



**MINUTES OF THE  
GLENDALE CITY COUNCIL MEETING  
Council Chambers  
5850 West Glendale Avenue  
January 12, 2010  
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 7 resolutions and 1 ordinance 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 DECEMBER 22, 2009 CITY COUNCIL MEETING**

It was moved by Goulet, and seconded by Clark, to dispense with the reading of the minutes of the December 22, 2009 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.

**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.**

Mayor Scruggs advised that she understood the applicant had pulled item number 6 on tonight's agenda and Mr. Ed Beasley concurred.

Mr. Ed Beasley, City Manager, read agenda item numbers 1 through 3 and Ms. Pamela Hanna, City Clerk, read consent agenda resolution item numbers 4, 5 and 7 through 9 by number and title.

1. LIQUOR LICENSE NO. 3-1278, WALGREENS

This is a request for City Council to approve a new, non-transferable series 10 (Liquor Store - Beer and Wine) license. Walgreens is located at 9009 North 67<sup>th</sup> Avenue. The Arizona Department of Liquor Licenses and Control application (No. 10075879) was submitted by Randy Allen Guse.

The location of the establishment is 9009 North 67<sup>th</sup> Avenue and is located within the Barrel District. The property is zoned C-2 (General Commercial). The population density within a one-mile radius is 19,435. This series 10 is a new license, therefore, the approval of this license will increase the number of liquor licenses in the area by one. The number of liquor licenses within a one-mile radius is as listed below.

<b>Series</b>	<b>Type</b>	<b>Quantity</b>
06	Bar - All Liquor	4
10	Liquor Store - Beer and Wine	6
12	Restaurant	2
	<b>Total</b>	<b>12</b>

The Maricopa County Health Department and the City of Glendale Planning, Police, and Fire Departments have reviewed the application and determined that it meets all technical requirements.

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

Based on information provided under the background, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

2. SPECIAL EVENT LIQUOR LICENSE, CITY OF GLENDALE, GLENDALE CHOCOLATE AFFAIRE, FEBRUARY 5, 6, AND 7, 2010

This is a request for City Council to approve a special event liquor license for the City of Glendale. The event will be held in downtown Glendale at 58<sup>th</sup> Avenue and Glenn Drive on Friday, February 5<sup>th</sup> from 5 p.m. to 10 p.m.; Saturday, February 6<sup>th</sup> from 10 a.m. to 10 p.m.; and on Sunday, February 7<sup>th</sup> from noon to 5 p.m. The purpose of this special event liquor license is for the Glendale Chocolate Affaire.

If this application is approved, the total number of days expended by this applicant will be four of the allowed 10 days per calendar year. Under the provisions of A.R.S. § 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, Police, and Fire Departments have reviewed the application and determined that it meets all technical requirements.

Based on the information provided under the background, it is staff's recommendation to forward this application to the Arizona Department of Liquor Licenses and Control with a recommendation of approval.

3. PROFESSIONAL SERVICES AGREEMENT FOR POST DESIGN SERVICES FOR BICYCLE/PEDESTRIAN BRIDGE AT 63<sup>RD</sup> AVENUE AND LOOP 101

This is a request for City Council to approve and authorize the City Manager to enter into a professional services agreement in the amount of \$160,039.65 with Parsons Transportation Group for post design services for a bicycle/pedestrian bridge at 63<sup>rd</sup> Avenue and Loop 101.

This project supports Council's goal of one community focused on public safety for citizens and visitors by allowing users of the multi-use overpass to avoid crossing the Loop 101 Freeway on arterial streets at busy intersections. In addition, the overall quality of life will be enhanced for Glendale residents by making bicycling and walking more convenient.

The bicycle/pedestrian bridge at 63<sup>rd</sup> Avenue and Loop 101 provides for a safe, convenient, grade-separated crossing that links bicycle/pedestrian pathways north and south of Loop 101. The design has been completed and the Arizona Department of Transportation (ADOT) has bid the project for construction. The design includes unique architectural and structural elements requiring on site review, inspections, and guidance by the design firm.

This professional services agreement with Parsons Transportation Group is necessary for post-design services which include: (1) review of shop drawings and inspections by their bridge engineer and artist during construction, (2) post-design coordination with ADOT and the contractor, (3) completion of as-built drawings according to new ADOT procedures, and (4) pre-bid changes such as reconfiguration of the drainage system, adding supplemental pathway signage, and changes to the westbound frontage road pavement markings.

