



**MINUTES OF THE  
GLENDALE CITY COUNCIL MEETING  
Council Chambers  
5850 West Glendale Avenue  
February 25, 2014  
6:00 p.m.**

The meeting was called to order by Mayor Jerry P. Weiers. Vice Mayor Yvonne J. Knaack and the following Councilmembers were present: Norma S. Alvarez, Samuel U. Chavira, Ian Hugh, Manuel D. Martinez and Gary D. Sherwood.

Also present were Brenda Fischer, City Manager; Michael Bailey, City Attorney; and Pamela Hanna, City Clerk.

Mayor Weiers called for the Pledge of Allegiance.

The prayer/invocation was given by Pastor James Kordon from Camelback Community Church.

**Compliance with Article VII, Section 6(c) of the Glendale Charter**

A statement was filed by the City Clerk that the 4 resolutions and 5 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 February, 11, 2014 City Council Meeting**

**It was moved by Councilmember Chavira, and seconded by Councilmember Hugh, to dispense with the reading of the minutes of the February 11, 2014 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.**

**BOARDS, COMMISSIONS AND OTHER BODIES**

APPROVE RECOMMENDED APPOINTMENTS TO BOARDS, COMMISSIONS & OTHER BODIES  
PRESENTED BY: Councilmember Manuel D. Martinez

This is a request for City Council to approve the recommended appointments to the following boards, commissions and other bodies that have a vacancy or expired term and for the Mayor to administer the Oath of Office to those appointees in attendance.

**Citizens Bicycle Advisory Committee**

John Horvath	Ocotillo	Reappointment	03/05/2014	03/05/2016
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**General Plan Steering Committee - New Appointees**

Charles Whiffen	Barrel	Appointment	02/25/2014	01/01/2016
Brian Pirooz	Cholla	Appointment	02/25/2014	01/01/2016
Larry Borden	Cholla	Appointment	02/25/2014	01/01/2016
John Geurs	Ocotillo	Appointment	02/25/2014	01/01/2016
Manuel Padia Jr.	Ocotillo	Appointment	02/25/2014	01/01/2016

**General Plan Steering Committee - Update Ending Term**

**Date**

Thomas Orlikowski	Barrel	Appointment		01/01/2016
Nancy Lenox	Barrel	Appointment		01/01/2016
Gary Hirsch	Cactus	Appointment		01/01/2016
Ken Wixon	Cactus	Appointment		01/01/2016
Scott Richmond	Mayoral	Appointment		01/01/2016
Leslie Sheeler	Ocotillo	Appointment		01/01/2016
Rebecca Ontiveros	Ocotillo	Appointment		01/01/2016
Tom Schmitt	Yucca	Appointment		01/01/2016
Martin Nowakowski	Yucca	Appointment		01/01/2016
James Grose	Cholla	Appointment		01/01/2016
Arthur Dobbelaere	Cholla	Appointment		01/01/2016
Noel Griemsmann	N/A	Appointment		01/01/2016
David Coble	Cholla	Appointment		01/01/2016
Robert Heidt	N/A	Appointment		01/01/2016

**Personnel Board**

Becky Shady	Barrel	Reappointment	02/25/2014	02/12/2016
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**It was moved by Councilmember Martinez, and seconded by Vice Mayor Knaack, to appoint John Horvath to the Citizens Bicycle Advisory Committee; Charles Whiffen, Brian Pirooz, Larry Borden, John Geurs, Manuel Padia Jr., Thomas Orlikowski, Nancy Lenox, Gary Hirsch, Ken Wixon, Scott Richmond, Leslie Sheeler, Rebecca Ontiveros, Tom Schmitt, Martin Nowakowski, James Grose, Arthur Dobbelaere, Noel Griemsmann, David Coble, Robert Heidt to the General Plan Steering Committee; and Becky Shady to the Personnel Board, for the terms listed above. The motion carried unanimously.**

**PROCLAMATIONS AND AWARDS**

PROCLAMATION IN RECOGNITION OF THE 40<sup>th</sup> ANNIVERSARY OF THE APOLLO HIGH SCHOOL KEY CLUB

PRESENTED BY: Office of the Mayor

ACCEPTED BY: Ms. June Nelson, Kiwanis Club of Glendale  
Ms. Krystal Claudio, Apollo High School  
Members of Apollo High School's Key Club

This is a request for City Council to recognize the 40<sup>th</sup> anniversary of the Apollo High School Key Club.

Mayor Weirs read and presented the proclamation.

Ms. June Nelson from the Kiwanis Club of Glendale, Ms. Krystal Claudio from Apollo High School, and the members of Apollo High School's Key Club were present to accept the proclamation. Vice Mayor Knaack joined the Mayor in congratulating the Key Club members.

## **CONSENT AGENDA**

Ms. Brenda Fischer, City Manager, asked to have Item 19 tabled at the request of the applicant.

Councilmember Martinez said this was absurd to come up with a request at the last minute that this item be postponed. He said it was entirely out of the question. He said this shows the desperate measures the applicant is going to in order to try to get the billboards. He said the applicant has had plenty of time to request the postponement and to bring this up at the last minute is not appropriate and should not be approved by the Council.

Vice Mayor Knaack said this has gone on too long and they keep pushing it out until the answer changes. She said her answer is not going to change and it is not fair to the citizens who show their support or disapproval. She said the decision needs to be made.

Councilmember Chavira said he was on record previously attempting to give this issue the due diligence to be transparent and having it discussed at a workshop. He said he is in agreement that this to be heard at a workshop.

