

**\*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  
CITY OF GLENDALE  
CITY COUNCIL WORKSHOP  
NOVEMBER 15, 2005  
1:30 P.M.**

PRESENT: Mayor Elaine M. Scruggs, Vice Mayor Thomas R. Eggleston, and Councilmembers Joyce V. Clark, Steven E. Frate, David M. Goulet, H. Phillip Lieberman, and Manuel D. Martinez

ALSO PRESENT: Ed Beasley, City Manager; Pam Kavanaugh, Assistant City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk

**1. ESTABLISHMENT OF CITIZENS BOND ADVISORY COMMITTEE AND VOTER AUTHORIZATION ELECTION**

CITY STAFF PRESENTING THIS ITEM: Ms. Sherry Schurhammer, Budget Director and Mr. Ray Shuey, Chief Financial Officer

This is a request for City Council to provide direction regarding the appointment of a Citizens Bond Advisory Committee to consider the issue of additional voter authorization for capital projects and the timing of a bond election.

Under Arizona law, voter approval is required for municipalities to issue some types of debt for capital projects. Prior bond elections in Glendale occurred in 1999, 1987 and 1981.

The 1999 election resulted in approval of approximately \$411,500,000 in voter authorization for a variety of G.O. bond categories. This amount included \$38,050,000 of HURF bonds (streets and parking authorization) and \$10,000,000 of water and sewer bonds that also could be issued as G.O. bonds.

The 1987 election resulted in approval of \$203,281,000 in voter authorization for a variety of G.O. bond categories, including HURF bonds.

Remaining voter authorization is shown in the following table.

<b>CATEGORY</b>	<b>REMAINING AUTHORIZATION</b>
Cultural Facilities/Historic Preservation	\$13.7M
Economic Development	\$34.4M
Flood Control	\$23.8M
Government Facilities	\$28.9M
HURF (can use streets/parking authorization)	\$9.9M
Landfill Development	\$15.5M
Library	\$17.1M
Open Space & Trails	\$50.5M
Operations Center	\$6.2M
Parks & Recreation	\$15.2M
Public Safety (Court, Fire, Police)	\$54.9M
Streets & Parking	\$15.3M
Transit	\$6.8M
Water/Sewer	\$16.3M

Remaining voter authorization, as shown for the categories listed above, is expected to expire over the next several years based on the approved FY 2006-15 capital improvements program (CIP) published in the FY 2005-06 budget book. The projected capital projects shown in the approved ten-year CIP dictate the need for additional voter authorization.

The remaining voter authorization for water and sewer is \$16.3 million and \$10 million of that amount is limited to providing sewer in areas of Glendale now using septic systems, per the results of the 1999 voter bond authorization election.

In order to take advantage of loan programs offered by the Arizona Water Infrastructure Financing Authority (WIFA), state statutes require the recipient city to have available water/sewer voter authorization.

Other types of comparable financing have been used in recent years for water and sewer capital projects that were not eligible for WIFA programs. For example, in December 2003, the city issued subordinate lien obligations payable from the net revenues of the water and sewer system. These obligations do not require voter authorization because the security for the bonds is limited to the net revenues of the utility system.

Two options were researched regarding the timing of a future voter authorization election. The two options are discussed below.

Staff recommends pursuing a Spring 2007 bond election.

### **Option 1: Fall 2006 Primary & General Election**

There are two fall elections: the Primary Election in September 2006 and the General Election in November 2006.

The Primary and General Elections are held every other year (i.e., 2006, 2008).

The deadline for Council to call for a Primary Election (September 2006) is March 28, 2006.

The deadline for submitting ballot items for a General Election (November 2006) is July 2006.

The State and Maricopa County control the ballot for the General Election. Both limit the ballot items to those related to state and county issues, such as a statewide initiative item or a countywide ballot issue.