Parsons Transportation Group was selected for this project through a competitive consultant selection process used for GO Program projects.

On September 22, 2009, Council approved an amendment to the Intergovernmental Agreement (IGA) with ADOT to allow the use of funding from the American Recovery and Reinvestment Act of 2009 to construct the bicycle/pedestrian bridge at 63<sup>rd</sup> Avenue and Loop 101.

On January 27, 2009, Council approved an amendment to a professional services agreement with Parsons Transportation Group for the revised design of a bicycle/pedestrian bridge at 63<sup>rd</sup> Avenue and Loop 101.

On September 25, 2007, Council approved an Intergovernmental Agreement with ADOT identifying federal and local funds for construction of a multi-use overpass at the 63<sup>rd</sup> Avenue and Loop 101 alignment.

On November 8, 2005 Council approved a professional services agreement with Parsons Transportation Group for the engineering design of the bicycle/pedestrian bridge at 63<sup>rd</sup> Avenue and Loop 101.

The Loop 101 multi-use overpass will eliminate a critical gap in Glendale’s bicycle system. The completion of the overpass will connect over 13 miles of the 63<sup>rd</sup> Avenue bike route from Thunderbird Park in north Glendale to the Grand Canal Linear Park in south Glendale.

Public input was sought at several neighborhood meetings and informational mailings. In addition, public meetings were hosted by the Citizen’s Transportation Oversight Commission and the Arts Commission to review the bridge design options.

Funding is available in the FY 2009-10 capital improvement program. There are no operating costs associated with post design services for this project.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$160,039.65

<b><u>Account Name, Fund, Account and Line Item Number:</u></b> 63 <sup>rd</sup> Avenue/Loop 101 – Bike Overpass, Account No. 2210-65054-551200, \$160,039.65
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The recommendation is to authorize the City Manager to enter into a professional services agreement with Parsons Transportation Group in an amount not to exceed \$160,039.65 for post design services for the bicycle/pedestrian bridge at 63<sup>rd</sup> Avenue and Loop 101.

**CONSENT RESOLUTIONS**

4. ACQUISITION OF FRONTAGE RIGHT-OF-WAY FOR GRAND AVENUE IMPROVEMENTS-SANDS PROPERTIES, LLC

This is a request for City Council to adopt a resolution authorizing the City Manager to execute all documents necessary for the purchase of frontage property along Grand Avenue from Sands Properties, LLC, and to compensate for site improvements in an amount not to exceed \$224,969 plus customary closing costs.

This request addresses Council’s goals of one community with high quality services for citizens and one community with quality economic development by improving and providing transportation options within the City of Glendale.

The Arizona Department of Transportation (ADOT) and Glendale are pursuing access control and beautification improvements to Grand Avenue based on studies previously completed by Maricopa Association of Governments (MAG), ADOT, and Glendale.

Both Glendale and ADOT funds are programmed to improve access control and beautify Grand

Avenue as per the Intergovernmental Agreement. Glendale funds are focused on securing right-of-way and beautification, and ADOT funds will be used for design and construction. In addition to the cost for land along Grand Avenue, the city will pay for access and parking lot modifications, and removal and relocation of signs.

The right-of-way is to be acquired from the property described below:

5418 Northwest Grand Avenue

Sands Properties, LLC, owner of Sands Chevrolet, will sell approximately 12,854 square feet of property for \$224,969.

On October 9, 2007, Council approved the preparation of a Design Concept Report by DMJM Harris for Grand Avenue between 43<sup>rd</sup> and 71<sup>st</sup> avenues. At this meeting, Council also authorized an Intergovernmental Agreement with ADOT to compensate the city for the preparation of this report.

The proposed improvements on Grand Avenue will help improve traffic flow and enhance safety with closure of one existing driveway and construction of three new right-turn lanes along Grand Avenue to serve the remaining driveways. It will also improve the appearance of Grand Avenue with landscaping, sign modifications, and sidewalks.

On June 26, 2008, ADOT held an open house meeting in Glendale for public comments on the Design Concept Report and Environmental Study for Grand Avenue improvements.

