



**MINUTES OF THE  
GLENDALE CITY COUNCIL MEETING  
Council Chambers  
5850 West Glendale Avenue  
August 25, 2009  
7:00 p.m.**

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

Mayor Scruggs was not present.

Also present were Ed Beasley, 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 3 resolutions and 6 ordinances to be considered at the meeting were available for public examination and the title posted at City Hall more than 72 hours in advance of the meeting.

**APPROVAL OF THE MINUTES OF THE AUGUST 11, 2009 CITY COUNCIL MEETING**

It was moved by Goulet, and seconded by Clark, to dispense with the reading of the minutes of the August 11, 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.

**BOARDS, COMMISSIONS AND OTHER BODIES**

This is a request for City Council to approve the recommended appointments to the following boards, commissions and other bodies that have a vacancy or expired term and for the Vice-Mayor to administer the Oath of Office to those appointees in attendance.

			<b>Effective</b>	<b>Expiration</b>
<b><u>Arts Commission</u></b>				
Darrell Criswell	Cholla	Reappointment	08/25/2009	08/23/2011

Scott Mink	Ocotillo	Appointment	08/25/2009	08/23/2011
<b><u>Board of Adjustment</u></b>				
Bert Schwind	Yucca	Appointment	08/25/2009	06/30/2011
Douglas Berg	Sahuaro	Appointment	08/25/2009	06/30/2010
Al DeLossa (Vice Chair)	Barrel	Appointment	08/25/2009	06/30/2010
<b><u>Citizens Advisory Commission on Neighborhoods</u></b>				
Frank Hinds	Mayoral	Appointment	08/25/2009	06/30/2011
<b><u>Library Advisory Board</u></b>				
Allison Tedford – Teen	Mayoral	Appointment	08/25/2009	05/27/2010
<b><u>Parks &amp; Recreation Advisory Commission</u></b>				
Jose Rivas	Yucca	Appointment	08/25/2009	04/09/2011
<b><u>Planning Commission</u></b>				
Sean Lee	Cholla	Appointment	08/25/2009	03/25/2010

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

**It was moved by Frate, and seconded by Knaack, to appoint Darrell Criswell, Scott Mink and Manuel R. Burruel to the Arts Commission; Bert Schwind, Douglas Berg and Al DeLossa to the Board of Adjustment; Frank Hinds to the Citizens Advisory Commission on Neighborhoods; Allison Tedford to the Library Advisory Board; Jose Rivas to the Parks & Recreation Advisory Commission; and Sean Lee to the Planning Commission for the terms listed above. The motion carried unanimously.**

Vice-Mayor Martinez asked the boards and commission members present to come forward and issued the oath.

**PROCLAMATIONS AND AWARDS**

**RECOGNITION OF STUDENTS FOR “RECYCLING IS FUN” DESIGN-A-SIGN CONTEST**

This is a request for City Council to recognize four Glendale students for their drawings submitted for a Design-A-Sign contest sponsored by the city of Glendale Sanitation Division.

The city’s Sanitation Division initiated a contest for children ages six to nine to submit a drawing with the theme “Recycling is Fun.” This is the fifth year that the contest has been held. A total of 82 children participated in the contest, representing 13 schools in Glendale. All the children received a certificate of recognition. Winners in each age group will have their artwork reproduced on a sign for display on the side of one of the city’s recycling trucks.

The Glendale Recycling Program provides residents the opportunity to recycle by collecting paper, cardboard, plastic, and metal products once a week from each single family home. The key to a lasting program in the community is to encourage children to learn about recycling and participate in the program. Thousands of children have taken tours of the Glendale Materials Recovery Facility where the recyclable material is processed and sold. The prominent display of the children's artwork reaches out to the next generation of recyclers thereby helping to reinforce recycling.

The recommendation is to present Jasper Reinalda (age 6), Emily Helmer (age 7), Jessica Sanchez (age 8) and Kinner Patel (age 9) certificates of recognition and a plaque as the four winning entries selected for the Design-A-Sign contest.

