

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL  
OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA,  
HELD TUESDAY, NOVEMBER 27, 2007, AT 7:00 P.M.**

The meeting was called to order by Mayor Elaine M. Scruggs, with Vice Mayor Manuel D. Martinez, and the following Councilmembers present: Joyce V. Clark, Steven E. Frate, David M. Goulet, Yvonne J. Knaack, and H. Philip Lieberman

Also present were Ed Beasley, City Manager; Pam Kavanaugh, Assistant City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk

**COMPLIANCE WITH ARTICLE VII, SECTION 6(c) OF THE GLENDALE CHARTER**

A statement was filed by the City Clerk that the nine resolutions and six ordinances to be considered at the meeting were available for public examination and the title posted at City Hall more than 72 hours in advance of the meeting.

**APPROVAL OF THE MINUTES OF THE OCTOBER 23, 2007 CITY COUNCIL MEETING**

**It was moved by Goulet, and seconded by Frate, to dispense with the reading of the minutes of the October 23, 2007 regular City Council meeting, as each member of the Council had been provided copies in advance, and approve them as written. The motion carried unanimously.**

**BOARDS AND COMMISSIONS**

**BOARDS, COMMISSIONS AND OTHER BODIES**

This is a request for the 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.

|   |          |               | <b>Effective</b> | <b>Expiration</b> |
|---|----------|---------------|------------------|-------------------|
| <b><u>Aviation Advisory Commission</u></b>            |          |               |                  |                   |
| William, Kelly  | Barrel   | Reappointment | 11/27/2007       | 11/27/2009        |
| <b><u>Glendale Municipal Property Corporation</u></b> |          |               |                  |                   |
| Schwiejohn, Roger                                     | Barrel   | Appointment   | 12/01/2007       | TBD               |
| Peterson, Leland                                      | Cactus   | Appointment   | 12/01/2007       | TBD               |
| Joraanstad, Mark                                      | Ocotillo | Appointment   | 12/01/2007       | TBD               |
| Stern, John   | Cholla   | Appointment   | 12/01/2007       | TBD               |
| Dobbelaere, Art                                       | Cholla   | Appointment   | 12/01/2007       | TBD               |
| Peterson, Leland – Chair                              | Cactus   | Appointment   | 12/01/2007       | 12/01/2008        |

**Library Advisory Board**

Shuttleworthy, Brianna                      Barrel              Appointment              11/27/2007      5/27/2008

**Western Loop 101 Public Facilities Corporation**

Harnden, Steve                                  Cholla              Appointment              11/27/2007      TBD

The recommendation was to make appointments to the boards, commissions and other bodies and administer the Oaths of Office.

**It was moved by Martinez, and seconded by Lieberman, to appoint Kelly William to the Aviation Advisory Commission; Roger Schwierjohn, Leland Peterson, Mark Joraanstad, John Stern, and Art Dobbelaere to the Glendale Municipal Property Corporation; Brianna Shuttleworthy to the Library Advisory Board; and Steve Harnden to the Western Loop 101 Public Facilities Corporation. The motion carried unanimously.**

Mayor Scruggs administered the Oath of Office to those present to be sworn. She thanked all the volunteers who offered their time and talents to the City of Glendale.

**PROCLAMATIONS AND AWARDS**

**TOSTITOS FIESTA BOWL PLAQUES OF APPRECIATION**

This is a request for the City Council to accept plaques from Dick Stemple, Fiesta Bowl Chairman, and John Junker, Fiesta Bowl President and CEO, for the sincere appreciation for the hard work and dedication of all involved in contributing to the success of the 2007 Tostitos Fiesta Bowl and Tostitos Bowl Championship Series National Championship Game held in Glendale, Arizona.

With the excitement of these amazing games and flawless execution, the Fiesta Bowl cemented its position as the top bowl game and festival of events in the nation. This success was due to the efforts and hard work of the more than 2,600 volunteers and the leadership of the Glendale City Council, management and its dedicated employees.

Glendale City Council will be present to accept the awards.

In 2007, the Fiesta Bowl hosted two national bowl games at University of Phoenix Stadium in Glendale, Arizona. This "Festival of College Football" included the Tostitos Fiesta Bowl, which was the most exciting ending in college football history, and the crowning of a national champion at the Tostitos Bowl Championship Series National Championship Game.

It is with sincere appreciation for the hard work and dedication of all involved, that Dick Stemple, Fiesta Bowl Chairman, and John Junker, Fiesta Bowl President and CEO, will present plaques of appreciation to the Glendale City Council.

The recommendation was to present the award to Glendale City Council.

Mr. John Junker, Fiesta Bowl president and CEO, presented plaques of appreciation to the Mayor and Council. Mr. Junker thanked all the volunteers, as well as City Council and staff for the wonderful work done on the Tostitos Fiesta Bowl, which was said to be the most exciting in college football history. He also discussed the great work done for the crowning of the national champion at the Tostitos Bowl Championship Series National Championship Game. He once again acknowledged the hard work invested by the city staff and Council.

Mayor Scruggs thanked Mr. John Junker on behalf of the entire City of Glendale for all their preparation and effort on the games. She added that she was very proud and confident of the work done on the Fiesta Bowl, BCS Bowl, and now the upcoming Super Bowl.

## **CONSENT AGENDA**

Mr. Ed Beasley, City Manager, read agenda item numbers 1 through 14 and Ms. Pamela Hanna, City Clerk, read consent agenda resolution item numbers 15 through 21 by number and title.

1. SPECIAL EVENT LIQUOR LICENSE FOR SERENO SOCCER CLUB –  
DECEMBER 2, 14, 23 & 30, 2007

This is a request for the City Council to approve a special event liquor license for Sereno Soccer Club. The events will be at 6770 North Hockey Way on Sunday, December 2, 2007 from 10:00 a.m. to 3:00 p.m., Friday, December 14, 2007 from 5:00 p.m. to 12:00 a.m. (midnight), Sunday, December 23, 2007 from 10:00 a.m. to 3:00 p.m., and Sunday, December 30, 2007 from 10:00 a.m. to 3:00 p.m. The purpose of these events is to be part of the Nissan Concert Series promotion with 25 percent of the proceeds going to Sereno Soccer Club. The special events liquor licenses were submitted by Chuck C. Schmidt.

If these licenses are approved, the total days expended by this applicant will be nine of the allowed 10 days per year. By hosting a variety of concerts and events at Westgate City Center, featuring local and nationally acclaimed acts, the applicant looks to draw a wide range of visitors from across the Valley and neighboring states, increasing exposure of Glendale's sports and entertainment district, and encouraging new and returning visitors to come to Glendale. Under the provisions of Arizona Revised Statutes Sec. 4-203.02, the Arizona Department of Liquor Licenses and Control may issue a special event liquor license only if the Council recommends approval of such license.

The City of Glendale Planning, Fire and Police Departments have reviewed the applications and determined that they meet all technical requirements. Therefore, it is staff's recommendation to forward these applications to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

2. SPECIAL EVENT LIQUOR LICENSE FOR FIESTA BOWL – COLLEGE FOOTBALL'S BIGGEST PARTY, JANUARY 2, 2008

This is a request for the City Council to approve a special event liquor license for Fiesta Bowl. The event will be at 6222 North 91<sup>st</sup> Avenue on Wednesday, January 2, 2008 from 10:00 a.m. to 12:00 a.m. (midnight). The purpose of this event is for College Football's Biggest Party with 100 percent of the proceeds going to Fiesta Bowl. The special event liquor license was submitted by Patrick L. Cannon.

If this license is approved, the total days expended by this applicant will be one of the allowed 10 days per year. By hosting College Football's Biggest Party, the applicant looks to draw a wide range of visitors from across the Valley and neighboring states, increasing exposure of Glendale's sports and entertainment district, and encouraging those new and returning visitors to come to Glendale. Under the provisions of Arizona Revised Statutes Sec. 4-203.02, the Arizona Department of Liquor Licenses and Control may issue a special event liquor license only if the Council recommends approval of such license.

The City of Glendale Planning, Fire and Police Departments have reviewed the application and determined that it meets all technical requirements. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

3. SPECIAL EVENT LIQUOR LICENSE FOR FIESTA BOWL – FOOTBALL PRE-GAME PARTY, JANUARY 2, 2008

This is a request for the City Council to approve a special event liquor license for Fiesta Bowl. The event will be at 9400 Maryland Avenue (Lot G) on Wednesday, January 2, 2008 from 10:00 a.m. to 12:00 a.m. (midnight). The purpose of this event is for a Football Pre-game Party with 100 percent of the proceeds going to Fiesta Bowl. The special event liquor license was submitted by Patrick L. Cannon.

If this license is approved, the total days expended by this applicant will be two of the allowed 10 days per year. By hosting this Football Pre-game Party, the applicant looks to draw a wide range of visitors from across the Valley and neighboring states, increasing exposure of Glendale's sports and entertainment district, and encouraging those new and returning visitors to come back to Glendale. Under the provisions of Arizona Revised Statutes Sec. 4-203.02, the Arizona Department of Liquor Licenses and Control may issue a special event liquor license only if the Council recommends approval of such license.

The City of Glendale Planning, Fire and Police Departments have reviewed the application and determined that it meets all technical requirements. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

4. LIQUOR LICENSE NO. 3-1151 SKIPPERS LOUNGE

This is a request for the City Council to approve a transferable Series 6 (Bar – All Liquor) license, operating with an interim permit for Skippers Lounge, located at 6124 North 43<sup>rd</sup> Avenue. The Arizona State application (number 06070309) was submitted by Patricia Marie Lyttle.