**It was moved by Councilmember Sherwood, and seconded by Councilmember Chavira, to move Item Number 19 pulled from the agenda and further discussed at a workshop on March 18, 2014 and then to the Voting Meeting on March 25, 2014 . Motion carried on a roll call vote with the following Councilmembers voting "aye": Alvarez, Chavira, Hugh, Sherwood, and Weirs. Members voting "nay": Knaack and Martinez. The motion carried.**

Ms. Brenda Fischer read consent agenda item numbers 1 through 7.

1. APPROVE SPECIAL EVENT LIQUOR LICENSE, GLENDALE COMMUNITY WELFARE FOUNDATION  
PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a special event liquor license for the Glendale Community Welfare Foundation. The event will be held at Connolly's Irish Sports Bar & Grill located at 5160 West Northern Avenue on Saturday, March 15, Sunday, March 16, and Monday, March 17 from 11 a.m. to 2 a.m. The purpose of this special event liquor license is for a fundraiser.

Staff is requesting Council to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

2. APPROVE SPECIAL EVENT LIQUOR LICENSE, ST. RAPHAEL CATHOLIC CHURCH  
PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a special event liquor license for the St. Raphael Catholic Church. The event will be held at St. Raphael Catholic Church inside Hibner Hall located at 5525 West Acoma Drive on Saturday, March 1, 2014, from 6 p.m. to 11 p.m. The purpose of this special event liquor license is for a fundraiser.

Staff is requesting Council to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

3. APPROVE LIQUOR LICENSE NO. 5-12588, ROSE LANE MARKET  
PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a new, non-transferable series 10 (Liquor Store - Beer and Wine) license for Rose Lane Market located at 6205 North 59<sup>th</sup> Avenue, Suites A & B. The Arizona Department of Liquor Licenses and Control application (No. 10076480) was submitted by Fayez Touma Slivo.

Staff is requesting Council to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

4. APPROVE LIQUOR LICENSE NO. 5-12589, BUKKANNA'S BAR  
PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a location-to-location transferable series 6 (Bar - All Liquor) license for Bukkanna's Bar located at 5400 North 59<sup>th</sup> Avenue. The Arizona Department of Liquor Licenses and Control application (No. 06070184) was submitted by Elisa Serrano.

Staff is requesting Council to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

6. AUTHORIZATION TO RATIFY THE AGREEMENT WITH THE ARIZONA SUPREME COURT FOR COMPUTER HARDWARE AND SOFTWARE APPLICATIONS  
PRESENTED BY: Elizabeth R. Finn, Presiding City Judge

This is a request for City Council to ratify the agreement between Glendale City Court and the Arizona Supreme Court, Administrative Office of the Courts (AOC) for computer hardware and software applications.

**Councilmember Alvarez asked to hear items numbers 5 and 7 separately.**

**Vice Mayor recused herself from voting on Agenda Item number 1. She said she was the Treasurer of the Glendale Community Welfare Foundation.**

**It was moved by Vice Mayor Knaack and seconded by Councilmember Martinez, to approve the recommended actions on Consent Agenda Item Numbers 2, 3, 4, and 6, and to forward Special Event Liquor License for St. Raphael Catholic Church; Liquor License Application No. 5-12588 for Rose Lane Market; Liquor License Application 5-12589 for Bukkanna's Bar to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.**

**It was moved by Councilmember Hugh and seconded by Councilmember Chavira, to approve the recommended action on Consent Agenda Item Number 1 and to forward Special Event Liquor License for Glendale Community Welfare Foundation with the recommendation for approval. Councilmembers voting "aye": Alvarez, Chavira, Hugh, Martinez, Sherwood, and Weiers. Members "abstaining": Knaack. The motion carried.**

**5. AUTHORIZATION TO PURCHASE REPLACEMENT NETWORK INFRASTRUCTURE AND AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH INSIGHT PUBLIC SECTOR, INC.**

**PRESENTED BY: Chuck Murphy, Executive Director, Technology & Innovation**

This is a request for City Council to approve the expenditure of Technology Replacement Funds (TRF) to replace the existing CISCO Core Network Infrastructure components in the amount of \$136,642.92. This purchase also includes a request for Council to approve a Linking Agreement between the city and Insight Public Sector, Inc.

Mr. Murphy said the city's core network infrastructure is over 8 years old and is in need of replacement. He requested Council's approval to spend technology replacement funds and the associated linking agreement for this purchase. He said the purchase will be made under an existing state contract.

Councilmember Alvarez said there were some materials that were already purchased on October 28<sup>th</sup>. She asked if the city had received those computers. Mr. Murphy said the city has purchased hardware and services from Insight Public Sector in the past. Councilmember Alvarez clarified for this year had the city purchased anything. Ms. Fischer explained the attachments were quotes and not receipts.

Councilmember Alvarez asked if the city went out for bids for this item. Mr. Murphy explained those items were purchased under a state contract and the city is allowed to purchase the items directly from participating vendors. Councilmember Alvarez asked if the Charter stated that the city should go out for bids. Mr. Murphy said the state contract is pre-negotiated between the state and various vendors. He said the city is able to select from these various vendors the vendor with the best price for the city. Councilmember Alvarez asked if it would be better to go out for bids and let other vendors give estimates and not rely on state contracts.

Mr. Bailey said the procurement code allows the city to link with state and other agency procurements so long as they comply with the city requirements. He said those are pre-negotiated prices, which allow the city to compare the prices to get the best prices for the city. He said to get better pricing almost becomes a hypothetical. Councilmember Alvarez said her question is that if there is a rule in the Charter to give opportunity for anyone to bid, but then the city goes by a list, why is that rule in the Charter. She also said the city is not giving other vendors a chance and there has been conflict before. She said she felt like the city needed to go out for bids so everyone gets a fair chance.

