. At these “study” sessions, the Council has the opportunity to review and discuss important issues, staff projects and future Council meeting agenda items. Staff is present to answer Council questions.

Form of Government

Glendale follows a Council-Manager form of government. Legislative policy is set by the elected City Council and administered by the Council-appointed City Manager.

The City Council consists of a Mayor and six Councilmembers. The Mayor is elected every four years by voters city-wide. Councilmembers hold four-year terms with three seats decided every two years. Each of the six Councilmembers represent one of the six electoral districts and are elected by the voters of their respective districts (see map on back).

Workshop Schedule

Council workshops are held on the first and third Tuesday of each month at 1:30 p.m. in the Council Chambers of the Glendale Municipal Office Complex, 5850 W. Glendale Avenue. The exact dates of workshops are scheduled by the City Council at formal Council meetings. The workshop agenda is posted at least 24 hours in advance.

Agendas may be obtained after 4:00 p.m. on the Friday before a Council meeting, at the City Clerk's Office in the Municipal Complex. The agenda and supporting documents are posted to the city's Internet web site, www.glendaleaz.com.

Executive Session Schedule

Council may convene in “Executive Session” to receive legal advice and discuss land acquisitions, personnel issues, and appointments to boards and commissions. Executive Session will be held in Room B3 of the Council Chambers. As provided by state statute, this session is closed to the public.

Questions or Comments

If you have any questions or comments about workshop agenda items or your city government, please call the City Manager's Office at (623) 930-2870.

If you have a concern you would like to discuss with your District Councilmember, please call (623) 930-2249, Monday - Friday, 8:00 a.m. – 5:00 p.m.

Public Rules of Conduct

The presiding officer shall keep control of the meeting and require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests, or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting. Personal attacks on Councilmembers, city staff, or members of the public are not allowed. Engaging in such conduct, and failing to cease such conduct upon request of the presiding officer will be grounds for removal of any disruptive person from the meeting room, at the direction of the presiding officer.

Citizen Participation

The City Council does not take official action during workshop sessions. These meetings provide Council with an opportunity to hear a presentation by staff on topics that may come before Council at a voting meeting. There is no Citizen Comments portion on the workshop agenda.



**** For special accommodations or interpreter assistance, please contact the City Manager's Office at (623) 930-2870 at least one business day prior to this meeting. TDD (623) 930-2197.**

**** Para acomodacion especial o traductor de español, por favor llame a la oficina del administrador del ayuntamiento de Glendale, al (623) 930-2870 un día hábil antes de la fecha de la junta.**

Councilmembers

Cactus District – Ian Hugh
Cholla District – Manuel D. Martinez
Ocotillo District – Norma S. Alvarez
Sahuaro District – Gary D. Sherwood
Yucca District – Samuel U. Chavira



MAYOR JERRY P. WEIERS

Vice Mayor Yvonne J. Knaack – Barrel District

Appointed City Staff

Horatio Skeete – Acting City Manager
Craig Tindall – City Attorney
Pamela Hanna – City Clerk
Elizabeth Finn – City Judge



Council District Boundaries





**AMENDED
GLENDALE CITY COUNCIL WORKSHOP SESSION
Council Chambers
5850 West Glendale Avenue
March 5, 2013
1:30 p.m.**

One or more members of the City Council may be unable to attend the Workshop or Executive Session Meeting in person and may participate telephonically, pursuant to A.R.S. § 38-431(4).

WORKSHOP SESSION

1. UPDATE ON DEVELOPMENT IMPACT FEES
PRESENTED BY: Stuart Kent, Executive Director of Public Works and Dr. Dwayne Guthrie, TischlerBise
2. COUNCIL ITEM OF SPECIAL INTEREST: PLACEMENT OF RESIDENTIAL REFUSE AND RECYCLING CONTAINERS
PRESENTED BY: Stuart Kent, Executive Director of Public Works
3. CITY MANAGER UPDATE ON CARDINALS TRAINING CAMP, ARENA EVENT, LICENSE AGREEMENTS WITH THE NEW WESTGATE, DIGITAL BILLBOARDS ON CITY-OWNED PROPERTY AND POTENTIAL ZONING TEXT AMENDMENT ON ALL DIGITAL BILLBOARDS
PRESENTED BY: Horatio Skeete, Acting City Manager

CITY MANAGER'S REPORT

This report allows the City Manager to update the City Council. The City Council may only acknowledge the contents to this report and is prohibited by state law from discussing or acting on any of the items presented by the City Manager since they are not itemized on the Council Workshop Agenda.

