



**MINUTES OF THE
GLENDALE CITY COUNCIL MEETING
Council Chambers
5850 West Glendale Avenue
March 08, 2011
7:00 p.m.**

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

Councilmember Manuel D. Martinez was absent.

Also present were Ed Beasley, City Manager; Horatio Skeete, 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 2 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 FEBRUARY 15, 2011, AND FEBRUARY 22, 2011, CITY COUNCIL MEETINGS

Councilmember Clark asked that the meeting minutes for February 22, 2011, be corrected to read that Vice Mayor Frate made the motion for the future meeting.

It was moved by Clark, and seconded by Lieberman, to dispense with the reading of the minutes of the February 15, 2011, and the amended February 22, 2011, Regular City Council meeting, as each member of the Council had been provided copies in advance, and approve them as corrected. 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.

1. LIQUOR LICENSE NO. 3-1331, SEOUL KOREAN GRILL

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license for Seoul Korean Grill located at 10040 North 43rd Avenue, Suite 1-K. The Arizona Department of Liquor Licenses and Control application (No. 12078656) was submitted by Hyunwook Lee.

The location of the establishment is 10040 North 43rd Avenue, Suite 1-K, in the Cactus District. The property is zoned C-2 (General Commercial). The population density within a one-mile radius is 21,743. Seoul Korean Grill is currently operating with an interim permit, therefore, the approval of this license will not increase the number of liquor licenses in the area. The number of liquor licenses within a one-mile radius is as listed below.

Series	Type	Quantity
06	Bar - All Liquor	10
07	Bar - Beer and Wine	1
09	Liquor Store - All Liquor	4
10	Liquor Store - Beer and Wine	6
12	Restaurant	9
	Total	30

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.

CONSENT RESOLUTIONS

2. MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES MARSHALS SERVICE

This is a request for City Council to adopt a resolution authorizing the Police Chief to enter into a memorandum of understanding (MOU) with the United States Marshals Service (USMS) to join the Violent Offender Task Force.

This MOU supports Council’s goal of one community committed to public safety by enabling the Police Department to participate in a valley-wide effort to investigate fugitive matters.

The USMS established the Violent Offender Task Forces in order to investigate and arrest, as part of joint law enforcement operations, persons who have active state and federal warrants for their arrest. The USMS intends to establish a task force office in Glendale that will support their operations in the West Valley. The intent of the joint effort is to investigate and apprehend local, state, and federal fugitives, thereby improving public safety and reducing violent crime. One

full-time detective will be assigned to the Task Force. The USMS will reimburse the city for overtime expenses for the assigned detective.

Participation in the Violent Offender Task Force will allow the Police Department to more efficiently and effectively coordinate the investigation and apprehension of dangerous wanted felons who reside and/or have committed violent crimes in Glendale.

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the Police Chief to enter into a memorandum of understanding with the United States Marshals Service to join the Violent Offender Task Force.

Resolution No. 4466 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES MARSHALS SERVICE FOR THE VIOLENT OFFENDER TASK FORCE ON BEHALF OF THE GLENDALE POLICE DEPARTMENT.

3. INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HOUSING FOR ADDITIONAL COMMUNITY ACTION PROGRAM FUNDING

This is a request for City Council to adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement with the Arizona Department of Housing for additional Community Action Program (CAP) funding in the amount of \$316,132.

The services provided by the CAP are consistent with promoting Council's goals of one community with high-quality services for citizens and one community with strong neighborhoods.

The CAP provides direct services to low and moderate-income Glendale residents. Services include energy assistance payments, minor home repairs, and crisis assistance for families, which includes homeless assistance and temporary rent/mortgage subsidies.