Councilmember Alvarez also asked if the employees and Council sign a conflict of interest statement as there have been rumors that the city has been doing business with family members. Mr. Bailey said there are restrictions in the procurement code and in the employee policies. He said there are no conflicts. Councilmember Alvarez asked Mr. Bailey if council approved this right now, would he assure them that there is nothing improper here in case the city is investigated on something like this. She asked Mr. Bailey to assure her that it is not illegal and not improper or unethical as an attorney. Mr. Bailey said he has provided information to the City Manager and said he would get it to the council if that information was not shared with them. Councilmember Alvarez said the information was shared and said in the letter Mr. Bailey provided, he said an investigation was not done, and it was just his opinion. Councilmember Alvarez said she wanted to be sure that the city is not breaking any rules. Mr. Bailey said he provided that assurance. Councilmember Alvarez asked if he would provide that assurance in writing. Mr. Bailey said he believes there is not a conflict and asked that be reflected on the record. He said he would like to see any documents Councilmember Alvarez might have that might impact his opinion. Councilmember Alvarez said it was Mr. Bailey's document where he said he had not really investigated the information, but was just giving his opinion. Mr. Bailey said he reviewed it and said when they do a conflict opinion, state statute requires that a formal conflict opinion required by the City Attorney, he would need to file that with the City Clerk. He said if Councilmember Alvarez wanted him to file that document with the City Clerk, he would do that. Councilmember Alvarez said that was fine.

**It was moved by Councilmember Sherwood, and seconded by Vice Mayor Knaack, to approve the expenditure of Technology Replacement Funds (TRF) to replace the existing CISCO Core Network Infrastructure components. Motion carried with the following Councilmembers voting "aye": Chavira, Hugh, Knaack, Martinez, Sherwood, and Weiers. Members voting "nay": Alvarez. The motion carried.**

**7. APPROVE A PARTIAL FEE WAIVER OF COMMUNITY DEVELOPMENT FEES IN THE AMOUNT OF \$225,000 FOR AMERICAN FURNITURE WAREHOUSE**

**PRESENTED BY: Brian Friedman, Executive Director, Community & Econ Development**

This is a request for City Council to grant a partial Community Development fee waiver in the amount of \$225,000 for American Furniture Warehouse (AFW) and finding that such fee waiver is in the best interest of the City of Glendale.

Mr. Friedman said AFW purchased 47 acres at the southeast corner of 99<sup>th</sup> Avenue and Bethany Home Road. He said staff has worked closely with AFW to complete this

transaction. He said this would only apply to the community development fees which are estimated at \$280,000 and will result in a net collection of about \$55,000 after the proposed waiver is applied. He said this waiver would not be applied until the certificate of occupancy is ready to be issued and it does not involve the city making any type of cash payment to AFW. He said the city would collect engineering and development impact fees in their entirety estimated at over \$500,000. He said an economic impact analysis was done and this assessment concluded that the project is expected to generate over \$2 million in ongoing sales tax revenue in addition to one-time construction tax revenues estimated at over \$500,000. He said they expect over \$3 million in new revenue in the first year alone.

Councilmember Alvarez wanted it to be very clear as to the money and no tax waivers. She also commented she went to visit the AFW store in Gilbert and felt it would be a good addition to the Glendale.

Councilmember Chavira said he wanted to draw attention to the waiver and asked Mr. Friedman to reiterate what he just said that this transaction involves no cash and the city will have a great return on investment. Mr. Friedman explained again the monies collected and the expected revenue. Councilmember Chavira also said approximately 300 new jobs will come to Glendale.

Andrew Marwick, a Phoenix resident, said this is a big help to Glendale. He also visited the Gilbert store and said he doesn't see the store generating the amount of sales tax in the first year that was estimated by Mr. Friedman. He mentioned the timeline that this process has gone through to get this item approved. He said it appeared construction has already started on this site. He said the site is very narrow and long and the width of the site presents a problem with the width of 99<sup>th</sup> Avenue. He said the city needs to do a thorough traffic analysis on 99<sup>th</sup> Avenue before widening the road.

Councilmember Sherwood said for the record the reason why the city gets these types of businesses which are on the fast track is because the city can fast track this process. He said a traffic study has been done for that area. He said Mr. Marwick's comments really don't apply to this project.

**It was moved by Vice Mayor Knaack, and seconded by Councilmember Chavira, to grant a partial Community Development fee waiver in the amount of \$225,000 for American Furniture Warehouse. The motion carried unanimously.**

## **CONSENT RESOLUTIONS**

Ms. Pamela Hanna, City Clerk, read consent agenda resolution item numbers 8 through 10 by number and title.

8. AUTHORIZATION TO ENTER INTO SIX CONTRACT CHANGE ORDERS RELATING TO INTERGOVERNMENTAL AGREEMENTS WITH THE CITY OF PHOENIX FOR FEDERAL TRANSIT ADMINISTRATION GRANTS  
PRESENTED BY: Cathy Colbath, Interim Asst. Exec Director, Transportation Services

RESOLUTION: 4768

This is a request for City Council to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into six contract change orders relating to intergovernmental agreements (IGAs) with the City of Phoenix for continued use of Federal Transit Administration (FTA) grant funds for transit services.

**RESOLUTION NO. 4768 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 THE ENTERING INTO OF SIX CONTRACT CHANGE ORDERS RELATING TO INTERGOVERNMENTAL AGREEMENTS WITH THE CITY OF PHOENIX FOR PASS-THROUGH FEDERAL TRANSIT ADMINISTRATION GRANT FUNDING FOR TRANSIT SERVICES PROJECTS.**

9. AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE ARIZONA NATIONAL GUARD FOR SUPPORT OF DRUG LAW ENFORCEMENT OPERATIONS  
PRESENTED BY: Debora Black, Police Chief  
RESOLUTION: 4769

This is a request for City Council to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into a Memorandum of Understanding (MOU) with the Arizona National Guard, Joint Counter Narco-Terrorism Task Force (JCNTF), to provide support as needed for the Glendale Police Department drug law enforcement operations in the State of Arizona.