The following steps would need to be completed by the March 28, 2006 deadline for Council to call a Primary Election for September 2006:

appointing a Citizens Bond Advisory Committee,  
convening meetings of the committee to discuss potential capital projects, and  
reporting to Council on the committee's recommendations.

Three councilmember seats are up for re-election as part of the Primary Election in September 2006. Also, the Council salary adjustment proposition is planned for the Primary Election in September 2006.

The City Clerk has estimated a cost of \$60,000 for a Primary or General Election, based on known costs today. This cost estimate excludes an "all mail" ballot election. The cost for an "all mail" ballot election is estimated to be an additional \$30,000 based on today's known costs.

#### **Pro:**

- The cost of a Primary and General Election normally is included in the City Clerk's operating budget for the fiscal years when they are scheduled to occur.

#### **Con:**

- The General Election ballot is limited to state and county issues, such as a statewide initiative item or a countywide ballot issue. If a municipal issue were allowed on the ballot for a General Election, the space allotted would be limited to one line only (a "tag line").

- To meet the March 28, 2006 filing deadline for a Primary Election in September 2006, the steps outlined above for forming a committee, developing committee recommendations and presenting the committee's recommendations to Council would have to run concurrently with the development of the operating and capital budgets scheduled for December through June, 2006.
- The Citizens Bond Advisory Committee would use the existing capital plan as published in the FY 2005-06 budget book because Council does not adopt the ten-year capital plan for the FY 2006-07 budget until June 2006. As such, future capital projects would not reflect the rapidly rising construction costs that are a result of the hurricanes in the Gulf Coast.

**Option 2: Spring 2007 Special Election**

A Special Election could occur in March 2007 and/or May 2007.

Council should formally call for the March 2007 Special Election by November 2006.

Council should formally call for the May 2007 Special Election by January 2007.

The following steps would need to be completed by the November 2006 deadline for Council to call a March 2007 Special Election, or the January 2007 deadline for Council to call a May 2007 Special Election:

- appointing a Citizens Bond Advisory Committee,
- convening meetings of the committee to discuss potential capital projects, and
- reporting to Council on the committee's recommendations.

The City Clerk has estimated a cost of \$120,000 for a Special Election, based on known costs today. This cost estimate excludes an "all mail" ballot election. The cost for an "all mail" ballot election is estimated to be an additional \$30,000 based on today's known costs.

**Pro:**

- The Citizens Bond Advisory Committee would use the CIP that Council will review in the spring of 2006 and published in the FY 2006-07 budget book. As such, future capital projects would reflect the rapidly rising construction costs that are a result of the hurricanes in the Gulf Coast.
- To meet the deadline for calling a March or May 2007 Special Election, the selection of a Citizens Bond Advisory Committee could occur during the spring of 2006. The committee could meet in June, July, August, September, and/or October 2006, with a presentation to Council shortly thereafter.

**Con:**

- The cost of a Special Election is not included in the City Clerk's operating budget so a one-time supplemental request for these costs would be needed for the City Clerk's FY 2006-07 budget.

City Council reviewed the ten-year CIP during the Council budget workshops in March and April 2005. Council approved the CIP, as published in the FY 2005-06 budget book, in June 2005 when it approved the city's overall budget for the current fiscal year.

Additional voter authorization would not automatically lead to changes in fees, taxes, or charges other than those required by rate structures approved by Council.

Arizona state law requires that bond election expenses be paid from current operating funds only. These expenses, as discussed in the election options discussed above, range from \$60,000 to \$120,000, with an additional \$30,000 in each case if an "all mail" ballot election is used. These estimates are based on current known costs. The Primary and General Election expenses of \$120,000 (\$60,000 each) are budgeted in the City Clerk's operating budget every other year (when Primary and General Elections occur).

Staff is seeking direction from the Council on the following:

1. Appointment of a Citizens Bond Advisory Committee to consider the issue of additional voter authorization for capital projects.
2. Pursue the option of a Spring 2007 election for seeking additional voter authorization.