The proposed improvements on Grand Avenue have been presented at various public meetings including: the GO Transportation Program annual meetings, and a MAG meeting on the draft Grand Avenue Major Investment Study, Phase II Report. There were no comments received from the public at these meetings.

Funds for right-of-way acquisition are available in the FY 2009-10 capital improvement plan. The operating costs associated with this purchase will be absorbed by the Transportation Department operating budget.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$224,969

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

Grand Avenue Access Enhancements, Account No. 2210-65007-550400, \$224,969

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to execute all documents necessary to authorize the purchase of frontage property from Sands Properties, LLC, along Grand Avenue for access control and beautification improvements in the amount of \$224,969 plus customary closing costs.

**Resolution No. 4338 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 ACQUISITION OF PROPERTY AND ADDITIONAL COMPENSATION FOR SITE IMPROVEMENTS LOCATED AT 5418 NORTHWEST GRAND AVENUE (SANDS CHEVROLET) FOR GRAND AVENUE IMPROVEMENTS AS PART OF THE GLENDALE ONBOARD TRANSPORTATION PROGRAM; AND DIRECTING THE EXECUTION OF ANY DOCUMENTS NECESSARY TO EFFECTUATE SAID PURCHASE.**

5. ACQUISITION OF FRONTAGE RIGHT-OF-WAY FOR GRAND AVENUE IMPROVEMENTS-SANDERSON FORD

This is a request for City Council to adopt a resolution authorizing the City Manager to execute all documents necessary for the purchase of frontage property along Grand Avenue from Sanderson Ford; and to compensate for site improvements in an amount not to exceed \$132,630 plus customary closing costs.

This request addresses Council's goals of one community with high quality services for citizens and one community with quality economic development by improving and providing transportation options within the City of Glendale.

The Arizona Department of Transportation (ADOT) and Glendale are pursuing access control and beautification improvements to Grand Avenue based on studies previously completed by Maricopa Association of Governments (MAG), ADOT, and Glendale.

Both Glendale and ADOT funds are programmed to improve access control and beautify Grand Avenue as per the Intergovernmental Agreement. Glendale funds are focused on securing right-of-way and beautification, and ADOT funds will be used for design and construction. In addition to the cost for land along the Grand Avenue frontage, the city will pay for reconfiguration of a driveway and removal and relocation of signs.

The right-of-way- to be acquired is from the following properties:

5214 and 5300 Northwest Grand Avenue

Eudora La Verne Sanderson, owner of Sanderson Ford will sell approximately 10,242 square feet of property for \$132,630.

On October 9, 2007, Council approved the preparation of a Design Concept Report by DMJM Harris for Grand Avenue between 43<sup>rd</sup> and 71<sup>st</sup> avenues. At this meeting, Council also authorized an Intergovernmental Agreement with ADOT to compensate the city for the preparation of this report.

The proposed improvements on Grand Avenue will help improve traffic flow and enhance safety with a right-turn lane at 53<sup>rd</sup> Avenue. It will also improve the appearance of Grand Avenue with landscaping, sign upgrades, and sidewalks.

On June 26, 2008, ADOT held an open house meeting in Glendale for public comments on the Design Concept Report and Environmental Study for Grand Avenue improvements.

The proposed improvements on Grand Avenue have been presented at various public meetings including: the GO Transportation Program annual meetings, and a MAG meeting on the draft Grand Avenue Major Investment Study, Phase II Report. There were no comments received from the public at these meetings.

Funds for right-of-way acquisition are available in the FY 2009-10 capital improvement plan. The operating costs associated with this purchase will be absorbed by the Transportation Department operating budget.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$132,630

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

Grand Avenue Access Enhancements, Account No. 2210-65007-550400, \$132,630

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to execute all documents necessary to authorize the purchase of frontage property from Sanderson Ford along Grand Avenue for access control and beautification improvements in the amount of \$132,630 plus customary closing costs.