COUNCIL ITEMS OF SPECIAL INTEREST

Councilmembers may indicate topic(s) they would like to have discussed by the Council at a future Workshop and the reason for their interest. The Council does not discuss the new topics at the Workshop where they are introduced.

EXECUTIVE SESSION

1. LEGAL MATTERS

- A. The City Council will meet with Jose De Jesus Rivera, of Haralson, Miller, Pitt, Feldman & McAnally, P.L.C. for legal advice, discussion and consultation regarding the external audit. (A.R.S. § 38-431.03(A)(2)(3))
- B. The City Council will meet with the City Attorney for legal advice, discussion and consultation regarding the city's position in pending or contemplated litigation, including settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. § 38-431.03(A)(3)(4))

2. LEGAL MATTERS – PROPERTY & CONTRACTS

- A. Discussion and consultation with the City Attorney and City Manager to receive an update, consider its position and provide instruction and direction to the City Attorney and City Manager regarding Glendale's position in connection with agreements associated with the Arena and the Hockey Team, which are the subject of negotiations. (A.R.S. § 38-431.03(A)(3)(4)(7))

3. PERSONNEL MATTERS

- A. Various terms have expired on boards, commissions and other bodies. The City Council will be discussing appointments involving the following boards, commissions and other bodies. (A.R.S. § 38-431.03 (A)(1))

- 1. Arts Commission
- 2. Audit Committee
- 3. Aviation Advisory Commission
- 4. Board of Adjustment
- 5. Citizens Bicycle Advisory Committee
- 6. Citizens Transportation Oversight Commission
- 7. Commission on Neighborhoods
- 8. Commission on Persons with Disabilities
- 9. Community Development Advisory Committee
- 10. Glendale Municipal Property Corporation
- 11. Historic Preservation Commission
- 12. Industrial Development Authority
- 13. Judicial Selection Advisory Board
- 14. Library Advisory Board
- 15. Parks and Recreation Advisory Commission
- 16. Personnel Board
- 17. Planning Commission
- 18. Public Safety Personnel Retirement Board/Fire

19. Public Safety Personnel Retirement Board/Police
20. Risk Management/Workers Compensation Trust Fund Board
21. Western Loop101 Public Facilities Corporation

Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (i) discussion or consideration of personnel matters (A.R.S. § 38-431.03(A)(1));
- (ii) discussion or consideration of records exempt by law from public inspection (A.R.S. § 38-431.03(A)(2));
- (iii) discussion or consultation for legal advice with the city's attorneys (A.R.S. § 38-431.03(A)(3));
- (iv) discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. § 38-431.03(A)(4));
- (v) discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. § 38-431.03(A)(5)); or
- (vi) discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. § 38-431.03(A)(7)).

Confidentiality

Arizona statute precludes any person receiving executive session information from disclosing that information except as allowed by law. A.R.S. § 38-431.03(F). Each violation of this statute is subject to a civil penalty not to exceed \$500, plus court costs and attorneys' fees. This penalty is assessed against the person who violates this statute or who knowingly aids, agrees to aid or attempts to aid another person in violating this article. The city is precluded from expending any public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced for violation of the statute unless the City Council takes a legal action at a properly noticed open meeting to approve of such expenditure prior to incurring any such obligation or indebtedness. A.R.S. § 38-431.07(A)(B).

