

**GLENDALE CITY COUNCIL MEETING**  
**Council Chambers**  
**5850 West Glendale Avenue**  
**July 12, 2005**

**7 PM**

**CALL TO ORDER - PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE [MINUTES OF JUNE 28, 2005](#)**

**CONSENT AGENDA**

**Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. If you would like to comment on an item on the consent agenda, please come to the podium and state your name, address and item you wish to discuss.**

1. [PROFESSIONAL SERVICES AGREEMENT – FORMER HICKMAN’S EGG RANCH](#)
2. [CHANGE ORDER ONE AND FINAL – WEST AREA REGIONAL PARK, PHASE ONE](#)
3. [PROFESSIONAL SERVICES AGREEMENT – PARK AND RIDE LOT AT MARYLAND AVENUE AND LOOP 101](#)
4. [CONTINUATION OF DIFFERENTIAL PAY FOR MILITARY RESERVISTS](#)
5. [AWARD OF CONTRACT – SCALLOP STREETS AND BRIDGE SAFETY IMPROVEMENTS](#)
6. [FINAL PLAT APPLICATION FP04-08: ZANJERO – 9450 WEST GLENDALE AVENUE](#)
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8. [LIQUOR LICENSE NO. 3-1003 SH MINI MART & SMOKE SHOP](#)
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17. [PROPOSED ANNEXATION NO. 156: 6485 NORTH 99<sup>TH</sup> AVENUE](#)

#### **BIDS AND CONTRACTS**

18. [AWARD OF CONTRACT – 2005-06 RUBBERIZED ASPHALT OVERLAY PROGRAM](#)
19. [AWARD OF CONTRACT – OLIVE AVENUE STORM DRAIN, 51<sup>ST</sup> TO 47<sup>TH</sup> AVENUES](#)

#### **ORDINANCES**

20. [UPDATE SIGNATURE AUTHORIZATION](#)
21. [PROPERTY EXCHANGE: SOUTHEAST CORNER OF 54<sup>TH</sup> AVENUE AND SKUNK CREEK](#)
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#### **REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION**

#### **CITIZEN COMMENTS**

**If you wish to speak on a matter concerning Glendale city government that is not on the printed agenda, please fill out a Citizen Comments Card located in the back of the Council Chambers and give it to the City Clerk before the meeting starts. The City Council can only act on those matters which are on the printed agenda, but may refer the matter to the City Manager for follow up. Once your name is called by the Mayor, proceed to the podium, state your name and address for the record and limit your comments to a period of five minutes or less.**

## **COUNCIL COMMENTS AND SUGGESTIONS**

### **ADJOURNMENT**

**Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:**

- (i) discussion or consideration of personnel matters (A.R.S. §38-431.03.A.1);**
- (ii) discussion or consideration of records exempt by law from public inspection (A.R.S. §38-431.03.A.2);**
- (iii) discussion or consultation for legal advice with the City's attorneys (A.R.S. §38-431.03.A.3);**
- (iv) discussion or consultation with the City's attorneys regarding the City's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03.A.4);**
- (v) discussion or consultation with designated representatives of the City in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03.A.5); or**
- (vi) discussing or consulting with designated representatives of the City in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03.A.7).**

**CALL TO ORDER – PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE [MINUTES OF JUNE 28, 2005](#)**

**CONSENT AGENDA**

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1. [PROFESSIONAL SERVICES AGREEMENT - FORMER HICKMAN’S EGG RANCH](#)

**Purpose:** This is a request for the City Council to approve a professional services agreement with the firm of Brown and Caldwell Environmental Engineers and Consultants for the environmental site analysis of the former Hickman’s Egg Ranch, located at 7403 North 91<sup>st</sup> Avenue. The services to be provided under this contract include: review of existing technical documents, site investigations, site characterization, and engineering design and administrative services.

**Background:** In 2001, the city entered into an agreement to purchase the approximately 19-acre property known as Hickman’s Egg Ranch, located at 7403 North 91<sup>st</sup> Avenue. To redevelop the site as a recreational playground and overflow parking area for the new AZSTA multi-purpose stadium, an environmental condition assessment must be completed prior to demolition of any of the structures on the grounds or redevelopment of the property.

**Previous Council/Staff Actions:** On July 17, 2001, Council approved the purchase of the property. The services of Brown and Caldwell were retained in 2005 to assist staff in planning redevelopment of the property.

**Community Benefit:** Authorizing the next phase of services by Brown and Caldwell will ensure that the redevelopment of the property will be accomplished in a timely manner, and in compliance with all current federal environmental regulations governing the change of use from agricultural to recreational.

**Budget Impacts & Costs:** Funds are available in the Fiscal Year 2005-06 Capital Improvement Plan, Park and Feature Fields, Account No. 36-9137-8330.

<b>Grants</b>	<b>Capital Expense</b>	<b>One-Time Cost</b>	<b>Budgeted</b>	<b>Unbudgeted</b>	<b>Total</b>
	X	X	X		\$399,322

<b><u>Account Name, Fund, Account and Line Item Number:</u></b> Park and Feature Fields, Account No. 36-9137-8330
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**Recommendation:** Approve the professional services agreement with Brown and Caldwell Environmental Engineers and Consultants in the amount of \$399,322.

2. [CHANGE ORDER ONE AND FINAL - WEST AREA REGIONAL PARK, PHASE ONE](#)

**Purpose:** This is a request for the City Council to approve change order one and final to the contract with Norquay Construction for construction of phase one improvements at the West Area Regional Park located at 83<sup>rd</sup> Avenue and Bethany Home Road.

**Background:** On November 25, 2003, Council awarded the construction contract to Norquay Construction for the phase one improvements. Phase one improvements included play equipment, water playground, restroom, ramadas, landscaping, irrigation, parking, security, basketball court and game lighting. All of the stated improvements are elements of the master plan layout for the overall park.