In 2009, the city received federal American Recovery and Reinvestment Act/Homeless Prevention and Rapid Re-housing Program (ARRA/HPRP) funding to be used for short-term or medium-term rental assistance, security and/or utility deposits, utility payments, and other housing opportunities for families and individuals who would otherwise be homeless. The CAP was successful in utilizing its ARRA/HPRP funding within one year of the program's implementation. The state has recognized the city for its ability to rapidly make the most of this funding by meeting the needs of families in Glendale, and will provide an additional \$316,132 so other households may receive this assistance.

This funding will be used to target two populations of persons facing housing instability, focusing on prevention and rapid re-housing. The funding will serve individuals and families who are currently in housing but are at risk of becoming homeless and need temporary rent or utility assistance. The funding will further assist individuals and families who are homeless,

residing in emergency or transitional shelters and need temporary assistance in order to obtain permanent housing. The state funds will come directly to the city for the CAP.

On May 12, 2009, Council approved a resolution accepting the ARRA/HPRP funds in the amount of \$914,122 as part of a substantial amendment to the Community Development Block Grant Annual Action Plan.

The CAP will assist low and moderate-income Glendale residents to continue to receive crisis services that promote financial stability and enhance their quality of life in Glendale. If approved, the use of the ARRA/HPRP funds will benefit Glendale residents by providing relief to those facing homelessness.

The Arizona Department of Housing will provide \$316,132 in FY 2010-11 for CAP operations and administration of the ARRA/HPRP funding.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X					\$316,132

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

A specific project account will be established in Fund 1842, the city’s grant fund, once the grant agreement is formally executed.

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement with the Arizona Department of Housing for additional Community Action Program funding in the amount of \$316,132.

Resolution No. 4467 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 A FUNDING AGREEMENT WITH THE ARIZONA DEPARTMENT OF HOUSING FOR THE HOMELESSNESS PREVENTION RAPID RE-HOUSING PROGRAM FUNDING IN THE APPROXIMATE AMOUNT OF \$316,132 ON BEHALF OF THE COMMUNITY ACTION PROGRAM.

It was moved by Frate and seconded by Knaack, to approve the recommended actions on Consent Agenda Item Nos. 1 through 3, including the approval and adoption of Resolution No. 4466 New Series, and Resolution No. 4467 New Series; and to forward Liquor License Application No. 3-1331 for Seoul Korean Grill to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.

ORDINANCES

4. LEASE AGREEMENT WITH COWTOWN SKATEBOARDS

William Schwind, Parks and Recreation Deputy Director, presented this item.

This is a request for City Council to adopt an ordinance authorizing the City Manager to execute a lease agreement with Cowtown Skateboards, LLC (Cowtown) for the operation of the Foothills Skate Court Retail/Pro Shop and Concession Building.

This agreement addresses Council's goal of one community with quality economic development by expanding a local small business as a foundation for community economic development. The agreement also addresses Council's goal of one community with high-quality services for citizens by establishing a beneficial partnership on various programs, events and services at the Foothills Skate Court.

A request for proposal (RFP) was developed and advertised to solicit interested businesses to operate the concessions at the Foothills Skate Court. Four proposals were received in response to the request. An evaluation committee comprised of staff from Parks and Recreation, Building Safety and an active member of the local skateboard community reviewed the offers. Specific factors in the evaluation of the proposals included: experience, fiscal responsibility and operational plans. Cowtown Skateboards, LLC was the highest scoring offer. Cowtown has worked extensively with the cities of Chandler, Peoria, Phoenix, and Tempe in producing large-scale skateboard competitions and events.

Cowtown currently has a retail location at 13834 North 51st Avenue in Glendale and it has been in business for thirteen years and has multiple locations throughout the region.

The initial term will commence upon execution and expire three years thereafter. The term of the lease shall then automatically renew for successive one year periods unless either party provides written notice not to renew.

A lease agreement between the city and Action Park Alliance was entered into on August 29, 2006, for operation of the Foothills Skate Court Retail/Pro Shop and Concession Building.

Cowtown will provide a professional and adult-supervised presence in the Foothills Skate Court area, as well as offer additional opportunities for park users to participate in programs, events, classes, and access concessions and pro shop services.