Items Respectfully Submitted,



Horatio Skeete
Acting City Manager



CITY COUNCIL REPORT

Meeting Date: **3/5/2013**
Meeting Type: **Workshop**
Title: **UPDATE ON DEVELOPMENT IMPACT FEES**
Staff Contact: **Stuart Kent, Executive Director, Public Works**

Purpose and Policy Guidance

Staff and representatives of TischlerBise, who are updating the city's current development impact fee model, will be present to discuss the status of the project and to seek guidance from Council on the preferred method for the community to review the proposed development impact fees that is provided for in state law.

Background Summary

Development impact fees (DIF) are one time charges to developers that are used to offset capital costs resulting from new development that necessitate the expanding of existing facilities or the development of new facilities to serve growth in a municipality. The collection of these fees allows the municipality to provide the same level of service to the new growth in the community without shifting the cost of growth related projects to the existing residents.

Historically, the city has collected impact fees under a number of service categories including water, sewer, roadways, police, fire, libraries, parks and recreation, general government, sanitation and landfill. On April 26, 2011, Governor Brewer signed into law Senate Bill 1525 (SB1525) which dramatically changed how communities can charge and collect impact fees. Several categories were eliminated (sanitation, landfill, open space and trails and general government), and other categories are now restricted on how much DIF can be used to fund capital projects. The new law required modifications to the city's existing development impact fee schedule to be completed by December 31, 2011 and set out a new timetable for a comprehensive update for DIF for all municipalities by August 1, 2014. The new legislation also requires the development of a new document called an Infrastructure Improvement Plan (IIP) that is the basis for the development fees. Historically, the city's Capital Improvement Plan was the basis for impact fee calculations. The IIP will only include those capital projects that are related to growth and not include capital projects that either are necessary for regulatory compliance or are for retrofitting existing facilities.

Previous Related Council Action

City Council was briefed on the potential impacts of SB1525 at the City Council workshop session on September 20, 2011 and directed staff to modify the existing development impact fees to



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ensure the city can continue to collect development impact fees in accordance with the new law with an effective date of December 31, 2011.

On November 22, 2011 the City Council adopted the current version of development impact fees that were modified to be compliant with SB1525 and which took effect on December 31, 2011.

On May 22, 2012 City Council authorized the City Manager to enter into a professional services contract with TischlerBise Incorporated to update the city's development impact fee schedule and to develop the IIP.

Community Benefit/Public Involvement

Prior to the November 22, 2011 Council action adopting the new development fee impact schedule, city staff met with representatives of the Homebuilders Association of Central Arizona as well as representatives of the Arizona Multi-Housing Association, and both agencies were in agreement with the new fee schedule.

Once the initial structure of the development impact fee study has been completed and a proposed fee schedule has been developed, TischlerBise and staff will conduct meetings with the development community to solicit their input and comments before bringing the updated fee schedule to City Council for review.

Staff will be seeking Council guidance on choosing one of two methods for how the community can review the fees. State law provides for either the appointment of Infrastructure Improvement Advisory Committee which will review the new IIP and any new or modified impact fees or conduct a biennial certified audit of the IIP, the collection and expenditure of impact fees, and a review of the land use assumptions that developed the IIP. Regardless of which method is chosen, an annual report summarizing impact fee collections in each service area must be prepared, and it must address debt service obligations for any facility for which development fees are a source of funding, and it must address funds advanced by the municipality that will be repaid from development fees.

Attachments

Staff Report



STAFF REPORT

To: **Horatio Skeete, Acting City Manager**
From: **Stuart Kent, Executive Director, Public Works**
Item Title: **UPDATE ON DEVELOPMENT IMPACT FEES**
Requested Council Meeting Date: **3/5/2013**
Meeting Type: **Workshop**

PURPOSE

Staff will present an update on the city's current development impact fee model and staff will be seeking guidance from Council on one issue regarding how fees are reviewed in accordance with legislation signed by Governor Brewer in 2011.