Mr. Lynch identified projects completed using authorization approved during prior bond elections, including Fire Station 159, the new fleet repair shop at the Field Operations Center, the Glendale Adult Center, the Public Safety facilities on 83<sup>rd</sup> Avenue, and downtown campus improvements. He said there has been a large effort to prudently use the authorization on those things that benefit the community over the long term.

Mr. Shuey said the city has sufficient authorization for the capital projects planned through FY 2007-08, as shown in the Capital Improvement Plan (CIP) that is published in the FY 2005-06 budget book. Nevertheless, additional authorization will be needed beginning in FY 2008-09 for the parks category. Likewise, additional authorization for streets and parking and flood control will be needed beginning in FY 2009-10. He stated that the public safety category, which includes fire, police and the court, will need additional authorization beginning in FY 2010-11. He explained that different categories are expected to run out of authorization at different times due to changes in the CIP over the years and changes in the cost of construction for the different types of projects. He said the Budget and Finance Departments are coming forward now so the city can

continue to pursue the Council's vision of the city's capital projects and infrastructure as reflected in the current 10 year CIP.

Mr. Shuey explained that voter authorization is the legal authority to sell General Obligation (G.O.) bonds. Arizona law requires voter authorization for cities to finance capital projects with G.O. bonds. He noted that additional voter authorization does not equate to an increase in the city's property tax rate or other rates, fees or charges. He said the city phases projects over time so the overall property tax rate remains stable at \$1.72 per \$100 in assessed valuation. He said this is done by issuing debt for new projects as existing debt is retired, and as additional property is developed for uses that lead to a higher overall assessed valuation.

Mr. Shuey stated a Spring 2007 special election will allow the Citizens' Committee to work with the City Council approved FY 2007-2016 CIP, as published in the FY 2006-07 budget book. This updated plan will reflect the rapidly changing construction market as a result of the hurricanes in the Gulf Coast and other factors impacting the cost of construction materials. He emphasized the importance of using the most recent cost data to appropriately size the amount of voter authorization needed. He also said sufficient voter authorization exists for CIP projects planned from now through FY 2007-08, as shown in the FY 2005-06 budget book. Therefore, we can wait until a spring 2007 election.

Mr. Shuey said staff's recommendation is to move forward with a plan for a spring 2007 election and that the City Council appoint a Citizens' Committee over the next three to five months so meetings can commence in June or July 2006. He said the committee could then return to City Council in September or October 2006 to present its recommendations for inclusion on the Spring 2007 special election ballot.

Councilmember Goulet asked if the intention is to have the departments go before the committee with specific recommended amounts or if the committee will determine the amount needed. Mr. Shuey said, in the past, the City Council has appointed a Citizens' Committee who received presentations from staff on the projects included in the Council-approved CIP, as reflected in the most current budget book. He stated the Council can direct the committee to adjust the amounts budgeted in the Council-approved CIP based on the committee's vision of Glendale's future, if the Council chooses to provide that direction. In any case, the Mayor and Council have the final say on the amount to be presented for voter consideration.

Councilmember Clark asked if the committee will determine a dollar amount. Mr. Shuey said staff will provide the dollar amount included in the Council-approved CIP, but the committee, as part of its visioning process, may recommend a different dollar amount. He stated the city anticipates going to election for voter authorization every six years; therefore, it is important for the committee to look at future construction costs. He said the Mayor and Council would then determine whether or not the recommended amount is appropriate.

Councilmember Martinez asked how short does voter authorization run after 2008. Ms. Schurhammer stated the parks category is expected to be short of voter authorization in FY 2008-09. She said she would need to do additional research to determine the amount of the shortfall. She stated other categories will run short in four to five years. Councilmember Martinez asked if the authorization amounts would need to be increased anyway due to cost increases. Ms. Schurhammer responded yes, noting staff will bring updated cost estimates for future CIP projects as part of the CIP budget process.