The phase one improvements include a splash pad, which is regulated by the Maricopa County Department of Environmental Services (MCDES). Because splash pads are something new to the County, they do not have specific rules governing their installation and operation. As a result, they were regulating the installation of the splash pad based on public pool regulations. During construction, MCDES directed the city to make changes to the design based on their interpretation of the rules governing swimming pools. The changes made to the water playground included the installation of a water recirculation system, a 3,000-gallon water tank, enclosure for the equipment, valves, drainage pipes, restoration of the landscaping, and a wrought iron perimeter fence around the water playground. Additional half street improvements including curb, gutter, sidewalk and landscaping were constructed along 83<sup>rd</sup> Avenue between the park and the public safety facility to complete the roadway through this area.

**Previous Council/Staff Actions:** On July 22, 2003, Council amended the professional services agreement with Olsson Associates to prepare the contract documents. On November 25, 2003, Council awarded the contract to Norquay Construction, in the amount of \$1,401,164.41 to construct phase one improvements.

**Public Input:** All of the elements of this project are in compliance with the adopted master plan. Development of the master plan included numerous public meetings to gather input from the community and follow up meetings to review the resulting designs.

**Budget Impacts & Costs:** The total amount of this change order is \$196,043, which brings the total for this project to \$1,597,207.41. The additional funds are available in the Fiscal Year 2004-05 Capital Improvement Plan, Western Area Regional Park, Park Bond Funds, Account No. 36-8948-8300 (\$134,043) and West Area Regional Park Grant, Account No. 47-8069-8300 (\$62,000).

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$196,043

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

Western Area Regional Park, Park Bond Funds, Account No. 36-8948-8300 \$134,043  
West Area Regional Park Grant, Account No. 47-8069-8300 \$62,000

**Recommendation:** Approve change order one and final to the construction contract with Norquay Construction in the amount of \$196,043.

3. [PROFESSIONAL SERVICES AGREEMENT - PARK AND RIDE LOT AT MARYLAND AVENUE AND LOOP 101](#)

**Purpose:** This is a request for the City Council to approve a professional services agreement with INCA Engineers, Inc. for the engineering design and construction administration for a park and ride lot at Maryland Avenue and Loop 101.

**Council Policies Or Goals Addressed:** This project is consistent with the Council goals of creating transportation options and enhancing the quality of life for Glendale residents.

**Background:** In November 2001, Glendale voters approved new sales tax funding to complete transportation projects throughout the city. One of these projects was the park and ride lot at Maryland Avenue and the Loop 101.

The park and ride facility will include bus bays, platform(s), passenger shelters, lighted canopies, site lighting, landscaping and irrigation, and a security building\comfort room.

**Community Benefit:** Construction of the Park and Ride facility at Maryland Avenue and Loop 101 will provide public transportation access to and from the entertainment district at Westgate, and serve as a car pool rendezvous point.

**Public Input:** This project was presented in six public meetings held as part of the Glendale Onboard Transportation Program. One project specific public meeting is planned for the citizens in the project area.

**Budget Impacts & Costs:** Funds for the design and construction administration are available in the Fiscal Year 2005-06 Glendale Onboard Transportation Program, L101/Maryland Park and Ride, Account No. 33-9455-8330.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$678,649.01

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

L101/Maryland Park and Ride, Account No. 33-9455-8330

**Recommendation:** Approve the professional services agreement with INCA Engineers, Inc, in the amount of \$678,649.01.

4. [CONTINUATION OF DIFFERENTIAL PAY FOR MILITARY RESERVISTS](#)

**Purpose:** This is a request for the City Council to authorize the City Manager to provide differential pay to reservists called into active military duty. The total amount of differential pay paid to the military reservists is not to exceed the signature authority limit of the City Manager per fiscal year.

**Background:** Across the country, many private and public sector employers have elected to protect military reservists and National Guard members, who have been called into active duty, from financial hardship by paying the differential pay between civilian jobs and military posts. The city currently has 26 regular status employees eligible for call-up into active military duty status. Currently five employees are on active duty.

**Previous Council/Staff Actions:** In 2002, the Council approved \$48,000 to be spent on military differential pay for military reservists or National Guard members called into active duty. Since 2002, the city has been providing differential pay to employees called to active duty.

**Budget Impacts & Costs:** The expense of the military differential pay for employees called to active duty is charged to the employee's home department. The expense is covered by the salary savings that accrue while the employee is on active duty. To date, \$45,000 of the original \$48,000 authorization has been spent on military differential pay for employees called to active duty. It is anticipated that the remaining \$3,000 will be spent over the next few months.

**Recommendation:** Authorize the provision of differential pay to reservists called into active duty, in an amount of differential pay not to exceed the signature authority limit of the City Manager per fiscal year.

5. [AWARD OF CONTRACT – SCALLOP STREETS AND BRIDGE SAFETY IMPROVEMENTS](#)

**Purpose:** This is a request for the City Council to award a contract to Visus Engineering Construction, Inc. for the construction of scallop street improvements and bridge safety improvements.

**Council Policies Or Goals Addressed:** This project supports Council's goal of ensuring public safety and awareness.

**Background:** Bethany Home Road, between 47<sup>th</sup> and 48<sup>th</sup> avenues, is a short portion of street that is narrow due to the lack of pavement width and curb, gutter, and sidewalk. Drainage problems also exist due to flat grades and the inability to maintain the drainage properly. This project will result in a widening of the street as well as construction of the curb, gutter, sidewalk, and streetlights and improvement of the overall drainage in the area.

Northern Avenue, west of 44<sup>th</sup> Drive, is a short section of street with inadequate width and sidewalk facilities. This project will widen the street, and includes construction of the curb, gutter and sidewalk.