Cowtown understands the needs of skate facility users and has over thirteen years of actual skateboard business experience. Skateboarding classes, clinics and camps serve a need in the community by teaching novice skaters skateboarding fundamentals, as well as the importance of practicing safe skate facility etiquette.

There would be no operating costs to the city for utilizing Cowtown services. The lessee will be paying \$24,000 over the three years of the lease that will be deposited into the General Fund. The lessee will also cover all operating utility costs.

The recommendation is to waive reading beyond title and adopt an ordinance authorizing the City Manager to execute a lease agreement with Cowtown Skateboards, LLC for operation of the Foothills Skate Court Retail/Pro Shop and Concession Building.

Councilmember Clark inquired why the lease payment remained the same in year two and three. Mr. Schwind explained the rationale for not increasing the payment after the first year was based on previous concessionaire revenue history and that the monthly rental payment was a negotiated item within the agreement. Councilmember Clark asked if the RFP stated rent would remain the same. Mr. Schwind said the monthly rental fee is fixed for the first three years. Beginning with year four, a 2.5% escalator was built into each of the successive one year increments. Councilmember Clark remarked she was still curious as to why there were no increases between the second and third year.

Ordinance No. 2767 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 MAYOR AND/OR CITY MANAGER AND CITY CLERK TO EXECUTE THE LEASE AGREEMENT FOR OPERATION OF FOOTHILLS SKATE COURT RETAIL/PRO SHOP AND CONCESSION BUILDING WITH COWTOWN SKATEBOARDS, LLC.

Andrew Marwick, a Phoenix resident, expressed his support. He considers this park good for the community and a safe place for young people to gather together. He believes staff has done a good job negotiating this lease.

It was moved by Knaack, and seconded by Clark, to approve Ordinance No. 2767 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Alvarez, Clark, Lieberman, Knaack, Frate, and Scruggs. Members voting “nay”: none.

MOTION TO EXCUSE COUNCILMEMBER MARTINEZ

It was moved by Frate, and seconded by Knaack, to excuse Councilmember Martinez from tonight’s Council meeting. The motion carried unanimously.

REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION

It was moved by Frate, and seconded by Knaack, to vacate the regularly scheduled City Council Workshop on Tuesday, March 15, 2011 due to the National League of Cities Congressional City Conference; it was further moved to hold a City Council Budget Workshop at 1:30 p.m. in Room B-3 of the City Council Chambers on Tuesday, March, 22, 2011, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried unanimously.

CITIZEN COMMENTS

Andrew Marwick, a Phoenix resident, remarked that 70% of the jerseys at the Jobing.Com Arena were Canadian or from Vancouver and questioned the level of local interest. He mentioned the big controversy concerning the parking rights and who has the right to own them. He stated he does not believe the parking rights were worth \$100 million or they would have been used when the team went bankrupt. He said if they start charging for parking, what will happen to the movie theaters if patrons also have to pay parking fees. He believes Matthew Hulsizer has no interest in Glendale and was just a very wealthy man who was a foreigner to Arizona. He stated Mr. Hulsizer's business involved computers and the trading market.

Arthur Thruston, a Cactus resident, asked to discuss the Tohono O'odham Nation Casino issue. He stated the city's attitude was that they did not want the Indians in Glendale, but they were already here. He noted the Tohono O'odham Nation had won their argument in court; however, the city was still planning to spend millions to appeal that decision. He suggested the city take another look to see if the Tohono O'odham Nation had something to offer Glendale. The casino can bring much needed jobs and tourism to the area. He stated the Nation was made up of wonderful people in the position to bring tons of money into the area. He asked the Council to stop wasting tax payer money to fight off this progress and growth. He suggested they smoke a peace pipe and work together. As to the matter of the Coyotes, he stated he has always been doubtful Mr. Hulsizer would come through on this deal. He recently read that Mr. Hulsizer was now asking for more money from the city of Glendale to make the sale work.

