



**MINUTES OF THE  
GLENDALE CITY COUNCIL MEETING  
Council Chambers  
5850 West Glendale Avenue  
August 12, 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; Julie Frisoni, Assistant City Manager; Jennifer Campbell, Assistant City Manager; Michael Bailey, City Attorney; Pamela Hanna, City Clerk and Darcie McCracken, Deputy City Clerk.

Mayor Weiers called for the Pledge of Allegiance.

The prayer/invocation was given by Ms. Brooke Mulder.

**APPROVAL OF THE MINUTES OF JUNE 24, 2014 and July 15, 2014**

**It was moved by Councilmember Martinez, and seconded by Councilmember Chavira, to dispense with the reading of the minutes of the June 24, 2014 Regular City Council meeting and the July 15, 2014 Special 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 Ian Hugh

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.

**Arts Commission**

Carol Ladd

Cactus Reappointment 08/23/2014 08/23/2016

Nadine Yuhasz	Cholla	Reappointment	08/23/2014	08/23/2016
Carol Ladd – Chair	Cactus	Reappointment	08/23/2014	08/23/2015
Jessica Koory – Vice Chair	Ocotillo	Reappointment	08/23/2014	08/23/2015

**Aviation Advisory Commission**

Victoria Rogen – Chair	Mayoral	Appointment	08/12/2014	11/24/2014
Quentin Tolby – Vice Chair	Cactus	Appointment	08/12/2014	11/24/2014

**Board of Adjustment**

Tonya Blakely	Cactus	Appointment	08/12/2014	06/30/2016
Carl Dietzman	Ocotillo	Appointment	08/12/2014	04/26/2017

**Commission on Persons with Disabilities**

Diane Lesser – Vice Chair	Cactus	Appointment	08/12/2014	02/26/2015
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**Public Safety Personnel Retirement System Fire Board-Update Term Ending Date**

Mark Manor	N/A	Appointment		07/01/2016
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**It was moved by Councilmember Hugh, and seconded by Councilmember Chavira, to appoint Carol Ladd, Nadine Yuhasz and Jessica Koory to the Arts Commission; Victoria Rogen and Quentin Tolby to the Aviation Advisory Commission; Tonya Blakely and Carl Dietzman to the Board of Adjustment; Diane Lesser to the Commission on Persons with Disabilities and Mark Manor to the Public Safety Personnel Retirement System Fire Board, for the terms listed above. The motion carried unanimously.**

**PROCLAMATIONS AND AWARDS**

**RECOGNITION OF COMMUNITY SERVICE FOR BRUCE LARSON**

PRESENTED BY: Jon M. Froke, AICP, Planning Director

This is a request to present a plaque recognizing Mr. Bruce Larson for his four years of community service on Glendale’s Planning Commission (PC).

**RECOGNITION OF COMMUNITY SERVICE FOR ROBERT PETRONE**

PRESENTED BY: Jon M. Froke, AICP, Planning Director

This is a request to present a plaque recognizing Mr. Robert Petrone for his four years of community service on Glendale’s Planning Commission (PC).

**CONSENT AGENDA**

Ms. Brenda Fischer, City Manager, read agenda item numbers 1 through 21.

Councilmember Alvarez requested that items 10 and 13 be heard separately.

**1. APPROVE SPECIAL EVENT LIQUOR LICENSE, OUR LADY OF PERPETUAL HELP**  
PRESENTED BY: Susan Matousek, Revenue Administrator

This is a request for City Council to approve a special event liquor license for Our Lady of Perpetual Help, submitted by Ofelia Loera. The event will be held at Our Lady of Perpetual Help located at 5614 West Orangewood Avenue on Friday, October 17, from 5 p.m. to 10 p.m.; and Saturday and Sunday, October 18 and 19, from 11 a.m. to 10 p.m. The purpose of this special event liquor license is for a fundraiser at their Unity Fall Festival.

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

**2. APPROVE LIQUOR LICENSE NO. 5-13840, GLENDALE MINI MART**  
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 Glendale Mini Mart located at 5904 West Glendale Avenue. The Arizona Department of Liquor Licenses and Control application (No. 10076542) was submitted by Samyeh Fayeze Daghilawi.

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

**3. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. FOR GIS LICENSE RENEWAL**  
PRESENTED BY: Tom Duensing, Director, Finance and Technology

This is a request for City Council to authorize entering into a five (5) year linking agreement with Environmental Systems Research Institute, Inc. (ESRI) which will allow the purchase of an ArcGIS License Renewal using a cooperative purchase agreement between the State of Arizona, contract ADSP010-00000131, and ESRI in an amount not to exceed \$301,796.52 effective 8/12/2014 through 8/1/2019 (\$50,299.42 per year plus an additional \$50,299.42 contingency to be used anytime during the contract period). The amount includes the annual ESRI ArcGIS license renewal and an estimated 20% contingency for applicable taxes, fees, and additional licenses during the agreement.

**4. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH SHI INTERNATIONAL CORPORATION FOR ONGOING SOFTWARE LICENSES, SUPPORT, AND MAINTENANCE**  
PRESENTED BY: Tom Duensing, Director, Finance and Technology

This is a request for City Council to authorize entering into a five (5) year linking agreement with SHI International Corp. (SHI), effective 8/12/2014 - 8/31/2019. This agreement will allow the procurement of licenses, support, and maintenance of approved products using a cooperative purchase agreement between the State of Arizona, contract ADSP011-007500, and SHI. Purchases made against this agreement will follow City purchasing guidelines.

**5. AUTHORIZATION FOR THE RENEWAL OF ORACLE PEOPLESOFT AND DATABASE SOFTWARE MAINTENANCE AND SUPPORT**

PRESENTED BY: Tom Duensing, Director, Finance and Technology

This is a request for City Council to approve the one year renewal of Oracle software maintenance and support for PeopleSoft and Oracle databases using a cooperative purchase agreement between the State of Arizona, contract ADSP011-007500, and SHI International Corp. in an amount not to exceed \$540,252.64. This amount includes the annual Oracle PeopleSoft and database support and maintenance plus an estimated 10% increase for fluctuation of taxes and fees.

**6. AUTHORIZATION FOR THE RENEWAL OF MICROSOFT ENTERPRISE LICENSES AND HOSTED SERVICES**

PRESENTED BY: Tom Duensing, Director, Finance and Technology

This is a request for City Council to approve the renewal of software licenses and hosted services over a three year period with Microsoft for the City's Microsoft Enterprise Agreement (EA) using a cooperative purchase agreement between the State of Arizona, contract ADSP011-007500, and SHI International Corp. in an amount not to exceed \$826,985.34 (\$229,661.78 per year plus an additional annual \$46,000 contingency). The amount includes the annual Microsoft EA renewal plus an estimated 20% increase for fluctuation of taxes, fees, and additional licenses during the agreement.

**7. AUTHORIZATION TO PURCHASE AMMUNITION FROM THE SAN DIEGO POLICE EQUIPMENT COMPANY, INCORPORATED**

PRESENTED BY: Debora Black, Police Chief

This is a request for City Council to authorize the Glendale Police Department (GPD) to purchase ammunition from San Diego Police Equipment Company, Incorporated in an amount not to exceed \$105,000. This purchase will cover all of the ammunition needs for each police officer in Fiscal Year (FY) 2014-15.

**8. AUTHORIZATION TO ENTER INTO A SERVICES AGREEMENT WITH MOTOROLA SOLUTIONS, INC. FOR COMMUNICATION SYSTEMS SERVICE**

PRESENTED BY: Debora Black, Police Chief

This is a request for City Council to authorize the City Manager to enter into a three-year services agreement with Motorola Solutions, Inc. (Motorola) in a total amount not to exceed \$90,000 for communication systems service.

**9. AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH WESTERN TOWING OF PHOENIX, INC.**

PRESENTED BY: Debora Black, Police Chief

This is a request for City Council to authorize the City Manager to enter into a professional services agreement with Western Towing of Phoenix, Inc. (Western Towing) in an amount not to exceed \$55,000 annually for towing services.

**11. INDEPENDENT CONTRACTOR AGREEMENT WITH ARIZONA COMMUNITY ACTION ASSOCIATION FOR COMMUNITY ACTION PROGRAM FUNDING**

PRESENTED BY: Erik Strunk, Director, Community Services

This is a request for City Council to authorize the City Manager to enter into an agreement with the Arizona Community Action Association (ACAA) to accept \$110,041 in Community Action Program (CAP) funding.

**12. AUTHORIZATION TO EXTEND AGREEMENT TERMS, APPROVE EXPENDITURE OF FUNDS AND EXPENDITURE AUTHORIZATION FOR PURCHASE OF SODIUM HYPOCHLORITE FROM DPC ENTERPRISES, L.P.**

PRESENTED BY: Craig Johnson, P.E., Director, Water Services

This is a request to City Council for expenditure authorization with DPC Enterprises, L.P. for the purchase of sodium hypochlorite in an amount not to exceed \$1,021,200 (\$255,300 annually for contract extension years 2 through 5), including approval for the expenditure of funds in the amount of \$49,216.77 for purchases made during April, May, and June 2014, and to authorize the City Manager or designee to extend the agreement terms annually at their discretion over the remaining four years of the contract.

**14. BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY PIPELINE LICENSE AGREEMENT**

PRESENTED BY: Jack Friedline, Interim Director, Public Works

This is a request for City Council to authorize the City Manager to enter into a pipeline license agreement with the Burlington Northern Santa Fe (BNSF) Railway Company for a sanitary sewer line installed under the BNSF railroad tracks along Grand Avenue south of the Maryland Avenue bridge.

**15. EXPENDITURE AUTHORIZATION FOR ELECTRICITY SERVICE FROM ARIZONA PUBLIC SERVICE COMPANY FOR STREETLIGHTS**

PRESENTED BY: Jack Friedline, Interim Director, Public Works

This is a request for City Council to authorize the expenditure of funds for electricity service with Arizona Public Service Company (APS) in the approximate amount of \$920,000 in fiscal year (FY) 2014-15 for the operation of city-owned streetlights.