Vice-Mayor Martinez called the children forward and presented the plaques and certificates. He congratulated the children for their participation on this worthwhile cause.

### NATIONAL PREPAREDNESS MONTH PROCLAMATION

This is a request for City Council to proclaim September 2009 as National Preparedness Month in the City of Glendale. The goal of National Preparedness Month is to increase public awareness about the importance of preparing for emergencies and to encourage individuals to take action.

Daniel Leimeter, a resident of Glendale and a volunteer with the Glendale Police Department and Office of Emergency Management will be present to accept the proclamation.

National Preparedness Month is a nationwide effort held each September to encourage Americans to take simple steps to prepare for emergencies in their homes, businesses, and communities. The goal during the month is to increase public awareness about the importance of preparing for emergencies and to encourage individuals to take action. This year the city's focus will be on changing perceptions about emergency preparedness to expand what it truly means to be "Ready." This involves going beyond fire alarms, smoke detectors, dead-bolt locks, and extra food, to communicating important preparedness messages to family members, businesses, and the community.

The recommendation is to present the proclamation to Daniel Leimeter, a resident of Glendale, and a volunteer with the Glendale Police Department and Office of Emergency Management, proclaiming the month of September 2009 as National Preparedness Month.

Vice-Mayor Martinez called Daniel Leimeter forward and presented the Proclamation.

Mr. Leimeter thanked the Vice Mayor and Council for the Proclamation. He encouraged everyone to have an emergency plan in case of a disaster. He explained citizens might be on their own when disaster strikes before the first responders are able to get to them. He asked them to determine their hazards, make a plan, and follow it.

## CONSENT AGENDA

Mr. Ed Beasley, City Manager, read agenda item numbers 1 through 7 and Ms. Pamela Hanna, City Clerk, read consent agenda resolution item number 8 by number and title.

### 1. LIQUOR LICENSE NO. 3-1250, VINNIE & JOEY'S PLACE

This is a request for City Council to approve a person-to-person transfer series 6 (Bar - All Liquor) license. Vinnie & Joey's Place is located at 9250 North 43<sup>rd</sup> Avenue, Suites 17 and 18. The Arizona Department of Liquor Licenses and Control application (No. 06070234) was submitted by Bruce L. Olson.

The location of the establishment is 9250 North 43<sup>rd</sup> Avenue, Suites 17 and 18 and is located within the Cactus District. The property is zoned C-2 (General Commercial). The population density within a one-mile radius is 22,089. This series 6 is a person-to-person transfer license, 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	3
09	Liquor Store – All Liquor	4
10	Liquor Store – Beer and Wine	7
12	Restaurant	10
	<b>Total</b>	<b>34</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. LIQUOR LICENSE NO. 3-1254, ALAMOS MEXICAN GRILL

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license. Alamos Mexican Grill is located at 5821 North 67<sup>th</sup> Avenue, Suites 101-103. The Arizona Department of Liquor Licenses and Control application (No. 12078061) was submitted by Luis Alberto Guzman.

The location of the establishment is 5821 North 67<sup>th</sup> Avenue, Suites 101-103 and is located within the Yucca District. The property is zoned C-2 (General Commercial). The population density within a one-mile radius is 30,074. This series 12 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	3
07	Bar – Beer and Wine	2
09	Liquor Store – All Liquor	5
10	Liquor Store – Beer and Wine	13
12	Restaurant	2
	<b>Total</b>	<b>25</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.

3. LIQUOR LICENSE NO. 3-1255, SMART & FINAL

This is a request for City Council to approve a new, non-transferable series 10 (Liquor Store - Beer and Wine) license. Smart & Final is located at 7720 West Bell Road, Suite A. The Arizona Department of Liquor Licenses and Control application (No. 10075836) was submitted by Joseph Ovidio Cipollini.

The location of the establishment is 7720 West Bell Road, Suite A and is located within the Sahuaro District. The property is zoned PAD (Planned Area Development). The population density within a one-mile radius is 10,768. This series 10 is a new license; however, the approval of this license will not increase the number of liquor licenses in the area because Smart & Final currently has a series 9 liquor license which will be transferred to a different location if this series 10 is approved. The number of liquor licenses within a one-mile radius is as listed below.