Darcy Serlin, a Phoenix resident, commented on the press conference last week the city held regarding the Coyotes. She stated the conference was only done to try and sell the public on the Coyote deal and make them feel bad if the sale fell through. She remarked that there were alternatives the city could utilize other than spending millions of tax payer dollars. She does not support the Coyotes and believes she was not alone. She stated that the six top Coyote players make \$25 million and none were from the United States. There are only three players from the United States and are all from the Midwest. She reiterated the Coyotes were not popular in the valley and most television stations do not carry the games. She does not support this deal.

Gary Sherwood, a Sahuaro resident, complimented Mayor Scruggs on being very public on the Coyote issue, going so far as to cancel a scheduled trip. He supports Mayor Scruggs in making sure the correct information is being given out. He also supports keeping the Coyotes in Glendale because it makes no sense financially not to have them as an anchor tenant. He believes they will keep the Westgate area occupied and active. He would like to hear from the Councilmembers who voted against this proposal, as well as hear their reasons and alternatives. He also supports the city's position on the casino and supports staffs' recommendation. He stated that infrastructure for the casino will cost the city a great deal and it will receive no tax revenue in return. He remarked on Councilmember Alvarez's current voting record and trying to have it both ways. He explained that with all the bad publicity Glendale has had recently, he wanted to offer his support and appreciation for the city's work on these difficult matters.

John LeGendre, an Ocotillo resident, stated he was a long life resident of Glendale with very deep roots. He mentioned his 40 year friendship with Councilmember Lieberman. He noted his Aunt Velma has a library named after her and his Uncle Bill helped pave Catlin Court in the very

beginning. He said he has a very passionate interest in the future of Glendale. He explained Glendale has lost the court battle with the Tohono O'odham Nation and implores them not to appeal the decision and waste any more money. He noted that a casino makes \$300 million a year, which means traffic for the city. He explained they were a sovereign nation; however, they were also American citizens who have fought for this county. He stated all they were trying to do was build a first class resort in the entertainment district of Glendale. He believes the casino will be a great addition, not detraction, to the area. He suggests Glendale build a golf course alongside the casino as part of a compromise since they will own the land around it. He indicated many people go past Glendale in order to visit a casino and it only makes sense they come here instead. He reiterated this will be good for the community and asked the city to be good neighbors and citizens and work with, not against, them. He added that by law, the Tohono O'odham Nation has to give 12% back to the community, which translates to \$36 million. He reiterated that the city should try and work with the Tohono O'odham Nation since they have more money than the city to fight this issue.

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Lieberman thanked Mr. John LeGendre for his comments on the casino. He noted his family's involvements and many contributions to Glendale as well as their long friendship. He said last weekend he had been the Master of Ceremonies at the Marty Robbins Festival in Wilcox. He indicated there had been 440 paying fans attending the festival and still hopes Glendale will hold something similar. He added the music was superb and the presenters wonderful and the atmosphere very patriotic. He stated that on the way back from the festival, they stopped at the Desert Diamond Casino in Tucson. He remarked that the parking lot was full and the casino attractive and clean. He explained next week, he will attend the National League of Cities. He noted the many committees he was involved in and added he was very proud to be part of those committees and in serving his community.

Councilmember Frate stated last Saturday he attended Artwerk and the Open Market, all held in downtown Glendale. He noted there were thousands of people in the downtown area. In addition, Saturday night, Glendale hosted the "Taste of Glendale" which is a fundraiser for Saint Mary's Food Bank. He stated over 3,000 people attended that event. He remarked this had been a great weekend for the merchants in downtown Glendale. He reminded everyone to watch children around water.

Councilmember Knaack thanked Ms. Becky Benná, Parks and Recreation Director, for all the great work she has done for the City of Glendale and was sorry to see her leave. However, she has left the city in very capable hands. She will be greatly missed.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:45 p.m.

Pamela Hanna

Pamela Hanna - City Clerk