Councilmember Martinez asked if the committee has the ability to change the category for which authorized funds are designated. Mr. Shuey said the authorization is permanent and changes cannot be made without going back to the voters.

Councilmember Lieberman said, although the committee may authorize funding for a particular category, the city cannot spend those funds unless the city has sufficient bonding capacity to cover repayment. Mr. Shuey agreed. Councilmember Lieberman stated, for example, they could authorize another \$35 million in the water and sewer category. However, the city could not use that authorization unless there were sufficient water and sewer revenues to cover the debt service on the additional bonds. Mr. Shuey agreed, explaining that voter authorization is different from the ability to afford the debt service payments. Councilmember Lieberman asked if the committee could decide if the election should be a mail-in ballot, regular ballot, or a combination of the two. Mr. Shuey said that is not usually a role of the committee. Craig Tindall, City Attorney, said the Council could charge the committee with making such a recommendation, but such direction would be outside what was envisioned for the committee.

Councilmember Clark said the only major disadvantage to running the election in 2006 appears to be the limited descriptive space on the ballot. Mr. Tindall explained the issue would have to go on the primary election ballot; therefore, the city would be restricted on the description of the issue. He said the ballot language would also have to be submitted to Maricopa County by May 2006, which could be too tight of a deadline. Councilmember Clark asked what kind of timeline would the committee be working under if Council chooses a 2007 special election. Mr. Shuey said a 2007 election would provide Council with sufficient time to appoint a Citizens' Committee over the next three to five months. The committee then could begin its activities in June or July 2006. He stated he anticipates the committee to come back to Council with its recommendations in October 2006.

Vice Mayor Eggleston said he agrees with staff's recommendation, and that there appeared to be consensus among the other Councilmembers present to proceed with the recommendation for a spring 2007 election.

Councilmember Lieberman commented the 1999 Citizens' Committee did an outstanding job.

The meeting recessed for a short break.

## 2. **MOTORIZED SKATEBOARD ORDINANCE**

CITY STAFF PRESENTING THIS ITEM: Acting Police Chief Preston Becker, Police Officer Joan Campbell and Mr. Harold Brady, Legal Advisor.

This is a request for City Council to provide direction on the proposed motorized skateboard ordinance banning motorized skateboards from being operated on City of Glendale roadways, sidewalks, on city properties, and parks.

The Police Department is providing Council with the educational strategy that will be implemented by the Police Department and the city to ensure the public is aware of the Motorized Skateboard Ordinance banning their use on the city's roadways, sidewalks, properties, and parks.

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

In April 2005, the Police Department launched a public outreach campaign and the results were provided to Council on July 5, 2005. The public response was overwhelmingly in support of a ban of motorized skateboards on city roadways. Based on the public's input, Council requested an ordinance be drafted. In addition, the Police Department was asked to develop an educational component; to establish a grace period for enactment of the ordinance; and to research the feasibility of conducting a buy back program of motorized skateboards for Glendale residents.

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

The Police Department researched the feasibility of a buy back program. This program would provide an owner of a motorized skateboard some financial reimbursement by surrendering his/her motorized skateboard to the city in exchange for money.

Challenges faced regarding a buy back program include; the difficulty in determining the projected number of participants in the buy back program for budgeting purposes; the opportunity for non-Glendale residents to participate in a Glendale funded program; establishment of a fair market value and equitable price for the numerous styles, types, and age of motorized skateboards; inability to determine if the motorized skateboard is truly the property of the individual requesting funds; and related costs to implement a buy back program.

An additional challenge of a buy back program involves the disposal of the collected skateboards and the hazardous material such as gasoline and batteries used to power the devices. The least desirable disposal method is to place the items in the city landfill. The resale of motorized skateboards is not a viable option due to liability issues. Recycling of the skateboards was explored and could be administered by a city contracted firm, however, the cost benefits of seizing, dismantling and hauling the motorized skateboards resulted in no revenue for the city. The Police Department is recommending against implementing a buy-back program.