<b>Series</b>	<b>Type</b>	<b>Quantity</b>
03	Domestic Micro – Brewery	2
05	Government	1
06	Bar – All Liquor	4
07	Bar – Beer and Wine	1
09	Liquor Store – All Liquor	4
10	Liquor Store – Beer and Wine	8
12	Restaurant	32
	<b>Total</b>	<b>52</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.

4. SPECIAL EVENT LIQUOR LICENSES, ASSYRIAN CHURCH OF THE EAST, FUNDRAISERS, SEPTEMBER 13, 19, AND NOVEMBER 7, 2009

This is a request for City Council to approve a special event liquor license for the Assyrian Church of the East. The events will be held at Assyrian Church of the East located at 17334 North 63<sup>rd</sup> Avenue on Sunday, September 13 from 4:00 p.m. to midnight; Saturday, September 19 from 4:00 p.m. to 1:00 a.m.; and Saturday, November 7 from 11:00 a.m. to 11:30 p.m. The purpose of this special event liquor license is for church fundraisers with live music, dancing and dinner held indoors.

If this application is approved, the total number of days expended by this applicant will be three 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 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.

5. SPECIAL EVENT LIQUOR LICENSE, ST. LOUIS THE KING CHURCH, PARISH FESTIVAL, OCTOBER 2-4, 2009

This is a request for City Council to approve a special event liquor license for St. Louis the King Church. The event will be held at St. Louis the King Church located at 4331 West Maryland Avenue on Friday, October 2 from 5:00 p.m. to 11:00 p.m.; Saturday, October 3 from 11:00 a.m. to 11:00 p.m.; and Sunday, October 4 from 11:00 a.m. to 10:00 p.m. The purpose of this special event liquor license is for an outdoor parish festival. The event will have live music, which will conclude at 10:00 p.m.

If this application is approved, the total number of days expended by this applicant will be three 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 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.

6. CONSTRUCTION CONTRACT FOR IMPROVEMENTS TO THE 67<sup>TH</sup> AVENUE AND GREENWAY ROAD SEWER LIFT STATION

This is a request for City Council to authorize the City Manager to enter into a Professional Services Agreement with HDR Engineering, Inc. to provide construction administration services, and a Construction Agreement with MGC Contractors, Inc. to provide construction services for the 67<sup>th</sup> Avenue Sewer Lift Station.

The purpose of this project is to rehabilitate and replace aging equipment in order to assure the system remains fully functional and compliant with existing regulations.

One of Council's strategic goals is one community with high quality service for citizens. This project will improve the operation and reliability of the lift station.

The 67<sup>th</sup> Avenue and Greenway Road Sewer Lift Station has deteriorated due to normal wear and tear. The proposed upgrades to the lift station will enhance operations and ensure compliance with federal and state regulations.

The scope of services for this project includes replacement of dry-sump sewage pumps, piping, valves, electrical components, concrete, pavement, fencing, drainage improvements, and miscellaneous mechanical and systems improvements.

The Engineering Department held a bid opening on July 1, 2009, and six bids were received for this project. MGC Contractors, Inc. was the lowest responsive and qualified bidder.

Funds are available in the FY 2009-10 capital improvement plan. The operating costs associated with this project are minimal and will be absorbed by the Utilities Department operating budget.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$1,119,546

<b><u>Account Name, Fund, Account and Line Item Number:</u></b> FY2009-10, 67th Ave. Lift Station, Account No. 2420-63013-550800, \$969,658 FY2009-10, 67th Ave. Lift Station, Account No. 2420-63013-551200, \$149,888
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The recommendation is to authorize the City Manager to enter into a Professional Services Agreement with HDR Engineering, Inc. to provide construction administration services in an amount not to exceed \$149,888; and a Construction Agreement with MGC Contractors, Inc. to

provide construction services in an amount not to exceed \$969,658 for the 67<sup>th</sup> Avenue Sewer Lift Station.