**RESOLUTION NO. 4769 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 MEMORANDUM OF UNDERSTANDING BETWEEN THE GLENDALE POLICE DEPARTMENT AND THE ARIZONA NATIONAL GUARD, JOINT COUNTER NARCO-TERRORISM TASK FORCE.**

10. AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH THE ARIZONA DEPARTMENT OF ECONOMIC SECURITY FOR DATA-SHARING  
PRESENTED BY: Debora Black, Police Chief  
RESOLUTION: 4770

This is a request for City Council to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an agreement with the Arizona Department of Economic Security (DES) for the purpose of sharing information with Glendale Police Department personnel.

**RESOLUTION NO. 4770 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 DATA-SHARING AGREEMENT FOR DATA EXCHANGE WITH THE ARIZONA DEPARTMENT OF**

**ECONOMIC SECURITY, UNEMPLOYMENT INSURANCE ADMINISTRATION, ON BEHALF OF THE GLENDALE POLICE DEPARTMENT.**

**It was moved by Vice Mayor Knaack and seconded by Councilmember Chavira, to approve the recommended actions on Consent Agenda Item Numbers 8 through 10, including the approval and adoption of Resolution No. 4768 New Series, Resolution No. 4769 New Series, Resolution No. 4770 New Series. The motion carried unanimously.**

**PUBLIC HEARING – LAND DEVELOPMENT ACTIONS**

11. GENERAL PLAN AMENDMENT GPA14-01 (RESOLUTION) AND REZONING APPLICATION ZON14-01 (ORDINANCE): BETHANY 101-9801 WEST BETHANY HOME ROAD (PUBLIC HEARING REQUIRED)  
PRESENTED BY: Jon M. Froke, AICP, Planning Director  
RESOLUTION: 4771  
ORDINANCE: 2877

These requests are by Withey Morris PLC representing American Furniture Warehouse for City Council to approve a General Plan Amendment and a Rezoning Application on 47 acres. The request is to amend the general plan land use designation from Entertainment Mixed Use (EMU) to Planned Commercial (PC) and to rezone the site to PAD (Planned Area Development) zoning district. The property is located at the southeast corner of 99<sup>th</sup> Avenue and Bethany Home Road.

Staff is requesting Council conduct a public hearing, waive reading beyond the titles, and adopt a resolution for GPA14-01 and approve an ordinance for ZON14-01, subject to the stipulations as recommended by the Planning Commission.

Mr. Froke said the current land use approval for the site did not fit with what American Furniture Warehouse (AFW) wanted to do with the property. They are requesting to amend the general plan from an entertainment/mixed use designation to a planned commercial designation. He said the AFW building will be very large and there will be visibility from the Loop 101. The building will include a sales showroom, warehouse area for furniture and a small area set aside for minor repairs and service to the AFW fleet vehicles. He said that was one of the selling points to locate in Glendale was being on the Loop 101. Mr. Froke said traffic and vehicular access issues from 99<sup>th</sup> Avenue has been fully reviewed. Mr. Froke provided a site plan and a more detailed exhibit for further explanation about the property. He said this was approved unanimously by the Planning Commission. He also explained how the signs were going to be placed for the business.

Councilmember Martinez asked Mr. Friedman to speak about the concerns that this project was fast-tracked. He said this is a very competitive field at this time for development. Mr. Friedman cited an example of the Tanger Outlets where one of the biggest draws for them coming to Glendale was that the city could get them in the ground faster. He said the entire community development department worked with them quickly and efficiently to get that project done. He said the city earned over \$1 million shortly after Tanger Outlets opened.

Councilmember Martinez thanked all the staff that put the American Furniture Warehouse project together so quickly.

Councilmember Hugh asked Mr. Froke how the AFW signs will affect the billboards and other signage currently in that area. Mr. Froke explained the various parcels in that area and which parcels allowed signs. He said there was a potential that Lamar Outdoor might have another sign in the area on city owned property nearby, but that this project would not affect that.

### **Mayor Weiers opened the public hearing on Agenda Item No. 11.**

Mike Withey, representing American Furniture Warehouse, complimented staff on their presentation. He said they are proud to be in Glendale. He said AFW has always done exactly what they said they were going to do. He said they estimate gross sales will exceed \$100 million right from the start, which will provide significant tax revenues for the city. He also said they will open the store with 300 new jobs and will increase from there. He said this business will draw shoppers from all parts of the west valley and they are happy with the freeway location. He said city staff was very professional and responsive and were great to work with. He said they are in agreement with all the stipulations recommended by the Planning Commission.

Stephen Anderson, a representative for the John F. Long Family Revocable Trust, said they support this project which is across the street from their property which is located in the City of Phoenix. He said they were in support of the land use, but still had some questions about the 99<sup>th</sup> Avenue infrastructure plans. He said at the Planning Commission hearing, staff and the applicant were able to address most of their questions and the applicant persuaded the commission to add a stipulation. He said Mr. Froke has worked very hard to address the rest of his questions in the three days following the Planning Commission meeting. He explained the improvements to 99<sup>th</sup> Avenue and how those improvements will help the businesses in the area. He said with the additional information they have been able to obtain from staff, their support for AFW is now unencumbered. He asked for Council's support for this project.

Andrew Marwick, a Phoenix resident, said this is the biggest project in the area since Westgate and it is shocking to see it move forward so quickly. He discussed the business numbers from AFW's Colorado operations. He said he didn't see how this Glendale store was going to get the \$100 million in business that is projected, but also said it was still a good move for Glendale. He said staff has worked hard to get this project finished quickly. He also provided some background information about the AFW owner.