The 60-day deadline for processing this application was October 29, 2007. A request for extension was submitted to the Department of Liquor Licenses. The location of the establishment will be 6124 North 43<sup>rd</sup> Avenue and is within the Cactus District, zoned C-2 (general commercial). This establishment is over 300 feet from any school or church. Skippers Lounge has operated at this location from April of 2000 until May of 2004 under Joseph Hamel and has operated at this location from May of 2004 until the present under Robert Liggett. The population density is 9,614 people per square mile. The approval of this license will not increase the total number of liquor licenses in this area. The number of liquor licenses within a one-mile radius is 30 as listed below:

| <b>Series</b> | <b>Type</b>                | <b>Quantity</b> |
|---------------|----------------------------|-----------------|
| 6             | Bar - All Liquor           | 6               |
| 7             | Bar - Beer & Wine          | 1               |
| 9             | Liquor Store - All Liquor  | 6               |
| 10            | Liquor Store - Beer & Wine | 11              |
| 12            | Restaurant - All Liquor    | 6               |
|               | <b>Total</b>               | <u>30</u>       |

No protests were received during the 20-day posting period.

The City of Glendale Planning and Police Departments, as well as the Maricopa County Health Department, have reviewed the application and determined that it meets all technical requirements. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

5. LIQUOR LICENSE NO. 3-1153 BE SUSHI & MARTINI

This is a request for the City Council to approve a new non-transferable Series 12 (Restaurant – All Liquor) license for Be Sushi & Martini, located at 6922 North 95<sup>th</sup> Avenue, Suite 100. The Arizona State application (number 12077318) was submitted by Jesus Manuel Altamirano.

The 60-day deadline for processing this application was November 12, 2007. A request for extension was submitted to the Department of Liquor License. The location of the establishment is 6922 North 95<sup>th</sup> Avenue, Suite 100 and is within the Yucca District, zoned PAD (planned area development). This is a new application submitted by Jesus Manuel Altamirano. The population density is 1,831 people per square mile. The approval of this license will increase the total number of liquor licenses in this area by one. The number of liquor licenses within a one-mile radius is 9 as listed below:

| <b>Series</b> | <b>Type</b>                | <b>Quantity</b> |
|---------------|----------------------------|-----------------|
| 3             | Microbrewery               | 1               |
| 6             | Bar – All Liquor           | 1               |
| 7             | Beer & Wine Bar            | 1               |
| 10            | Liquor Store – Beer & Wine | 1               |
| 12            | Restaurant – All Liquor    | 5               |
|               | <b>Total</b>               | <u>9</u>        |

No protests were received during the 20-day posting period.

The City of Glendale Planning and Police Departments, as well as the Maricopa County Health Department, have reviewed the application and determined that it meets all technical requirements. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

6. LIQUOR LICENSE NO. 3-1154 PICAZZO'S GOURMET PIZZA AND SALADS

This is a request for City Council to approve a new non-transferable Series 12 (Restaurant – All Liquor) license for Picazzo's Gourmet Pizza and Salads, located at 6922 North 95<sup>th</sup> Avenue, Suite 300. The Arizona State application (number 12077319) was submitted by Jesus Manuel Altamirano.

The 60-day deadline for processing this application was November 12, 2007. A request for extension was submitted to the Department of Liquor Licenses. The location of the establishment is 6922 North 95<sup>th</sup> Avenue, Suite 300 and is within the Yucca District, zoned PAD (planned area development). This is a new application, submitted by Jesus Manuel Altamirano. The population density is 1,831 people per square mile. The approval of this license will increase the total number of liquor licenses in this area by one. The number of liquor licenses within a one-mile radius is 9 as listed below:

| <b>Series</b> | <b>Type</b>      | <b>Quantity</b> |
|---------------|------------------|-----------------|
| 3             | Microbrewery     | 1               |
| 6             | Bar – All Liquor | 1               |
| 7             | Beer & Wine Bar  | 1               |

|    |                            |          |
|----|----------------------------|----------|
| 10 | Liquor Store – Beer & Wine | 1        |
| 12 | Restaurant – All Liquor    | 5        |
|    | <b>Total</b>               | <u>9</u> |

No protests were received during the 20-day posting period.

The City of Glendale Planning and Police Departments, as well as the Maricopa County Health Department have reviewed the application and determined that it meets all technical requirements. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

7. LIQUOR LICENSE NO. 3-1155 NY STYLE SUBS & PASTA

This is a request for the City Council to approve a new non-transferable Series 12 (Restaurant – All Liquor) license for NY Style Subs & Pasta, located at 7448 West Glendale Avenue, Suite 103. The Arizona State application (number 12077327) was submitted by Arben Iljazi.

The 60-day deadline for processing this application was November 17, 2007. A request for extension was submitted to the Department of Liquor License. The location of the establishment is 7448 West Glendale Avenue, Suite 103 and is within the Ocotillo District, zoned C-2(general commercial). This is a new application, submitted by Arben Iljazi. The population density is 2,489 people per square mile. The approval of this license will increase the total number of liquor licenses in this area by one. The number of liquor licenses within a one-mile radius is 6 as listed below:

| Series | Type                       | Quantity |
|--------|----------------------------|----------|
| 6      | Bar – All Liquor           | 1        |
| 10     | Liquor Store – Beer & Wine | 5        |
|        | <b>Total</b>               | <u>6</u> |

No protests were received during the 20-day posting period.

The City of Glendale Planning and Police Departments, as well as the Maricopa County Health Department, have reviewed the application and determined that it meets all technical requirements. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

8. LIQUOR LICENSE NO. 3-1156 HELLS HALF ACRE

This is a request for the City Council to approve a person-to-person and location transfer of this transferable Series 6 (Bar – All Liquor) license for Hells Half Acre, located at 6751 North Sunset Boulevard, #E-113. The Arizona State application (number 06070025) was submitted by Jesus Manuel Altamirano.

The 60-day deadline for processing this application is December 11, 2007. The location of the establishment will be 6751 North Sunset Boulevard, #E-113 and is within the Yucca District, zoned PAD (planned area development). This establishment is over 300 feet from any school or church. This is a person-to-person transfer and location transfer of this transferable Series 6 liquor license. The population density is 1,831 people per square mile. The approval of this license will increase the total number of liquor licenses in this area by one. The number of liquor licenses within a one-mile radius is 10 as listed below:

| <b>Series</b> | <b>Type</b>                | <b>Quantity</b> |
|---------------|----------------------------|-----------------|
| 3             | Microbrewery               | 1               |
| 6             | Bar - All Liquor           | 1               |
| 7             | Bar - Beer & Wine          | 2               |
| 10            | Liquor Store - Beer & Wine | 1               |
| 12            | Restaurant - All Liquor    | 5               |
|               | <b>Total</b>               | <hr/> 10        |

No protests were received during the 20-day posting period.

The City of Glendale Planning and Police Departments, as well as the Maricopa County Health Department, have reviewed the application and determined that it meets all technical requirements. Therefore, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

9. LIQUOR LICENSE NO. 3-1157 BAR LOUIE

This is a request for the City Council to approve a new non-transferable Series 12 (Restaurant – All Liquor) license for Bar Louie, located at 6770 North Hockey Way, Suite G-109 (6770 North Sunrise Boulevard, Suite G-109). The Arizona State application (number 12077353) was submitted by Beverly S. Friedman.

The 60-day deadline for processing this application is December 11, 2007. The location of the establishment is 6770 North Hockey Way, Suite G-109 (6770 North Sunrise Boulevard, Suite G-109) and is within the Yucca District, zoned PAD (planned area development). This is a new application, submitted by Beverly S. Friedman. The population density is 1,831 people per square mile. The approval of this license will increase the total number of liquor licenses in this area by one. The number of liquor licenses within a one-mile radius is 9 as listed below:

| Series | Type                       | Quantity |
|--------|----------------------------|----------|
| 3      | Microbrewery               | 1        |
| 6      | Bar – All Liquor           | 1        |
| 7      | Beer & Wine Bar            | 1        |
| 10     | Liquor Store – Beer & Wine | 1        |
| 12     | Restaurant – All Liquor    | 5        |
|        | <b>Total</b>               | 9        |

No protests were received during the 20-day posting period.

The City of Glendale Planning and Police Departments, as well as the Maricopa County Health Department have reviewed the application and determined that it meets all technical requirements. Therefore, it is staff’s recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

10. PROFESSIONAL SERVICES AGREEMENT – DRAINAGE SYSTEM MAPPING

This is a request for the City Council to approve a professional services agreement with Engineering Mapping Solutions, Inc. to map the city’s drainage infrastructure and to incorporate the collected data into the city’s Geographic Information System database.

This project is consistent with the Council goal of providing high level of services to the citizens of Glendale by providing up-to-date and accurate information about the location of drainage facilities.

In 1996, the Environmental Protection Agency (EPA) instituted Phase II of the National Pollutant Discharge Elimination System (NPDES). NPDES Phase II regulations require that the city map its drainage system. In accordance with this directive, the city has been filing an annual report with EPA and the Arizona Department of Water Resources.

Mapping the drainage system will facilitate future drainage modeling and design of storm drains.

Funds for this project are available in the current Capital Improvement Budget.

| Grants | Capital Expense | One-Time Cost | Budgeted | Unbudgeted | Total     |
|--------|-----------------|---------------|----------|------------|-----------|
|        | X               |               | X        |            | \$217,800 |

**Account Name, Fund, Account and Line Item Number:**  
 AZDES Permit, Account No. 2180-79006-551200

The recommendation was to authorize the City Manager to enter into a professional services agreement with Engineering Mapping Solutions, Inc. in an amount not to exceed \$217,800 for Drainage System Mapping.