**Resolution No. 4328 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 ACQUISITION OF PROPERTY LOCATED AT 5214 AND 5300 NORTHWEST GRAND AVENUE (SANDERSON FORD) FOR GRAND AVENUE IMPROVEMENTS AS PART OF THE GLENDALE ONBOARD TRANSPORTATION PROGRAM; AND DIRECTING THE EXECUTION OF ANY DOCUMENTS NECESSARY TO EFFECTUATE SAID PURCHASE.**

**7. ACCEPTANCE OF ADDITIONAL STATE HOMELAND SECURITY GRANT FUNDS AND AUTHORIZING ITS EXPENDITURE**

This is a request for City Council to adopt a resolution authorizing the City Manager to accept additional State Homeland Security grant funds in an approximate amount of \$85,000 and authorize the expenditure of the grant funding to Patriot 3 Incorporated, a sole-source vendor, for the purchase of a ramp system for use with the department’s armored vehicle in an amount not to exceed \$85,000.

This request supports the Council goal of one community focused on public safety for citizens by providing the Police Department a means to purchase homeland security related equipment to enhance security within the city.

The Police Department will be receiving approximately \$85,000. This requested funding will be used to purchase a lift for the department's armored vehicle.

The Police Department's Emergency Response Unit has an armored vehicle, which is used on SWAT warrants and barricade situations. The lift will allow the department to use the armored vehicle to perform second story entries and assist SWAT members with getting over walls.

Council in each of the last three years approved the acceptance of State Homeland Security grant funds.

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

This purchase will enhance the capabilities of the Police Department's Emergency Response Unit and supply them with necessary equipment.

There is no financial match requested for this funding. This is a one-time funding by the State Department of Homeland Security grant programs. Funds from this grant will be used for the armored vehicle lift purchase.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X					\$85,000

**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 agreement is awarded and formally executed.

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to accept additional State Homeland Security grant funds in an approximate amount of \$85,000 and authorize the expenditure of the grant funding to Patriot 3 Incorporated, a sole-source vendor, in an amount not to exceed \$85,000.

**Resolution No. 4340 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 ACCEPTANCE OF ADDITIONAL STATE HOMELAND SECURITY GRANT FUNDS FROM THE STATE OF ARIZONA, ARIZONA DIVISION OF EMERGENCY MANAGEMENT, IN THE APPROXIMATE AMOUNT OF \$85,000 FOR THE PURCHASE OF EQUIPMENT BY THE GLENDALE POLICE DEPARTMENT.**

8. ACCEPTANCE OF 2010 ARIZONA CRIMINAL JUSTICE COMMISSION DUI ABATEMENT GRANT

This is a request for City Council to adopt a resolution authorizing the City Manager to accept a 2010 Arizona Criminal Justice Commission DUI Abatement Grant in the approximate amount of \$15,888.

This request supports the Council strategic goal of one community committed to public safety by providing the Police Department additional means to focus on DUI enforcement.

This grant award will support the Police Department by providing overtime funding, allowing the department to increase the number of hours officers dedicate specifically to DUI enforcement and education. This grant will run through June 30, 2010.

On December 23, 2008 Council approved the acceptance of a 2009 Arizona Criminal Justice Commission grant award.

This grant will benefit the Glendale community and the citizens by allowing the Police Department to use more resources and officers to detect impaired drivers on our roadways.

There is no financial match required for this grant.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X					\$15,888

**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 agreement is awarded and formally executed.

The recommendation is to waive reading beyond title and adopt a resolution authorizing the City Manager to accept a 2010 Arizona Criminal Justice Commission DUI Abatement Grant in the approximate amount of \$15,888.

**Resolution No. 4341 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR THE ACCEPTANCE OF GRANT FUNDING IN THE APPROXIMATE AMOUNT OF \$15,888 FOR THE GLENDALE POLICE DEPARTMENT'S DUI ABATEMENT PROGRAM.**

**9. ACCEPTANCE OF 2010 GOVERNOR'S OFFICE OF HIGHWAY SAFETY GRANT**

This is a request for City Council to adopt a resolution authorizing the City Manager to accept the FY 2009-10 Governor's Office of Highway Safety grant for capital outlay equipment in the approximate amount of \$7,000.

This request supports the Council strategic goal of one community focused on public safety for citizens by providing the Police Department a means to purchase additional equipment.

Funding from this grant award will allow the Police Department to purchase 10 motorcycle storage boxes for electronic ticket devices, 10 tint meters and 10 digital cameras. The boxes will provide storage for the equipment. The meters and cameras will assist officers while writing citations and with providing documentation for court purposes.

This grant will benefit the Glendale community and the citizens by allowing the Police Department to more efficiently enforce traffic laws.