There are several bridges in the city that require additional improvements at the approach guardrail. Some of the improvements can be made using updated warning panels and pavement markings. Others require the installation of impact attenuation devices. This project provides the attenuation devices at four locations: 83<sup>rd</sup> Avenue at Loop 101; Thunderbird Road at the Thunderbird Paseo Bridge (east and west bound); and eastbound Cactus Road at the Arizona Canal Diversion Channel (west of 51<sup>st</sup> Avenue). Warning panels are being placed at nine locations throughout the city: 67<sup>th</sup> Avenue at the Arizona Canal (both north and south bound); Thunderbird Road at the Arizona Canal (both east and west bound); 59<sup>th</sup> Avenue at the Arizona Canal (both north and south bound); Cactus Road at the Arizona Canal (both east and west bound); and east bound Camelback Road at the Grand Canal.

On June 16, 2005, three bids were received and opened with Visus Engineering Construction, Inc., a qualified licensed contractor, submitting the lowest bid in the amount of \$629,629.

**Previous Council/Staff Actions:** On October 28, 2003, Council awarded the professional services agreement to RBF Consulting Inc. for the design of the scallop street and bridge safety projects.

**Community Benefit:** Construction of the scallop street project will have the benefit of providing adequate lane widths to convey the traveling public, both pedestrian and vehicles. The bridge safety project will provide additional protection for vehicles approaching bridges throughout the city.

**Budget Impacts & Costs:** Funds for this project are included in the Fiscal Year 2005-06 Capital Improvement Program in the following accounts: Blunt End Safety Improvements, Account No. 33-9489-8300 - \$135,660; and 43<sup>rd</sup> Ave.: Bethany Home – Peoria, Account No. 33-9490-8300 – \$493,969.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$629,629

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

Blunt End Safety Improvements, Account No. 33-9489-8300 - \$135,660  
 43<sup>rd</sup> Ave.: Bethany Home – Peoria, Account No. 33-9490-8300 - \$493,969

**Recommendation:** Award the construction contract to Visus Engineering Construction, Inc. in the amount of \$629,629.

6. [FINAL PLAT APPLICATION FP04-08: ZANJERO – 9450 WEST GLENDALE AVENUE](#)

**Purpose:** This is a request for the City Council to approve the final plat for Zanjero located at 9450 West Glendale Avenue. The requested final plat identifies lots, streets, and easements within the Zanjero Planned Area Development (PAD).

**Council Policies Or Goals Addressed:** The proposed final plat is consistent with the General Plan and the existing PAD (Planned Area Development) zoning district.

**Background:** The site is located at the northwest corner of 91<sup>st</sup> and Glendale avenues. The applicant proposes to subdivide the 157.6 gross acre parcel into six parcels. This request meets the requirements of the Subdivision and Minor Land Division Ordinance and is consistent with the PAD documents approved by the City Council on May 13, 2003.

**Previous Council/Staff Actions:** On May 13, 2003, the City Council approved the Zanjero PAD in case number Z-02-19, which rezoned 157.6 gross acres from A-1 (Agricultural) to PAD (Planned Area Development).

**Community Benefit:** This request facilitates development of the property by providing subdivided lots that are ready for development and by dedicating public rights-of-way, easements and other items necessary to develop the property.

**Recommendation:** Approve final plat application FP04-08.

7. [LIQUOR LICENSE NO. 3-1004 EASY TRIP CONVENIENCE STORE](#)

**Purpose:** This is a request by Amir Alyas for the City Council to approve a new Series 10 (off sale retail, beer and wine) license for Easy Trip Convenience Store located at 5059 W. Olive Avenue.

**Background:** The approval of this license will not increase the total number of liquor licenses in this area.

The establishment is over 300 feet from any school or church. The Planning Department, Police Department, and the Maricopa County Health Department have reviewed the application and have determined that it meets all technical requirements.

**Public Input:** No protests were received during the 20-day posting period.

**Recommendation:** Forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control.

8. [LIQUOR LICENSE NO. 3-1003 SH MINI MART & SMOKE SHOP](#)

**Purpose:** This is a request by Issam Rahib for the City Council to approve a new Series 10 (off sale retail, beer and wine) license for SH Mini Mart & Smoke Shop located at 5043 W. Olive Avenue.

**Background:** The approval of this license will increase the total number of liquor licenses in this area by one.

The establishment is over 300 feet from any school or church. The Planning Department, Police Department, and the Maricopa County Health Department have reviewed the application and have determined that it meets all technical requirements.

In 1998, the City Council heard an application for this location for Smoke 4 Cheap. At that time, the location was primarily a smoke shop. Additionally, Mr. Rahib was not the applicant for that license. The Department of Liquor denied the application.

**Public Input:** No protests were received during the 20-day posting period.

**Recommendation:** Forward a recommendation for approval to the Arizona Department of Liquor Licenses and Control.

9. [LIQUOR LICENSE NO. 3-1002 SUPER CARNICERIA EL GALLITO](#)

**Purpose:** This is a request by Peter Schelstraete for the City Council to approve a new Series 10 (off sale retail, beer and wine) license for Super Carniceria El Gallito located at 6311 W. Maryland Avenue.

**Background:** The approval of this license will increase the total number of liquor licenses in this area by one.

The Planning Department, Police Department, and the Maricopa County Health Department have reviewed the application.

In 2002, the Council denied a request from a different applicant. The basis for denial was due to the location being within 300 feet of a school. The circumstances have not changed since that date. Therefore, this application does not meet technical requirements.

**Public Input:** No protests were received during the 20-day posting period.

**Recommendation:** Forward a recommendation for disapproval to the Arizona Department of Liquor Licenses and Control.

## CONSENT RESOLUTIONS

10. [TROMBLEY ELECTRICAL CONTRACTORS, INC. V. CITY OF GLENDALE SETTLEMENT AGREEMENT](#)

**Purpose:** This is a request for City Council to adopt a resolution authorizing the entering into of a Settlement Agreement concerning Trombley Electrical Contractors, Inc. The approval of the agreement would result in the dismissal with prejudice of the pending lawsuit by Trombley Electrical Contractors, Inc.