11. PROFESSIONAL SERVICES AGREEMENT — UTILITIES SECURITY ENHANCEMENTS PHASE III

This is a request for the City Council to approve a professional services agreement with CH2M Hill to provide the design and construction administration services for Phase III of the Utilities Security Enhancements project, in an amount not to exceed \$1,303,493. The project is required for continued compliance with the federal Homeland Security Presidential Directive No. 7.

One of the Council's strategic goals is high quality service for citizens. This contract will allow the city to continue to provide high-quality water to its citizens by enhancing the security of the water production facilities and the wastewater treatment facilities.

Water is a key resource for the community and the city's Utilities Department is responsible for providing and protecting water services to the citizens in a manner consistent with federal and state regulations.

The Utilities Department completed two vulnerability assessments of the city's water and wastewater systems. The reports analyzed the city's water and wastewater facilities and provided recommendations for security enhancements. Through the city's qualification-based selection process, the professional engineering firm CH2M Hill Inc. was hired to provide the security system design services for Phase I and part of Phase II.

In March of 2007, Barton Malow was hired as the Construction Manager at Risk to build the Phase I improvements with a guaranteed maximum price. The Phase I construction is almost finished. Now the project is moving on to complete the Phase II design and begin the Phase III design. The design consultant, CH2M Hill Inc., will provide the engineering design services as indicated in the previous quality based selection process for Phase I.

On March 13, 2007, the Council approved the pre-construction services contract with Barton Malow as the CMAR for the water system security project. The Council then approved the guaranteed maximum price for the Phase I construction on April 24, 2007.

On April 25, 2006, the Council approved the professional services agreement with CH2M Hill, Inc. for the design and construction administration services for Phase I and the partial design of Phase II of the security system improvements to the city's water facilities.

The construction and implementation of the Utilities Security System will further enhance the security of Glendale’s water system and wastewater treatment system.

The fee for the engineering services for the water facilities is \$673,710 and the fee for the wastewater facilities is \$629,783. Funds for the water facilities fees are available in the Capital Improvement Program (CIP) Water System Security account and funds for the wastewater facilities fees are available in the CIP Security Enhancements Wastewater Operations account for this project.

| <b>Grants</b> | <b>Capital Expense</b> | <b>One-Time Cost</b> | <b>Budgeted</b> | <b>Unbudgeted</b> | <b>Total</b> |
|---------------|------------------------|----------------------|-----------------|-------------------|--------------|
|               | X                      |                      |                 |                   | \$1,303,493  |

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|---|
| <p><b><i>Account Name, Fund, Account and Line Item Number:</i></b><br/>         Water System Security - Account No. 2400-61023-551000<br/>         Security Enhancements Wastewater Ops - Account No. 2420-63020-551200</p> |
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The recommendation was to authorize the City Manager to enter into a Professional Services Agreement with CH2M Hill to provide the design and construction administration services for the Phase III Security Enhancements, in an amount not to exceed \$1,303,493.

12. FINAL PLAT APPLICATION FP07-02: NORTHERN OAKS COMMERCE PARK – 7250 WEST FRIER DRIVE

This is a request by Michael Fa for the City Council to approve the final plat for Northern Oaks Commerce Park located at 7250 West Frier Drive.

The proposed final plat is consistent with the General Plan and the existing Light Industrial (M-1) zoning district. The request meets the requirements of the Subdivision and Minor Land Division Ordinance. The development of this subdivision will create additional commercial development opportunities in the city.

Northern Oaks Commerce Park is an 11-lot commercial park subdivision on 18.4 acres. Lot sizes vary from 31,012 square feet to 324,278 square feet, with an average lot size of 63,536 square feet. The proposed minimum lot width is 149 feet and the proposed minimum lot depth is 147 feet.

There were no previous actions on this agenda item.

This request facilitates development of the property by providing subdivided lots that are ready for development.

The recommendation was to approve Final Plat Application FP07-02.

13. FINAL PLAT APPLICATION FP07-16: MISSOURI COVE – 5508 NORTH 79TH AVENUE

This is a request by Roland Davis for the City Council to approve the final plat for Missouri Cove, located at 5508 North 79<sup>th</sup> Avenue.

The proposed final plat is consistent with the General Plan and the existing Suburban Residence (SR-17) zoning district. The request meets the requirements of the Subdivision and Minor Land Division Ordinance. The development of this subdivision will create additional single-family housing opportunities in the city.

Missouri Cove is a 14-lot single-family subdivision on 8.8 acres, with a density of 1.59 dwelling units per acre. Lot sizes vary from 17,005 square feet to 26,549 square feet, with an average lot size of 18,043 square feet. The proposed minimum lot width is 110 feet and the proposed minimum lot depth is 135 feet.

On December 7, 2006, the Planning Commission approved Preliminary Plat application PP06-03 for this subdivision.

The project provides infill development of vacant property, and provides housing that is compatible with the surrounding area.

The applicant held a neighborhood meeting on July 10, 2006. Of the 82 people invited to the meeting, approximately 19 adjacent property owners and interested parties attended. There were concerns regarding privacy from abutting two-story homes, and dust and noise control. The applicant has addressed each of these concerns.

The recommendation was to approve Final Plat Application FP07-16.

14. PURCHASE DIGITAL RADIO EQUIPMENT

This is a request for the City Council to authorize the purchase of digital radio equipment from the City of Phoenix Motorola contract number P728805 in the amount of \$182,000 and to authorize an increase from \$250,000 to \$1,000,000 to the annual radio purchase limit.

The radio equipment allows officers to communicate with other officers and the communications center when responding to emergency and non-emergency calls for service. This meets with the Council goal of ensuring public safety for citizens and visitors, and high-quality of service for citizens.

With the increase in authorized police officers, support personnel and associated vehicles, the current annual radio purchase limit of \$250,000 has almost been met. The recently approved increases in police personnel and associated vehicles require an additional \$182,000 in new radio equipment.

With continued increases in vehicles and personnel, as well as on-going replacement and repair needs, it is not uncommon to reach the fiscal year purchasing limit within the first six months of the year. Increasing the limit would allow the city to continue to acquire radio equipment as needed, cover replacement needs and allow for emergency purchases if necessary.

On March 23, 2004, the Council approved the purchase of 17 radios from Motorola, using the City of Phoenix Motorola Contract #P728805, for \$75,161.15, and setting the amount not to exceed \$250,000

Funding is available for the purchase of radios in the Fiscal Year 2007-08 Police Department operating budget and Capital Improvement Plan budget.

| Grants | Capital Expense | One-Time Cost | Budgeted | Unbudgeted | Total     |
|--------|-----------------|---------------|----------|------------|-----------|
|        | X               | X             | X        |            | \$182,000 |

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|--|
| <b><u>Account Name, Fund, Account and Line Item Number:</u></b>                  |
| Patrol – Public Safety Sales Tax Fund, Account No. 1700-12310-551400 (\$67,600)  |
| Patrol – Public Safety Sales Tax Fund, Account No. 1700-12310-521000 (\$114,400) |

The recommendation was to authorize the purchase of digital radio equipment from the City of Phoenix Motorola contract number P728805 in the amount of \$182,000 and authorize an increase from \$250,000 to \$1,000,000 to the annual radio purchase limit.

**CONSENT RESOLUTIONS**

15. INTERGOVERNMENTAL AGREEMENT BETWEEN THE GILA RIVER INDIAN COMMUNITY AND ARIZONA LAW ENFORCEMENT AGENCIES FOR SUPER BOWL XLII

This is a request for the City Council to authorize the City Manager to approve the intergovernmental agreement (IGA) between the Gila River Indian Community, Tempe Police Department, Phoenix Police Department, Mesa Police Department, Maricopa County Sheriff’s Office, Glendale Police Department, and all law enforcement subdivisions of the State of Arizona.

The purpose of this agreement is to provide mutual aid between these agencies for protection and assistance in law enforcement presence, resources, and tactical and specialized response during the Super Bowl and its related events.

Entering into this IGA creates a positive partnership with other law enforcement agencies and provides cooperation for services that may be needed during Super Bowl related events. It addresses the Council goal of one community focused on public safety for citizens and visitors by ensuring a high-level of public safety coverage.

The purpose of the IGA is to provide for mutual aid between the parties, especially for Gila River, which is an Indian Nation and legally treated much like a separate country. The Gila River Community is hosting one of the NFL teams participating in the Super Bowl at Wild Horse Pass and related events will take place in their community. A special agreement is necessary for the named law enforcement agencies to go onto the reservation and provide law enforcement services. The agreement does not mandate assistance, but allows for it at Glendale's discretion.

This agreement shall become effective on Friday, January 25, 2008 at 12:00 a.m. for a period of eleven days, ending on Tuesday, February 5, 2008, at 12:00 a.m.

Through these partnerships, the Glendale Police Department and all participating law enforcement agencies will be working together to ensure that citizens and visitors to Super Bowl events will enjoy a safe environment and experience while attending related events.

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into the intergovernmental agreement between Gila River Indian Community, Tempe Police Department, Phoenix Police Department, Mesa Police Department, Maricopa County Sheriff's Office, Glendale Police Department, and all law enforcement subdivisions of the State of Arizona.