7. MOTOROLA SERVICE AGREEMENTS

This is a request for City Council to authorize the City Manager to renew two one-year service agreements with Motorola Inc. One is a radio service agreement and the other is a mobile data software agreement.

Renewal of the two Motorola service agreements will address the Council goal of one community committed to public safety. Approval of the agreements will allow the department to continue to have dependable, uninterrupted service and support to radio and computer systems.

The radio service agreement is a one-year renewal. This agreement will provide support for all Police Departments radios, as well as radios used by the Utilities, Sanitation, Landfill and Transportation departments. Motorola will provide service, system maintenance and upgrades under this agreement. The mobile data system software agreement is a one-year renewal. This agreement will provide software support for the computers in patrol vehicles.

On May 27, 2008 Council approved a one-year renewal of the radio services agreement with Motorola, Inc.

Radio and mobile data systems are essential for providing reliable communication between police officers and dispatch. These services will allow officers to continue to provide timely service to citizens.

Funds are available in the operating budget of the Police Department. The mobile data system service agreement is in the amount of \$54,884. The radio service agreement is in the amount of \$222,595.98.

The Utilities, Sanitation, Landfill and Transportation departments will be charged for a portion of the radio service agreement. This will be approximately \$34,040 of the total amount. This amount is based on each department’s respective usage of the system. Funds are available in their operating budget.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$277,479.98

**Account Name, Fund, Account and Line Item Number:**  
 General Fund, Account No. 1000-12230-526800, \$277,479.98

The recommendation is to authorize the City Manager to renew two one-year service agreements with Motorola Inc.

**CONSENT RESOLUTIONS**

## 8. ACQUISITION OF RIGHT-OF-WAY FOR GRAND AVENUE IMPROVEMENTS

This is a request for City Council to adopt a resolution authorizing the City Manager to execute all documents necessary to purchase two properties totaling 99,593 square feet from the Terrones Family Trust to acquire the B&B Motel and the Crystal Motel. These properties are located east of Grand Avenue and west of 63<sup>rd</sup> Avenue and are needed for access control and roadway beautification improvements in the amount of \$1.35 million plus closing costs.

One of Council's goals is a city with high quality services for citizens. Improving and providing transportation options within the City of Glendale will assist in achieving this goal. One community with a vibrant city center is a Council goal that will be achieved by improving the appearance of Grand Avenue for visitors to downtown Glendale.

The Arizona Department of Transportation (ADOT) and the City of 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. In order to improve traffic safety on Grand Avenue, all existing access points into these properties will be closed.

In addition to the cost for land and buildings, the city will pay relocation and closing costs and the cost for demolition of the buildings.

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. Right-of-way acquisitions started in 2007 and construction is programmed to start in FY 2009-10.

The two properties to be acquired for Grand Avenue improvements are described below:

### 6364 West Grand Avenue / B&B Motel

Terrones Family Trust, owners of property located east of Grand Avenue and West of 63<sup>rd</sup> Avenue, will sell 72,068 square feet of property at a cost of \$891,200.

### 6352 West Grand Avenue / Crystal Motel

Terrones Family Trust, owners of property located east of Grand Avenue and west of 63<sup>rd</sup> Avenue, will sell 27,525 square feet of property at a cost of \$458,800.

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 in the amount of \$1,265,113. 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, enhance safety, improve street lighting, and improve the appearance of Grand Avenue, including landscaping, sign upgrades, sidewalks, and the under-grounding of utilities.

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 MIS, Phase II Report. There were no written 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		\$1,350,000

**Account Name, Fund, Account and Line Item Number:**  
 Grand Avenue Access Enhancements, Account No. 2210-65007-550400, \$1,350,000

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to execute all documents necessary to purchase two properties totaling 99,593 square feet of property along Grand Avenue located east of Grand Avenue and west of 63<sup>rd</sup> Avenue for access control and beautification improvements for the GO Transportation Program in the amount of \$1.35 million plus closing costs.

