

***PLEASE NOTE: Since the Glendale City Council does not take formal action at the Workshops, Workshop minutes are not approved by the City Council.**



**MINUTES OF THE
GLENDALE CITY COUNCIL WORKSHOP SESSION
Council Chambers – Room B-3
5850 West Glendale Avenue
August 20, 2013
9:00 a.m.**

PRESENT: Mayor Jerry P. Weiers, Vice Mayor Yvonne J. Knaack and Councilmembers Norma S. Alvarez (afternoon session only), Ian Hugh, Manuel D. Martinez, Gary D. Sherwood, and Samuel U. Chavira

ALSO PRESENT: Brenda Fischer, City Manager; Jamsheed Mehta, Interim Assistant City Manager; Nick DiPiazza, Acting City Attorney (afternoon session only); and Darcie McCracken, Deputy City Clerk

CALL TO ORDER

WORKSHOP SESSION

Council called the meeting to order at 9:02 and entered into Executive Session.

EXECUTIVE SESSION

1. PERSONNEL MATTERS

- A. The City Council will meet to interview candidates and discuss the selection process for the position of City Attorney and to provide direction to the Human Resources Director, Jim Brown. (A.R.S. § 38-431.03)(A)(1))

RECESS

The Council recessed at 12:10 p.m.

WORKSHOP SESSION CONTINUED

1. CALL MEETING BACK TO ORDER IN PUBLIC SESSION

The City Council reconvened at 1:32 p.m.

A motion was made by Vice Mayor Knaack to enter into public session. The motion was seconded by Councilmember Sherwood. The motion passed unanimously.

2. 2014 LEAGUE OF ARIZONA CITIES AND TOWNS RESOLUTIONS

PRESENTED BY: Brent Stoddard, Intergovernmental Programs Director and Jenna Goad, Intergovernmental Programs Administrator

This is a request for the City Council to review and provide guidance on the proposed resolutions which will be voted on at the August 27, 2013 League of Arizona Cities and Towns (LACT) Resolutions Committee meeting.

Mr. Stoddard said the 20 resolutions will be voted on at the 2013 League of Arizona Cities and Towns Conference on August 27th. He discussed the process by which the resolutions move through the committee, as well as significant municipal issues. He explained the league works directly with the communities on the significant municipal issues to try and find a resolution. He discussed Glendale's process once the packet of resolutions is submitted to the city. He said there was only one resolution that was in conflict between what the subcommittee recommended and what staff's recommended position was. He pointed out that resolutions were submitted by cities in concept form only, and once a bill is drafted, the council can take any position they want on it. He also said the resolutions being adopted are not on Glendale's legislative agenda. His office will come before Council prior to the beginning of the session to receive guidance on the legislative priorities for Glendale.

Ms. Goad said the first four resolutions were recommended for adoption by the subcommittee and are supported by Glendale staff. Resolution #1 seeks to authorize street light improvement districts to repair and maintain lighting facilities and allow cities to take over those improvements in county islands that are being annexed. Resolution #2 seeks to end legislative sweeps of HURF funds which has delayed road maintenance and construction projects across the state. Resolution #3 encourages resources to improve Arizona's ports of entry with Mexico. Due to aging infrastructure and poor staffing levels, Arizona is losing revenue from imports and exports with Mexico. By improving the Arizona border ports, Arizona will see greater economic development through the state. Resolution #4 urges support for long term retention of Arizona military installations and Glendale wants to support and protect the military bases here in the city and across the state.

Councilmember Martinez asked about Resolution #1 and how this affects Glendale. Mr. Stoddard said the city does not have any street light improvement districts, but in the county islands, there are street light improvement districts. He said if the city was to annex those in, the city would be able to utilize the resources that are allowed.

Mr. Stoddard said the subcommittee felt the next group of resolutions needed a little work and changes before they were recommended for adoption. He said in all but one instance, Glendale staff agrees with the subcommittee's amendments and recommends those resolutions for adoption. Resolution #5 asks the legislature for greater flexibility in annexing county islands. This is a result of two resolutions being combined into one. Resolution #6 would prevent a fire district from annexing areas within a municipal planning area without the consent of the municipality. He said the only exemption would be if the municipality does not operate a fire department. Resolution #7 seeks to give cities the ability to freeze property taxes on commercial and industrial developments until they are fully leased. He said staff recommends not supporting this as it creates an unbalanced playing field for existing businesses.