The following timeline depicts past actions:

- In July 2005 Council provided direction to the Police Department to develop a city ordinance banning motorized skateboards for their review and to include an educational component. Council also requested staff research the feasibility of a buy-back program.
- During April and May of 2005, the Police Department conducted public meetings and a survey concerning the issue of motorized skateboards.
- In January 2005 the Police Department presented Council with a recommendation to ban play vehicles at which time, the Council requested additional information and the public outreach efforts.
- At the July 2004 workshop Councilmembers asked the Police Department for suggestions on strengthening the current ordinance.
- At the April 2004 workshop as a result of on-going public complaints, Council requested that the Police Department provide research on the motorized skateboard use in the city.
- In January of 2003, due to many public complaints, Council asked the Police Department staff to review the current ordinance.
- In July 1999 the ordinance was amended to add the requirement of a notarized permission slip for users of motorized skateboards.
- In January 1996 Glendale adopted the current motorized skateboard ordinance.

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

The Police Department sought the public's input regarding the regulation of motorized skateboards and provided information on a city webpage, in mailings, and in the news media.

Public input was obtained in three ways: through an on-line web page survey; a hotline phone number; and during public meetings. The public was notified by utilizing the media, emails to constituents, at district meetings, mailings, a Connection article, and in a City Beat story.

The Police Department received a total of 473 responses regarding the motorized skateboard issue and 77.6% preferred a complete ban. The surveys received by the Police Department were evenly distributed throughout the City of Glendale.

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

An attached chart provides estimated costs to implement a buy back program for motorized skateboards, as there is no concrete way to determine how many people would participate in the program. In addition, determining an equitable amount for the reimbursement program is a challenge due to the varying costs for the numerous models of motorized skateboards.

**Option 1:** Ban use of motorized skateboards without a buy-back program.

**Pro:**

- Reduces calls/complaints by citizens; enforcement simplified; reduces opportunity for accidents involving motorized skateboard operators; reduction in noise issues for neighborhoods.
- Allow owners of motorized skateboards to operate their skateboards in the appropriate areas and/or dispose of their property as they see fit. Less liability to city for costs of handling vehicles and hazardous material.

**Con:**

- Motorized skateboard owners will not be allowed to operate on city roadways, sidewalks, on city property and city parks. Businesses may see a reduction in sales of motorized skateboards.

- Owners wishing to sell or trade their motorized skateboards must do so without the assistance of the city.

**Option 2:** Ban use of motorized skateboards and implement a buy-back program.

**Pro:**

- City of Glendale would provide a partial reimbursement to residents who turn in motorized skateboards.

**Cons:**

- Fraudulent opportunity due to the extreme difficulty in ensuring that only Glendale residents participate in the program.
- No way to ensure that the skateboard is the property of the person requesting funds.
- Hazards, risks, and costs involved in handling the hazardous material (gasoline and batteries) during the disposal of the motorized skateboards.
- Difficulty in calculating an accurate fair market value due to range of prices, styles, age of device, and operable status.
- Challenges involving the disposal of hundreds of motorized skateboards.
- Difficulty in determining the number of motorized skateboards that may be turned in for funds.
- May set precedent for future programs.
- Costs to implement the program and lack of a funding source.
- Time consuming process involving several city departments and no way to recover expenses. No other city has conducted such a program.

Staff is seeking direction from the Council to bring forward to a regular meeting the ordinance prohibiting the operation of motorized skateboards on city roadways, sidewalks, parks, and city properties.