**16. EXPENDITURE AUTHORIZATION FOR ELECTRICITY SERVICE FROM SALT RIVER PROJECT FOR STREETLIGHTS**

PRESENTED BY: Jack Friedline, Interim Director, Public Works

This is a request for City Council to authorize the expenditure of funds for electricity service with Salt River Project (SRP) in the approximate amount of \$950,000 in fiscal year (FY) 2014-15 for the operation of city-owned streetlights.

**17. EXPENDITURE AUTHORIZATION FOR COOPERATIVE PURCHASE OF TIRES AND SERVICES FROM PHOENIX TIRE, INC. FOR PUBLIC WORKS**

PRESENTED BY: Jack Friedline, Interim Director, Public Works

This is a request for City Council to authorize the expenditure of funds for the cooperative purchase of tires and services from Phoenix Tire, Inc. in a total amount not to exceed \$110,000 for fiscal year (FY) 2014-15.

**18. EXPENDITURE AUTHORIZATION FOR COOPERATIVE PURCHASE OF TIRES FROM MICHELIN NORTH AMERICA, INC. FOR PUBLIC WORKS**

PRESENTED BY: Jack Friedline, Interim Director, Public Works

This is a request for City Council to authorize the expenditure of funds for the cooperative purchase of tires from Michelin North America, Inc. in a total amount not to exceed \$125,000 for fiscal year (FY) 2014-15.

**19. EXPENDITURE AUTHORIZATION FOR COOPERATIVE PURCHASE OF TIRES FROM PURCELL TIRE COMPANY FOR PUBLIC WORKS**

PRESENTED BY: Jack Friedline, Interim Director, Public Works

This is a request for City Council to authorize the expenditure of funds for the cooperative purchase of tires from Purcell Tire Company in a total amount not to exceed \$400,000 for fiscal year (FY) 2014-15.

**20. AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH LSW ENGINEERS ARIZONA, INC. FOR ENGINEERING SERVICES TO REPLACE COMPUTER ROOM AIR CONDITIONER UNITS IN THE MAIN PUBLIC SAFETY BUILDING**

PRESENTED BY: Jack Friedline, Interim Director, Public Works

This is a request for City Council to authorize the City Manager to enter into a professional services agreement with LSW Engineers Arizona, Incorporated (LSW Engineers) in an amount not to exceed \$51,660 for design and construction administrative services related to the replacement of Computer Room Air Conditioning (CRAC) units located inside the Main Public Safety Building.

**21. EXPENDITURE AUTHORIZATION FOR ANNUAL MEMBERSHIP FEE TO VALLEY METRO RAIL, INC.**

PRESENTED BY: Jack Friedline, Interim Director, Public Works

This is a request for City Council to approve expenditure authorization by the City Manager for the Fiscal Year 2014-15 annual membership fee for Valley Metro Rail, Inc., (METRO) in the amount of \$50,000.

**It was moved by Vice Mayor Knaack and seconded by Councilmember Sherwood, to approve the recommended actions on Consent Agenda Item Numbers 1 through 9, 11, 12 and 14 through 21, and to forward Special Event Liquor License Application for Our Lady of Perpetual Help and Liquor License Application No. 5-13840 for Glendale Mini Mart to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.**

**10. POSITION RECLASSIFICATIONS**

PRESENTED BY: Jim Brown, Director, Human Resources and Risk Management

This is a request for the City Council to authorize the City Manager to reclassify existing positions within the organization that have experienced a change in duties and/or responsibilities.

Mr. Brown stated positions could be reclassified either via a job study or a significant change in job functions and/or responsibilities. He continued that these reclassifications have been brought to Council under Ms. Fischer’s direction.

Councilmember Alvarez asked about the request, whether these positions had already been reclassified prior to coming to Council, and any costs associated. Mr. Brown stated that an analysis had been done prior to coming to Council; however, the reclassifications have not yet been done. They would be completed once Council has approved them. He continued that the costs would be absorbed within the existing Council approved budget if there were any changes in salary.

Councilmember Alvarez asked about the predominance of the positions being at lower classifications. Mr. Brown stated that the departments are looking at better ways to provide services. Mr. Brown also mentioned the Management Partner’s reorganization required some changes to positions. Councilmember Alvarez asked about the attorney’s office position. Mr. Brown spoke about not identifying the position just yet and after the recruitment for a Chief Deputy the position would be reclassified.

Mr. Bailey spoke about the position being reclassified and added the vacant position would be downgraded.

**It was moved by Vice Mayor Knaack to approve consent agenda 10, seconded by Councilmember Chavira. The motion carried unanimously.**

**13. AUTHORIZATION TO EXTEND AGREEMENT TERMS AND EXPENDITURE AUTHORIZATION FOR URBAN IRRIGATION SERVICES FROM SALT RIVER IRRIGATION**

PRESENTED BY: Craig Johnson, P.E., Director, Water Services

This is a request for City Council to authorize the City Manager to extend the agreement terms and expenditure authorization for urban irrigation services with Salt River Irrigation in an amount not to exceed \$414,325.80 (\$138,108.60 annually for contract extension years 3-5) and authorize the City Manager or designee to renew the agreement at her discretion upon consent of both parties for an additional three years.

Mr. Johnson spoke about the services associated with the agreement.

Councilmember Alvarez commented that there are only 330 irrigation customers. Mr. Johnson agreed. He commented that the number has continuously dropped ever since the city became involved in the service delivery.

Councilmember Alvarez asked if irrigation is offered to everyone in that area. Mr. Johnson stated that up to 450 people that could request the service. Councilmember Alvarez asked if the city

denied anyone. Mr. Johnson stated that if someone is in the service area then they are offered the service.

Councilmember Alvarez asked if in the original contract the city was responsible to provide the repairs to the infrastructure. Mr. Johnson commented that previously Council made the decision that as people left the program then they would no longer be provided the service.

Mr. Johnson said it was on a case by case basis. Councilmember Alvarez commented that if someone had the irrigation and sold the property the new owners would have irrigation. Mr. Johnson agreed.

Councilmember Alvarez asked why a property would not be eligible for irrigation service. She commented that it is an Ocotillo issue. Councilmember Alvarez asked what happened. She said 1600 people were getting irrigation and it was the city's responsibility to maintain the pipe. She asked if the city did maintain the pipes.

Mr. Johnson said that a lot of people discontinued the irrigation program and then the system became unmaintainable in the majority of the city. He continued that they were able to designate an area of about 450 people that had irrigation which was feasible to maintain.

Councilmember Alvarez asked if it wouldn't be beneficial for everyone to have irrigation.

Mr. Johnson commented on the study that stated it would cost over \$7 million to bring the system up to where it needed to be. He said this was presented to Council at that time. He continued that the program has been upside down for years.

Councilmember Alvarez asked what happened to the water rights.

Mr. Bailey commented that the Council is asking about the program which is outside the scope of the item up for discussion.

Councilmember Alvarez agreed and stated she wants to know this information. She said that she wants to hear where the water goes and that it appears to be a touchy subject that no one wants to talk about. She said they are having discussions with the commission and she has asked twice to get this information for the community, but she hasn't been given the information.

Robin Berryhill, an Ocotillo resident, commented that she was shocked that this item was on the agenda. She said that she and others as a citizens group have been asking for information since March or so. She said that verbiage in the contract is for up to 330 customers and for an as-needed basis. She said the contract should go out for bid. She said that the costs should be extended to those who opt to not have the irrigation. She stated that at one of the Water Commission meetings there were a lot of people that attended so the item was tabled. She commented she has some major issues with this item. She commented that the city pays for customers to get the water. She added how disappointed she was. She wants the item tabled and all the Council to support it. She would like public discussion. She said she was promised by the water department and added that you cannot extinguish water rights. She concluded that it was much bigger issue.

John Geurs, an Ocotillo resident, commented that in the 35 years that he has been getting irrigation he has never seen anything from the city encouraging anyone to sign up to get the irrigation. He added that the neighborhood would turn into an area that hasn't received enough water like Murphy Park. He asked that the city do advertising to ask people to join the irrigation system.

Councilmember Alvarez commented that she resents that every time she asks questions that she is told that she is going beyond the scope of the agenda. She said it has been happening since and felt she had the freedom to ask questions at the meetings that are asked of her by the community. She continued that she resents being embarrassed at every meeting or that she is wrong or needs to stop.

Ms. Fischer asked if Mr. Johnson could come back up to answer a few questions.

Mr. Johnson explained that the contract expired in June of this year and he is just asking for one year but with the City Manager having the ability to extend the contract.

Councilmember Alvarez asked if it expired this year. She was under the impression that it didn't expire until 2016.

Mayor Weiers clarified that the outside service was providing service month by month. He asked how much of a problem would it be to extend the time and bring this back to another meeting.

Mr. Johnson said the commission would be meeting to discuss the issues in early September. He said at that time the citizens can bring their concerns forward. He continued that he would not have brought it forward if it wasn't close to expiring.

Councilmember Alvarez asked about the community meetings that were going to take place.

Mr. Johnson said that was part of the plan that the commission would be reviewing and then making a recommendation. He said the draft plan goes to the commission on September 3, 2014.

Councilmember Alvarez asked if the commission would be hearing the public comment in September. Mr. Johnson clarified the public comment would be in October.

Councilmember Alvarez asked if it wouldn't be better to had the public comment first and then take it to the advisory commission.

Mr. Johnson explained the communication plan that would be reviewed by the water commission.

Councilmember Alvarez commented the community needed to be involved sooner and direction should come from people who use that service.

Mr. Johnson advised the community is involved and they will have an opportunity to make comments during development of the plan.

Mayor Weiers commented that the citizen involvement should come before the commission reviews the plan. He said it appears they are approving a plan and then asking for citizen comments. He asked if this item should be tabled.

Councilmember Hugh asked if Councilmember Alvarez was interested in making a motion to table this item.

Councilmember Alvarez said she would like to make a motion.