BACKGROUND

Development impact fees (DIF) are one time charges to developers that are used to offset capital costs resulting from new development that necessitate the expanding of existing facilities or the development of new facilities to serve growth in a municipality. The collection of these fees allows the municipality to provide the same level of service to the new growth in the community without shifting the cost of growth related projects to the existing residents. Impact fees are charged against the proportional impact of residential, commercial and industrial development and therefore, impact fees typically have not covered more than 30% of any capital project in the last 10 years.

The development of impact fees has historically been completed by developing a cost of service for each service category and then incorporating the costs identified in the city's Capital Improvement Plan to develop a cost per unit. Each category's cost per unit was then added up to determine the impact fee for the particular development. These categories included water, sewer, roadways, police, fire, libraries, parks and recreation and open space, general government, sanitation and landfill.

In April 2011, Governor Brewer signed into law Senate Bill 1525 which dramatically changed how impact fees are calculated. Under the new law several categories were eliminated (sanitation, landfill, and general government) and other categories are now restricted on how much DIF can be used to fund capital projects. Overall, the new law establishes a requirement for a "substantial nexus" between the development and the level of necessary public service to be provided. Development impact fees cannot be used to increase the level of service as compared to the level of service provided to existing residents in the service area. Current impact fee revenue that has already been collected, but not yet spent must be spent by January 2020.



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Compliance with the new law will take several steps as full compliance is not required until August 1, 2014. Consistent with the new law, the city took the first step by modifying its impact fee schedule to eliminate categories that are no longer allowed and updated the calculations for all categories based on reductions in the capital plan. As a result, the current development impact fees that were adopted by City Council in November 2011 are less than 50% of what the fees were before the law changed.

The changes in state law not only eliminated certain categories from inclusion in DIF, they also modified how impact fees can be collected and used in the future. For example, a recreation facility that exceeds 3,000 square feet cannot have impact fees applied to its construction beyond that size. Furthermore, impact fees cannot include costs related to a number of facilities within a park or recreation facility such as auditoriums, arts and cultural facilities, aquariums, bathhouses, lakes, museums, or other such facilities that are of a regional nature. Regarding library facilities, similar restrictions are in place that only allows for the first 10,000 square feet of a library to be constructed with impact fees. In addition, no books, furniture, fixtures or equipment can be purchased with impact fees.

Other categories such as public safety and water services were only slightly modified. Specifically, the use of impact fees for regional public safety training facilities is disallowed as is the use of impact fees for administrative public safety facilities. Water facilities, like any other impact fee category, cannot use impact fees for regulatory improvements or compliance; however, they can use them to assist with building treatment capacity and delivery systems required to serve an area or facility.

The new legislation also requires the development of a new document called an Infrastructure Improvement Plan (IIP) that is the basis for the development fees. Historically, the city's Capital Improvement Plan was the basis for impact fee calculations. The IIP will only include those capital projects that are related to growth and not include capital projects that either are necessary for regulatory compliance or are for retrofitting existing facilities. On May 22, 2012, the city entered into a contract with TischlerBise to assist in updating the city's impact fee schedule and included in that contract is the development of an IIP.

ANALYSIS

Creation of Service Zones

One of the significant changes that will likely occur from updating the calculations for development impact fees in Glendale is the creation of zones for different service areas. Zones are a way of creating separate areas within a community so that development impact fees can be calculated in order to meet the specific development need of that area. Previously, the only zones for DIF the city had were for parks and recreation. All of the other categories had DIF calculated for the city as a whole. Based on the anticipated growth areas and Council policy related to



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development west of 115th Avenue, it is likely there will be different zones for a number of categories including Water and Transportation services. One challenge in defining zones is that the DIF collected in that zone must stay in that zone, so it is possible that an insufficient amount of impact fee may be collected in a specific zone to be usable for a qualifying capital project in that zone.

While the new law allows for zones, it also requires that all impact fees be spent within 10 years of their collection for the infrastructure outlined in the IIP (15 years is allowed for water infrastructure), otherwise, they must be reimbursed to the developer that paid them. Therefore, collecting impact fees requires that they be collected, spent appropriately and in a timely manner for the infrastructure that they were intended for and not diverted to other projects.