There is no financial match required for this grant.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X					\$7,000

**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 agreement is awarded and formally executed.

The recommendation is to waive reading beyond title and adopt a resolution authorizing the City Manager to accept the FY 2009-10 Governor’s Office of Highway Safety grant for capital outlay equipment in the approximate amount of \$7,000.

**Resolution No. 4342 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 ACCEPTANCE OF THE FY 2009-10 GOVERNOR’S OFFICE OF HIGHWAY SAFETY GRANT FOR CAPITAL OUTLAY EQUIPMENT FOR THE GLENDALE POLICE DEPARTMENT IN THE APPROXIMATE AMOUNT OF \$7,000.**

**It was moved by Frate and seconded by Knaack, to approve the recommended actions on Consent Agenda Item Nos. 1 through 5 and 7 through 9, including the approval and adoption of Resolution No. 4338 New Series, Resolution No. 4328 New Series, Resolution No. 4340 New Series, Resolution No. 4341 New Series, and Resolution No. 4342 New Series; and to forward Special Event Liquor License Application for The Glendale Chocolate Affaire on February 5, 6 and 7, 2010 and Liquor License Application No. 3-1278 for Walgreens to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.**

**PUBLIC HEARING RESOLUTIONS**

10. AMENDMENT TO THE EMERGENCY SHELTER GRANTS PROGRAM (RESOLUTION) (PUBLIC HEARING REQUIRED)

Gilbert Lopez, Community Revitalization Administrator, presented this item.

This is a request for the City Council to conduct a public hearing and adopt an Emergency Shelter Grant (ESG) amendment to the FY 2009-10 Community Development Block Grant Annual Action Plan. Doing so will allow the city to reallocate \$53,320 of ESG to fund shelter operations that assist Glendale residents. If approved, the Central Arizona Shelter Services (CASS) would receive \$26,660 and the Faith House Domestic Violence Shelter would receive \$26,660.

This request addresses the City Council goal of one community with strong neighborhoods. ESG is a federally funded program designed to help address homeless in Glendale. As such, the program provides assistance to eligible Glendale residents to prevent homelessness and fund shelter operations. Both of these activities are consistent with the priorities of the city’s 2005-2009 Five-Year Consolidated Plan, which was reviewed and adopted by Council in 2005.

Staff recently identified ESG program savings and funding in the amount of \$53,320 that was returned to the city. When savings occur, the city reprograms these funds to help address urgent community needs. In this specific case, the funds can only be used to help operate existing homeless shelters such as CASS (which operates homeless shelters for individuals and families) and the Faith House (which provides shelter services to victims of domestic violence). These organizations were selected based on community need, their ability to meet ESG program dollar-for-dollar match requirements, and upon recommendation of the Community Development Advisory Committee.

All funds received from the federal government for Glendale’s ESG program help address homeless. In the current economic environment, the need for these types of services is currently evident. The request to approve this item will result in homeless assistance to additional families and individuals who have been identified as being prior Glendale residents.

The Community Development Advisory Committee discussed this item at its November 16, 2009, meeting. The Committee conducted a public hearing to allow for comment and unanimously voted to approve the amendment and forward it to Council for final consideration.

Advertising of the 30-day public comment period was published in *The Glendale Star* on December 3, 2009, and occurred from December 11, 2009 – January 11, 2010.

Funds are available in the FY 2009-10 ESG grant. There are no additional costs 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		X	X		\$53,320

<p>Account Name, Fund, and Account and Line Item Number:          Emergency Shelter Grants Program Account Numbers:          ESG Administration: Account No. 1830-31900-518200, \$4,234.40          Quality of Life: Account No. 1830-31901-518200, \$19,085.86          West Valley Child Crisis Center: Account No. 1830-31906-518200, \$30,000</p>
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The recommendation is to conduct a public hearing, waive reading beyond the title and adopt a resolution authorizing the approval of the ESG Amendment to the Annual Action Plan for FY 2009-10.