Chief Becker defined a motorized skateboard as a self-propelled device with a motor, either electric or gas, a deck on which a person may ride, and at least two tandem wheels in contact with the ground and which is not otherwise defined in ARS 28-101 as a motor vehicle, motorcycle, motorized wheel chair or electric personal assistive mobility device. He said the proposed ordinance would prohibit motorized skateboards from being operated on City of Glendale roadways, streets, sidewalks, parks and any city property. He stated the ordinance further prohibits a parent or legal guardian from knowingly permitting a minor to operate a motorized skateboard in prohibited areas. He said the maximum fine to be imposed is \$150.00, explaining the fine structure was developed by Judge Finn in consultation with City Prosecutor, Tabitha Cheatham. He noted a judge could impose a lesser fine as well. He reiterated the ordinance does not impact motorized wheel chairs or personal mobility devices. Chief Becker said during the six month grace period his staff will train officers on the new ordinance and provide them with information cards to distribute to the public as well as brochures to be

handed to parents if children are caught violating the ordinance. He said they also intend to do news releases, an article in the Connection newsletter, and stories with City Beat and Glendale Today. He stated information will also be made available through the city's webpage. He said fliers will be distributed to businesses within the city that sell motorized skateboards, advising them of the ordinance.

Chief Becker said staff recommends bringing forward to Council at a regular meeting the ordinance regulating the operation of motorized skateboards on city roadways, sidewalks, parks and city properties.

Councilmember Goulet asked why staff is recommending a six month grace period. Mr. Brady said there was no particular rationale behind the time frame, explaining they simply felt that would be a sufficient time to educate everyone about the ordinance. Councilmember Goulet expressed his opinion the six month timeframe is too long.

Councilmember Lieberman pointed out there are no plans for a buy-back plan.

Councilmember Clark said she supports moving forward with the ordinance and agrees six months is too long for the grace period. She suggested a 90 day grace period following a media announcement about the ordinance will be sufficient. Chief Becker offered to look at options for shortening the grace period. He explained the intent of the grace period is to educate the public, noting the law can be enforced immediately if they encounter repeat offenders. Councilmember Clark said she supports a shorter grace period.

Mayor Scruggs asked if the law will go into effect, but the penalties will not go into effect for six months. Mr. Brady said the law will go into effect immediately, but the department will hold off on enforcement during the grace period.

Mayor Scruggs said Councilmember Clark's and Councilmember Goulet's concerns are addressed because the law goes into effect immediately. Mr. Brady agreed, stating they could enforce during the grace period if the situation called for such action.

Councilmember Frate noted a lot of information has already been in the media and retailers have known for some time that the ordinance was likely to happen. He expressed his opinion a two or three month grace period will be sufficient.

Mayor Scruggs asked what will happen if children ride motorized skateboards in the parking lot at Northern Crossing. Chief Becker said people would be able to ride on private property if they have the permission of the property owner to do so. Mayor Scruggs asked who they would obtain permission from and who would be authorized to call in a complaint to make them stop. Chief Becker said the property owner or lessee. Mayor Scruggs asked if that is set forth in the ordinance. Chief Becker explained state law governs private property and the owner of a property would have the right to contact the police department for service. Mayor Scruggs asked if parents could allow their children to ride on their driveways. Chief Becker responded yes

Councilmember Lieberman said the six-month grace period would give officers time to stop someone riding a motorized skateboard and provide a handout explaining the ordinance without issuing a citation.

Councilmember Goulet noted he has advocated a ban for the past six years. He asked if a delayed effective date was ever discussed. Chief Becker said they felt it would be in the best interest of the city to allow the Police Department to cite immediately if the situation justifies doing so. Councilmember Goulet asked if the city will be held liable if someone is injured riding a motorized skateboard during the grace period. Chief Becker said the city would be enforcing the law, explaining they are simply choosing not to impose any penalties for six months.

Councilmember Clark suggested a situation where a person is informed of the six month grace period only to be cited for continuing to ride before the end of the grace period. Chief Becker said officers will educate people that citations could be issued for repeat offenders. Councilmember Clark expressed her opinion they have made the process more difficult than it needs to be. She said an ordinance typically goes into effect within 90 days. She agreed with Councilmember Goulet that education should take place before the ordinance is enacted.