Ms. Fischer clarified that the contract is to continue service as it exists today. This is to ensure the service continues to be provided while the program is reviewed.

Mayor Weiers read the Council item and said there was some confusion in the way this item read.

Mr. Johnson stated that there have been discussions to change the program, but at this time, it is just to continue the current service. He said discussions have been ongoing for the last four to five months. They are working to provide answers to both the commission and the public.

Councilmember Martinez asked if the contract would increase the rates. Mr. Johnson said no. Councilmember Martinez said this isn't on the rates, but the service has to continue for those that are receiving the service. He said discussions are going to be coming up. He said he didn't see any threat that anyone is going to lose their service and there appears to be a plan to obtain input from the public. He said with the presentation, some questions have been asked and issues have been brought up. He said they should go ahead with this with the understanding there will be no increase in rates. He asked for those individuals that are property owners on this program, he asked if the city maintains the structure, even if it is on personal property.

Mr. Johnson said there are 23 miles of line and much of that is through private property. He said there have been minimum amounts of water overflowing into the street. He said there are 15 irrigation periods from April to October and it serves 330 people.

Councilmember Martinez asked how these rates equate to the city population with their water rates.

Mr. Johnson said they are looking at about 7 times more cost for potable water use than for irrigation.

Councilmember Martinez agreed it was a much lower rate for irrigation.

Mayor Weiers asked what the average house paid in irrigation fees. Mr. Johnson stated about \$162 per year. He added that the contract provides the patching on the system and turning the system on and off.

**Councilmember Martinez moved, seconded by Councilmember Sherwood, to approve the extension of the contract in item 13.**

Councilmember Hugh clarified that this is to just provide the service so it doesn't stop. Councilmember Alvarez stated that without knowing when the contract expires she doesn't see a need to rush this through.

**The motion carried with Councilmembers Hugh and Alvarez voting nay.**

**CONSENT RESOLUTIONS**

Ms. Pamela Hanna, City Clerk, read consent agenda resolution item numbers 22 through 29 by number and title.

**22. AUTHORIZATION TO ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR AIRPORT IMPROVEMENTS**

PRESENTED BY: Jack Friedline, Interim Director, Public Works

RESOLUTION: 4829

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 grant agreement with the Federal Aviation Administration (FAA) in the anticipated amount of approximately \$3,750,000 for asphalt apron and lighting improvements at Glendale Municipal Airport. Additionally, the city's Glendale Onboard (GO) fund and the Arizona Department of Transportation (ADOT) will each provide \$184,081.50 in grant match funding.

Staff expects the FAA to offer the grant prior to September 30, 2014. However, because the FAA allows only a few days to formally accept the grant once the offer is made, staff is requesting Council's approval to accept the grant prior to receiving the new grant offer from the FAA.

**RESOLUTION NO. 4829 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 A GRANT AGREEMENT, AND AUTHORIZING THE ACCEPTANCE OF THE GRANT IF AWARDED, FROM THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, IN THE APPROXIMATE AMOUNT OF \$3,750,000 (THREE MILLION, SEVEN HUNDRED, FIFTY THOUSAND DOLLARS) FOR ASPHALT APRON AND LIGHTING IMPROVEMENTS AT THE GLENDALE MUNICIPAL AIRPORT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE GRANT.**

**23. AUTHORIZATION OF THIRD AMENDMENT TO LICENSE AGREEMENT FOR VERIZON WIRELESS (VAW), LLC FOR THE OPERATION OF A WIRELESS COMMUNICATION SITE AT SAHUARO RANCH PARK**

PRESENTED BY: Jack Friedline, Interim Director, Public Works

RESOLUTION: 4830

This is a request for the City Council to waive reading beyond the title and adopt a resolution authorizing a third amendment to the license agreement between the City of Glendale and Verizon Wireless, LLC, dba Verizon Wireless, to allow city staff to invoice and receive the license fee payment on an annual basis for a wireless communication site within Sahuaro Ranch Park located at 9802 North 59<sup>th</sup> Avenue.

**RESOLUTION NO. 4830 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 CITY MANAGER TO EXECUTE A THIRD AMENDMENT TO LICENSE AGREEMENT FOR WIRELESS COMMUNICATIONS SITE IN SAHUARO RANCH PARK LOCATED AT 9802 NORTH 59<sup>TH</sup> AVENUE IN GLENDALE, ARIZONA WITH VERIZON WIRELESS.**

**24. AUTHORIZATION OF EIGHT LICENSE AGREEMENTS FOR VERIZON WIRELESS (VAW), LLC FOR THE INSTALLATION OF A DISTRIBUTED ANTENNA SYSTEM (SMALL CELL) ON EIGHT CITY STREETLIGHTS WITHIN PUBLIC RIGHT-OF-WAY**

PRESENTED BY: Jack Friedline, Interim Director, Public Works

RESOLUTION: 4831

This is a request for the City Council to waive reading beyond the title and adopt a resolution authorizing the City Manager to execute eight license agreements between the City of Glendale and Verizon Wireless (VAW), L.L.C., dba Verizon Wireless, for the installation of a distributed antenna system (small cell) on eight city streetlights within public right-of-way located at: 11441 North 55<sup>th</sup> Avenue, 7392 West Missouri, 5895 West Peoria, 6655 West Bell Road, 5151 West Peoria, 9004 North 59<sup>th</sup> Avenue, 5115 West Olive, and 67<sup>th</sup> Avenue & West Royal Palm.

**RESOLUTION NO. 4831 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 CITY MANAGER TO EXECUTE EIGHT COMMUNICATIONS SITE LICENSE AGREEMENTS WITH VERIZON WIRELESS (VAW) LLC, DBA VERIZON WIRELESS FOR WIRELESS COMMUNICATIONS SITES LOCATED ON CITY STREETLIGHTS WITHIN PUBLIC RIGHTS-OF-WAY IN GLENDALE, ARIZONA.**

**25. AUTHORIZATION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH CITY OF PEORIA FOR RECYCLABLE PROCESSING SERVICES**

PRESENTED BY: Jack Friedline, Interim Director, Public Works

RESOLUTION: 4832

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 intergovernmental agreement (IGA) with the City of Peoria for Recyclable Processing Services, to begin upon signing of the agreement and shall continue thereafter until June 30, 2017; and to authorize the City Manager, at her discretion, to extend the IGA for one additional three-year period, upon mutual consent of both the City of Glendale and the City of Peoria.

**RESOLUTION NO. 4832 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 AN INTERGOVERNMENTAL AGREEMENT FOR RECYCLABLE PROCESSING SERVICES WITH THE CITY OF PEORIA.**

**26. AUTHORIZATION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH CITY OF AVONDALE FOR LANDFILL DISPOSAL SERVICES; AND RATIFICATION OF THE ADMINISTRATIVE ACTION TO EXTEND THE IGA**

PRESENTED BY: Jack Friedline, Interim Director, Public Works

RESOLUTION: 4833

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 intergovernmental agreement (IGA) with the City of Avondale for Landfill Disposal Services to begin upon signing of the IGA and shall continue thereafter until June 30, 2018; and to authorize the City Manager, at her discretion, to extend the IGA for one additional three year period, upon mutual consent of both the City of Glendale and the City of Avondale.

This is also a request for Council to ratify the administrative action to extend the terms and conditions of the previous IGA for landfill disposal services until the new IGA is approved by both Glendale and Avondale City Councils.

**RESOLUTION NO. 4833 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 AN INTERGOVERNMENTAL AGREEMENT FOR LANDFILL DISPOSAL SERVICES WITH THE CITY OF AVONDALE.**

**27. AUTHORIZATION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH CITY OF PEORIA FOR LANDFILL DISPOSAL SERVICES; AND RATIFICATION OF THE ADMINISTRATIVE ACTION TO EXTEND THE IGA**

PRESENTED BY: Jack Friedline, Interim Director, Public Works

RESOLUTION: 4834

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 intergovernmental agreement (IGA) with the City of Peoria for Landfill Disposal Services to begin upon signing of the IGA and shall continue thereafter until June 30, 2017; and to authorize the City Manager, at her discretion, to extend the IGA for one additional three year period, upon mutual consent of both the City of Glendale and the City of Peoria.

This is also a request for Council to ratify the administrative action to extend the terms and conditions of the previous IGA for landfill disposal services until the new IGA is approved by both Glendale and Peoria City Councils.

**RESOLUTION NO. 4834 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 AN INTERGOVERNMENTAL AGREEMENT FOR LANDFILL DISPOSAL SERVICES WITH THE CITY OF PEORIA.**

**28. AUTHORIZATION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR IMPROVEMENTS TO 99TH AVENUE FROM MISSOURI AVENUE TO BETHANY HOME ROAD**

PRESENTED BY: Jack Friedline, Interim Director, Public Works

RESOLUTION: 4835

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 intergovernmental agreement (IGA) with Maricopa

County for improvements to 99<sup>th</sup> Avenue, from Missouri Avenue to Bethany Home Road, and installation of a traffic signal at the intersection of 99<sup>th</sup> and Montebello avenues.

**RESOLUTION NO. 4835 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 AN INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR IMPROVEMENTS TO 99<sup>TH</sup> AVENUE FROM MISSOURI AVENUE TO BETHANY HOME ROAD AND INSTALLATION OF TRAFFIC SIGNALS AT THE INTERSECTION OF THE 99<sup>TH</sup> AVENUE AND MONTEBELLO AVENUE ALIGNMENT.**

**29. AUTHORIZATION TO ACCEPT A VICTIMS OF CRIME ACT GRANT FROM THE ARIZONA DEPARTMENT OF PUBLIC SAFETY AND ENTER INTO A SUB-GRANT AWARD AGREEMENT**

PRESENTED BY: Debora Black, Police Chief  
RESOLUTION: 4836

This is a request for City Council to waive reading beyond the title and adopt a resolution authorizing the City Manager to accept a Victims of Crime Act (VOCA) grant in the approximate amount of \$121,464 through the Arizona Department of Public Safety (DPS) for the Victim Assistance Program, and enter into a sub-grant award agreement.