**Background:** In 2000, Mr. Trombley of Trombley Electrical Contractors, Inc., brought suit in Maricopa County Superior Court asserting various legal and equitable claims. The City of Glendale disputes, and is prepared to defend against, all claims brought in the lawsuit. All parties desire to resolve this disputed matter under the terms set forth in the Settlement Agreement.

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing and directing the entering into of the Settlement Agreement.

11. [PROPERTY ACQUISITION: NORTH SIDE OF BETHANY HOME ROAD, WEST OF 75<sup>TH</sup> AVENUE](#)

**Purpose:** This is a request for City Council to adopt a resolution authorizing the acquisition of 1,470 square feet of land on the north side of Bethany Home Road, west of 75<sup>th</sup> Avenue. This property is needed as additional right-of-way for Bethany Home Road.

**Council Policies Or Goals Addressed:** Acquisition and development of this right-of-way supports the Council's priorities of ensuring public safety and creating transportation options.

**Background:** During the design of the street improvements on Bethany Home Road, between 75<sup>th</sup> and 83<sup>rd</sup> avenues, it was determined that additional right-of-way was needed along the north side of Bethany Home Road.

In lieu of cash consideration, the owner is willing to dedicate the property to the city provided the city reconstruct, replace and/or relocate certain existing improvements and make certain project improvements to benefit the overall property. These items include construction of a 24-inch-high masonry wall 170-foot long; construction of a 5-foot-wide concrete sidewalk 210-foot long; construction of two 20-foot-wide driveways; and relocation of an existing mailbox. The total estimated cost of these improvements is \$7,350.

**Previous Council/Staff Actions:** On February 24, 2004, Council approved a professional services agreement with Earth Tech for the design of the street improvements on Bethany Home Road, between 75<sup>th</sup> and 83<sup>rd</sup> avenues.

**Community Benefit:** Pedestrian safety and vehicular traffic flow through the area will be improved.

**Budget Impacts & Costs:** Funds are available in Bethany Home 75<sup>th</sup> to 83<sup>rd</sup> – Street Improvements, Account No. 61-8817-8100.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$7,350

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

Bethany Home 75<sup>th</sup> to 83<sup>rd</sup> Avenues – Street Improvements, Account No. 61-8817-8100

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the City Manager to execute all documents necessary to acquire the necessary right-of-way.

12. [PROPERTY ACQUISITION FOR BETHANY HOME ROAD, 91<sup>ST</sup> AVENUE TO LOOP 101](#)

**Purpose:** This is a request for City Council to adopt a resolution authorizing the acquisition of all property rights needed for right-of-way purposes to construct Bethany Home Road between 91<sup>st</sup> Avenue and Loop 101. This request is for authorization to employ friendly condemnation to expedite acquisition of the needed rights-of-way and easements, and allow for timely completion of the construction project.

**Council Policies Or Goals Addressed:** Construction of this project supports Council’s policy of ensuring public safety, creating transportation options, and improves traffic circulation in and around the Glendale sports facilities area. This section of Bethany Home Road will provide vital access and enhance traffic safety to the football stadium and surrounding development, and will provide a necessary link to the Bethany Home Road traffic interchange at Loop 101.

**Background:** Bethany Home Road, between 91<sup>st</sup> Avenue and Loop 101, is to be constructed in conjunction with the Bethany Home Road traffic interchange at Loop 101, and the 95<sup>th</sup> Avenue bridge crossing of the Grand Canal. To keep the project on schedule and enable the road to be opened to traffic by July 2006, the city needs to have possession of the rights-of-way by October 2005.

Construction of the road will involve acquiring land from two property owners between 91<sup>st</sup> Avenue and Loop 101. Staff has talked with both property owners and has given them sketches of the proposed right-of-way needed. Both owners have granted permission to the city’s contractors to perform geotechnical test and boring of the proposed roadway area, and have met with the appraiser hired to determine the market value of the rights and easements being acquired.

Staff has kept the property owners involved in discussions about the project, the design elements and the right-of-way needs. The property owners are open to negotiating the cost of the right-of-way, and want the project to stay on schedule.

**Previous Council/Staff Actions:** On November 23, 2004, Council approved a professional services agreement with DMJM + Harris, Inc. for the design of Bethany Home Road from 91<sup>st</sup> Avenue to Loop 101. On March 22, 2005, Council approved an intergovernmental agreement with ADOT for construction of the south ramps for Bethany Home Road at the Loop 101. On

May 24, 2005, Council approved a Construction Manager at Risk agreement with Hunter Contracting, Inc. to provide design support services for street improvements to 91<sup>st</sup> Avenue, between Maryland and Missouri avenues, and to Bethany Home Road, between 91<sup>st</sup> Avenue and the Loop 101.

**Community Benefit:** This project will improve circulation around the sports arena and football stadium. The construction of Bethany Home Road between 91<sup>st</sup> Avenue and Loop 101, is an important component of the transportation system in this part of Glendale.

**Public Input:** A public meeting was held on June 8, 2005 to present the project to the public.

**Budget Impacts & Costs:** Construction of this section of Bethany Home Road at this location is in the city's Capital Improvement Program, Bethany Home – 83<sup>rd</sup> to 99<sup>th</sup> Avenue, Account No. 61-8820-8100, and Bethany Home Road – 83<sup>rd</sup> to 99<sup>th</sup>, Account No. 33-9466-8100. Authorizing staff to engage in negotiated acquisition backed by the eminent domain process will help to minimize acquisition costs, while enabling the construction portion of the project to stay on schedule.