**Resolution No. 4343 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 SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OF AN EMERGENCY SHELTER GRANTS (ESG) AMENDMENT TO THE ANNUAL ACTION PLAN FOR FISCAL YEAR 2009-10 TO REALLOCATE \$53,320 IN ESG SAVINGS AND RETURNED FUNDS TO SHELTER OPERATIONS.**

**Mayor Scruggs opened the public hearing on Agenda Item No. 10. As there were no comments, Mayor Scruggs closed the public hearing.**

**It was moved by Martinez, and seconded by Lieberman, to adopt and approve Resolution Number 4343 New Series authorizing the approval of the ESG Amendment to the Annual Action Plan for FY 2009-10. The motion carried unanimously.**

## **ORDINANCES**

### **11. CARDINALS DECLARATION OF RESTRICTIONS AND EASEMENTS: 95<sup>TH</sup> AVENUE RIGHT-OF-WAY**

Craig Tindall, City Attorney, presented this item.

This is a request for City Council to adopt an ordinance authorizing the City Manager to execute an Amended and Restated Declaration of Restrictions and Easements with the Arizona Cardinals. The purpose of this declaration is to provide easements and restrict the use of the roadway for commercial advertising purposes.

New Cardinals Stadium, LLC and the Arizona Cardinals conveyed the 95<sup>th</sup> Avenue right-of-way to the City with restrictions and easements. The parties litigated the declaration and restrictions and now wish to amend and restate the declaration pertaining to the property. The amended Declaration grants New Cardinals certain rights related to utilities and restricts certain uses of 95th Avenue from Maryland Avenue south to the Outfall Channel.

The recommendation is to waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute the Amended and Restated Declaration of Restrictions and Easements with the Arizona Cardinals on the city-owned 95<sup>th</sup> Avenue right-of-way.

**Ordinance No. 2717 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 AN AMENDED AND RESTATED DECLARATION OF RESTRICTIONS AND**

**EASEMENTS IN FAVOR OF THE ARIZONA CARDINALS ON 95<sup>TH</sup> AVENUE RIGHT-OF-WAY; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.**

It was moved by Clark, and seconded by Lieberman, to adopt and approve Ordinance No. 2717 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Knaack, Martinez, Frate, and Scruggs. Members voting “nay”: none.

**REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION**

It was moved by Martinez, and seconded by Frate, to hold a City Council Workshop at 1:30 p.m. in Room B-3 of the City Council Chambers on Tuesday, January 19, 2010, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried unanimously.

**CITIZEN COMMENTS**

Judy Eades, a Litchfield Park resident, declined to speak when her name was called from the card.

Steven Bisco, a Litchfield Park resident, did not respond when called his name was called from the card.

**COUNCIL COMMENTS AND SUGGESTIONS**

Councilmember Clark commented on the Haiti earthquake and the devastation that occurred. She asked everyone to keep them in their prayers. She also suggested they contribute to the Red Cross as a way to help the country.

Councilmember Goulet commented on the meeting the Council had with Glendale’s Community College President and her staff. He stated they toured the new facilities and they were simply outstanding. The Council looks forward to further participation with the college.

Councilmember Lieberman invited everyone to Glitter and Glow, the second biggest event in Glendale. The event will start at 4:00pm and end at 10:00pm this weekend in downtown Glendale. He stated this event was great for the whole family.

Vice Mayor Martinez commented on the approval of the professional service agreement for the post design services on 63<sup>rd</sup> Avenue and the 101. He stated this project has been a long process and now it was in the hands of ADOT. He added that staff had been able to obtain federal funding to move the process along with no cost to Glendale tax payers.

Councilmember Frate commented on the upcoming event on January 23, 2010. The Glendale police department and the Target Corporation will team up for the “Shred it and Forget it” affair at the corner of 43<sup>rd</sup> Avenue and Peoria. He stated that community members are asked to bring

their unwanted personal documents from 9:00am to 12:00pm. He also remarked on the Green and Clean magazine the city has recently put out to inform residents about recycling and lose trash pick-up. He reminded everyone to watch children around water.

Councilmember Knaack commented on the great Fiesta Bowl and Cardinal games. She commended the traffic engineers, police and fire, which ran a perfect operation. She noted she has heard nothing but the highest praise for Glendale. She also reminded everyone to check their fire alarms this first of the year. She remarked on the dangers of carbon monoxide poisoning and the need for a detection device.

Mayor Scruggs commented on a rally scheduled for the Cardinals at Phoenix Sky Harbor Airport on Friday, January 15, 2010. She invited everyone to attend and cheer on the Cardinals.

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:25 p.m.

Pamela Hanna

Pamela Hanna - City Clerk