Ms. Goad said Resolution #8 seeks to expand restitution for graffiti to include all costs associated with graffiti abatement including staff time and materials. Resolution #9 is two separate resolutions that were merged to restore the Arizona State Park Heritage Fund and to allow municipalities to enter into long term leases of state parks to ensure their ongoing operations and maintenance. Resolution #10 seeks to include a representative from a small city on the PSPRS Board of Trustees in addition to a representative from a larger city.

Mr. Stoddard discussed the resolutions that the subcommittee felt would not be appropriate and recommended not supporting those. He said staff supports the recommendation not to support these resolutions. Resolution #11 seeks authority to create totally new renewable energy and conservation financing districts. As you all know, our current special taxing districts and authorities have been under constant attack by the Legislature. They have been successful in stopping these attempts, but Mr. Stoddard said this issue will come forward in the next legislative session. Resolution #12 seeks authority to place limits on public records requests that are deemed to be overly broad or abusive, without defining what those terms mean. Glendale staff works directly with requestors submitting those requests to clarify and provide information in a timely manner. Resolution #13 seeks to establish a pilot program whereby trucks would be restricted to the two right-most lanes on freeways. This issue has been brought forward year after year with no progress. Resolution #14 seeks to equalize the amount persons are allowed to contribute as tax credits to non-profits, private and public schools. Staff believes this issue is better suited for advocacy by the educational association.

Ms. Goad discussed several significant municipal issues. Resolution #15 requests modifying statutes related to the alternative procurement processes. This would allow cities to enter into negotiations with another candidate on the final procurement list in the event an agreement cannot be reached with the initially selected party. Resolution #16 seeks to reduce the shortage of physicians in the state. The subcommittee felt it was better suited as a significant municipal issue rather than part of the legislative agenda. Resolution #17 seeks to allow municipalities the option to provide workers' compensation benefits to employees of other agencies if they are working under the municipality's control or within their jurisdiction. Staff and the subcommittee agree that this can be addresses as a significant municipal issue. Resolution #18 requests that PSPRS consider revising their actuarial assumptions. Staff agrees that this can be addressed administratively directly through the agency instead of seeking legislation on this issue.

Mr. Stoddard discussed two additional resolutions made by the executive director of the league. Both of these resolutions were recommended for approval by the League subcommittee and supported by Glendale staff. Proposed Resolution #1 seeks to preserve the tax exempt status of municipal bonds. Glendale has used tax exempt bonds to finance many projects and staff strongly opposes any effort to reduce the tax exempt status of municipal bonds. Proposed Resolution #2 urges Congress to pass the Marketplace Fairness Act to allow for collection of sales tax from online purchases. Staff supports a level playing field where online sellers pay the same as brick and mortar stores.

3. COUNCIL ITEM OF SPECIAL INTEREST - PLACEMENT OF RESIDENTIAL REFUSE AND RECYCLING CONTAINERS

PRESENTED BY: Stuart Kent, Executive Director, Public Works, and Erik Strunk, Executive Director, Parks, Recreation and Library Services

This is a request to seek Council review and direction of a draft ordinance regarding a change to the placement of sanitation and recycling containers on city sidewalks, based on an item of special interest raised at a City Council Workshop meeting earlier this year.

Mr. Strunk said concerns were raised by constituents in the community about six months ago. The Commission on Persons with Disabilities did look at this issue and as a result of their research and deliberations they recommended a change to the current ordinance that would prevent placement of recycling and sanitation containers on city sidewalks. Mr. Strunk introduced Ms. Laura Hirsch, the Chair of the Commission on Persons with Disabilities.

Ms. Hirsch thanked the council for their confidence in the commission to study the issue and make recommendations. She said their mission is to advise Council regarding issues, regulations or policies affecting the disabled community. She said they conducted a public hearing, individual research and discussed potential legal concerns with the current sanitation code, as well as listening to the concerns of the disabled and general population. She said the commission recommended a revision to the current sanitation code, as well as various methods to notify the public about the changes.