Robin Berryhill, an Ocotillo resident, said she didn't think AFW's internet sales had been taken into consideration when estimating the sales tax. She said AFW made \$350 million with 12 stores in 2012. She said she visited the Gilbert store and although the store was busy, she didn't think it was busy enough to bring in \$100 million a year. She said a lot of the store's sales were internet sales and she wanted to know what percentage would go to internet sales. She also discussed the number of bays for the Gilbert store and wanted to make sure Glendale had the infrastructure for that kind of traffic moving in and out of that

location. She said this will be good for Glendale, but did not think the city will receive the revenue as it has been reported.

Bill Demski, a Sahuaro resident, asked if this deal was another scheme was another plan to provide corporate welfare to another company. He spoke about various recent deals the city has entered into with various businesses.

There was discussion about whether or not the vendor should speak again to the question of internet sales. Mr. Bailey explained this was a land use item and decisions about the profitability from internet sales should not come into play for this type of land use decision. Mr. Bailey recommended hearing from the applicant after a vote was taken.

**Mayor Weiers closed the public hearing.**

**RESOLUTION NO. 4771 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 GPA14-01 FOR PROPERTY LOCATED AT 9801 WEST BETHANY HOME ROAD.**

**It was moved by Chavira, and seconded by Martinez, to approve Resolution No. 4771 and Ordinance No 2877. The motion carried unanimously.**

**Councilmember Chavira and Mr. Bailey discussed the motion. Mr. Bailey advised that the motion should be restated with the Resolution and the Ordinance in separate motions.**

**It was moved by Chavira, and seconded by Martinez, to pass, adopt and approve Resolution No. 4771 New Series. The motion carried unanimously.**

**ORDINANCE NO. 2877 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 LOCATED AT 9801 WEST BETHANY HOME ROAD FROM PAD (PLANNED AREA DEVELOPMENT) TO PAD (PLANNED AREA DEVELOPMENT); AMENDING THE ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.**

**It was moved by Chavira, and seconded by Martinez, to approve Ordinance No. 2877 New Series. Motion carried on a roll call vote, with the following Councilmembers voting "aye": Alvarez, Chavira, Hugh, Knaack, Martinez, Sherwood, and Weiers. Members voting "nay": none.**

## **BIDS AND CONTRACTS**

12. AWARD OF BID 14-25 AND AUTHORIZATION FOR PURCHASE OF FIREARMS FROM PROFORCE MARKETING, INC.  
PRESENTED BY: Debora Black, Police Chief

This is a request for City Council to award Invitation for Bid (IFB) 14-25 and authorize the purchase of 345 Glock firearms from ProForce Marketing, Inc., dba ProForce Law Enforcement (ProForce), in an amount not to exceed \$74,438.

Chief Black said these weapons are being purchased for their reliability and for officer safety reasons. The weapons went through an evaluation process and were tested by several officers in the department. She said 321 firearms will be traded in to ProForce for a credit of about \$88,000 to be applied to the purchase price of approximately \$162,000. She said this is the most cost-effective alternative and ProForce was the only company to offer the trade-in option.

Councilmember Chavira wanted to bring attention to the way the Chief utilized her officers to test the firearms and said officers need to use weapons that are reliable. He said the Chief did her research for obtaining these weapons.

**It was moved by Councilmember Hugh, and seconded by Councilmember Chavira, to approve Award of Bid 14-25 and Authorization for purchase of firearms from ProForce Marketing, INC. The motion carried unanimously.**

13. AWARD OF BID AND AUTHORIZATION TO ENTER INTO AGREEMENTS WITH CUMMINS ROCKY MOUNTAIN, LLC AND ARIZONA GENERATOR TECHNOLOGY, INC. FOR EMERGENCY GENERATOR POWER SYSTEMS MAINTENANCE AND REPAIR  
PRESENTED BY: Craig Johnson, P.E., Executive Director, Water Services

This is a request for City Council to award a bid and authorize the City Manager to enter into agreements with Cummins Rocky Mountain, LLC and Arizona Generator Technology, Inc. doing business as Gen-Tech, for emergency generator power systems maintenance and repair at Water Services sites in an annual amount not to exceed \$105,004.

Mr. Johnson said the city's generators and pump stations operate 24 hours a day and provide emergency service in case of an outage. A bid was administered and Cummins Rocky Mountain was selected as the main provider of scheduled maintenance. Arizona Generator Technology was selected as the backup provider.

**It was moved by Councilmember Martinez, and seconded by Councilmember Hugh, to award a bid and authorize the City Manager to enter into agreements with Cummins Rocky Mountain, LLC and Arizona Generator Technology, Inc. doing business as Gen-Tech. The motion carried unanimously.**

14. AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH CAROLLO ENGINEERS, INC. FOR A CITYWIDE METER VAULT IMPROVEMENT PROJECT  
PRESENTED BY: Craig Johnson, P.E., Executive Director, Water Services

This is a request for City Council to authorize the City Manager to enter into a Professional Services Agreement with Carollo Engineers, Inc. to provide design services for

improvements to the city's large meter vaults and associated equipment within the water distribution system in an amount not to exceed \$173,073.

Mr. Johnson said the vaults provide a secure surround for adequate space for the city to maintain the meters and to prevent damage or tampering. The meters approved for this contract were identified through a conditions assessment based on aging infrastructure. Carollo was selected using the department's pre-qualified on call list.

**It was moved by Councilmember Sherwood, and seconded by Councilmember Chavira, to approve and authorize the City Manager to enter into a Professional Services Agreement with Carollo Engineers, Inc. The motion carried unanimously.**

15. AUTHORIZATION TO ENTER INTO A CONSTRUCTION AGREEMENT WITH HUNTER CONTRACTING, CO. FOR SWEETWATER LIFT STATION IMPROVEMENTS  
PRESENTED BY: Craig Johnson, P.E., Executive Director, Water Services

This is a request for City Council to for improvements at the Sweetwater Sewer Lift Station in an amount not to exceed \$1,298,448.