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the City Manager or his designee to execute all documents necessary to effect the acquisition of the rights-of-way needed for the timely completion of the construction of Bethany Home Road between 91<sup>st</sup> Avenue and Loop 101.

13. [INTERGOVERNMENTAL AGREEMENT WITH THE PEORIA UNIFIED SCHOOL DISTRICT](#)

**Purpose:** This is a request for City Council to adopt a resolution authorizing the entering of an Intergovernmental Agreement (IGA) with the Peoria Unified School District for Desert Valley Park, located at 61<sup>st</sup> Avenue and Sweetwater Avenue. The IGA with the district allows for the development of a joint use park for school and neighborhood activities and replaces the current agreement that has been in place since 1985.

**Council Policies Or Goals Addressed:** This agreement supports the Council priorities of enhancing the quality of life for Glendale residents, strengthening community relationships, and creating new partnerships.

**Background:** The revised IGA for Desert Valley Park will continue to provide for the operation, use and maintenance of the joint park site, and will replace the February 5, 1985, agreement between the parties.

The primary components of the new agreement include:

- The city is responsible for maintaining the park in a clean, safe, and usable condition on a year-round basis that will provide for consistent maintenance practices. The city and the district will equally split all costs incurred by the city.

- The district has exclusive use of the park on school days until 4:00 p.m. and first right to use the open field area until 6:00 p.m. The city has exclusive use on weekday evenings, weekends, holidays, and all other non-school days.
- Joint and equal contributions to a sinking fund will be increased from \$1,000 to \$1,500 per year, and the fund limit will be increased from a maximum of \$6,000 to a maximum of \$9,000.
- The agreement will be limited to a five-year term with options to renew for four additional five-year terms. The agreement also includes a termination clause available to either party.

**Previous Council/Staff Actions:** On February 5, 1985, City Council authorized an IGA with the Peoria Unified School District for a Desert Valley joint use park.

**Community Benefit:** The new IGA will increase the neighborhood’s benefits of Desert Valley Park by improving the year-round level of maintenance and controlling usage of the park. It is consistent with the 2002 Parks and Recreation Master Plan goal of providing neighborhood park amenities in a one square mile area. Desert Valley Park serves residents between Cactus and Thunderbird Roads, and 59<sup>th</sup> to 67<sup>th</sup> Avenues.

**Public Input:** The revised IGA is an outcome from neighborhood meetings that were held on December 3, 2003, February 19, 2004, January 6, 2005, and at a Parks and Recreation Commission meeting on January 10, 2005.

**Budget Impacts & Costs:** Through this new IGA, the city will be responsible for annual operating expenses for Desert Valley Park. However, the city will be reimbursed by the Peoria Unified School District for half of the \$18,000 in park maintenance expenses. Park Maintenance expenses are budgeted in 01-6227-7330. The reimbursement revenue from the Peoria Unified School District for the Desert Valley Park will be deposited to account number, 01-6227-7895.

Grants	Operating Costs	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$18,000

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

Parks North District  
**01-6227-7330**

**Recommendation:** Waive reading beyond the title and adopt a resolution authorizing the entering into of an Intergovernmental Agreement with the Peoria Unified School District.

**PUBLIC HEARING – LAND DEVELOPMENT ACTIONS**

14. [REZONING APPLICATION \(ZON05-03\): DEMORE BUILDERS REZONING – 5043 WEST ORANGEWOOD AVENUE](#)

**Purpose:** This is a request by JM DeMore Builders for the City Council to approve rezoning of the property located at 5043 West Orangewood Avenue from C-O (Commercial Office) district to R1-6 (Single Residence).

**Council Policies Or Goals Addressed:** The proposed rezoning is consistent with the Council goal of managing growth and preserving neighborhoods.

**Background:** The .59-acre site is located at the southeast corner of 51<sup>st</sup> and Orangewood avenues. The applicant is proposing to divide the 25,200 square foot lot into three single-family lots, each approximately 6,000 square feet in size.

**Previous Council/Staff Actions:** On June 16, 2005, the Planning Commission recommended approval of the rezoning application subject to four stipulations.

**Community Benefit:** The project promotes the development of vacant property and will stabilize an established neighborhood.

**Public Input:** The applicant sent out 39 notification letters for this project on February 2, 2005. The applicant received one phone call inquiring about real estate opportunities in the area.

A public notice for tonight's hearing was published in the *Glendale Star* on June 16, 2005. The property was posted and letters were mailed to 39 property owners on June 17, 2005.

**Recommendation:** Conduct a public hearing and approve Rezoning Application ZON05-03.

15. [REZONING APPLICATION \(ZON05-02\): NORTHWEST CORNER OF 75<sup>TH</sup> AVENUE AND BETHANY HOME ROAD](#)

**Purpose:** This is a request for the City Council to approve a rezoning request by WRG Design, Inc. for the northwest corner of 75<sup>th</sup> Avenue and Bethany Home Road from R1-6 PRD (Single Residence, Planned Residential Development) to R1-7 (Single Residence).

**Council Policies Or Goals Addressed:** The requested rezoning is consistent with the General Plan objective to encourage a mixture of housing opportunities citywide with an emphasis on single-family dwelling units.

**Background:** The 59-acre site is located at the northwest corner of 75<sup>th</sup> Avenue and Bethany Home Road. The applicant intends to build a single-family subdivision called Tessera. The proposed subdivision includes 131 single-family lots at a density of 2.2 dwelling units per gross acre. The minimum lot size is 9,375 square feet, the maximum lot size is 20,454, and the average lot size is 11,173 square feet.

**Previous Council/Staff Actions:** On June 16, 2005, the Planning Commission recommended approval of the rezoning application subject to four stipulations.

**Community Benefit:** The project promotes the development of vacant infill property and will provide high quality residential choices for the residents of Glendale.