Resolution No. 4109 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 THE GILA RIVER INDIAN COMMUNITY AND OTHER ARIZONA LAW ENFORCEMENT AGENCIES FOR MUTUAL AID IN LAW ENFORCEMENT RELATED TO SUPER BOWL XLII.**

16. ACCEPTANCE OF STATE HOMELAND SECURITY GRANTS

This is a request for the City Council to adopt a resolution authorizing the City Manager to accept and administer fiscal year (FY) 2007 State Homeland Security Grant awards for a total amount of \$1,303,145.

These grant awards will support the Glendale Fire and Police Department's Special Operations Divisions, and the Fire Department's Metropolitan Medical Response System (MMRS) program.

The Fire Department's portion of the grant related to special operations will be used to enhance radiation detection and mitigation capabilities. Additionally, the Fire Department's grant related to the MMRS program will enhance and sustain the regionally integrated, systematic mass casualty incident preparedness program. The program prepares the City of Glendale for response to all-hazards mass casualty incidents, including chemical, biological, radiological, nuclear, and explosive (CBRNE)

incidents, epidemic disease outbreaks, natural disasters, and large-scale hazardous materials incidents.

The Police Department's portion of the grant related to special operations will enhance deployments and provide specialized technical equipment for tactical interventions in conventional and CBRNE operations.

The grant for the Glendale Department of Emergency Management will be used to create a comprehensive city Continuity of Operations Plan (COOP). This plan will outline the recovery requirements of a disaster affecting Glendale and provide for both continuity of operations, as well as continuity of government. The plan will identify a systematic approach to re-activating critical departmental functions in a specific order of criticality. This will allow the city to focus its resources on areas where they are needed most.

On April 24, 2007, the Council approved the 2006 Urban Areas Security Initiative funds to enhance the physical security of our Public Safety facilities.

On December 12, 2006, the Council approved the 2005 Urban Areas Security Initiative funds to purchase the physical security infrastructure for public safety facilities.

On December 12, 2006, the Council approved the 2005 State Homeland Security Grant to harden critical infrastructure.

On November 14, 2006, the Council approved the 2006 State Homeland Security Grant to enhance the Police Department's Bomb Squad and Terrorism Liaison Officer Program, as well as the Fire Department's Metropolitan Medical Response System program.

On November 14, 2006, the Council approved the Intergovernmental Agreement for the 2006 State Homeland Security Grants.

Since 1999, Glendale has been able to leverage city funds with grant funds to enhance first responder preparedness within the city and the West Valley. Grant funds have been used to purchase safety equipment to protect first responders, specialized equipment for technical operations, and equipment to enhance communication efforts, as well as to develop preparedness training and to enhance prevention and intervention programs.

There is no financial match requested for this funding. This is one-time funding by the State Department of Homeland Security specifically for the programs identified previously. While no matching funds are requested for the initial purchase of this equipment, there is an expectation that the city would need to allocate funds to operate and replace any equipment purchased with Homeland Security grant monies. Departments will submit supplemental requests for future fiscal year budgets.

| Grants | Capital Expense | One-Time Cost | Budgeted | Unbudgeted | Total       |
|--------|-----------------|---------------|----------|------------|-------------|
| X      |                 |               |          |            | \$1,303,145 |

**Account Name, Fund, Account and Line Item Number:**

A specific account will be established in Fund 1840, the city's grant fund, once the grant agreements are formally executed.

The recommendation was to waive reading beyond title and adopt a resolution authorizing the City Manager to accept and administer the Fiscal Year 2007 State Homeland Security Grant awards in an amount not to exceed \$1,303,145.

Resolution No. 4110 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 VARIOUS GRANT AWARDS FROM THE ARIZONA DEPARTMENT OF HOMELAND SECURITY UNDER THE FFY 2007 HOMELAND SECURITY GRANT PROGRAM.**

17. DOMESTIC VIOLENCE VICTIM SERVICES AND PROGRAM ENHANCEMENTS GRANT

This is a request for the City Council to adopt a resolution authorizing the acceptance of a two-year approximately \$400,000 continuation grant from the U.S. Department of Justice. This grant will continue funding several domestic violence victim services and program enhancements. The official name of the grant is Grant to Encourage Arrest Policies and Enforcement of Protection Orders from the U.S. Department of Justice Office on Violence Against Women.

This request supports the Council strategic goals of one community focused on public safety for citizens and visitors, and a city with high-quality services for citizens.

The Glendale Domestic Violence Task Force was formed in December of 2004 to provide systemic responses to a wide variety of local domestic violence issues. Partners include the City Court, City Prosecutors' Office, Police Department, West Valley Advocacy Center and Prehab of Arizona/A New Leaf. The Task Force has endorsed a collaborative partnership to seek funding for six victim services and program enhancements. The services and enhancements to be provided as a result of this grant award include the following; a full-time Compliance Specialist for Treatment Court, a full-time Domestic Violence Victim Notification Clerk for the Prosecutor's Office, a full-time Victim Advocate, a part-time Pro Tem Judge, overtime pay for Police Officers to serve domestic violence arrest warrants, and staff training.

On September 13, 2005, the City Council adopted a resolution authorizing the acceptance of the original two-year grant from the U.S. Department of Justice Office on Violence Against Women for domestic violence victim services and program enhancements.

This item positively impacts Glendale residents by strengthening legal advocacy service programs for victims of domestic violence who typically are unaware of their basic rights and are confused by the complexities of the necessary legal processes. A compliance specialist will continue managing, coordinating, and expanding the activities of Treatment, Court, which specializes in monitoring defendants' compliance to domestic violence counseling and treatment orders. Greater tools and resources will be available for police to apprehend domestic violence perpetrators.

There is no financial match required for this two-year grant, which runs through June 30, 2009.

Three FTE's are included in this funding. During the Fiscal Year 2008 budget cycle, the Council approved one-time general funding for the Compliance Specialist and Victim Advocate under scenario one. The successful procurement of this grant funding eliminates the need for city funding at this time to cover those positions.

A newly created Victim Notification Clerk in the Prosecutor's Office is also included in this funding. The new FTE will be responsible for monitoring restitution letters and other victim requests arising from the city of Glendale domestic violence website. This position will also be responsible for gathering victim input for status hearings and screening conferences related to their abusers in Treatment Court. If this program enhancement proves successful, a supplemental for Fiscal Year 2009 general fund operating dollars will be submitted to continue the services.

| <b>Grants</b>   | <b>Capital Expense</b> | <b>One-Time Cost</b> | <b>Budgeted</b> | <b>Unbudgeted</b> | <b>Total</b> |
|---|------------------------|----------------------|-----------------|-------------------|--------------|
| X   |                        | X                    | X               |                   | \$399,978    |
| <b><u>Account Name, Fund, Account and Line Item Number:</u></b> |                        |                      |                 |                   |              |
| DV Pilot Project Grant, 1840-32136                              |                        |                      |                 |                   |              |

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the acceptance of a two-year approximately \$400,000 continuation grant from the U.S. Department of Justice on Violence Against Women for domestic violence victim services and program enhancements.

Resolution No. 4111 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 SUBMISSION AND ACCEPTING THE GRANT OFFER FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN, FOR DOMESTIC VIOLENCE VICTIM SERVICES AND PROGRAM ENHANCEMENTS.**

18. INTERGOVERNMENTAL AGREEMENT WITH ARIZONA STATE UNIVERSITY

This is a request for the City Council to adopt a resolution to enter into an intergovernmental agreement (IGA) with Arizona State University (ASU) to conduct a community-wide inventory of recreation and park programs, services, and physical resources provided to Glendale residents.

This agreement furthers the Council strategic goals of enhancing the quality of life for Glendale residents, and creating one community with strong neighborhoods.

The Parks and Recreation Department is beginning its initial steps to update the department master plan that was approved by the Council in 2002. The master plan has been the guiding tool in addressing community and Council priorities during the past five years. Due to growth and changes in the community, the plan needs to be assessed and updated to provide the direction and priorities for future park and recreation services. The community inventory is the first step in the master plan update process. In addition, the department will be pursuing national accreditation. This process includes self-assessment and peer review, using national standards of best practices for providing high-quality services and delivery systems in the field of parks and recreation. The community inventory is one of the standards required for national agency accreditation. The inventory will identify and analyze the programs, services, and resources provided by both the city and other service providers to determine overlapping or underserved areas.

The Parks and Recreation Department will utilize the expertise of the ASU Department of Recreation and Tourism Management that specializes in survey-based research in parks and recreation, user behavior, areas and facilities management, recreation programming, and special event management.

As part of this agreement, ASU will inventory programs, services, and physical resource offerings at public agencies, non-profit associations, private associations, and private enterprises within the city, and neighboring the city's borders; inventory all programs, services, and physical resource offerings at all city park and recreation areas, and facilities; identify overlapping programs, services, and resources; complete a gap analysis to identify insufficient programs, services, and resources; and provide recommendations based on the results of the community inventory.

This analysis will identify both duplicated and unmet services within the community. This will enable the Parks and Recreation Department to best target its resources into the programs, facilities, and services most needed by the community.

The cost of the project will not exceed \$25,000.

| Grants  | Capital Expense | One-Time Cost | Budgeted | Unbudgeted | Total    |
|---|-----------------|---------------|----------|------------|----------|
|   |                 | X             | X        |            | \$25,000 |
| <b><u>Account Name, Fund, Account and Line Item Number:</u></b> |                 |               |          |            |          |
| Recreation Support Services – 1000-14630-518200                 |                 |               |          |            |          |

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement with Arizona State University.