Vice Mayor Eggleston asked Mr. Tindall to comment on the grace period issue. Mr. Tindall said the six-month period is not a grace period in that the ordinance will be effective during that time. He explained the city is simply choosing to use discretionary enforcement during the six month period of time in an effort to educate residents on the ordinance. Vice Mayor Eggleston asked if a nuisance on private property is a city issue. Mr. Tindall said state statute allows private property owners to post on their property, but the city also has a nuisance ordinance that can be used to prohibit the use of motorized skateboards in such a manner that a nuisance is created. He clarified the city would not have any liability if it chooses not to impose a penalty on someone who violates the ordinance. Vice Mayor Eggleston commented Council's primary concern is the safety hazard the motorized skateboards present to children.

Councilmember Martinez asked if issuing a citation will be optional after the six month grace period ends. Chief Becker said warnings in Glendale are always verbal and the violator would be provided with a copy of the handout and informed that repeat violations could be subject to penalties. Councilmember Martinez said he supports the six month grace period.

Mayor Scruggs said it is important that there be clear expectations among the citizens. She asked Mr. Tindall to explain the nuisance ordinance that could be used to address users on private properties. Mr. Brady explained some noise complaints go through Code Enforcement, while others go to the Police Department. He said they have developed a process to ensure the person is a person of reasonable standards, explaining they typically seek out three residents in the area who have complaints about the same circumstance. He said other evidence could supplant the complaints, but in the lack of such evidence, they would require three citizens to complain before going

forward with a complaint. Mayor Scruggs spoke about a district meeting she attended wherein business owners from a shopping center complained and pled for relief from individuals who were loitering in the shopping center. She said the business owners were told by the Police Department that nothing could be done because the owner of the shopping center had to call and complain. Mr. Brady said the lease dictates that the manager or owner of the premises controls the parking lot areas. He said that is not always the case and in some situations leaseholders have a common share in the parking lot. He explained officers arriving on the calls to that particular shopping center probably treated it as a trespassing call and in order to enforce trespassing the complainant had to have control over the property. Mayor Scruggs pointed out the city has hundreds of commercial properties, stating the police will not know if tenants have the right to complain. She said that aspect of the issue requires a lot more information and education. She said information also needs to be given to residents about instances in which the use cannot be prohibited. Mr. Brady noted community action teams have contacted property owners where problems persist and obtain authority from them to enforce trespassing. Mayor Scruggs expressed concern that residents will be given the false impression that they will never again hear or be bothered by motorized skateboards. Chief Becker said the intention at this point is to make sure the public is educated about the new ordinance, acknowledging it will take a great deal of effort.

Councilmember Clark asked when will the educational period begin. Chief Becker said they intend to start the educational campaign immediately upon adoption of the ordinance. Mr. Tindall said the ordinance will become effective 30 days after adoption. Councilmember Clark clarified the education period will extend 30 days prior to the ordinance being enacted and five months thereafter.

Councilmember Lieberman noted part of Northern Crossing is still owned by the city, asking if the property is signed as being a city property. He said he has also seen mopeds in the parking lot of Glendale Community College.

Vice Mayor Eggleston clarified the city will enforce the ordinance, but will issue warnings for a period of time. Chief Becker explained the ordinance will go into effect 30 days from the date of approval, at which time the city will begin enforcing the ordinance. He said, however, they will educate the public for a period of time before imposing penalties.

Councilmember Frate asked if Phoenix had a grace period. Ms. Campbell said Phoenix's ordinance went into effect immediately and, while they educated the public, they did not have an established educational component. Councilmember Frate expressed his opinion the majority of parents and children will comply once they learn about the ordinance.

Mayor Scruggs directed staff to bring the ordinance forward. She said the Police Department will decide how to proceed with regard to the grace period.

ADJOURNMENT

The meeting was adjourned at 2:45 p.m.