**Public Input:** On December 15, 2004, the applicant sent out 552 letters to neighbors and other interested parties inviting them to a neighborhood meeting held on January 12, 2005.

Twenty people attended the meeting. Fourteen of those in attendance were local residents interested in the project. Initial concerns included the following:

- Traffic. Specifically the proposed connection from the subdivision to 79<sup>th</sup> Avenue. Residents are currently concerned with traffic and they do not want to see an increase along 79<sup>th</sup> Avenue.
- Concern was expressed regarding the location of the proposed street on 79<sup>th</sup> and its distance from Bethany Home Road. There was also discussion regarding the proposed traffic signal at 79<sup>th</sup> Avenue and Bethany Home Road.
- Several questions were asked about the type of construction, prices, amenities, timelines for construction/sales, etc.
- Some of those in attendance expressed their concern with the lots being sold to another developer. Standard Pacific Homes noted that they will be the builder and will not be selling the lots.
- Questions were raised about the impacts of the stadium and the cost of the homes.
- There was also a discussion as to if the proposed subdivision would be gated or not.

The residents, overall, supported the project provided that measures were taken regarding traffic and location of streets. In addition to those who attended the neighborhood meeting, there were four telephone calls and two email messages received. The comments received were similar to those discussed at the meeting. A summary of each call and staff's response is included in the Citizen Participation Final Report.

**Recommendation:** Conduct a public hearing and approve Rezoning Application ZON05-02.

16. [REZONING APPLICATION \(ZON05-05\): 21750 NORTH 75<sup>TH</sup> AVENUE](#)

**Purpose:** This is a request for the City Council to approve a rezoning request by DevMan Company for 21750 North 75<sup>th</sup> Avenue from A-1 (Agricultural) to C-O (Commercial Office).

**Council Policies Or Goals Addressed:** The C-O (Commercial Office) zoning designation is the most appropriate zoning designation to implement the current General Plan designation of OFC (Office).

**Background:** The 1.8-acre site is located at the southwest corner of 75<sup>th</sup> Avenue and Deer Valley Road. The applicant intends to construct an approximately 15,000 square foot dental office building that will be occupied by the owner dentists. The design of the proposed office is complementary to the surrounding residential uses and consistent with the General Plan.

**Previous Council/Staff Actions:** On June 16, 2005, the Planning Commission recommended approval of the rezoning application subject to three stipulations.

**Community Benefit:** The project promotes the development of vacant property and will provide dental office services to this area of Glendale.

**Public Input:** On April 8, 2005, the applicant sent out 521 letters to neighbors and other interested parties inviting them to a neighborhood meeting on April 27, 2005 at Sierra Verde Elementary School. No property owners or interested parties attended the meeting, other than the Cholla District Councilmember. Several representatives of the property owner and applicant attended the meeting. The applicant or the Planning Department received no written responses or telephone calls in response to the mailing. The applicant did receive one telephone call in support of the request. The Citizen Participation Final Report is attached.

**Recommendation:** Conduct a public hearing and approve Rezoning Application ZON05-05.

17. [PUBLIC HEARING – PROPOSED ANNEXATION NO. 156: 6485 NORTH 99<sup>TH</sup> AVENUE](#)

**Purpose:** This is a request for the City Council to conduct a public hearing on the blank annexation petition for Annexation Area No. 156, as required by state statute.

**Council Policies Or Goals Addressed:** Glendale 2025, the city’s General Plan, includes specific goals addressing the need for growth management. The Land Use Element, Goal 2 - “Promote sound growth management methods” and the Growth Areas Element, Goal 3 - “Manage growth to achieve reasonable, responsible urban development.” Annexation is a tool that can be used by the city to direct and manage growth.

**Background:** The 24.89-acre site is located at the southeast corner of 99<sup>th</sup> and Maryland avenues, west of the Loop 101 freeway. The Maryland overpass is located along the northern boundary of this parcel.

The property owners of this parcel are requesting annexation. Currently, there are no specific development plans for this site. If annexed into the city, the parcel will be eligible for connection to city utilities and will receive city services. All development that may occur on this parcel must comply with current City of Glendale development standards and policies.

The blank annexation petition was recorded on June 13, 2005. This public hearing is being conducted during the last 10 days of the 30-day waiting period required by state statute. Recording the blank petition is the first formal step taken in the annexation process. The next step is to hold a public hearing. All property owners within the area to be annexed have been notified by first class mail. The proposed annexation area has been posted in at least three conspicuous places and the public hearing has been advertised in the Glendale Star.

Once the public hearing has been conducted and the 30-day waiting period expires on July 13, 2004, signatures may be gathered. If a sufficient number of signatures in favor of annexation are obtained, and these signatures represent the required amount of valuation, then the City Council will be asked to consider the adoption of an annexation ordinance.

**Community Benefit:** The annexation of this 24.89-acre area would require that any future development of this area meet the Glendale General Plan requirements as well as all other development standards for the City of Glendale. This parcel is located in an area of Glendale that is rapidly developing in response to the Glendale Arena, Westgate development and the Cardinals Stadium activities.

This parcel also abuts the Maryland flyover that will be constructed to improve access to and from the sports venues on the east side of the Loop 101 freeway and could be a prime location for sales tax revenue generation.

**Recommendation:** Conduct a public hearing on the blank annexation petition for Annexation Area No. 156 as required by state statute.

## **BIDS AND CONTRACTS**

### 18. [AWARD OF CONTRACT – 2005-06 RUBBERIZED ASPHALT OVERLAY PROGRAM](#)

**Purpose:** This is a request for City Council to award a contract to FNF Construction, Inc. for the construction of the Fiscal Year (FY) 2005-06 Rubberized Asphalt Overlay Program.

**Council Policies Or Goals Addressed:** This project supports the Council's goal of ensuring public safety and awareness. Council supports proper maintenance of the city's streets, which maximizes their serviceable life.