**RESOLUTION NO. 4836 NEW SERIES WAS READ BY NUMBER AND TITLE ONLY, IT BEING A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ACCEPTING A GRANT OFFER FROM THE ARIZONA DEPARTMENT OF PUBLIC SAFETY, VICTIMS OF CRIME ACT (VOCA), AND APPROVING MATCHING FUNDS, FOR THE GLENDALE POLICE DEPARTMENT'S VICTIM ASSISTANCE GRANT PROGRAM.**

It was moved by Vice Mayor Knaack and seconded by Councilmember Chavira, to approve the recommended actions on Consent Agenda Item Numbers 22 through 29, including the approval and adoption of Resolution No. 4829 New Series, Resolution No. 4830 New Series, Resolution No. 4831 New Series, Resolution No. 4832 New Series, Resolution No. 4833 New Series, Resolution No. 4834 New Series, Resolution No. 4835 New Series, and Resolution No. 4836 New Series; The motion carried unanimously. (Councilmember Martinez left the room prior to the vote and returned at the beginning of the next item.)

**PUBLIC HEARING - LAND DEVELOPMENT ACTIONS**

**30. GENERAL PLAN AMENDMENT GPA14-02 (RESOLUTION) AND REZONING APPLICATION ZON14-03 (ORDINANCE) SKILLED NURSING FACILITY - 7201 WEST CAMINO SAN XAVIER (PUBLIC HEARING REQUIRED)**

PRESENTED BY: Jon M. Froke, AICP, Planning Director  
RESOLUTION: 4837  
ORDINANCE: 2900

This is a request by the Atwell Group representing Phoenix SNF Real Estate Group LLC, for City Council to approve a General Plan Amendment and Rezoning Application on 3.88 acres. The request is to amend the General Plan from Business Park (BP) to Institutional (INST), to amend the North Valley Specific Area Plan from Business Park (BP) to Institutional (INST), and to rezone

the property from Planned Area Development (PAD) to Planned Area Development Amended (PAD Amended).

Staff is requesting Council conduct a public hearing, waive reading beyond the titles, and adopt a resolution for GPA14-02 and approve an ordinance for ZON14-03, subject to the stipulations recommended by the Planning Commission.

Mr. Froke said the site has been vacant and this project is an excellent fit for this location. He provided information about the site plan. He said the Planning Commission provided a recommendation for approval.

Mayor Weiers opened the public hearing. Having no requests to speak, the hearing was closed.

**RESOLUTION NO. 4837 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 GPA14-02 FOR PROPERTY LOCATED AT 7201 WEST CAMINO SAN XAVIER.**

**It was moved by Councilmember Sherwood, and seconded by Vice Mayor Knaack, to pass, adopt and approve Resolution No. 4837 New Series. The motion carried unanimously.**

Councilmember Sherwood commented this is a great infill project for the area.

**ORDINANCE NO. 2900 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 7201 WEST CAMINO SAN XAVIER FROM PAD (PLANNED AREA DEVELOPMENT) TO PAD AMENDED (PLANNED AREA DEVELOPMENT AMENDED); AMENDING THE ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.**

**It was moved by Councilmember Sherwood, and seconded by Councilmember Hugh, to approve Ordinance No. 2900 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.**

## **LAND DEVELOPMENT ACTIONS**

- 31. PLAT APPLICATION FP14-01: ASPERA FINAL PLAT – 20250 NORTH 75TH AVENUE**  
PRESENTED BY: Jon M. Froke, AICP, Planning Director

This is a request by Cardon Development Group for City Council to approve the final plat for Aspera, a Planned Area Development, located at 20250 North 75<sup>th</sup> Avenue.

Mr. Froke said this action tonight would create 7 individual commercial and residential parcels.

Staff recommends approval of Final Plat Application FP14-01.

**It was moved by Councilmember Martinez, and seconded by Vice Mayor Knaack, to approve Plat Application FP14-01: Aspera Final Plat at 20250 North 75<sup>th</sup> Avenue. The motion carried unanimously.**

**ORDINANCES**

- 32. ADOPT AN ORDINANCE AMENDING GLENDALE CITY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE I**  
PRESENTED BY: Sam McAllen, Director, Development Services  
ORDINANCE: 2901

This is a request for City Council to waive reading beyond the title and adopt an ordinance amending Glendale City Code Chapter 2, Administration, Article I relating to the annual review and adjustment of the Community Development Fee Schedule, deleting the administrative portion of the city code related to fee payment types and deleting the current Appendix B of the City Code, Community Development Fee Schedule with an effective date of October 1, 2014.

Mr. McAllen said community development fees shall be adjusted on an annual basis in accordance with the consumer price index.

**ORDINANCE NO. 2901 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 2 (ADMINISTRATION), ARTICLE I (IN GENERAL), SECTION 2-3 (COMMUNITY DEVELOPMENT FEES; ANNUAL REVIEW AND ADJUSTMENT; PAYMENT; WAIVER); AND ESTABLISHING AN EFFECTIVE DATE.**

**It was moved by Councilmember Hugh, and seconded by Councilmember Chavira, to approve Ordinance No. 2901 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.**

- 33. ADOPT AN ORDINANCE AMENDING GLENDALE CITY CODE, ARTICLE 1 (IN GENERAL), CHAPTER 3 (ALARM SYSTEMS), SECTION 3-5 (ALARM SUBSCRIBER'S DUTIES)**  
PRESENTED BY: Debora Black, Police Chief  
ORDINANCE: 2902

This is a request for City Council to waive reading beyond the title and adopt an ordinance amending Glendale City Code, Article 1 (In General), Chapter 3 (Alarm Systems), Section 3-5 (Alarm Subscriber Duties).

Chief Black explained that the annual fee is to generate some kind of cost recovery. She explained they researched other cities which provided alarm subscriber permits and Glendale was the only one that did not charge a fee. She explained that no public comments have been received.

Mayor Weiers stated what the actual cost was for the program. Chief Black stated that the cost for the program is \$82,000 and there are about 8,200 permits. Mayor Weiers clarified that the cost was covered with only \$10 for fees so the city was making \$10 per permit. Chief Black stated that there were other items not itemized in the \$82,000. Mayor Weiers asked if there were penalties

and fees for false alarms. Chief Black said there were fees for false alarms and for not pulling a permit for an alarm. He asked if the penalty fees would cover the cost of the mailings and other additional costs. Mayor Weiers explained he didn't have a problem charging what it actually costs to provide the service but he had a problem charging twice the amount. Chief Black stated that the research showed that the fee was designed to cover the costs now and in the future.

Councilmember Hugh asked that for those alarms that are not monitored and go off would the owner be charged for that. Chief Black stated there would be no fee.

**ORDINANCE NO. 2902 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, ARTICLE 1 (IN GENERAL), CHAPTER 3 (ALARM SYSTEMS); AND ESTABLISHING AN EFFECTIVE DATE.**

**It was moved by Councilmember Chavira, and seconded by Councilmember Martinez, to approve Ordinance No. 2902 New Series. Motion carried on a roll call vote, with the following Councilmembers voting "aye": Chavira, Knaack, Martinez, Sherwood. Members voting "nay": Alvarez, Hugh, Weiers.**

Mayor Weiers said he could not support this since the fee is actually more than what is necessary.

## **RESOLUTIONS**

**34. ADOPT A RESOLUTION ESTABLISHING THE FEE FOR RESIDENCE AND BUSINESS ALARM SUBSCRIBER PERMITS**

PRESENTED BY: Debora Black, Police Chief  
RESOLUTION: 4838

This is a request for City Council to waive reading beyond the title and adopt a resolution establishing a \$20 fee for residence and business alarm subscriber permits in the City of Glendale.

**RESOLUTION NO. 4838 NEW SERIES WAS READ BY NUMBER AND TITLE ONLY, IT BEING A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, SETTING FORTH THE RESIDENCE AND BUSINESS ALARM SUBSCRIBER PERMIT FEES PURSUANT TO GLENDALE CITY CODE, ARTICLE 1, CHAPTER 3; AND ESTABLISHING AN EFFECTIVE DATE.**

**It was moved by Councilmember Sherwood, and seconded by Vice Mayor Knaack, to pass, adopt and approve Resolution No. 4838 New Series. The motion carried. Alvarez, Hugh and Weiers voted nay.**

**35. ADOPT A RESOLUTION AMENDING THE COMMUNITY DEVELOPMENT FEE SCHEDULE**

PRESENTED BY: Sam McAllen, Director, Development Services  
RESOLUTION: 4839

This is a request for City Council to waive reading beyond the title and adopt a resolution amending Appendix B of the City Code, Community Development Fee Schedule, with an effective date of October 1, 2014.

**RESOLUTION NO. 4839 NEW SERIES WAS READ BY NUMBER AND TITLE ONLY, IT BEING A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REPEALING THE CURRENT COMMUNITY DEVELOPMENT FEE SCHEDULE (APPENDIX B OF THE CITY CODE); ADOPTING A NEW SCHEDULE OF COMMUNITY DEVELOPMENT FEES (APPENDIX B OF THE CITY CODE); AND ESTABLISHING AN EFFECTIVE DATE.**

**It was moved by Councilmember Martinez, and seconded by Councilmember Hugh, to pass, adopt and approve Resolution No. 4839 New Series. The motion carried unanimously.**

## **NEW BUSINESS**

- 36. SETTLEMENT OF ALL CLAIMS AGAINST THE TOHONO O'ODHAM NATION RELATING TO PROPERTY LOCATED AT APPROXIMATELY 91ST AND NORTHERN AVENUES**  
PRESENTED BY: Michael D. Bailey, City Attorney

This is a request for City Council to authorize and direct the City Manager to enter into a settlement agreement with the Tohono O'odham Nation and the Tohono O'odham Gaming Enterprise relating to any and all claims as it pertains to the creation of an Indian reservation on property at approximately 91<sup>st</sup> and Northern Avenues and within the Glendale Municipal Planning Area for the operation of a gaming facility.