Method of Review

The new impact fee legislation allows for two different methods for the fees to be reviewed by the community. The first method is the appointment by the City Council of an Infrastructure Improvements Advisory Committee which will review the IIP and any new or modified impact fees. The state law dictates that the Committee must be composed of a minimum of five people and that at least 50% of the members be from the real estate or building industries and that at least one of these must be a homebuilder. Furthermore, no municipal employees may serve on the Committee. The Committee's role is to also review the land use assumptions for the IIP, monitor implementation and the need for updates and file written reports on impact fee collections and expenditures.

The second option for review of fees is in lieu of an advisory committee, the city may provide for an independent, biennial certified audit of land use assumptions, the IIP and the expenditure and collection of impact fees. The audit findings and report must be posted and reviewed at a public hearing within 60 days of their completion. Regardless of which review method is chosen, impact fees can be used to cover the costs associated with either an advisory committee or an audit.



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Meeting Date: **3/5/2013**
Meeting Type: **Workshop**
Title: **COUNCIL ITEM OF SPECIAL INTEREST: PLACEMENT OF RESIDENTIAL REFUSE AND RECYCLING BINS**
Staff Contact: **Stuart Kent, Executive Director, Public Works**

Purpose and Policy Guidance

At the City Council workshop on February 5, 2013, Councilmember Knaack asked for information on the placement of residential refuse and recycling containers.

Background Summary

The city issues one refuse container and one recycling container at each residential home in Glendale. Containers are placed out on the same day for collection. Each container should be spaced apart by at least three feet for collection and away from any obstructions (mail boxes, utility poles, landscape borders).

Glendale presently requires residents to place containers at the edge of the curb (not in the street), on the sidewalk or the edge of the property.

The current ordinance for placement of residential containers in the City of Glendale is as follows:

Sec. 18-53. - Container service location

- (a) Containers may be placed out for collection after 6:00 p.m. on the day before collection, but no later than 6:00 a.m. on the day of collection, and shall be returned to private property by 6:00 a.m. of the day after collection.
- (b) When there is an alley in the rear or side of the property, privately owned containers may be placed on the property at the edge of the alley, or on the edge of the alley adjacent to the property line if there is manual collection. If placed in the alley, they shall be removed on the same day in which the refuse is collected. When there is mechanized collection in the alleys, city-owned containers shall remain at the edge of the alley at locations designated by the administrator.
- (c) Where there is a side entrance opening upon a public street but there is no alley, the containers shall be placed on the premises and adjacent to the property line on which the side entrance is located.
- (d) Where there is neither alley nor side entrance, the containers shall be placed near the curb in front of the premises, or if there is no curb, they shall be placed at or near the property line at a location approved by the administrator.



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Analysis

The Public Works Department has sought guidance from the city's Risk Management Department as to the potential risk hazards of both sidewalk placement and street placement for curbside containers. Moving the cans to the street creates a potential liability to vehicular traffic, especially in tight residential areas where streets are not very wide. There have been two claims filed over the past six years by the operator of a vehicle who struck a container that was in the street. In these instances, the city was not liable for the container in the street because the cans should have been placed on the sidewalk for trash collection. If the city mandates that cans be placed on the street, then the city may be liable for accidents that occur with containers on the street.

The City of Glendale conducted an analysis on the placement of residential curbside containers and bulk trash items with seven other cities in the Phoenix metropolitan area. Six of the seven cities ask residents to place containers on the street in front of the curb.

One of the hazards of placing the curbside containers on the sidewalk is the accessibility limitations or restrictions it may create for pedestrians using the sidewalk, particularly those in wheelchairs and motorized medical equipment. This temporary limitation does not violate the Americans with Disabilities Act.

Staff recommends that containers continue to be placed at the curb and not in the street. While the placement of containers at the curb can reduce the width of the sidewalk available for pedestrians to use, placing up to 100,000 containers in the street each week creates greater opportunity for vehicle accidents. Should Council direct staff to allow refuse/recycling containers in the street, sanitation staff will work with the City Attorney's Office and Risk Management to craft language to amend the city ordinance.