**Background:** The city utilizes a pavement management system to track the condition of the existing streets and prioritize the needed reconditioning and repairs. The FY05-06 Asphalt Overlay Program is required to recondition deteriorated streets, repair the damage resulting from construction of public and private utility lines, and improve arterial, collector, and residential streets throughout the city. The base bid will provide a rubberized asphalt concrete overlay on approximately four and one half miles of arterial streets, one and one half miles of collector streets and one half square miles of residential streets. The arterial streets include 83rd Avenue from Bethany Home Road to Glendale Avenue, 67<sup>th</sup> Avenue from Olive to Peoria avenues, Glendale Avenue from 67<sup>th</sup> to 75<sup>th</sup> avenues, 59<sup>th</sup> Avenue from Bethany Home Road to Glendale Avenue and Brown Street to Sunnyside Drive, and the intersection of 51<sup>st</sup> and Peoria avenues. The collector streets include 63<sup>rd</sup> Avenue from Greenway to Bell roads, and from Bethany Home Road to Maryland Avenue, and 49<sup>th</sup> Avenue from Peoria Avenue to Cholla Street. Residential streets include the area from 67<sup>th</sup> to 73<sup>rd</sup> between Missouri Avenue and Bethany Home Road, and 51<sup>st</sup> to 53<sup>rd</sup> avenues between Ironwood Drive to Beryl Avenue. The base bid doubles the amount of roadways being overlaid from last year, due to the additional funds Council added to the program during this year's budget cycle.

On June 9, 2005, five bids were received and opened with FNF Construction, Inc., a qualified licensed contractor, submitting the lowest base bid in the amount of \$2,342,455. Staff is recommending award of the base bid only.

**Community Benefit:** This year's overlay program provides the community with over 16 miles of reconditioned roadways and reduced maintenance.

**Budget Impacts & Costs:** Funds for this project are included in the FY05-06 Street Maintenance Operating Budget, Pavement Management, Account No. 12-6232-7330.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$2,342,455

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

Pavement Management, Account No. 12-6232-7330

**Recommendation:** Award the contract to FNF Construction, Inc. in the amount of \$2,342,455, for the construction of the FY 2005-06 Rubberized Asphalt Overlay Program.

19. [AWARD OF CONTRACT - OLIVE AVENUE STORM DRAIN, 51<sup>ST</sup> TO 47<sup>TH</sup> AVENUES](#)

**Purpose:** This is a request for the City Council to award a construction contract to C. S. & W. Contractors, Inc. for the construction of the Olive Avenue storm drain between 51<sup>st</sup> and 47<sup>th</sup> avenues.

**Council Policies Or Goals Addressed:** This project supports the Council goal of ensuring public safety and improving the quality of life for the citizens of Glendale.

**Background:** Olive Avenue has experienced street flooding for several years during periods of intense rainfall. This problem is most severe at the intersection of 47<sup>th</sup> and Olive avenues due to the lack of a storm drain pipe to receive and move the water away from the street. This project will extend the existing storm drain pipe east, from the 51<sup>st</sup> Avenue intersection to 100 feet east of 47<sup>th</sup> Avenue.

On June 16, 2005, five bids were received and opened with C. S. & W. Contractors, Inc. a qualified licensed contractor, submitting the lowest bid in the amount of \$1,090,169.38. The bid was above the engineer's estimate due primarily to the increase in the material cost of the concrete pipe. The Engineering Department reviewed the bids and determined that the costs are reflective of the current market.

**Previous Council/Staff Actions:** On May 25, 2004, Council awarded the Olive Avenue Storm Drain Project design and construction administration contract to AMEC Infrastructure, Inc.

**Community Benefit:** Construction of the new storm drain will relieve the flooding currently experienced at the intersection of 47<sup>th</sup> and Olive avenues.

**Budget Impacts & Costs:** Funds for this project are available and included in the Fiscal Year 2005-06 Capital Improvement Program in Collector Drains, Account No. 65-9302-8300.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$1,090,169.38

**Account Name, Fund, Account and Line Item Number:**  
 Collector Drains, Account No. 65-9302-8300

**Recommendation:** Award the construction contract to C. S. & W. Contractors, Inc. in the amount of \$1,090,169.38.

**ORDINANCES**

20. [UPDATE SIGNATURE AUTHORIZATION](#)

**Purpose:** This is a request for the City Council to approve an ordinance updating the city’s signature authority for bank withdrawals or checks. These authorizations need to be periodically updated due to changes in organization structure. It is recommended that the following individuals be authorized signers, effective immediately:

<u>Name</u>	<u>Position</u>	<u>Signature Authorization</u>
Ed Beasley	City Manager	City Manager
Pamela Kavanaugh	Assistant City Manager	City Manager
Pam Hanna	City Clerk	City Clerk
Raymond H. Shuey	Chief Financial Officer	City Treasurer
Horatio Skeete	Deputy City Manager	Deputy City Manager
Cathy Gorham	Director of City Manager Relations	Director of City Manager Relations

In addition, the city will have the two signatures as required for all checks over \$50,000. The Assistant City Manager’s signature is imprinted by machine and the second signature is signed on the check by hand.

This ordinance will authorize the city’s bank to honor the above signatures on electronic fund transfers, checks and drafts. The ordinance also re-affirms the authority of the following signatories pertaining to the other activities of the city.

**SUPERINTENDENT SIGNATURES**

<u>Name</u>	<u>Position</u>	<u>Signature Authorization</u>
Ken Reedy	Deputy City Manager, Public Works	Superintendent of Streets
Larry Broyles	City Engineer	Assistant Superintendent of Streets

**Recommendation:** Waive reading beyond the title and adopt the ordinance updating signature authority.

21. [PROPERTY EXCHANGE: SOUTHEAST CORNER OF 54<sup>TH</sup> AVENUE AND SKUNK CREEK](#)

**Purpose:** This is a request for City Council to authorize the city to exchange a small tract of land with Ramon J. Leon on the southeast corner of 54<sup>th</sup> Avenue and Skunk Creek. The exchange is necessary for improved line of sight and use of the trail.