Mr. Johnson said the Sweetwater Lift Station is one of five located throughout the city. Upgrades are needed to this lift station to continue reliable operations.

**It was moved by Vice Mayor Knaack, and seconded by Councilmember Martinez, to approve and authorize the City Manager to enter into a construction agreement with Hunter Contracting, Co. The motion carried unanimously.**

16. AWARD OF PROPOSAL AND AUTHORIZATION TO ENTER INTO A CONTRACT WITH CORVEL ENTERPRISE COMP., INC. FOR WORKERS' COMPENSATION CLAIMS THIRD PARTY ADMINISTRATOR  
PRESENTED BY: Jim Brown, Executive Director, Human Resources & Risk Management

This is a request for City Council to award the Request for Proposal 13-43 and approve entering into a contract with CorVel Enterprise Comp., Inc. for workers' compensation claims third party administration (TPA) at a cost of \$102,500. Staff is recommending entering into a one year contract with the authorization to renew up to an additional four years, in one year increments, at the administration fees and per claim costs set forth in the Agreement.

Mr. Brown said the city is self-insured for workers' compensation claims and has been since 1994. He said the city uses a third party to manage those claims. He said there will be overall cost savings and enhanced service for employees by moving to CorVel.

**It was moved by Councilmember Sherwood, and seconded by Councilmember Chavira, to award the Request for Proposal 13-43 and approve entering into a contract with CorVel Enterprise Comp., Inc. for workers' compensation claims third party administration (TPA). The motion carried unanimously.**

17. AUTHORIZATION TO APPROVE A TWO-YEAR EXTENSION OF THE PROFESSIONAL SERVICES AGREEMENT WITH CUTWATER INVESTOR SERVICE CORPORATION  
PRESENTED BY: Tom Duensing, Executive Director, Financial Services

This is a request for City Council to authorize the City Manager to approve the two-year extension of the professional services agreement with Cutwater Investor Service Corporation in the total amount of \$178,000 through June 30, 2015.

Mr. Duensing said Cutwater is the city’s investment advisory firm that actively invests the city’s cash into investments that fit within city policy and state law.

Councilmember Martinez asked Mr. Duensing to give examples of the type of investments the city has. Mr. Duensing said the city’s investment policy calls for safe investments. He said Cutwater typically invests in treasury and agencies. He said the city chooses to remain as safe as possible. Councilmember Martinez asked how much money is in the city’s portfolio. Mr. Duensing said the city currently has about \$150 million that Cutwater invests. He said they want to minimize the amount of liquid cash in the bank and get the cash available for Cutwater to invest so the city gets interest earnings.

**It was moved by Councilmember Chavira, and seconded by Councilmember Hugh, to authorize the City Manager to approve the two-year extension of the professional services agreement with Cutwater Investor Service Corporation. The motion carried unanimously.**

18. AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MATRIX DESIGN GROUP, INC. FOR PROFESSIONAL PLANNING SERVICES TO UPDATE AND REWRITE PORTIONS OF THE GENERAL PLAN  
PRESENTED BY: Jon M. Froke, AICP, Planning Director

This is a request for City Council to authorize the City Manager to enter into a professional services agreement with Matrix Design Group, Inc. in an amount not to exceed \$110,000 for professional planning services to update and rewrite portions of the General Plan.

Mr. Froke said this contract would allow Planning Staff to have additional resources to complete the general plan update. He said the update to the general plan will occur throughout the rest of this year. Funding for this endeavor will occur over two fiscal years.

**It was moved by Councilmember Hugh, and seconded by Councilmember Martinez, to authorize the City Manager to enter into a professional services agreement with Matrix Design Group, Inc. The motion carried unanimously.**

**PUBLIC HEARING – ORDINANCES**

19. REZONING APPLICATION ZON13-04 (ORDINANCE): PALM CANYON BUSINESS PARK PLANNED AREA DEVELOPMENT-17750 NORTH 83<sup>RD</sup> AVENUE (PUBLIC HEARING REQUIRED)  
PRESENTED BY: Jon M. Froke, AICP, Planning Director

ORDINANCE: 2878

This item was tabled administratively.

## **ORDINANCES**

20. ADOPT AN ORDINANCE GRANTING A UTILITY EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY ACROSS A PORTION OF CITY-OWNED PROPERTY AT 11550 WEST GLENDALE AVENUE  
PRESENTED BY: Stuart Kent, Executive Director, Public Works  
ORDINANCE: 2879

This is a request for the City Council to waive reading beyond the title and adopt an ordinance granting a utility easement to Arizona Public Service Company (APS) across a portion of the Glendale Regional Public Safety Training Center (GRPSTC), a city-owned property located at 11550 West Glendale Avenue.

**ORDINANCE NO. 2879 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 UTILITY EASEMENT IN FAVOR OF ARIZONA PUBLIC SERVICE COMPANY ON CITY-OWNED PROPERTY TO CONSTRUCT, RECONSTRUCT, REPLACE, REPAIR, OPERATE AND MAINTAIN ELECTRICAL LINES LOCATED AT 11550 WEST GLENDALE AVENUE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.**

**It was moved by Councilmember Martinez, and seconded by Vice Mayor Knaack, to approve Ordinance No. 2879 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Alvarez, Chavira, Hugh, Knaack, Martinez, Sherwood, and Weiers. Members voting “nay”: none.**

21. ADOPT AN ORDINANCE AMENDING GLENDALE CITY CODE, CHAPTER 13, ARTICLE III, SECTION 13-27, RELATING TO JUDICIAL SELECTION ADVISORY BOARD MEMBERS  
PRESENTED BY: Kristen Krey, Council Services Administrator  
ORDINANCE: 2880

This is a request for City Council to waive reading beyond the title and adopt an ordinance removing the residency requirement for two required Judicial Selection Advisory Board appointments.

