

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

**MINUTES
CITY OF GLENDALE
CITY COUNCIL WORKSHOP
NOVEMBER 6, 2007
1:30 P.M.**

PRESENT: Mayor Elaine M. Scruggs, Vice Mayor Manuel D. Martinez, and Councilmembers Joyce V. Clark, Steven E. Frate, David M. Goulet, Yvonne J. Knaack, and H. Phillip Lieberman arrived late.

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

1. MAJOR GENERAL PLAN AMENDMENT M-GPA07-06: COMMUNITY CHURCH OF JOY – 21000 NORTH 75TH AVENUE

CITY STAFF PRESENTING THIS ITEM: Mr. Jon M. Froke, AICP, Planning Director; and Mr. Thomas Ritz, AICP, Senior Planner

This is a request by Community Church of Joy for the Council to discuss a Major General Plan Amendment to the General Plan Land Use Map for the Community Church of Joy.

The request is for a Major General Plan Amendment from Low Density Residential 1 to 2.5 dwelling units per acre (LDR) and Parks and Open Space (P/OS) to Office (OFC) and Public Facilities (PF).

Glendale 2025, the city's General Plan, includes specific goals addressing the need for growth management. Major General Plan Amendments are tools that can be used by the city to direct and manage growth.

Surrounding land uses include the existing Community Church of Joy campus to the north, single-family residential to the northeast, and multi-family residential to the east, both across 75th Avenue; medical office to the southeast and single-family residential to the south, both across the Loop 101; vacant land to the southwest, and the New River to the west and northwest. The area west of the New River will be accessible from the property once the Beardsley Connector is completed. This area is developed as single-family residential within the City of Peoria.

The property includes vacant land, ball fields, the Community Church of Joy Memorial

Gardens, and APS substation.

On September 20, 2007 the Planning Commission held a workshop on this item. On October 4, 2007 the Planning Commission held a remote public hearing on this item at the Community Church of Joy, located at 21000 North 75th Avenue. The Planning Commission held a second hearing on this item on October 18, 2007. The Planning Commission voted 6-0 to recommend approval of this item.

This amendment, as proposed, supports the goals and objectives of the Glendale 2025 General Plan.

The Major General Plan Amendment will aid in the recruiting and retention of jobs in the city, and will promote new office, hospitality, and employment uses, which are appropriate designations for the area.

The subject property represents an opportunity for infill development. The site is located adjacent to the regional transportation network, and can take advantage of the existing internal circulation network that minimizes impacts to adjacent neighborhoods.

The proposed office, fitness center, and hotel uses can be integrated with the existing religious and institutional uses north of this location.

The General Plan land use designation of Public Facilities (PF) will accurately reflect the existing APS electrical substation land use.

Staff is seeking guidance from the Council to continue with the Major General Plan Amendment process for this request in accordance with the procedure prescribed in state statute.

Councilmember Goulet requested clarification as to the Community Church of Joy possibly requiring this parcel for church activities. He noted that in the presentation, it stated that they did not need the parcel, however in the community benefit informational packet, it stated otherwise. He asked if the development would be integrated with church activities. Mr. Jon M. Froke, AICP, Planning Director, stated that the concept was that there would be circulation patterns that continue throughout the church campus and believes there would be some integration. He discussed the Beardsley connector project in relation to the development. He added that this development would be very compatible with the area as it was today.

Councilmember Goulet asked if having the church and their campus philosophy in the area could harm or hamper incoming businesses. Mr. Froke stated that it was early to make that assessment, however they would look into the matter when the application was approved and possibly amend the PAD. Councilmember Goulet commented that he believes this was a good direction for the development of the property.

Councilmember Clark asked if there had been any dialog with the surrounding

neighborhood or representatives from the City of Peoria. Mr. Froke stated that the applicant had worked with both the Glendale and Peoria residents. He asked Mr. Thomas Ritz, AICP, Senior Planner to elaborate on that issue.

Mr. Ritz stated that the applicant had sent out letters to both Glendale and Peoria residents. The applicant had also gone door-to-door east of 75th Avenue. He discussed the August 15, 2007 neighborhood meeting. He added that since this was a Major General Plan Amendment, state law requires extensive notification of public agencies. The Cities of Litchfield Park and Goodyear both approved of the development with the City of Peoria not becoming involved.

Councilmember Clark had a question regarding New River being adjacent to the development. She asked if the group "Friends of the West Valley Recreation Corridor" had approached them about opportunities to enhance New River when there are new developments adjacent to it. Mr. Ritz stated that there was a portion of New River that was within the flood plains and would most likely not be developed. He noted that they would potentially be working with the group in the future.

Councilmember Clark commented on previous plans regarding the church establishing additional water retention on the property. She asked if this was still an option for the church with all the new development on the property. Mr. Ritz stated that the church was still very much involved and responsible for water retention on the property. Councilmember Clark asked if the church was still interested in developing lake features. Mr. Froke said the church was very aware of the need for a provision for reclaimed water storage whether, it is in lakes or other methods.

Vice Mayor Martinez asked if the developers had met with the HOA. Mr. Froke stated that they had and the HOA had no objection. Vice Mayor Martinez asked if the development would have large conference and hotel sites. Mr. Froke stated that he was correct and the area would benefit both the city and church. Vice Mayor Martinez commented that this project had been well received by the community. Mr. Froke stated that the applicant had addressed several minor issues that had been voiced and believed all issues had been satisfied.

Councilmember Frate stated that the applicant and staff had discussed and satisfied the community regarding the new development. With no opposition to this project, he recommended moving forward with this process.