Resolution No. 4112 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 THE ARIZONA BOARD OF REGENTS (ARIZONA STATE UNIVERSITY) FOR A JOINT RESEARCH PROJECT TO COMPLETE A COMMUNITY INVENTORY OF RECREATION AND PARK SERVICES FOR THE CITY OF GLENDALE.**

19. MOHAVE COOPERATIVE PURCHASE AGREEMENT

This is a request for the City Council to continue a purchasing cooperative agreement with the Mohave Educational Services Cooperative. The current cooperative purchase agreement has been modified by the Mohave Educational Services Cooperative changing the method of processing member orders and payments. They are requiring that all members of the cooperative execute the revised cooperative purchase agreement.

Continuing with the agreement with Mohave Educational Services Cooperative will provide a fiscally sound position through cost savings and an expedited process of meeting operational needs.

The Mohave Educational Services Cooperative obtains materials and services such as playground equipment, phone systems, fencing, fire suppression inspection & testing and modular buildings. The Cooperative currently has 398 participating members and is only for public agencies in the state of Arizona. The membership consists of cities, counties, state agencies, school districts, universities and colleges. This resolution is to permit the execution of the revised membership agreement, which will continue unless terminated by either party with ninety days written notice.

The Council previously approved a Cooperative Purchase Agreement with the Mohave Educational Services Cooperative in April of 1998.

Participating in the Mohave Educational Services Cooperative allows Glendale to make purchases based on the combined volume of all the members of the cooperative, rather than only the city's need. This method of consolidating the combined purchasing power of the membership produces low-volume prices and makes for effective use of available funding.

Glendale businesses are also encouraged to participate in the bidding process with Mohave Educational Services Cooperative. Businesses may sign up to participate in the bidding process directly through Mohave Educational Services Cooperative. Being a registered potential bidder does not qualify a business as a Mohave contractor, but gives the business the means to be notified of upcoming procurement solicitations.

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the entering into the Mohave Educational Services Cooperative Agreement.

Resolution No. 4113 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 MOHAVE EDUCATIONAL SERVICES COOPERATIVE, INC. FOR A COOPERATIVE PURCHASE AGREEMENT.**

20. AUTHORIZATION FOR CITY ATTORNEY TO FILE ACTIONS FOR CONDEMNATION

This is a request for the City Council to authorize the City Attorney to file condemnation actions for the following: (1) for clear title for Fire Station 151 that will be located at the northeast corner of 52<sup>nd</sup> Avenue and Lamar Road; and (2) to obtain possession and ownership of an inoperable well site located within the right-of-way for 63<sup>rd</sup> Avenue, north of Union Hills Drive.

On December 14, 2004, the Council adopted Resolution No. 3809 which authorized the City Manager to acquire certain real property located at the northeast corner of 52<sup>nd</sup> Avenue and Lamar Road for a fire station. The property is currently encumbered by a cross easement recorded under Maricopa County Docket No. 13942, Pages 1535 through 1538. This easement prevents improvement of the property in the best interests of the public. Fire Station 151 is currently located at 55<sup>th</sup> and Orangewood Avenues. Fire Station 151 was built in 1969 and is no longer functional for the city's needs in this location. Because it is situated in the center of a residential square mile the activity level creates noise and response issues. There is a need for a fire station to be in closer proximity to Glendale Avenue to provide more immediate response to emergencies in this area. The relocation of Fire Station 151 will have a direct impact on emergency response times in this part of the city, providing more immediate medical assistance to those in critical need, as well as faster fire response capabilities.

The well site located within the right-of-way for 63<sup>rd</sup> Avenue, north of Union Hills Drive is no longer operable because all agricultural properties that it previously served have been developed and are currently on the city's water system.

On February 27, 2007, the Council approved a Construction Manager at Risk contract with FCI Constructors, Inc. for design support services for the new fire station.

On December 12, 2006, the Council authorized the professional services agreement with DWL Architects, Inc. for design and construction administration services.

On December 14, 2004, the Council approved acquisition of the property located at the northeast corner of 52<sup>nd</sup> Avenue and Lamar Road for the relocation of Fire Station 151.

Staff has worked closely with the owner of the 63<sup>rd</sup> Avenue well site for several years to remove the well property at the appropriate time. The city and the owner believe that removal of the well site is now timely and agree that the price for the parcel will be established through condemnation.

Relocating the fire station to a commercial and industrial-use area, near two major arterial roadways, will provide responders with faster and safer access to citizens and businesses in the fire station service area.

Completing 63<sup>rd</sup> Avenue will provide for a safer and more efficient roadway, thereby serving the traveling public. It will also add to the aesthetics of the surrounding neighborhood.

Funds are available to pay all sums necessary to extinguish the cross easements.

| Grants | Capital Expense | One-Time Cost | Budgeted | Unbudgeted | Total |
|--------|-----------------|---------------|----------|------------|-------|
|        |                 | X             | X        |            |       |

|   |
|---|
| <p><b><u>Account Name, Fund, Account and Line Item Number:</u></b><br/>         Fire Station Relocation, Account No. 2040-75000-500800<br/>         Transportation, Street Scallop, Account No. 2210-65060-221200</p> |
|---|

The recommendation was to waive reading beyond the title and adopt a resolution authorizing the City Attorney to file condemnation actions for Fire Station 151 to be located at the northeast corner of 52<sup>nd</sup> Avenue and Lamar Road and for an inoperable well site located within the right-of-way for 63<sup>rd</sup> Avenue, north of Union Hills Drive.

Resolution No. 4114 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 CITY ATTORNEY TO FILE CONDEMNATION ACTION IN ORDER THAT (1) CLEAR TITLE TO CERTAIN REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF 52<sup>ND</sup> AVENUE AND LAMAR IN THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, BE ACQUIRED UNDER THE POWER OF EMINENT DOMAIN FOR A FIRE STATION PURSUANT TO A.R.S. SEC. 12-1111(3); AND (2) TO OBTAIN POSSESSION AND OWNERSHIP OF AN INOPERABLE WELL SITE LOCATED WITHIN THE RIGHT-OF-WAY FOR 63<sup>RD</sup> AVENUE, NORTH OF UNION HILLS DRIVE.**

21. AMENDMENT NO. 2 TO THE AMENDED AND RESTATED GILA RIVER INDIAN COMMUNITY WATER RIGHTS SETTLEMENT AGREEMENT

This is a request for the City Council to adopt a resolution approving and authorizing the entering into of Amendment No. 2 to the Amended and Restated Gila River Indian Community Water Rights Settlement Agreement, applicable exhibits, and any further required amendments to the Settlement Agreement.

The Arizona Water Settlements Act, Public Law 108-451 (the "Act"), effective December 10, 2004, resolves a number of long-standing issues related to the substantial water rights claims of the Gila River Indian Community ("Community") to the waters of the Gila River.

The Gila River Indian Community ("Community"), its Members, the United States, the City of Glendale ("City") and other named parties have agreed to permanently settle their respective adverse claims to water as set forth in a written agreement consistent with the Act. The City of Glendale, by Resolution No. 3915, New Series, approved and has executed such written agreement, the Amended and Restated Gila River Indian Community Water Rights Settlement Agreement (the "Settlement Agreement"). The Settlement Agreement includes various exhibits, several of which are agreements among named parties other than the City whereby such parties agree to settle water rights disputes among themselves and the Community.

The named parties to Exhibit 26.1 (Amended and Restated Agreement Among the Gila River Indian Community, the San Carlos Irrigation and Drainage District, the United States, and the City of Safford) and to Exhibit 26.2, (Amended and Restated Forbearance Agreement Among the Gila River Indian Community, the United States of America, the San Carlos Irrigation and Drainage District, and Other Parties Located in the Upper Valley of the Gila River) wish to address certain errors and omissions in their respective agreements by amending such agreements. All signatory parties to the Settlement Agreement must approve the proposed amendments to Exhibits 26.1 and 26.2 in order to assure all terms and conditions of the Settlement Agreement and the Exhibits are binding on all parties. On June 27, 2006, Council approved Amendment No. 1 to the Amended and Restated Gila River Indian Community Water Rights Settlement Agreement ("Amendment No.1") sets forth corrections that addressed the

errors and omissions to Exhibits 26.1 and 26.2. Further corrections addressing errors and omissions in the Settlement Agreement to Exhibits 26.1 and 26.2 are necessary and required.

The City of Glendale, on June 27, 2006, passed Resolution No. 3975 approving and authorizing the entering into of Amendment No. 1 to the Amended and Restated Gila River Indian Community Water Rights Settlement Agreement and applicable exhibits.

The City of Glendale, on December 13, 2005, passed Resolution No. 3915 approving and authorizing the entering into of the Gila River Indian Community Amended and Restated Water Rights Settlement Agreement and applicable exhibits thereto.

The best interests of the city will be served by consenting to and executing Amendment No. 2 and thereby confirming all terms and conditions of the overall Settlement Agreement will be binding on all settling parties.

The recommendation was to waive reading beyond the title and adopt a resolution approving and authorizing the entering into of Amendment No. 2 to the Amended and Restated Gila River Indian Community Water Rights Settlement Agreement, applicable exhibits, and any further required amendments to said Settlement Agreement.