Mr. Kent provided the Council with the details of the commission's recommendation. He said there is not a single approach to solve the issue. He said in some instances, the containers can be placed on the sidewalk, but in the majority of cases, the containers can be placed on the street at the curb line. This will allow full access to the sidewalk by the pedestrian community. Mr. Kent showed several examples of the different scenarios in container placement. He said none of these changes affected service, but it had the benefit of improving access to the sidewalk for all citizens. He suggested an implementation date of January 1, 2014. He said over the next several months, there will be press releases, notices in Council district newsletters and in the Glendale Connection, as well as door hangers on the containers themselves notifying residents of the changes.

Mayor Weiers said it would be a waste of resources to use the door hangers on the refuse containers if the resident does not have a sidewalk. Mr. Kent said the inspectors will hang them on all the containers as they are out doing their jobs, but will remind everyone of the correct way to place the containers. He said residents will have a number to call to ask any questions they may have.

Councilmember Sherwood asked if the RFS system would take over when there were complaints or questions. Mr. Kent said there will be time during the notification period to work through the questions or concerns citizens may have. Councilmember Sherwood clarified that nothing will change with container placement on major arterial streets. Mr. Kent said that was correct.

Vice Mayor Knaack asked if the door hanger was going to be a double-sided or single-sided hanger. Mr. Kent said one side would be in Spanish and one side would be in English. Vice Mayor Knaack asked if there was any room to put the three feet information. Mr. Kent said they could incorporate that. Vice Mayor Knaack spoke about how much she appreciated how the members of the commission came together to assist in resolving this issue. She also thanked Ms. Hirsch for all of her assistance.

Councilmember Sherwood also thanked Ms. Hirsch and the commission for their hard work on this issue.

Councilmember Chavira thanked the commission for working to resolve this issue. He said it was important for members of the community to be a part of the Boards and Commissions.

4. COUNCIL ITEM OF SPECIAL INTEREST - DRAFT PRAYER GUIDELINES

PRESENTED BY: Kristen Krey, Council Services Administrator

Staff is seeking guidance from City Council to finalize guidelines for Prayer/Invocation at Council Meetings and bring forward to a future Council meeting for adoption.

Ms. Krey noted that the Clerk's Office provided research of this issue from various cities and towns, and the City Attorney's Office provided the guidelines. Ms. Krey went over the guidelines provided by the City Attorney's Office, which included not endorsing one religion over another, including all denominations and faiths, widely distribute the invitation to give a prayer to the general public, develop a random policy to select prayer-givers, not restrict or examine the content of the invocation, not allow any prayer-givers to proselytize or disparage any other religion, and city officials should not give the impression they are expressing an official city religion. Ms. Krey also discussed further recommendations, which included that prayer-givers be chosen at random, volunteers be informed they are not speaking on behalf of the city. She said staff has drafted guidelines from the various policies available. Ms. Krey went over various changes in the updated draft guidelines which she provided to Council. She next discussed the process as a first-come, first-served process. The Mayor's office will maintain a list of volunteers which will be time and date-stamped. Volunteers can sign up either through the website or with a call-in number, so the submission could be time and date-stamped. Requests

will be placed in the order received and speakers will be notified of the date and time of the meeting and will be provided with the guidelines in a letter invitation from the Mayor's office.

Mayor Weiers asked about the time limit of 2 to 4 minutes. Ms. Krey said this time limit would be a recommendation to the speaker. Mayor Weiers said he agreed with that, but the wording in the guidelines should be changed to say they recommend 2 minutes.

Councilmember Martinez asked if there should be a limit on the amount of time a prayer-giver should have. Mr. DiPiazza said they developed the guidelines based on existing case law. He said they don't want to do anything to affect the content and restricting the time might do that. He said the recommendation of 2 to 3 minutes wouldn't affect the content, but if they insist on a specific time frame, this might create an issue.

Councilmember Martinez asked if any of the other cities that allowed prayer had time limits. Ms. Krey said in the policies they reviewed, there were some that had a recommended limit. She could not recall the specific time limits other cities had, but she said they picked the 2 to 3 minute time limit based on their research findings.