Mr. Bailey reviewed elements of the agreement. He said it was a settlement agreement of all claims and the city would be executing a stipulation with regard to the case currently pending in court. He said the agreement is very similar to the resolution. Mr. Bailey also went over the obligations required of the Tohono O'odham nation, including payments to be made by the TO nation to the city. He added that outside counsel, Gary Verburg, was here to answer any questions.

Vice Mayor Knaack asked about the water and wastewater and if there was any discussion about the ground water rights, namely if they were to dig a well that would impact our aquifer. Mr. Bailey stated there was nothing that would prohibit that. He said they tried to include and recognize that the city would be the wastewater provider. Vice Mayor Knaack expressed her concern with that with the continuing drought and the impact it has on the city. She continued asking if there were any protections about Luke Air Force Base or the Glendale Airport. Mr. Bailey said there was nothing specific in the agreement above and beyond what protections already exist for Luke Air Force Base. Mayor Weiers commented Luke Air Force Base is neutral on this issue. Councilmember Chavira commented he was told by Rusty Mitchell that Luke Air Force Base never had any issues with the Tohono O'odham Nation and they have always been a friend. Mayor Weiers said Luke Air Force Base is taking no position on the casino.

Vice Mayor asked about the waiver of sovereignty and asked if it was a legislative issue. Mr. Bailey said it was and he said with any type of waiver, there is always some risk.

Councilmember Martinez stated he provided several agreements that were done in other states. He realized that not every situation is the same and there are a lot of variables. He said in looking at the agreement that is before them this evening, and in looking at other agreements, he said what is being presented tonight is peanuts compared to what other cities have negotiated. He said

he did not know how they can present this agreement in good faith to the citizens. He said in his view and in the view of many, it is not a good agreement. Mayor Weiers opened the item to public comment.

John Bernal, Sahuaro district resident, stated he opposes the casino. He does not want a casino in his backyard. He did some research that statistics show and that within the first four years after a casino goes up, crime goes up 4% and then it goes up 10%. He said within a 50 mile radius, bankruptcies also go up. His main concerns are the addiction issues that are associated with casinos. He told a story about family member who experienced a gambling addiction. He stated he did not see any advantage to this. He agreed with Councilmember Martinez that the amount being given to the city is peanuts. He said he was totally opposed to this. He said he wished there was a way to undo this.

Robert Casares, an Ocotillo resident, stated that several Councilmembers have made a mistake in their positions against the nation. He commended Councilmembers Alvarez, Hugh and Chavira for supporting the nation. He stated the other nations have done a bombardment of negativity. He stated he welcomed the casino, but likes the idea of the resort more. He said he welcomed the ability to bring back the pow-wows. He said the other tribes need to support the Tohono O'odham. He said Glendale can be a bright star and this is a great opportunity to bring the different cultures together.

Gene Turiano, an employee of the Sun City homeowners association, said he was speaking his own view and not the views of his employer, who is neutral on this item. He said he is the assistant manager of the compliance department. He manages the financial assistance program, and through donations they assist people when they get into trouble. He said 20% of the residents of Sun City live under the poverty level. He said they have to qualify for services and they go through a process and part of that is looking at the debt. He said that he sees a lot of debt brought on by the casino and having the casino in Glendale will only make it worse. He said the number of foreclosures in Sun City is unbelievable. He said it was his position that it was not a good thing.

Lauren Tolmachoff, a Cholla resident, stated Glendale had the designation of being one of the slowest recovering cities from the recession. She said many of the jobs lost in the recession have not been replaced. She said the people working at the casino would be spending money as well. She said the people who would be working there are not working right now. She did state that there are a lot of people with addictions like gambling and alcoholism which destroys families, but that is not what is under consideration right now. She said the city needs the jobs and she has had overwhelming support for the casino. She added when looking at the terms of the agreement, you shouldn't compare an agreement for a casino in Pennsylvania. The out of state casino might be hundreds of miles away from other casinos. She said that you have to consider factors such as how close the other casinos are. She said the terms of this agreement are good.

Michele Tennyson, Cholla resident, stated that whether you are for or against the casino, she feels the agreement has been rushed. She believes that the agreement does not address other issues and possible revenues from other uses of the property besides the casino. She commented on the availability of other casinos and said that gambling does not contribute to communities. She said that other communities that have casinos have issues with gambling addictions. She spoke about a client who had a gambling addiction and gambled away the kids' college money. She asked if this was the best agreement that can be done for the city. She continued that there isn't anything in the

agreement about height restrictions that would protect the airport and Luke AFB. She asked that the city not rush through this and take its time.

Israel Torres, a Tempe resident, spoke on behalf of several unions, he requested the Council support the Tohono O'odham nation and the casino. He supports the many jobs and the millions of dollars in economic development the casino would bring to the area. He said it was time to put Glendale back to work and requested the Council's support.

Edward Pulido, an Ocotillo resident, spoke about the city getting a piece of the pie. He asked if the Council was protecting the residents. He shared a story about another person who had a credit card with over \$15,000 in charges from another casino in the valley. He asked what the casino was going to do about families who have members with gambling addiction. He asked what the Council was going to do for the people of the city. He asked the Council to gamble responsibly.

Walt Opaska, a Cholla resident, said he supports the agreement because the city will not have to pay a single dollar for this project and will actually get revenue, which starts immediately, from it. He said the resort will help increase the attractiveness of the area and will bring more visitors. This deal will help recoup the money spent on economic development projects the city needs and he wished the city would have come around sooner. He said the city should work together as hard as they can to make this the best deal possible.

Barbara Roberts, a Peoria resident, stated she was within 5 miles of the casino and they are already picking up needles up by her front gate. She is concerned about crime because she is a senior citizen. She said the city needs jobs, but they need to bring in jobs that grow the community in a good way. She said hotels and casinos are great, but not across from a high school. She said she didn't want to drive by a casino where there would be drinking. She agreed with a lot of the things that were said by the first speaker.

John Mendibles, a Phoenix resident and the former Mayor of Superior, he commented there was a lot of talk. Mr. Mendibles said he would be moving to the Yucca district. He said there were three things that Council did not carry forward today. He said to gamble is an individual decision. He said that the air force base can take care of itself. He said as far as crime, Glendale is already 7<sup>th</sup> in the country. He said this is about recovery. He said Council represents all of the people. He said that the city is now a neighbor of the Tohono O'odham nation and they need to work together. He said that is the only premise here.

Randy Miller, a Barrel resident, cited a quote. He spoke about the Councilmember who wanted to inform the people and hear from the people before a vote is taken. He said, however, Council is willing to take a vote tonight on a contract that was just released on which citizens have had no input and asked that the Council table the item for 30 days so that the citizens could give their input.

Robert Lukacs left before speaking.

Bud Zomok, an Ocotillo resident, asked Council what was the rush to enter into the contract. It's too late to have the casino built in time for the Super Bowl or other upcoming major events. He stated that a search showed that it would take 24 to 48 months to build, so why rush into an agreement. He discussed an agreement in New York. He gave examples of what it would be to get

a similar agreement. He stated that rush jobs don't usually end up well for the city. He used the agreement for the management deal with the Coyotes as an example.

Santos Chavez left before speaking.

Arthur Thruston, a Cactus resident, expressed concern about the meeting clock being calibrated. He stated settlement or apology. He stated that five years of dealing with this issue was not a rush. He commented about the millions of dollars that have been wasted. He continued that all the claims were false brought by the city against the Tohono O'odham nation, and the city should apologize.

Timothy Glass, a Goodyear resident, works at 83<sup>rd</sup> Avenue and Northern. He commented that some would say that adding one more casino to the area would be no big deal. He stated that a casino would introduce people to gambling and addictions. He commented that casinos only succeed on the backs of losers and addicts lose everything, sometimes even their lives. He commented about some research regarding addiction, the proximity and convenience encourage it. He stated Nevada has the highest gambling addiction. He proposed that the city and the Council could do better than a casino.

Ron Kolb, an Ocotillo resident, spoke about this being an historic event that would impact the west valley. The development this area will experience will be amazing. He stated he was pro-business and the further that government stays away from him the better. He said he was raised in and cares about Glendale. He asked who sat on the negotiating committee. He said he agreed with Councilmember Martinez and that there should be a bump in what the Tohono O'odham nation gives to the City. He said the tribe will be a good neighbor. He said don't let 2 or 3 people do it; do all the negotiations and don't make it a secret.

Jack Pope, an Ocotillo resident, attends church at 83<sup>rd</sup> Avenue and Northern. He said that it would be a great inconvenience to get out on Northern with all the traffic once the casino is built. He said he opposes the casino on moral grounds. He said if ratified in its current form that it would be selling the city short.

Reverend Jarrett Maupin, an Ocotillo resident, stated how much he admires the Tohono O'odham nation. He said this wasn't about morality and doing right by your neighbor. He stated the Tohono O'odham nation may have been last but have been winning steady victories. He said it is time to work with the TO. He said Council lost the war and they should be grateful for what they have coming. He commented he was a witness to some of the crimes occurring in Glendale. He said most of the crimes that occur are by the lobbyists in pin-striped suits. He said Glendale is second only to Detroit to being close to bankruptcy. He said people need to be put to work and he hoped the Council does the right thing.

Rita Franco, a Yucca resident, stated this was about money and politics and it was being rushed. She asked what the rush was. She said Councilmember Martinez was correct. She asked what the city was getting out of this. She said she looked at the Vee Quiva Casino, and that 85% of the 500 or so employees had low paying, low skilled jobs. She commented that she was insulted by some of the comments by others regarding addiction. She asked Council to look at similar agreements with other cities. She commented that the city was losing \$9 million a year. She commented that Councilmember Sherwood ran his election on opposing the casino and she asked why was that

changed now. She has heard several things in the media about back room deals and asked that the Council be transparent.