**Council Policies Or Goals Addressed:** Exchange and development of this land supports the Council priority of ensuring public safety.

**Background:** Mr. Leon purchased the residential property at the southeast corner of 54<sup>th</sup> Avenue and Skunk Creek in 2004 and replaced the rail fence with a block wall. The block wall obscures the view of 54<sup>th</sup> Avenue causing a line of sight concern for westbound recreational users of the south Skunk Creek Linear Park Trail.

Staff and Mr. Leon discussed the safety issue and agreed to exchange a line-of-sight triangle shaped parcel of land for an adjacent interior triangle shaped parcel of land. Staff determined that a triangle, 100-feet by 12-feet, was necessary for a line-of-sight to 54<sup>th</sup> Avenue for the westbound recreational users of Skunk Creek Linear Park Trail. Mr. Leon determined that an approximate 60-feet by 20-feet triangle shaped parcel of Skunk Creek Linear Park Trail would also meet his needs. The attached aerial map depicts the locations of the exchanged properties. Parcel “A” represents the resident’s property to be exchanged to the city, and Parcel “B” represents the city property to be exchanged to the resident.

Mr. Leon is interested in exchanging property with the city, provided that the city relocates and constructs certain improvements. These items include:

- Demolition and removal of the existing block wall and footings
- Reconstruction of approximately 150-linear feet of footings
- Construction of a block wall eight feet in height and approximately 150 feet in length
- Finishing the exterior walls with stucco and paint – approximately 1,900 sq feet

**Budget Impacts & Costs:** Funds for the proposed improvements as part of the property exchange are available in Skunk Creek Account No: 35-8523-8300.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X	X			\$26,538.55

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

**Skunk Creek Account No: 35-8523-8300**

**Recommendation:** Waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute all documents necessary to accomplish the property exchange.

22. [DEEDS AND EASEMENTS ORDINANCE](#)

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

**Background:** The Deeds and Easement Ordinance is compiled of properties that have been deeded to the city. The City Clerk has recorded these deeds with Maricopa County. However, as a matter of practice, the City Council formally accepts these properties by ordinance.

**Recommendation:** Waive reading beyond the title and adopt an ordinance formally accepting the real estate properties on behalf of the City of Glendale.

## **PUBLIC HEARING – RESOLUTIONS**

### 23. [ANNEXATION POLICY AMENDMENTS](#)

**Purpose:** This is a request for the City Council to conduct a public hearing and adopt a resolution amending the Annexation Policy.

**Council Policies Or Goals Addressed:** Amending the Annexation Policy to reflect recent Council direction supports the promotion of sound growth management methods.

**Background:** In 1977 and 1978, the city created boundaries outlining an area referred to as the strip annexation area. The entire strip annexation area is approximately 35 square miles in size and is generally bounded by Peoria and Northern avenues on the north, 115<sup>th</sup> Avenue on the east, Bethany Home and Camelback roads on the south, and Perryville Road on the west.

On December 16, 2003, City Council adopted the existing annexation policy.

The Council recently concluded four workshops focusing discussions on the future disposition of the far western portion of the city referred to as the strip annexation area. The workshops occurred on December 7 and 21, 2004, continued on January 18, 2005 and concluded with a special half-day Saturday discussion on February 12, 2005. The main impetus for this workshop series stemmed from the need to develop a definitive policy for this far western portion of the city's municipal planning area.

As a result of the workshop series, Council established a clear statement of Glendale's intent for this area, as well as other areas where county islands exist, and provided guidance regarding provision of water and sewer services.

Amending the existing Annexation Policy is necessary to:

- Indicate “who” will provide water and sewer service beyond the city's existing service area boundary.
- Include an emphasis area for the Loop 303 Corridor.
- Eliminate annexation requests being identified as either a Category One (east of 115<sup>th</sup> Avenue) or Category Two (west of 115<sup>th</sup> Avenue). These categories no longer exist per

Council direction on February 12, 2005. There are just two types of annexation requests – undeveloped and developed.

**Previous Council/Staff Actions:** The Council considered the proposed amendments to the policy document during workshop discussions on April 12, 2005. Direction was provided to staff to bring the amended policy document forward for formal consideration at a regular business meeting.

**Community Benefit:** Detailed information will be provided to staff, residents, and other interested property owners regarding the city’s annexation policy.

**Recommendation:** Conduct a public hearing. Waive reading beyond the title and adopt a resolution approving the amendments to the Annexation Policy.

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

### **CITIZEN COMMENTS**

**If you wish to speak on a matter concerning Glendale city government that is not on the printed agenda, please fill out a Citizen Comments Card located in the back of the Council Chambers and give it to the City Clerk before the meeting starts. The City Council can only act on those matters which are on the printed agenda, but may refer the matter to the City Manager for follow up. Once your name is called by the Mayor, proceed to the podium, state your name and address for the record and limit your comments to a period of five minutes or less.**

### **COUNCIL COMMENTS AND SUGGESTIONS**

### **ADJOURNMENT**

**Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:**

- (i) discussion or consideration of personnel matters (A.R.S. §38-431.03.A.1);
- (ii) discussion or consideration of records exempt by law from public inspection (A.R.S. §38-431.03.A.2);
- (iii) discussion or consultation for legal advice with the City’s attorneys (A.R.S. §38-431.03.A.3);
- (iv) discussion or consultation with the City’s attorneys regarding the City’s position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03.A.4);
- (v) discussion or consultation with designated representatives of the City in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03.A.5); or
- (vi) discussing or consulting with designated representatives of the City in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03.A.7).