Mr. Froke stated that they would be back in about three weeks for a decision on the application at an evening meeting.

2. PRIVATE TOWING CARRIER ORDINANCE AND RESOLUTION

CITY STAFF PRESENTING THIS ITEM: Mr. Steve Conrad, Police Chief; and Mr. Harold Brady, Public Safety Attorney

This is a request for the City Council to review the proposed private towing carrier ordinance with related amendments and the resolution.

The ordinance will provide structure to the process of third party non-consensual towing from private property within the city limits. These changes do not affect private contract tows or police tows.

The new ordinance would establish uniform protocols and practices for the regulation of private property non-consensual towing in Glendale. Private property non-consensual towing involves the commercial service of towing, transport or impound of a motor vehicle from private property without the permission of the owner or operator of the vehicle. Examples of non-consensual towing include an apartment complex or business contracting for removal of vehicles parked in fire lanes or in violation of other parking restrictions.

This ordinance addresses the Council goal by providing high-quality services for citizens. It also provides a means to fairly deal with citizens' complaints when their vehicles are towed in Glendale.

State laws provide relatively little direction for regulating the towing industry. The city ordinance refers to certain situations, but does not provide the structure needed to ensure fairness and consistency in non-consensual towing situations.

Over the last several years, the police department has observed an increase in calls for service regarding alleged unfair towing practices during private property non-consensual towing. The proposed ordinance will reduce calls for service to the police department by establishing needed towing regulations, and on those occasions that an officer is requested, the ordinance provides law enforcement the tools necessary to address the complaints. The majority of calls to the police department involve failure to release vehicles and added charges and fees assessed to obtain personal property. This ordinance will reduce these types of calls for service by providing standards that prohibit these practices.

Other valley cities have private towing carrier ordinances regulating private property towing. These cities include Phoenix, Tempe, Mesa, Scottsdale, and Peoria.

This ordinance will create guidelines so that local businesses, property owners, the tow companies, and our citizens, can work together and find practical solutions to private property towing scenarios. Without the ordinance, the City is very limited in its ability to address both egregious towing behavior and regulate the fees charged.

Police department representatives met with owners of two Glendale towing companies regarding the ordinance provisions to discuss the impact of the proposed ordinance on the towing industry. In addition, the police department provided the proposed ordinance to the Arizona Professional Towing and Recovery Association and received positive feedback.

Staff is requesting the Council to review the proposed private towing carrier ordinance and resolution, and provide guidance.

Mr. Harold Brady, Public Safety Attorney, stated that should the Council decide to move forward with the ordinance, they would make the public aware of the changes with a full press release and marketing updates to all city agencies.

Councilmember Clark commented that this ordinance was very timely since she had just become aware of the towing problems. She asked what tools would be provided to aid the police regarding this ordinance. Mr. Brady stated that the ordinance provided specific guidelines for the owners and towing company.

Councilmember Clark asked how this ordinance would reduce the calls for service as stated in the presentation. Mr. Steve Conrad, Police Chief, stated that this ordinance would give them a level playing field and clear instructions on how to proceed with the impounded vehicle. He said he believes that in both parties being aware of the ordinance, the problems could be resolved before the police department was called. Councilmember Clark asked Chief Conrad if he would be relying on knowledge and compliance to reduce service calls. Chief Conrad stated that she was correct. He added that after two misdemeanor violations within a 24 month period, the business license could be revoked.

Councilmember Clark commented that the 24 month period was a bit lax. She asked how it compared to other cities. Mr. Brady stated it mirrored the City of Phoenix.

Councilmember Goulet inquired as to the ordinance language and what places were exempt from the ordinance. Mr. Brady stated that they were defining the location that applied, which was fairly general. He explained that it would read "an area which the public is invited to park" except for public property. Councilmember Goulet asked if those areas would have postings making the public aware of the change. Mr. Brady stated that it was already in state law, but will be reaffirming it in the ordinance.

Councilmember Goulet asked for clarification on Community Benefit as stated in their communications. Mr. Brady stated that they had not conducted public meetings; however they had solicited an association that represented third party towing companies. He noted that other cities had probably done the surveys and their findings were reflected in their ordinance, which would now be incorporated for Glendale. Councilmember Goulet suggested possibly having a public meeting for the community to voice their opinion on the matter.

Councilmember Frate commented that a segment of the population had already voiced their opinion with their complaints. He stated that the ordinance makes very good common sense and provided straight forward information for both parties. He believes this ordinance introduces better communication on both sides and makes sure the citizens do not get gouged.

Councilmember Frate inquires as to additional Glendale signage. Mr. Brady stated that additional signage would be required; however many times only a sticker would be added to the sign.

Councilmember Knaack complimented them on the ordinance and hoped it would go on to consensual towing, however this was a good start. She stated that this ordinance would serve the citizens, police department and the towing companies. She thanked them once again for their work on the ordinance.

Mayor Scruggs requested clarification on the language for the 3rd party fees. Mr. Brady explained his intent by stating that the total charge for the vehicle going to the towing lot would not exceed \$135.00. The charge would be \$75.00 if the vehicle was in the process of being hooked up. In addition, the after hours fee would only be \$50.00. Mayor Scruggs commented that the information had not been clear to her. She read a portion of the ordinance. Mr. Brady stated that they would review the document and continue to work on the language.

Councilmember Frate asked if the city was charging the same as other cities on commercial vehicle towing. Mr. Brady stated that yes; they were equivalent to the Cities of Phoenix and Scottsdale.

Mayor Scruggs stated that the next step would be to bring this forward to an evening Council meeting.

ADJOURNMENT

The meeting was adjourned at 2:25 p.m.