Schuyler Rollison on behalf of Kim Howard, a Yucca resident, said when she found out about the casino she initially thought she would be moving out of the city where she had lived for over 35 years. She is not happy that the casino is within ½ mile of the school. She spoke about the installation of speed bumps on the street where she lives. She stated that the city has no money to improve the streets but has money to keep the Coyotes and now the casino. She said she attended one Council meeting. She said the person running the meeting did not allow people to speak. She said she did not want her tax dollars supporting a casino and asked what better ways tax dollars can be used.

Barbara Swee left before speaking.

Raymond Valentine, an Ocotillo resident, said he has lived in Glendale since the 1950's. He said he couldn't have been raised in a happier home. He commented he knew the chief of police and the councilmembers in the past. He said he is disappointed with the comments so far. He is concerned about the children and their safety. He said people say responsibility about gambling should be on the individual, however, he believes that the children are more important than the money. He said if we are concerned about the well-being of the children and the community, the Councilmembers should think about these things. He also said the love of money is the root of all evil.

Timothy Schwartz asked to be moved to item 37.

Paul Price, an Ocotillo resident, said he said he has lived in Glendale since the 1930's. He said he has a problem with those on the Council who promised they would do one thing and then voted the opposite way. He said he is not in favor of the casino. He believes there is no profit for the city and there is an issue with the school across the street. He doesn't see any good that it could do.

Dr. Ron Rockwell, lead pastor of Harvest Church at 83<sup>rd</sup> Avenue and Northern, commented that he was a resident of the Yucca District and lived in the west valley for 14 years. He stated that the church is close to the project site. He said he is not here to determine the truth and he said the truth might not ever be known. He said he didn't believe it was possible to get a Las Vegas style casino in Glendale and he feels betrayed, angered and disappointed. He said he supports development in the city, but he is opposed to a casino. He said gambling was one of the toughest addictions to overcome. He asked if the Council really believed that the casino was in the best interests and asked if the council cares about the moral and spiritual community of the city. He stated this was an historic moment tonight. He said he appealed to the Council to say no for the children and grandchildren.

Claudine Valentine said it had already been said.

Mayor Weiers closed public comment.

**It was moved by Councilmember Hugh, and seconded by Councilmember Chavira, to approve the settlement of all claims against the Tohono O'Odham nation relating to property located at 91<sup>st</sup> and Northern Avenues.**

Councilmember Alvarez commented that the casino is no different than buying a lottery ticket. She stated in 1986 the Tohono O'Odham nation lost land due to a dam being built and destroying the property and the government gave the nation permission to purchase additional property because of that loss. She said this has been going on for 5 years. She said the Tohono O'Odham has been doing everything to communicate with the city. She said the west side wants the casino. She stated the Cardinals and Coyotes will have more traffic. She said there are other things at the resort for kids. She said people in Glendale should practice self-control. She said she does not support sports where the city has to spend money to support the team. She said the city will not have to support the Tohono O'Odham. She said 80% of the people want the casino and the businesses want the casino. She said not everyone wants the cheap food and the cheap liquor. She said the Tohono O'Odham will have a beautiful facility in the city which will provide a service. She said if the citizens don't approve of gambling, they should be doing something about the gambling that already exists. If the public does not like the decisions the Council is making, they should be doing something about it.

Councilmember Martinez said he believes his position on opposing this project, the casino, and the reasons for it are well known, so he would not take the time to repeat all that. He said once the Council voted to enter into negotiations, which he was opposed to and voted against, he told his colleagues if that was the way it was going to be, so be it. He said he still didn't like it, but would do what he could to help to get the best deal possible that the city could get. He said sitting here tonight and he said this deal is not even close. He said he had given Mr. Bailey an index of various agreements in other states and this is not equitable.

Councilmember Martinez said this has been going on for four or five years and now people are saying Council is rushing into a decision. He said there were workshops and a lot of discussion on this before. He continued last Tuesday the decision was made to go ahead with this on the agenda and the announcement was made on Wednesday. He said that was only after much discussion because some of the Councilmembers felt they were rushing this. He said for the first time they had heard some hard figures as to what the income was going to be for the city and the benefits to the city. He said with that, the Council finally agreed they would release the proposed agreement a little earlier, on Wednesday, because usually agendas are released on Fridays. He said there was a little time for residents to review, but very little time. He asked how many times have the Councilmembers sat there and heard about the lack of transparency and how they rush things. He said they have heard that tonight as well.

Councilmember Martinez stated the citizens had not had the time to digest what this all means and that this is not a good agreement. He stated that since this is an administrative act that citizens could not do a referendum. He said the preamble to the agreement said it is effective on the date it is signed and that would be it and the deal would be done. He said under section 2, definition of property, in the agreement, he said it appears to apply to all 135 acres that the Tohono O'Odham nation owns, not just the 54 acre parcel for the resort. He said this is way too much land for just a resort, so he asked what else is going on at this property. He said this could be unknown uses that the city is agreeing to, to support just about anything the Tohono O'Odham want to put up on that land, including electronic signs, a retail power center, all of which would compete with Westgate and drain city tax receipts. He said it could also possibly compromise the mission of Luke Air Force Base. He said under section 6.c, the language seems to provide that the Tohono O'Odham must pay the city the cost that the city incurs after the city has expended the funds. This means

the city is funding the cost of these improvements up-front, he asked where was this money coming from. He said there is no provision specifying when the Tohono O'Odham must repay the city. If the city and the Tohono O'Odham cannot agree on the amount of the costs, the issue will be arbitrated, which could take years to complete. Councilmember Martinez said all the while, the city will have fronted these costs and receive no interest for that money and note that this type of property infrastructure, new high volume water and sewer lines, expended roads and so forth, this has to be spent at the front end of a project of this magnitude. Thus, the city is being asked to front these infrastructure costs with their own cash and run the risk that the Tohono O'Odham will not honor its commitment to repay these costs at some unspecified date, especially if the Tohono O'Odham cancels the project. He said it is highly unlikely that the Tohono O'Odham nation will pay for costs if the project is cancelled. The city will have to incur these expenses and will have to arbitrate with the Tohono O'Odham to attempt to recover these costs. He said he did not understand why the city is the one taking the significant upfront financial risk or even fronting these costs.

Councilmember Martinez continued that under Section 9, the annual payment that the Tohono O'Odham is obligated to make is very low. Compared to similar agreements that cities and counties in other states have made with Indian tribes, the amounts the Tohono O'Odham would be paying the city are way too low. He asked why should the Tohono O'Odham nation get such a below market rate. He said this is the last opportunity to drive a bargain and the city is settling on pennies on the dollar. He said the 2% annual escalator will almost certainly lag the inflation rate over the term of the agreement. Under section 9.b.2.c, why does the annual fee suddenly drop to \$900,000 in 2026. He said presumably 2026 is the date the current compact will expire, however section 10.b already has mechanisms that reduce Tohono O'Odham nation's fee if they amend or a new compact requires them to pay more revenue sharing to the state. The section 10.d reductions would be made to the already reduced \$900,000 amount. Tohono O'Odham is clearly double dipping on the fee reductions. Under section 10.c.4, Tohono O'Odham can terminate the agreement if the so-called poison pill in the compact is triggered. The poison pill provision provides that if state law is ever changed to allow a person or entity other than an Indian tribe to operate slot machines, any other form of class 3 gaming or poker, then the tribes may (1) operate an unlimited number of slot machines and any other form of gaming, and (2) the tribes may reduce their revenue sharing paid to the state to just \$7,500 from almost 8 percent. The poison pill is obviously beneficial to the Tohono O'Odham and will allow it to greatly expand its Glendale casino. Why should the Tohono O'Odham also be allowed to terminate the agreement and deprive the city of its fees at the same time they are reaping an enormous windfall from the triggering of the poison pill.

Councilmember Martinez said Section 10.d, this section allows the Tohono O'Odham nation to reduce the amount of the fee payable to the city if the Tohono O'Odham nation's profits drop after amending its current contract or entering into a new compact with the state. It also allows Tohono O'Odham to reduce the amount of the fee payable to the city if such amended or new compact requires it pay increased revenue sharing to the state. Not only is this a double dip as described above, it has the potential to reduce the city's fee to almost nothing. Most parties anticipate that any new compact that the Arizona tribes negotiate in the future will require the tribes to pay the state higher revenue sharing.

Councilmember Martinez continued therefore, it is a virtual certainty that the provisions of section 10.d will be triggered and the city will receive far, far less than the annual fees mentioned

in the agreement of \$1,400,000 to \$900,000. The numbers being quoted in the press, \$26 million over 20 years are completely inaccurate and highly unlikely to ever be achieved. The language in this section raises a number of questions about how and whether the city will be able to enforce the agreement. Section 11.d, refers to “any court having jurisdiction.” However, this language begs the question of which court has such jurisdiction over the Tohono O’Odham nation. Most significant commercial contracts with Indian tribes specify by name which courts the tribe will agree to litigate in. In this case, the failure to so specify is only one more loophole the Tohono O’Odham can exploit to avoid its responsibilities. Section 12, this waiver of sovereign immunity does not allow the city to pursue claims against the Tohono O’Odham nation for fraud and misrepresentation. Given Tohono O’Odham nation’s demonstrated track record of fraud and misrepresentation in connection with the project and its demonstrated willingness to hide behind its sovereign immunity, this waiver is insufficient to protect the city’s interests. Section 13, given Tohono O’Odham nation history of deceit in this matter, the idea that it will abide by a duty of good faith and fair dealing is a joke. Section 20, why are these legal opinions limited to the enforceability of only section 11. Why can’t Tohono O’Odham and its gaming enterprise’s counsel give an opinion that the entire agreement is valid, binding and enforceable against it. This narrow enforceability opinion is highly unusual.