Councilmember Chavira wanted to clarify that this was a recommendation and a template, no matter what the faith. He said once they get started, the prayer-givers will follow the template they set forth.

Mayor Weiers asked about the limit of not allowing a speaker to give the prayer more than three times in a fiscal year. He asked if there four Catholics that wanted to give a prayer, would only one Catholic be able to give a prayer. Ms. Krey said that was based on the person, not based on faith.

Councilmember Chavira clarified that the item specified one person and not a parish or church. Mr. DiPiazza said there is no specific case law that says what to do; there are just general guidelines to keep the process random and not to favor one person or faith over another. He said the more random they keep this process, the safer they are. He also said the guidelines provided are based on current law. He said there is a case from New York to the Supreme Court that examines the questions of how to proceed with prayer at public meetings. He wanted the Council to be aware of this. Councilmember Chavira said his intent was the spirit and intent was to be diverse and inclusive.

Mayor Weiers said in his experience with this issue at the legislature, they have never had an issue. He said they should just use common sense and they shouldn't have any problems.

Ms. Krey asked if Council would prefer this document be incorporated into the Council Rules and Procedures or into the Council Guidelines documents. The consensus was to put them in the Rules and Procedures.

Councilmember Martinez said he does not agree with this and doesn't believe it is necessary. He said having a moment of silence should be sufficient. He said staff time should be minimal on this issue.

Vice Mayor Knaack agreed with Councilmember Martinez. She said the moment of silence is sufficient. She would prefer to see the moment of silence.

Mayor Weiers said there was consensus to move forward with this item.

CITY MANAGER'S REPORT

Ms. Fischer said she had nothing to report.

COUNCIL ITEMS OF SPECIAL INTEREST

Councilmember Sherwood spoke about Camelback Ranch and said there was a meeting and Council needs to start looking at that issue. He also said it was time to take a fresh look at the casino and all the issues surrounding that item. He said as a new Council they haven't had any serious discussions or dialogue about the casino. He said he would like to start a conversation with the Tohono O'Odham tribe. Councilmember Sherwood also said the five year forecast of current revenue projections were below conservative and he said they were hurting their ability to take care of some of the issues facing the city. He spoke about the fire structural deficit. He said it still exists and needs to be reviewed. He also said the city needs an organizational and efficiency study that includes compensation. He said the last time this was done was back in 2000. He also discussed exploring a sister city relationship with a Canadian city to promote an event they might have in the summer and have an event in the winter in Glendale. He said he would provide data to the City Manager's office about this.

Councilmember Alvarez agreed with Councilmember Sherwood about Camelback Ranch. She said she would like to see where the city is now as far as finances. She would like to do this in a Workshop so the community will be aware of what was going on.

Councilmember Martinez said he was asked if the city considered doing away with loose trash or doing it quarterly instead of monthly and what would be the impact. He asked if staff would do some research on this to see if there would be any benefit to the city.

Councilmember Hugh agreed with Councilmember Sherwood on starting a dialogue as soon as possible with the Tohono O'Odham nation and the comments about Camelback Ranch.

Councilmember Chavira agreed with Councilmember Sherwood's comments about Camelback Ranch and the Tohono O'Odham nation and sister cities. He also wanted to mention the Western Area Regional Park. He said all the growth associated with this park has been postponed indefinitely due to the economic slowdown. He is interested in developing cost estimates for the construction of soccer fields, greening up of the southwest portion of the park and using a

portion of the park for an archery practice range. He would like to see if there is an opportunity to partner with outside construction companies to offset costs.

Vice Mayor Knaack agreed with Councilmember Sherwood's comments about a sister cities programs. She said it is time to sit down with all the parties involved to discuss the casino issue. She would like to have a facilitator that is very knowledgeable in all of the areas. She said the entire big picture needs to be discussed. She said it is time to get something done.

Mayor Weiers agreed with Councilmember Chavira's idea about the archery range. He said that could be provided at very little cost. He said the sister cities is a great idea and he has spoken with Mr. LeBlanc about this.

ADJOURNMENT

The meeting was adjourned at 2:37p.m.