**Resolution No. 4115 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE ENTERING INTO OF AMENDMENT NO. 2 TO THE AMENDED AND RESTATED GILA RIVER INDIAN COMMUNITY WATER RIGHTS SETTLEMENT AGREEMENT, APPLICABLE EXHIBITS AND ANY FURTHER REQUIRED AMENDMENTS THERETO.**

**It was moved by Lieberman, and seconded by Clark, to approve the recommended actions on Consent Agenda Item Nos. 1 through 21, including the approval and adoption of Resolution No. 4109 New Series, Resolution No. 4110 New Series, Resolution No. 4111 New Series, Resolution No. 4112 New Series, Resolution No. 4113 New Series, Resolution No. 4114, and Resolution No. 4115 New Series; and to forward Special Event Liquor License Applications for (1) Sereno Soccer Club events to be held on December 2, 14, 23 and 30, 2007 at 6770 North Hockey Way, (2) Fiesta Bowl – College Football’s Biggest Party to be held on January 2, 2008 at 6222 North 91<sup>st</sup> Avenue, and (3) Fiesta Bowl – Football Pre-Game Party to be held on January 2, 2008 at 9400 Maryland Avenue (Lot G); and Liquor License Application No. 3-1151 for Skippers Lounge, Liquor License Application No. 3-1153 for Be Sushi & Martini, Liquor License Application No. 3-1154 for Picazzo’s Gourmet Pizza and Salads, Liquor License No. 3-1155 for NY Style Subs & Pasta, Liquor License No. 3-1156 for Hells Half Acre, and Liquor License Application No. 3-1157 for Bar Louie to the State of Arizona Department**

**of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.**

## **PUBLIC HEARING**

### **22. BINGO LICENSE NO. 4-3659 – MANISTEE MANOR APARTMENTS**

Mr. Raymond H. Shuey, Chief Financial Officer/Finance Director, presented this item.

This is a request to conduct a public hearing for a new Class A Bingo License for Manistee Manor Apartments, located at 7987 North 53<sup>rd</sup> Avenue. The organization intends to hold bingo games, on their premise, on Mondays at 1:00 p.m. The responsible person is Debra Windahl.

The city has determined that this application meets all technical requirements. This Class A Bingo license is restricted to Manistee Manor Apartments residents and their guests.

Manistee Manor held a Class A Bingo License from June of 2000 until June of 2006. At that time, this organization chose not to renew their bingo license held at the Arizona Department of Revenue - Bingo Section.

The recommendation was to conduct a public hearing and forward a recommendation for approval to the Arizona Department of Revenue – Bingo Section for Bingo License Number 4-3659.

**Mayor Scruggs opened the public hearing on Agenda Item No. 22. As there were no comments, Mayor Scruggs closed the public hearing.**

**It was moved by Goulet, and seconded by Clark, to forward Bingo License No. 4-3659 for Manistee Manor Apartments to the State of Arizona Department of Revenue – Bingo Section, with the recommendation for approval. The motion carried unanimously.**

## **PUBLIC HEARING – LAND DEVELOPMENT ACTIONS**

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

Mr. Thomas Ritz, AICP, Senior Planner, presented this item.

This is a request by LVA Urban Design Studio for City Council to amend the General Plan Land Use Map for 40 acres of the Community Church of Joy campus from Low Density Residential (LDR, 1-2.5 du/ac) 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.

The Major General Plan Amendment will allow the Community Church of Joy to develop underutilized land adjacent to the Loop 101 freeway. The property is vacant, except for the existing memorial gardens, Arizona Public Service (APS) substation, a ball field, and access roads to each existing use. A mixed use development is proposed as part of this request. The proposed Office designation will accommodate all uses currently anticipated on the property. The proposed Public Facilities designation will accommodate the existing APS substation.

Planning staff briefed the Council on this item at the Council Workshop of November 6, 2007.

The Planning Commission held a second public hearing on this item on October 18, 2007 and voted unanimously to recommend approval of amending the General Plan for approximately 40 acres from Low Density Residential and Parks and Open Space to Office and Public Facilities.

The Planning Commission held the first public hearing on this item on October 4, 2007. This hearing was held at a remote location (Community Church of Joy, 21000 North 75th Avenue) as required by state statutes. At the first public hearing, the Planning Commission took no action.

Staff briefed the Council on this item at the Council Workshop of November 6, 2007. Staff briefed the Planning Commission on this item at the Planning Commission Workshop of September 20, 2007.

As proposed, the request supports the goals and objectives of the Glendale 2025 General Plan. The General Plan land use designations of Office and Public Facilities are appropriate General Plan land use designations for the existing and future development proposed at this location. This General Plan Amendment will aid in the recruiting and retention of jobs in the City of Glendale. The application will promote the designation of new office, hospitality, and employment uses within an area, adjacent to the intersection of 75th Avenue and the Loop 101 freeway, which is appropriate for these uses.

The General Plan Amendment will encourage in-fill 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 existing neighborhoods. The General Plan land use designation of Public Facilities will accurately reflect the existing APS electrical substation.

On August 1, 2007, the applicant mailed notification letters to 457 adjacent property owners and interested parties. The applicant received no comments. A neighborhood meeting was held on August 15, 2007. Three neighbors attended the neighborhood meeting. The principle issues discussed were:

- Traffic along 75th Avenue
- Concern with expansion of the Memorial Gardens
- Potential hotel visitors
- Outdoor lighting and its impact on the residential neighborhood west of New River
- Appearance of the back of the fitness center building from the neighborhood west of New River
- Concern about high rise office buildings
- Desire for expansion of park areas
- General disappointment that the church was no longer interested in expanding into the area proposed for the Major General Plan Amendment.

The applicant also went door-to-door within the neighborhood east of 75<sup>th</sup> Avenue adjacent to the site and the neighborhood west of the New River to show them the site plan and solicit comments. The comments received as a result of the door-to-door canvas included the amount of existing traffic on 75th Avenue.

Planning Department staff received one phone call in opposition to the proposed motel and other institutional uses. The caller desired that this area remain a church. This specific land use request is best addressed during the zoning process. As currently proposed, the requested Office land use designation will accommodate office and a variety of related land uses. Staff received one e-mail regarding the request opposing buildings that tower over the neighborhood and cause an increase in traffic.

Because this is a Major General Plan Amendment, staff also notified 31 other public agencies, including school districts, on July 6, 2007 to provide them with a 60-day comment period in conformance with state statutes regarding Major General Plan Amendments. All agencies that responded indicated that the proposed amendment would not affect them.

For the first public hearing, a public notice was published in *The Glendale Star* on September 13, 2007. The property was posted on September 14, 2007. Postcards were mailed to 457 adjacent property owners and interested parties on September 14, 2007. At the first Planning Commission public hearing held on October 4, 2007, public comments were received in support of the request from three residents. They commented that the amendment would promote the growth of the church and its affiliated school, and provide employment opportunities.

For the second public hearing, a public notice was published in *The Glendale Star* on September 27, 2007. The property was posted on September 28, 2007. Postcards were mailed to 457 adjacent property owners and interested parties on

September 21, 2007. No residents spoke at the second Planning Commission Public Hearing.

The recommendation was to conduct a public hearing, waive reading beyond the title, and adopt a resolution for Major General Plan Amendment application M-GPA07-06, as recommended by the Planning Commission.

**Mayor Scruggs called the applicant or applicant's representative forward.**

Mr. John Berry, of the firm Berry and Demore, applicant's representative, stated that the city staff had done an excellent job in presenting the facts. He said he had nothing to add, however would answer any questions.

**Mayor Scruggs opened the public hearing on Agenda Item No. 23.**

Mr. Darrell Jensen, residing at 18844 North 71<sup>st</sup> Avenue, Glendale, stated his support of this application. He encouraged the Council to vote in support of this item. He said this would be a great addition to the community.

Mr. Bill Eikost, residing at 7448 West Tonopah Drive, Glendale, stated his opposition to this application. His concerns centered on additional heavy traffic and accidents. He asked Council to reevaluate the situation.

Mr. Dean Maok, residing at 19410 North 67<sup>th</sup> Lane, Glendale, stated his support of this application. He asked Council to approve this application. He added that he had supreme confidence in the planning the city staff had done on this project for the betterment of the community.

Mr. Martin Olejarczyk, residing at 5331 West Villa Theresa Drive, Glendale, stated his support of this application. He said he understands the issue of traffic congestion, however believes this property was located correctly as to not add to the problem.

Mr. Bob Richard, residing at 21078 North 64<sup>th</sup> Avenue, Glendale, stated his support of this application. He commended the city staff for their work on this project. He believes this would be a good use of the property and a good addition to the community.

Mr. Paul Sorensen, residing at 6314 West Wagoner Road, Glendale, a Pastor of the church, stated his support of this application and asked for Council's approval. He added that he would do everything in his power to be a good neighbor.

Mr. Joe Lawson, residing at 4342 West Villa Theresa Drive, Glendale, stated his support of this application. He said he was looking forward to this property being developed properly for the betterment of the city.

**As there were no further comments from the audience, Mayor Scruggs closed the public hearing.**

Vice Mayor Martinez commented that the Community of Joy Church had been a very good neighbor to the surrounding community. He added that there was much support for this project from the community.

Resolution No. 4116 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 GPA07-06 FOR PROPERTY LOCATED AT 21000 NORTH 75<sup>TH</sup> AVENUE.**

**It was moved by Martinez, and seconded by Goulet, to pass, adopt and approve Resolution No. 4116 New Series. The motion carried unanimously.**

24. REZONING APPLICATION ZON07-08: SUNBURST FARMS - 16200 NORTH 51ST AVENUE

Mr. Jim May, AICP, Interim Planning Director, presented this item.

This is a request by the Planning Commission for the City Council to approve a rezoning request from Agricultural (A-1) to Suburban Residence Planned Residential Development (SR-30 PRD) for property located at 16200 North 51<sup>st</sup> Avenue.