Ms. Krey explained the function of the Judicial Selection Advisory Board and its member makeup. She said a change to the ordinance to remove the residency requirement is recommended due to ongoing difficulties in filling the vacancies. She said the vacancy for the Maricopa Bar Association has been open for the past year and the change to the ordinance will reflect that both appointments will reside in Maricopa County.

Vice Mayor Knaack asked if other cities used residents from other cities. Ms. Krey said other cities did use this process when appointing these officials.

Robin Berryhill, an Ocotillo resident, said it is wrong to let another city choose a judge for the city of Glendale. She said the presiding judge process should stay in Glendale.

Mr. Bailey said that one position required that the applicant be a licensed attorney and a member of the Maricopa County Bar and the other needs to be a member of the State Bar of Arizona. He said this does not affect those positions and there are three public members who are residents of Glendale. He said this item just affects those positions that require membership in the County Bar and the State Bar. Vice Mayor Knaack noted that final approval still comes to Council. Mr. Bailey said that was correct, this is an advisory board of the City Council. Mayor Weiers said the city's first choice would always be an attorney that lives in the city.

**ORDINANCE NO. 2880 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 13 (CITY COURT), ARTICLE III (JUDICIAL SELECTION ADVISORY BOARD), SECTION 13-27 (MEMBERS); AND SETTING FORTH AN EFFECTIVE DATE.**

Mayor Weiers said they have tried for over six months to get people to volunteer. He said he has even made some calls, with no success.

**It was moved by Councilmember Sherwood, and seconded by Councilmember Chavira, to approve Ordinance No. 2880 New Series. Motion carried on a roll call vote, with the following Councilmembers voting "aye": Alvarez, Chavira, Hugh, Knaack, Martinez, Sherwood, and Weiers. Members voting "nay": none.**

22. ADOPT AN ORDINANCE REPEALING GLENDALE CITY CODE, CHAPTER 2, ARTICLE VIII, DIVISION 4, RELATING TO CITIZENS ADVISORY COMMISSION ON NEIGHBORHOODS  
PRESENTED BY: Kristen Krey, Council Services Administrator  
ORDINANCE: 2881

This is a request for City Council to waive reading beyond the title and adopt an ordinance repealing in its entirety, Glendale City Code, Chapter 2 (Administration), Article VIII (Boards, Commissions, etc.), Division 4 (Citizens Advisory Commission on Neighborhoods).

Ms. Krey said the Citizens Advisory Commission on Neighborhoods make recommendations to Council related to the development and improvement of Glendale neighborhoods. She said in reviewing the annual report provided by the Commission on Neighborhoods to the Government Services Committee for FY12-13, it was noted that the activities of the commission were no longer relevant to the city ordinance. She said this commission is currently unable to fulfill five out of seven duties listed in the ordinance. She said this is due to the lack of grant funding for the partnership department, which encourages this commission's activities, as well as a reduction in staffing in the partnership department. This commission is no longer serving in its capacity and it is recommended to

dissolve this commission. The work of these commissioners is greatly appreciated and council has encouraged these commissions to apply for other boards and commissions.

**ORDINANCE NO. 2881 NEW SERIES, WAS READ BY NUMBER AND TITLE ONLY, IT BEING, AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REPEALING GLENDALE CITY CODE, CHAPTER 2, ARTICLE VIII, DIVISION 4, RELATING TO THE CITIZENS ADVISORY COMMISSION ON NEIGHBORHOODS; AND ESTABLISHING AN EFFECTIVE DATE.**

**It was moved by Vice Mayor Knaack, and seconded by Councilmember Martinez, to approve Ordinance No. 2881 New Series. Motion carried on a roll call vote, with the following Councilmembers voting "aye": Alvarez, Chavira, Hugh, Knaack, Martinez, Sherwood, and Weiers. Members voting "nay": none.**

#### **REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION**

**It was moved by Vice Mayor Knaack, and seconded by Councilmember Sherwood, to hold a City Council Workshop at 1:30 p.m. in the Council Chambers, Room B-3 on Tuesday, March, 4, 2014, to be followed by an Executive Session pursuant to A.R.S.§ 38-431.03.**

**It was also moved to hold a Special Voting Meeting on Tuesday, March 4, 2014 at 5:00 p.m. in the City Council Chambers.**

**Further, it was moved to vacate the regularly scheduled voting meeting on Tuesday, March 11, 2014 at 6:00 p.m. due to the National League of Cities Congressional Conference.**

**Lastly, it was moved to hold a special workshop on Thursday, March 13, 2014 at 8:00 a.m. in room B-3 of the City Council Chambers to discuss Council goal/priority setting.**

**The motion carried unanimously.**

#### **CITIZEN COMMENTS**

Andrew Marwick, a Phoenix resident, said the last item shows where the city is going. He spoke about fire trucks and said Glendale needs a fire truck soon. He also said the city has millions of dollars in debt payments. He also spoke about taxes, billboards and sports in Glendale. He mentioned some facts about the Florida Panthers.

Bill Demski, a Sahuaro resident, spoke about the feral cats. He also commented on about the sales tax sunset that he understood were made by Councilmember Sherwood. Mr. Demski also discussed some city retirees and the payments they received. He asked how the city explained that so many city employees made over \$100,000 a year and discussed how much money is made by Arizona citizens in general.