Councilmember Martinez said in the Arizona Republic opinion page on August 10<sup>th</sup>, there was an article that read no applause for this casino. He said it starts with a quote, “it is a shameful thing to practice deception and bad faith, especially when those being deceived include your tribal kin. Tribal Chairman Ed Norris Jr. is waiving \$26 million over 20 years under the city’s nose, including a half a million within 10 days of signing an agreement. The lure of big money has a way of changing everything. That’s a reality, but this is a reality too. In February 2002, then Governor Jane D. Hull announced an agreement on casino gaming with Arizona tribes, including the Tohono O’Odham, on terms of a compact deal pending voter ratification. A major point of agreement, according to Hull, was that there would be “no additional casinos allowed in the Phoenix metropolitan area.” Two years before that agreement with Hull in 2000, the state’s tribal leaders signed an agreement among themselves with each signatory vowing to “strive for a good faith cooperative relationship between and among them.” Among the 16 tribes signing the declaration, was a representative of the Tohono O’Odham nation. At the same time, according to now-released court documents, a corporation chartered by the tribe was actively seeking land in the Phoenix area for the “possibility of doing a casino.” That does not appear to fall under the category of good faith negotiations, however loosely defined it may be. Councilmember Martinez said he wanted to thank the citizens that have called and emailed him to let him know they are opposed to this and the common theme that came through was, as they have heard from some of them tonight, was why the rush.

Councilmember Martinez said the Mayor and Council received a letter just yesterday from ex-Mayor Elaine Scruggs and he wanted to quote just from the introduction. Mayor, Vice Mayor and Councilmembers, I am writing in opposition to the two items above and to urge your denial of these items or, at the very least, your postponement of voting until these items and their associated relevant facts can be openly discussed and considered. Further, I am requesting that if a majority of the Council does not deny these items in their entirety, a postponement should be ordered which is structured to include input from elected representatives of the state of Arizona, representatives of Luke Air Force Base, representatives of the Glendale Airport Pilot’s Association, and representatives of the Maricopa Association of Governments and Maricopa County Department of Transportation. Opposition to the two actions under consideration is based on

many deficiencies. This letter will focus specifically on these few. Failure to protect the Glendale Airport's ability to continue operation, failure to protect the ability of Luke Air Force Base to continue its mission of training the United States of America's fighter jet pilots, failure to protect the west valley's assured water supply, failure to protect completion of the voter approved multi-jurisdictional Northern Parkway, failure to communicate and coordinate with the state of Arizona before advocating an action that ignores the state's authority and rights in this matter, and failure to discuss the two items in public session that gives the citizens of Glendale the opportunity to understand and comment on the proposed actions. Councilmember Martinez said there were some attachments that include a letter from Arizona Governor Janice Brewer to Interior secretary Ken Salazar in 2010 and a document dated in 2010 titled Glendale Airport Pilot's Association Opposes Tohono O'odham casino and resort proposal. Councilmember Martinez said with all that said, he can only repeat he has been opposed to this from day one, but said if this is the case, let's get the best possible deal they can. He did not believe this is the best possible deal the city can get.

Councilmember Alvarez said she appreciated Councilmember Martinez comments, but she wished he would have practiced this in the past. She said last year he approved giving \$225 million to the Coyotes and noted the money that he also voted to give the leagues. She would agree to table the item, but said everyone needs to be fair. She said many mistakes have been made, but she does not think this is one of them.

Vice Mayor Knaack moved, seconded by Councilmember Martinez to table the item.

Mr. Bailey said that the Vice Mayor had the floor when the motion to table was made. He stated a motion to table was not subject to discussion that the motion had to be voted on.

**The following members voted aye: Knaack, Martinez and Weiers; and the following members voted nay: Sherwood, Alvarez, Hugh and Chavira. The motion did not carry.**

Councilmember Martinez said he had several motions to amend the initial motion.

**Councilmember Martinez moved, seconded by Vice Mayor Knaack to amend the proposed settlement agreement to provide the annual payment by the nation to the city shall be greater of (1) \$20,000,000 or (2) three percent (3%) of the Class III net win from the project.**

Mr. Bailey clarified that the amendment could be debated and his recommendation is to take each amendment one at a time.

Councilmember Hugh commented that the money is enough. He said that the nation doesn't have to pay the city anything, the land is theirs and they do not have to pay the city a dime. He said they are willing to be good neighbors and are willing to make an offer to pay the city. He stated that the city is just following through on promises made by the federal government. He said this development will not affect the Luke Air Force Base or the city's airport. He said that all the claims the city has made have been proven false. He said it is time the city behaved like a good neighbor and moved forward. He is not in favor of these amendments.

Councilmember Chavira said he is not in favor of the amendment, and he will not be in favor of any other amendments. He said the city had the opportunity to annex this land years ago and chose

not to. He said the property does not belong to the city. He said the development would be paid in full, including all infrastructures, by the nation. He spoke about the land being purchased by a straw corporation. He said the moment the land was taken into trust the nation didn't have to deal with the city at all. He called for the question.

Mayor Weiers said everyone would get a chance to speak.

Councilmember Alvarez said that Chairman Norris is a very fair man and he would clear up everything. She said there was a motion on the floor and they are violating parliamentary procedure. She said Councilmember Chavira can call for the question and that the Mayor does not have the power to control the motion being done. She said he did not have the power to not call for the question.

Mayor Weiers explained that regardless of the support or no support, that it has been about 6 days that Council has had the agreement for review or discussion. He said Councilmembers ran two years ago on a platform of transparency. He said that is not what is happening here today. He said this issue is being rushed through and he didn't understand why. He asked what was wrong with giving citizens the chance to talk about this. He said every Councilmember should have the opportunity to have meetings in their district to give the public the chance to talk about and fully understand this agreement. He added that six days is not enough time and this is being pushed through by four councilmembers.

Councilmember Alvarez stated that a year ago, an agreement for \$225 million was passed in three days.

Councilmember Alvarez and Mayor Weiers continued their discussion about what had occurred.

Councilmember Chavira said he was recognized for the motion and called the question, asked for advice from Mr. Bailey.

Mr. Bailey said with regard to the amendment, he recommended Council take a vote on the amendment.

**The motion did not carry with the following members voting aye: Knaack, Martinez and Weiers; and the following members voting nay: Sherwood, Alvarez, Hugh and Chavira.**

**Councilmember Martinez moved to amend the settlement agreement to provide that all costs for infrastructure improvements off the property must be paid to the city by the nation in advance of the city performing or constructing any such infrastructure improvements.**

Councilmember Alvarez called for the question. Vice Mayor Knaack seconded the motion.

Mayor Weiers asked what happens if there is no second for the motion.

Mr. Bailey said if there is no second, then the motion fails. Mr. Bailey said there is a motion for amendment on the floor.

Mayor Weiers said there was a motion regarding Councilmember Martinez's second amendment to the settlement agreement.

**The motion did not carry with the following members voting aye: Knaack, Martinez and Weiers; and the following members voting nay: Sherwood, Alvarez, Hugh and Chavira.**

**Councilmember Martinez moved, second by Vice Mayor Knaack to amend the settlement agreement to broaden the nation's waiver of sovereign immunity to include claims of fraud, misrepresentation or other bad acts by the nation that occurred in the negotiations leading to the settlement agreement.**

Councilmember Alvarez called for the question.

**The motion did not carry with the following members voting aye: Knaack, Martinez and Weiers; and the following members voting nay: Sherwood, Alvarez, Hugh and Chavira.**

**Councilmember Martinez moved seconded by Vice Mayor Knaack to amend the settlement agreement to provide that the duration for which the nation must make payments to the city is automatically extended for any period that Class III gaming continues to be operated on the project or on the property.**

**The motion did not carry with the following members voting aye: Knaack, Martinez and Weiers; and the following members voting nay: Sherwood, Alvarez, Hugh and Chavira.**

Mayor Weiers said they could now go back to the original motion. Call for the question on the original motion.

**The motion carried with the following members voting aye: Alvarez, Chavira, Hugh Sherwood; and the following members voting nay: Knaack, Martinez and Weiers.**

**37. CITY'S SUPPORT TO THE CREATION OF AN INDIAN RESERVATION AT APPROXIMATELY 91<sup>ST</sup> AND NORTHERN AVENUES**

PRESENTED BY: Michael D. Bailey, City Attorney

RESOLUTION: 4840

This is a request for City Council to waive reading beyond the title and adopt a resolution supporting the creation of an Indian reservation by the Tohono O'odham Nation on property within the Glendale Municipal Planning Area at approximately 91<sup>st</sup> and Northern Avenues for the operation of a gaming facility.

Mayor Weiers opened the item to public comment.

Ward Simpson, a Phoenix resident, commented that he has employees in the west valley. He said he has been involved in several casino projects, but in every one he has seen a benefit when working with the nation. He asked Council to support this item.

Barbara Swee, a Yucca resident, had left the meeting before her name was called, but Mayor Weiers read the statement written on the back of her card, "I oppose (re agenda items 36 & 37)

the proposed settlement of claims against the Tohono O'odham Nation and the creation of an Indian reservation at 91<sup>st</sup> Avenue and Northern. I oppose these measures because such a reservation, which is intended to house a gambling casino, would be detrimental to the health and welfare of my community. I am especially troubled by the location of this proposed casino because it is literally across the street from a high school and is near to elementary schools, as well."

David Jones, a Phoenix resident, said he was a former state representative in Indiana. He said leaders are brought forward to represent the people. He said the art of politics is the art of compromise and negotiation. He said you aren't going to please everyone, and that the bottom line is an economic opportunity for the community.

Claudine Valentine, a Glendale resident, wrote on the back of her card, and Mayor Weiers read it, "I have lived in Glendale for 67 years. I'm proud to live here, but I'm very much against this casino being built here. We do not need this undesirable element in our town. There is more to life than dollars. We have a moral obligation to instill good values in our children and leave something for them to be proud of. Not gambling such as this. Please do not approve this.

Robert Casares left before speaking.

Dr. Ron Rockwell, pastor of the church and a Yucca resident, said he was amazed by the behavior and integrity he has seen. He said a house divided cannot stand. He said that it seems that the Council doesn't have a problem with other kids having issues with gambling as long as it isn't their own kids. He said it was tragic and was sorry to be a part of this.

John Mendibles said pay me for living in your house. He said the land belongs to the nation and with this agreement, the nation is paying the city for living in its own house on its own land. He said whether it's a good deal or not, the nation doesn't have to pay the city anything. He said the courts have made their decision. He said people who don't want to go to a casino don't have to go.