Attachments

None



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Meeting Date: **3/5/2013**
Meeting Type: **Workshop**
Title: **CITY MANAGER UPDATE ON CARDINALS TRAINING
CAMP, ARENA EVENT, LICENSE AGREEMENTS WITH THE NEW WESTGATE,
AND DIGITAL BILLBOARDS ON CITY-OWNED PROPERTY**
Staff Contact: **Horatio Skeete, Acting City Manager**

Purpose and Recommended Action

This is an opportunity for the Acting City Manager to provide an update regarding the Cardinal's Training Camp, an upcoming Arena event, License Agreements with The New Westgate, and digital billboards on city-owned property.

This is for Council information only. The Acting City Manager and staff are available to answer any questions regarding the information provided.

Background Summary

Cardinal's Training Camp – The city is continuing to negotiate a Memorandum of Understanding (MOU) with the Cardinals which will bring the Training Camp to Glendale for the next 15 years beginning in 2013. Negotiations are in the final stages and we are hopeful of being able to come to an agreement very shortly and bring the MOU to Council for consideration.

Arena Event – Staff has worked with a large group to coordinate four dates for an event at the Arena. The city will be meeting with Arena Management and the group this week to finalize the details, which will bring 200,000 visitors to the Arena and Westgate City Center and provide more than 10,000 room nights in the Westgate area, beginning in the summer of 2014.

Westgate License Agreements – The New Westgate (TNW) recently acquired portions of the Westgate mixed use project and has been actively marketing retail and office space in the Entertainment District, along with making landscape, hardscape and signage improvements on their property which enhances the tenant and visitor experience at Westgate. TNW's property is primarily located in the core of Westgate, south of Glendale Avenue between Hanna Drive and Coyotes Boulevard.

Tanger Outlets Westgate opened on November 15, 2012 and has generated slightly over \$1M in sales tax for the city over the holiday season. Since the opening of Tanger Outlets, the amount of vehicular and pedestrian activity has greatly increased. As a result, TNW is desirous of making signage improvements to enhance pedestrian flow and visibility between the two retail



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environments. TNW is a joint venture partner with the outlet mall which is located on the south side of Glendale Avenue on the west side of 95th Avenue.

Staff is working with TNW on two separate License Agreements. The first would allow for landscape, landscape maintenance, shade sails, banners and pedestrian access improvements including sidewalks and a handicapped ramp on city-owned property at Westgate, this will increase patron safety and comfort, as well as direct customers to interior dining options in Westgate to mutually benefit both entities. The second would allow for the installation of new signage on city-owned property adjacent to existing surface parking lots at three locations within Westgate; 93rd and Hanna, 95th and Hanna and 95th and Coyotes Boulevards.

The proposed License Agreements are required to allow for the improvements on city-owned property. There are no costs incurred by the city as a result of the License Agreements. Additionally, the city will save approximately \$12,000 to \$18,000 in annual landscape maintenance costs. Staff is working on finalizing the agreements to allow for these improvements and we anticipate having this completed and brought before Council by the first meeting in April.

Digital Billboards - On June 26, 2012, Council approved a Zoning Text Amendment pertaining to Digital Billboards in the Sports & Entertainment District. In 2009, Glendale entered into an agreement with American Outdoor Advertising to place digital billboards at various locations on Loop 101 on city-owned property. Thus far, two digital billboards have been placed on the city's Park & Ride lot.

Lamar Outdoor recently purchased the assets of American Outdoor. Lamar is interested in constructing additional digital billboards on city-owned property on the Loop 101 on the PAD zoned sites already approved for this type of signage. The proposed locations include one additional digital billboard on the very north end of the Park & Ride lot and one on the northwest corner of Bethany Home Road and Loop 101.

In addition to the current digital billboard locations, staff has received an inquiry regarding a zoning text amendment to allow for digital billboards in other areas of the city.

Attachments

None