Arthur Thruston, a Cactus resident, asked if he had access to the screen used to project onto the big screen in the auditorium. He was given permission to use the projector and showed an excerpt from the Glendale Star. He spoke about the black and white photographs and the one color photograph of the Mayor displayed in the lobby. He also advised the Council that Ken Jones was very ill. He mentioned Mr. Jones' concern about the city and the books he has written.

Michele Tennyson, a Cholla resident, discussed citizen participation and involvement in the city and said she was stunned by the Council's decision to postpone the billboard issue again. She explained the history of the billboard issue and said Council has had enough time to review this issue. She said the postponement sends up a red flag about what motivation is behind it.

Jen Deines, a Sahuaro resident, said the postponement of the billboard issue does not lead to transparency. She said Council has had ample time to review this issue and Council has had no trouble making decisions on other issues. She said delaying this was a disservice to the constituents.

Pauline Heil, a Sahuaro resident, said she is disappointed that the Council isn't listening to their constituents about the billboard issue. She said Council did not represent the public tonight. She said a vast majority in Councilmember Sherwood's district are against the billboards.

Douglas Cox, a Peoria resident, said Peoria residents have been misrepresented by Becker Boards and the Rose Law Group in the billboard issue. He provided a picture from the backyards of Peoria Homes with a billboard in the background. He said the home values will drop when these billboards go in. He said he is very disappointed there will be no vote on the billboards tonight. He said at the first meeting, no one wanted the billboards.

Suellen Brady-Nugent, a Cholla resident, said she is extremely disappointed by the lack of action taken by the Council this evening. She said the billboards will bring in tax revenue of only \$3,500 a year at the expense of home values. She said she has spent many hours and her own money fighting this issue. She said they will be back at the next meetings about the billboards.

Anne Buhrmann, a Sahuaro resident, said she is very disappointed in Councilmember Sherwood and the Council's actions tonight. She asked why the Council is even having the discussions about the billboards if their decisions have already been made.

Tim Topliff, a Sahuaro resident, said he voted for Councilmember Sherwood, and he is disappointed that he is not being represented by the Council. He said putting billboards in his neighborhood is going to cost him value on his home and asked the Council to consider this again. He said the Planning Commission has given a unanimous vote not to approve this. He also the Council to listen to their constituents.

Robin Berryhill, an Ocotillo resident, said she is disappointed in Mr. Bailey's decision that the AFW owner not speak to the internet sales issue. She said has no problem with the

store, but felt the city needs to be realistic about the revenues coming in. She said they have done that with the sports teams in the past and they need to stop. She said she is neither for nor against the billboards, but she is for the property values. She spoke about a high pressure gas line that was put in on her street. She said home values need to be addressed across the board.

## **COUNCIL COMMENTS AND SUGGESTIONS**

Councilmember Sherwood said he has served on the Planning Commission and said they never passed an ordinance regarding billboards, it was always a 3/3 vote. He said this issue has been tabled due to several errors on the staff report which have been corrected and some further discussion is warranted on this issue. He wanted to welcome the American Furniture Warehouse to the city. Staff is working hard in Economic Development for great opportunities to the city. He said the city will have a tough couple of years, but more opportunities will be coming to the city. He also mentioned SB 1062 and stated this bill would hurt the city's economic development. He said over 110 businesses in the state have asked the Governor to veto this bill. He also recognized the current acting Marketing Director, Jerry McCoy, who is leaving the city. He wished Mr. McCoy the best of luck.

Councilmember Alvarez thanked the people that came from north Glendale. She said they need to stick together until a decision is made. She said they have lived through this in south Glendale and no one listened to them. She hoped the citizens continued to fight for this.

Councilmember Martinez thanked all the citizens for showing up for the meeting. He said he was disappointed with the action to table the billboard agenda item. He said it is beyond words and in the 17 years he has been on the Council, he cannot recall anything that comes close to this. He said it is so blatant to come up at the last minute with an explanation that this needed to be vetted some more. He said how many times can they vet the same issue over and over again. He said with respect to the Planning Commission ever making a decision on this, he said the Council in June of 2012 took up the issue with the billboards and made it very clear where the billboards were going to be. He said the city has been trying to do away with billboards and he said this is a slap in the face and he apologized to the members of the Planning Commission for the action the Council has taken. He said he was thoroughly disgusted and thanked everyone that showed up this evening.

Councilmember Hugh reminded everyone that spring is here and baseball is starting.

Councilmember Chavira welcomed American Furniture Warehouse. He thanked Mr. Thurston for his update on Mr. Jones. He said he always respected Mr. Jones for his commitment to his civic responsibility. He also thanked Jamsheed Mehta and Jerry McCoy for their service to the city. He also said SB 1062 was a malicious and ill-written piece of legislation. He urged the Governor to veto the bill. He said it was embarrassing to the State of Arizona.

Vice Mayor Knaack welcomed American Furniture Warehouse. She said it is a bright spot in the city's future. She thanked the staff that worked on this item. She thanked everyone for showing up at the meeting for the billboard issue. She is disappointed that Council would go against the Planning Commission vote. She said the appointed commission members do the research and to disregard their recommendations is unforgiveable. She apologized to the Planning Commission and hopes the city can move forward. She said the city has done a lot to take down the billboards in south Glendale. She said SB 1062 is an embarrassment to the state and urged the Governor to veto the bill. She said this is totally wrong for the state and the state doesn't need another black eye. She thanked Jerry McCoy and Jamsheed Mehta for their service to the city.

Mayor Weiers thanked Jamsheed Mehta and Jerry McCoy for their service and said the city has had a brain drain recently. He said he had the opportunity to have breakfast with Mr. Jones recently. He admired Mr. Jones' spirit and said he didn't know anyone who cared more for the city. He wished Mr. Jones the best. Mayor Weiers also said tickets are available for the State of the City Address on Thursday.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:47 p.m.

Pamela Hanna  
Pamela Hanna - City Clerk