The requested rezoning would ensure that any future development would be consistent with the General Plan and the intensity of the neighborhood. Approval of this would reduce the number of variances requested from these subdivisions.

The neighborhoods were annexed into the City of Glendale in 1973 with the zoning designation of Agricultural (A-1). The zoning designation of A-1 was the most compatible zoning district at that time. The annexation resulted in all of the homes designated as legal non-conforming under Glendale Zoning Ordinance standards.

The Planning Commission initiated this request on August 2, 2007, and recommended approval of this request at their public hearing on October 18, 2007.

Rezoning to a compatible zoning district will allow individual property owners in this neighborhood to have zoning standards consistent with their actual lot size. As a result, residents generally will not need to file variances to improve their property.

Notification letters were sent to 306 property owners within 300 feet of the site, as well as to other interested parties. There were two phone calls from the property owners in support of the rezoning. One phone call was received in opposition, but once they were further informed of why the rezoning was being pursued, they recanted their opposing argument.

During the October 18, 2007 Planning Commission public hearing, three residents from Sunburst Farms spoke in favor of the Planning Commission initiated rezone. One person against the initiated rezone was concerned with property taxes going up. In which a resident from the Sunburst Farms and the vice president of the HOA stated that that individual did not live in any of the proposed subdivisions that were to be rezoned.

The recommendation was to conduct a public hearing, waive reading beyond the title and adopt an ordinance for rezoning application ZON07-08 as recommended by the Planning Commission.

**Mayor Scruggs called for any question or comments from the Council.**

Councilmember Frate commented that he agreed with this ordinance. He stated that the process in place had been very time consuming and costly for both the citizens and staff, and needed to be modified. He added that he had received only one phone call in opposition.

**Mayor Scruggs opened the public hearing on Agenda Item No. 24.**

Mr. Bill Scott, residing at 5210 West Greenway Road, Glendale, stated that the Board of Directors had spent many hours working on this project. He said they had numerous meetings with the community to answer questions and concerns. He said there was no detriment to animals or the community by passing this ordinance. He asked for Council's support of this item.

Mr. Clyde Fields, a Glendale resident, stated his opposition for this item. He stated that the representatives had not gone through proper channels. He said the City of Glendale should hold a city election on this item. He noted that to this day, he had not received any information on this to make an informed decision.

Ms. Linda Deiley, residing at 5127 West Paradise Lane, Glendale, stated her support of this item. She said that she supported the setbacks proposed, however she had concerns regarding animal rights and would like the animal rights listed as in the A-1 zoning, under accessory use and live stock.

**As there were no further comments from the audience, Mayor Scruggs closed the public hearing. She asked for any further comments from the Council.**

Vice Mayor Martinez asked Mr. Jim May, AICP, Interim Planning Director, if the A-1 zoning carried over onto the SR-30 zoning which dealt with the animal rights issue. Mr. May stated that he was correct and stated that SR-30 specifically allows for live stock.

Vice Mayor Martinez inquired as to who had sent out the letters of notification for this ordinance. Mr. May stated that the HOA notified residents of scheduled meetings, while the Planning Commission sent out 306 informational post cards to the surrounding area.

Councilmember Clark inquired if the move from A-1 to SR-30 necessitated additional requirements for residents in regards to live stock and fencing. Mr. May stated that requirements for fences were for new construction only. Councilmember Clark asked if the residents had been notified of the new setback should they build new fencing. Mr. May stated that there had been substantial notification sent out and over a year of meetings on the matter.

Councilmember Clark inquired as to the amount of animals allowed on 30,000 square feet of land. Mr. May stated that the standard was 40 acres. The live stock amounts would be 1 per 5,000 square feet. He added that through numerous meetings on the matter, he knows of no resident that would have to remove any live stock.

Mayor Scruggs asked Mr. May to clarify why there was not a stipulation on the live stock as in A-1. Mr. May stated that the SR-30 specifically allows live stock and poultry in the zoning ordinance. He reiterated the animal limits on live stock. He added that it was comparable with the size of a 40 acre A-1 ranch. He noted that there were no limits on poultry.

Mayor Scruggs commented that this modification from A-1 to SR-30 was less restrictive to the neighborhood.

Councilmember Clark asked if they had considered a stipulation on allowing the current residents to keep their live stock, even if the amount exceeded the limit. Mr. May stated that through meetings on the matter, it had become evident that it was not needed.

Councilmember Frate commented that this was a great modification for the area. He said it allowed the property owners to use their property to the highest capability. Additionally, this had been a much publicized modification with a lot of community support.

Mayor Scruggs thanked Mr. May.

Councilmember Clark stated her support for this ordinance and believes it to be for the betterment of the community. She added that she hopes no unintended consequences occur in approving this ordinance. She noted that she supported staff's recommendation on this matter.

Ordinance No. 2599 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 KNOWN AS SUNBURST FARMS, 16200 NORTH 51<sup>ST</sup> AVENUE CONSISTING OF APPROXIMATELY 115 ACRES FROM A-1 (AGRICULTURAL) TO SR-30 PRD (SUBURBAN RESIDENCE PLANNED RESIDENTIAL DEVELOPMENT) AMENDING THE ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Scruggs was asked to reopen the public hearing to address additional information pertaining to the ordinance from a concerned citizen. After consulting with Mr. Craig Tindall, City Attorney, the hearing was reopened.

**Mayor Scruggs reopened the public hearing on Agenda Item No. 24.**

Ms. Linda Deiley, residing at 5127 West Paradise Lane, Glendale, stated that her concerns centered on the difference between A-1 and SR-30 pertaining to breeding. She said that no commercial breeding was permitted in SR-30. She also stated that under A-1 they were allowed 1 animal per 10,000 square feet and now the change was 1 animal per 5,000. She reiterated her request to move the animal rights currently in the A-1 zoning to SR-30.

Mr. Bill Scott, residing at 5210 West Greenway Road, Glendale, stated that it was never the intent to remove any animal rights. He stated that in response to Ms. Deiley's comments, she did not own any animals and clearly was not informed. He further added that as far as the commercial breeding of animals, he did not believe that the residents would approve of such a condition.

Mr. Victor Pope, residing 5104 West Greenway Road, Glendale, stated his support of this ordinance. He said that this ordinance alleviated a lot of cost and expense for property owners associated with small modifications. He explained that this was more of a building issue and not an animal rights issue.

Mayor Scruggs asked for any other comments or questions. There were none.

**Mayor Scruggs closed the public hearing.**

Mayor Scruggs asked Mr. May to come forward and clarify the issues surrounding this ordinance.

Mr. May explained that the SR-30 requires 1 animal per 5,000 square feet. He stated that he was not aware of the 10,000 square foot figure reported by Ms. Deiley. Additionally, commercial breeding would require the applicant to obtain a business license and to go through a CUP process in order to operate a home-based business. He added that the only intent of this ordinance was to provide the property owners some relief from unnecessary variances.

Mayor Scruggs commented on Mr. May's knowledge of the code and his assurances on the issues.

Vice Mayor Martinez asked if commercial breeding was allowed under SR-30. Mr. May stated that it was allowed under A-1, however under SR-30, the applicant would have to apply for a license.

Mayor Scruggs asked Mr. May to follow-up with Ms. Deiley should she have additional questions. She reiterated Mr. May's finding on the matter. Mr. May was in agreement.

Councilmember Frate asked Mr. May if other neighborhoods had gone from A-1 to SR-30 with no complaints. Mr. May stated that he was correct.

Councilmember Knaack commented that after looking at past variances that had been granted, most were for garages, extra bedrooms and homes to be built on vacant lots. She stated her agreement for this ordinance.

Mr. Jon Froke, AICP, Interim Deputy City Manager, provided details on zoning ordinances adopted in the 1990's. He stated that the RR-90 previously mention by Ms. Deiley exists in the Zoning Ordinance but that it has not been applied to any specific piece of property; however it does exist in the zoning ordinance.

**As there were no further comments, Mayor Scruggs called for a roll call vote.**

**It was moved by Frate, and seconded by Martinez, to approve Ordinance No. 2599 New Series. Motion carried on a roll call vote, with the following Councilmembers voting "aye": Clark, Goulet, Lieberman, Martinez, Frate, Knaack, and Scruggs. Members voting "nay": none.**

## **ORDINANCES**

### **25. DEEDS AND EASEMENTS ORDINANCE**

Mr. Craig Tindall, City Attorney, presented this item.

This is a request for the City Council to formally accept real estate properties on behalf of the City of Glendale.

The Deeds and Easements Ordinance is comprised of properties that have been deeded to the city. The deeds have all been recorded with Maricopa County. As a matter of practice, the Council formally accepts these properties by ordinance.

The recommendation was to waive reading beyond the title and adopt an ordinance formally accepting the real estate properties on behalf of the City of Glendale.

Ordinance No. 2600 New Series was read by number and title only, it being **AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ACCEPTING DEEDS AND EASEMENTS FOR PROPERTY CONVEYED TO THE CITY OF GLENDALE.**

It was moved by Goulet, and seconded by Frate, to approve Ordinance No. 2600 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Martinez, Frate, Knaack, and Scruggs. Members voting “nay”: none.

26. BUREAU OF RECLAMATION LAND EXCHANGE: SOUTHWEST CORNER OF 95TH AVENUE AND CAMELBACK ROAD

Mr. Larry J. Broyles, P.E., City Engineer, presented this item.