Paul Price, an Ocotillo resident and Native American, said he is a member of a tribe and is still opposed to the casino.

Willard Thomas, a Cactus resident, said he moved here in 1973. He commented he was out of town for the month of July, and he was shocked when he heard about the support for HB 1410. He commented from a historical perspective about gold found in Georgia. He said the politicians passed a law to prohibit Indians from digging gold. He talked about Andrew Jackson and the Trail of Tears. He said action by President Jackson increased discrimination. He said that Senator McCain's and Senator Flake's support is really an issue about money. He said the Federal courts are better qualified to make this decision.

Reverend Jarrett Maupin, an Ocotillo resident, commented that two members of Council were not behaving well. He commended Councilmember Alvarez for her passion to do the right thing. He said Councilmember Sherwood had the courage of his convictions in trying to turn the city around financially. He commended Councilmember Hugh for standing up to his own constituents to do what was in the best economic interests of the city. He commended Councilmember Chavira for his passion in creating jobs for the city. He said the political games are not good for the city. He said there are prejudiced people on this Council. He commented about Councilmember Martinez

and some of the remarks he has made about cowboys and Indians. He said it was time to let the nation do what they wanted to on their sovereign land. He said he would be praying for Council.

Ron Kolb, an Ocotillo resident, stated he had nothing additional to add.

Arthur Thruston, a Cactus resident, left before speaking.

Diana Strahl, a Barrel resident, left before speaking.

Tom Gettings, a Peoria resident, said he was in support of this project. He said the west valley cities are in support of this project because the dollar knows no boundaries. He said the casino doesn't need the city, the city needs the casino. He asked the Council to support this project.

Timothy Schwartz, a Cholla district resident and Chairman of legislative district 30, commented he just heard another speaker chastise the Council for standing up for fairness. He agreed that the agreement was being rushed and said that it was being done without making people aware of what was happening. He related an experience he had with the Governor and Obamacare and how the Governor changed her mind overnight. He explained she changed her mind all because of the money. He said that America was built on people being heard and having a voice. He said it was wrong for the Council to decide such a huge issue when there is money involved. He said this is corruption and the people will take notice.

Raymond Valentine left before speaking.

Councilmember Sherwood commented on Vice Mayor Knaack's comments about the aquifer under the Gila Bend land through placement act. He said the nation and the federal government are barred from asserting any and all claims to reserve water rights with respect to land acquired in trust for the nation. He said water rights would only become an issue if HR1410 is passed which would breach the nation's land and water settlement agreement and throw the entire state's water security into confusion and potential jeopardy. He discussed the agreement and said they don't need to give the city a dime. He said the land was taken into trust back on July 7<sup>th</sup>. At that point, they could have let the city go, but they haven't. The nation has dealt with the city in good faith. Councilmember Sherwood said they talk about the other agreements in other states. He said it is hard to come up with a state to state comparison because the gaming compacts are so different. He spoke about the agreement in New York where the city had to pay for the infrastructure. He said the compact was written well, but in that case a large percent went to municipality and state. He said our gaming compact requires 12 percent after net to go to community and that has happened since 2004. He said in addition to that 12 percent, over a billion dollars has gone into education and trauma services. He said the money the city is getting with this settlement agreement is over both of those figures. It is not the city's land.

Councilmember Sherwood said the city had an opportunity many years ago to annex that land. He said a couple of large developers have come in and are now interested in Glendale land because of the casino. He said they will see economic development because of this. He said the city does not have anything to hold people in the city after the mega events. He commented on the crime increase. He said there is more crime when land is developed. He commented about the morality comments and said they cannot legislate morality. He continued that Vegas went family friendly. He said there were 7 casinos east of central and 1 west of central in the valley and now there will

be one more on the west side. He said the population growth in the west valley will support the casino. He added that the gaming compact is not impacted by this per Judge Campbell. He commented about rushing the deal. He said this particular agreement is only 17 pages and is not the Camelback Ranch deal. He stated that the casino project poses no threat to the Glendale Airport or Luke Air Force Base. He added that the school district has remained neutral on this issue. He stated that he was opposed to the deal when he was elected. He said he'd had some private conversations with the nation to get some questions answered. He said they don't need to give the city any money. He added that when the Mayor testified at the Senate hearing for Indian gaming that the only reason that Glendale is getting the casino is because one councilmember switched his vote. He said staff began fact finding in late 2013. He stated that one vote matters. He said he believes the casino will inspire development. He said all the business leaders are for this project.

Vice Mayor Knaack said you have to learn to agree to disagree. She said that doesn't mean that you back down. She said her biggest opposition hasn't been the casino but dropping a sovereign nation in the middle of the city. She said they were trying to make the best deal they could for the city. She added that the other tribes that have been the city's friends for years deserve a voice as well. She went back to her initial thought from 2009 that it was never intended to have another casino in the Phoenix metropolitan area. She said it is absolutely about fairness and the compact was crafted to be fair to all the tribes. She said they deserved the land under the replacement act, but when that act was completed, they never anticipated that another casino would be dropped into the metropolitan area. She agreed that the nation does not need to give the city anything. She continued and that they city hurriedly voted to change their position. She said the citizens were rushed into this and she would have loved to have time to come into the meeting tonight better informed. She asked what happened to listening to the voters. She added that she never received any money from either tribe.

Councilmember Chavira commented that the things they have in common with the nation is that they want to provide for their communities. He thanked everyone for their participation today.

Councilmember Martinez commented that he was happy that some of the people who spoke heard what he said. He reiterated that he didn't agree with it, but he tried to get the best deal possible for the city. He said he spoke to Chairman Norris years ago and they both presented their viewpoint. He also told him that if this project did happen, the city would work with them to make it the best project possible.

Mayor Weiers said he is passionate about citizens having a voice and he felt this has been taken from the citizens. He said Council voted to take the month of July off and while he was on vacation out of the country, he said he was advised of a special meeting. He said the meeting was rushed through. He stated the Councilmembers have to support the citizens and they should have a voice and many projects in the past were rushed.

**RESOLUTION NO. 4840 NEW SERIES WAS READ BY NUMBER AND TITLE ONLY, IT BEING A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, EXPRESSING THE CITY'S SUPPORT OF THE CREATION OF AN INDIAN RESERVATION ON PROPERTY WITHIN THE GLENDALE MUNICIPAL PLANNING AREA AND OPERATION OF A GAMING FACILITY ON SUCH PROPERTY AND DESIRE TO SETTLE OUTSTANDING ISSUES BETWEEN THE CITY OF GLENDALE AND THE TOHONO O'ODHAM NATION.**

**It was moved by Councilmember Chavira, and seconded by Councilmember Hugh, to pass, adopt and approve Resolution No. 4840 New Series. The motion carried. Aye: Alvarez, Chavira, Hugh and Sherwood. Nay: Knaack, Martinez and Weiers.**

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

**It was moved by Vice Mayor Knaack, and seconded by Councilmember Hugh, to vacate the regularly scheduled City Council workshop on Tuesday, August 19, 2014 due to the League of Cities and Town Conference and to vacate the regularly scheduled City Council meeting on Tuesday, August 26, 2014 due to the City Election and hold the next regularly scheduled City Council Workshop at 1:30 p.m. in the Council Chambers, Room B-3 on Tuesday, September 2, 2014, to be followed by an Executive Session pursuant to A.R.S. § 38-431.03. The motion carried unanimously.**

### **CITIZEN COMMENTS**

Arthur Thurston left before speaking.

Randy Miller, a Barrel resident, stated that he was appalled about the comments of earlier speakers. He commented about councilmembers sticking to their principles. He said he doesn't agree with the casino, but people can disagree and remain friends. He commended all seven for sticking to their guns.

Bonnie Steiger, a Sahuaro resident, commented about her disappointment, but she understood the reasoning. She said the name calling and fighting is uncalled for and is rude. She said this Council is also going to make mistakes and the Councilmembers should stop blaming former Councils for their actions.

Bob Gonzalo, a Barrel resident, said he reviewed the Council Code of Ethics and that every Councilmember has broken that code. He read excerpts from the Code of Ethics. He commented he was in the Mayor's office with about 30 other people after reading a letter from Councilmember Sherwood. He stated that it violated the Code of Ethics. He said their conduct reflects negatively on the city. He said Councilmembers should avoid impropriety. He addressed legislating morality and said everyone can legislate morality and ethics within themselves. He stated that two Councilmembers should resign, two should be censured and the Mayor should resign.

Kim Baker, an Avondale resident, talked about the Jerice Hunter trial being moved to January. He asked that the charges be dropped against Ms. Hunter. He commented about his meetings with police officials including Chief Black. He called this a malicious prosecution. He asked the Mayor for any influence he had to drop these charges. He said there was a reason the trial was moved from August 4<sup>th</sup> to January.

Stanley Allen, a Barrel resident, stated there was discrimination occurring including unfair application of the city codes. He asked for a follow up.

Robin Berryhill, an Ocotillo resident, commented that she didn't speak on the casino. She said the city failed to secure the land to begin with so it's the city's fault. She asked that the Council not

rush to judgment when irrigation comes before the Council. She said Councilmember Alvarez was ignored on her motion to table this issue. Ms. Berryhill made a citizens request per Article II, Section 18, and she read the section about making a citizen request and that the request should receive a response within 30 days. She also referenced Article III, Section 5, about the assistant city manager. She said she read an article about appointment of the two assistant city managers and thought they were job sharing. She again referenced Article III, Section 5 of the charter and read a portion of that section. She requested that the City Manager remove one of the Assistant City Managers as the charter only calls for one assistant city manager. She said that if there continued to be two that it needed to go before the voters to change the charter. She said she would like this done as soon as possible, within 30 days.

### **COUNCIL COMMENTS AND SUGGESTIONS**

Mayor Weiers asked that everyone to get over the hurt feelings. He said they weren't always going to agree.

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:43 p.m.

Pamela Hanna  
Pamela Hanna – City Clerk