This is a request for the City Council to adopt an ordinance granting a land exchange in favor of the United States Bureau of Reclamation (BOR) at the southwest corner of 95<sup>th</sup> Avenue and Camelback Road. The BOR will quit claim its existing land right in exchange for the city granting a strip of land for the relocated irrigation facility.

In conjunction with a development in the City of Phoenix at the southwest corner of 95<sup>th</sup> Avenue and Camelback Road, Salt River Project (SRP) was required to relocate federally-owned irrigation facilities located in the City of Glendale right-of-way for Camelback Road. To accommodate the relocation, the BOR has asked the City to execute the BOR’s General Warranty Deed for that part of the new location that is within the jurisdiction of the City of Glendale. In exchange, the BOR will relinquish its rights in the former location.

The recommendation was to waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute a General Warranty Deed in favor of the United States Bureau of Reclamation.

Ordinance No. 2601 New Series was read by number and title only, it being **AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE EXCHANGE OF REAL PROPERTY AT THE SOUTHWEST CORNER OF 95<sup>TH</sup> AVENUE AND CAMELBACK ROAD IN THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, WITH THE BUREAU OF RECLAMATION FOR THE PURPOSE OF RELOCATING ITS IRRIGATION FACILITIES; AND DIRECTING THE EXECUTION OF ALL DOCUMENTS NECESSARY FOR THE EXCHANGE.**

It was moved by Frate, and seconded by Knaack, to approve Ordinance No. 2601 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Martinez, Frate, Knaack, and Scruggs. Members voting “nay”: none.

27. SALT RIVER PROJECT EASEMENTS

Mr. Larry J. Broyles, P.E., City Engineer, presented this item.

This is a request for the City Council to adopt an ordinance granting the following easements in favor of Salt River Project (SRP): an irrigation easement on the northeast corner of 99<sup>th</sup> Avenue and Camelback Road; and an electrical transmission line easement on the southwest corner of 51<sup>st</sup> and Olive Avenues.

The developer on the northeast corner of 99<sup>th</sup> Avenue and Camelback Road requested that SRP relocate its irrigation facilities. SRP agreed to accommodate this request and is requesting an irrigation easement from the city for the protection of its facilities in the new location.

The developer on the southwest corner of 51<sup>st</sup> and Olive Avenues requested that SRP relocate its electrical transmission line. SRP agreed to accommodate this request and is requesting an overhead electrical transmission line easement from the city for the installation and protection of its facilities.

The recommendation was to waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute an irrigation easement and electrical transmission line easement in favor of Salt River Project.

Ordinance No. 2602 New Series was read by number and title only, it being **AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FOLLOWING EASEMENTS IN FAVOR OF SALT RIVER PROJECT: (1) AN IRRIGATION EASEMENT ON THE NORTHEAST CORNER OF 99<sup>TH</sup> AVENUE AND CAMELBACK ROAD; (2) AN ELECTRICAL TRANSMISSION LINE EASEMENT ON THE SOUTHWEST CORNER OF 51<sup>ST</sup> AND OLIVE AVENUES; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.**

**It was moved by Lieberman, and seconded by Frate, to approve Ordinance No. 2602 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Martinez, Frate, Knaack, and Scruggs. Members voting “nay”: none.**

28. CARRIAGE FOR HIRE ORDINANCE

Mr. Steve Conrad, Police Chief, and Mr. Preston Becker, Assistant Police Chief, presented this item.

This is a request for the City Council to amend the ordinance that regulates carriages for hire. The amended ordinance expands and adds to the current animal drawn carriage ordinance to include other conveyances and regulations.

Adoption of this ordinance is related to two Council goals - providing high-quality services for citizens and one community focused on public safety for citizens and visitors.

As the popularity of the city's new amenities have grown, we have experienced an influx of inquires from "pedicab" companies expressing interest in offering their services to the public. The current city ordinance governing animal drawn carriages does not adequately address issues potentially connected to this relatively new form of public conveyance. The revised ordinance creates a definition for carriages for hire as "any non-motorized device in, upon or by which any person is or may be transported or drawn upon a public roadway for a fee". It will also set regulations on licensing, conditions for operators and safety equipment.

A carriage for hire includes, but is not limited to, pedicabs, rickshaws, pedal cars, and animal or bicycle powered buggies or carriages.

The revised ordinance requires carriages for hire to secure a city license to operate, the presence of specific safety devices and a certificate of insurance. It specifies hours of operation, limits the streets of use to those that are posted with speed limits of 35 miles per hour or less, and specifies adherence to applicable rules and laws under the Arizona Revised Statutes (ARS).

Staff from the City Attorney's Office, Marketing, Transportation, Tax & License, City Manager's Office and Police Department worked together to create this ordinance as a tool to ensure safety for citizens utilizing these forms of transportation.

Setting regulations and licensing procedures ensures a safe environment for citizens who utilize these conveyances when attending city functions and special events.

Revenue from licensing will be processed by the Tax and License Department. Fees are set and regulated by resolution.

The recommendation was to waive the reading beyond the title and amend the ordinance regulating carriages for hire.

Councilmember Knaack asked if there were any restrictions on bicycle cabs for hire operating around the stadium. Mr. Steve Conrad, Police Chief, stated that the companies which are now in operation were licensed. Consequently, a detailed route was specified for their use so as to not interfere with pedestrian use. If not used, they would be cited for violation.

Mr. Leonard Clark, a Barrel District resident, stated his support for this ordinance. He noted that it was needed considering the price of oil today. He said that the City of Glendale stood out for its expert management and insight into future planning.

Ordinance No. 2603 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 5, ARTICLES I AND II RELATING TO THE REGULATION OF CARRIAGES FOR HIRE; AND SETTING FORTH AN EFFECTIVE DATE.**

**It was moved by Lieberman, and seconded by Clark, to approve Ordinance No. 2603 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Martinez, Frate, Knaack, and Scruggs. Members voting “nay”: none.**

29. PRIVATE TOWING CARRIER ORDINANCE

Mr. Steve Conrad, Police Chief, presented this item.

This is a request for the City Council to adopt the towing carrier ordinance amending Chapters 21 and 24 relating to the regulation of towing carriers and storage charges.

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 law requires signage and provides the authority to set maximum fees for third party towing. 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 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.

At the November 6<sup>th</sup>, 2007 Workshop, the Council reviewed the propose ordinance and resolution, recommending that the item be brought back to a regular meeting.

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 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.

The recommendation was to waive reading beyond the title and adopt an ordinance amending Chapters 21 and 24 relating to the regulation of towing carriers and storage charges.

Mr. Leonard Clark, a Barrel District resident, stated his strong support for this ordinance. He stated that an ordinance was needed to regulate some towing companies.

Councilmember Frate commented on the City Council workshop that had been held to inform the public, as well as to answer questions. He said that this ordinance would protect and benefit both the citizens and the towing companies.

Ordinance No. 2604 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 CHAPTERS 21 AND 24 RELATING TO REGULATION OF TOWING CARRIERS AND TOWING AND STORAGE CHARGES; AND SPECIFYING PENALTIES FOR VIOLATION THEREOF.**

**It was moved by Frate, and seconded by Clark, to approve Ordinance No. 2604 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Martinez, Frate, Knaack, and Scruggs. Members voting “nay”: none.**

## **RESOLUTIONS**

### **30. PRIVATE TOWING CARRIER RESOLUTION**

Mr. Steve Conrad, Police Chief, presented this item.

This is a request for the City Council to adopt the private towing carrier resolution setting forth the maximum fees.

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 law requires signage and provides the authority to set maximum fees for third party towing. 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 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.

At the November 6<sup>th</sup>, 2007 Workshop, the Council reviewed the propose ordinance and resolution, recommending that the item be brought back to a regular meeting.

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 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.

The recommendation was to waive the reading beyond the title and adopt the private towing carrier resolution setting forth the maximum fees.

Resolution No. 4117 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 MAXIMUM FEES TO BE CHARGED BY TOWING CARRIERS PURSUANT TO GLENDALE CITY CODE SEC. 24-211(f).**

**It was moved by Knaack, and seconded by Frate, to pass, adopt and approve Resolution No. 4117 New Series. The motion carried unanimously.**

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

**It was moved by Martinez, and seconded by Frate, to hold the next regularly scheduled City Council Workshop at 1:30 p.m. in Room B-3 of the City Council Chambers on Tuesday, December 4, 2007, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried unanimously.**

#### **CITIZEN COMMENTS**

Mr. Leonard Clark, a Barrel District resident, commented on the passing of a great citizen of Glendale, Mr. Sylvester Herrera. He said Mr. Herrera earned the Medal of Honor serving his country. He added that to be a great American, race or skin color does not matter. He suggest for Council to start some sort of memorial for great Americans who had served their country. He also discussed the closing of a sheriff's substation that he believes would necessitate officers booking prisoners at downtown Phoenix facilities.

#### **COUNCIL COMMENTS AND SUGGESTIONS**

Councilmember Clark extended her condolences to the Herrera Family on the loss of a great dad, husband and pillar of the community. She said Mr. Herrera had fought for this country with distinction and honor. She said that the City of Phoenix had a procedure in place to honor such heroes and hopes that the City of Glendale chooses to adopt a similar practice.

Councilmember Goulet thanked the Fiesta Bowl committee members for their presentation of plaques as well as their work and dedication to the City of Glendale.

Councilmember Frate reminded everyone to be mindful and very careful of their surroundings while shopping. He added to always watch children around water. Even with the approaching cooler temperatures, accidents were still continuing to happen.

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:45 p.m.

Pamela Hanna

Pamela Hanna - City Clerk