**Resolution No. 4291 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 TWO PROPERTIES LOCATED AT 6364 NORTHWEST GRAND AVENUE (B&B MOTEL) AND 6352 WEST GRAND AVENUE (CRYSTAL MOTEL) FOR GRAND AVENUE IMPROVEMENTS AS PART OF THE GLENDALE ONBOARD TRANSPORTATION PROGRAM; AND DIRECTING THE EXECUTION OF ANY DOCUMENTS NECESSARY TO EFFECTUATE SAID PURCHASES.**

**It was moved by Frate and seconded by Knaack, to approve the recommended actions on Consent Agenda Item Nos. 1 through 8, including the approval and adoption of Resolution No. 4291 New Series; and to forward Liquor License Application No. 3-1250 for Vinnie & Joey’s Place, No. 3-1254 for Alamos Mexican Grill, No. 3-1255 for Smart & Final, Special Event Liquor License Application for Assyrian Church of the East for fundraisers, and Special Event Liquor License Application for St. Louis the King for a parish festival to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.**

**PUBLIC HEARING – LAND DEVELOPMENT ACTIONS**

- 9. ANNEXATION AREA NO. 182 (ORDINANCE): GLENDALE AVENUE CORRIDOR (PUBLIC HEARING REQUIRED)

Jon Froke, AICP, Planning Director, presented this item.

This is a request for City Council to conduct a public hearing and adopt an annexation ordinance for Annexation Area No. 182, which consists of approximately 215 acres and is located north and south of Glendale Avenue, between the 115<sup>th</sup> Avenue alignment and El Mirage Road.

The proposed annexation is consistent with the Council goal for one community with quality economic development, as the private property is intended to be developed for industrial uses. This is an opportunity to develop an employment base in this portion of the Glendale Avenue Corridor.

The property includes approximately 35 acres of private property, and the remainder of the area is city-owned and holds the city's aquifer recharge facility. Appropriate signatures have been gathered in support of annexation. The proposed annexation is not within the noise contours of Luke Air Force Base or the Glendale Municipal Airport. The city-owned property located north of Glendale Avenue is in the floodplain and floodway of the Agua Fria River. South of Glendale Avenue, most of the city-owned property is located in the floodplain or floodway, and flood control measures will be addressed as needed.

On the Glendale General Plan, the area is designated HI (Heavy Industrial), PF (Public Facility), and P/OS (Parks and Open Space). The zoning district which implements the General Plan's HI designation is M-2 (Heavy Industrial).

On November 25, 2008, Council conducted a public hearing on the blank annexation petition for Annexation Area No. 182 as required by State Statute. At the October 7, 2008 workshop, Council guided staff to proceed with the annexation process for AN-182.

There was no input expressed from the public as part of the Citizen Participation process.

The annexation of this area will bring city-owned facilities and property into the corporate limits of the city, and will require that any future development, both private and city-owned, meet the Glendale General Plan requirements as well as all other Glendale development standards.

The recommendation is to conduct a public hearing, waive reading beyond the title and adopt an ordinance for Annexation Area No. 182.

**Ordinance No. 2693 New Series was read by number and title only, it being AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF GLENDALE, MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, SECTION 9-471, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING THERETO CERTAIN TERRITORY LOCATED WITHIN AN EXISTING COUNTY ISLAND OF THE CITY OF GLENDALE CONSISTING OF APPROXIMATELY 215 ACRES NORTH AND SOUTH OF GLENDALE AVENUE BETWEEN THE 115<sup>TH</sup> AVENUE ALIGNMENT AND EL MIRAGE ROAD TO BE KNOWN AS ANNEXATION AREA NO. 182.**

**Vice-Mayor Martinez opened the public hearing on Agenda Item No. 9. As there were no comments, Vice-Mayor Martinez closed the public hearing.**

**It was moved by Clark, and seconded by Goulet, to approve Ordinance No. 2693 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Knaack, Martinez, and Frate. Members voting “nay”: none.**

10. ANNEXATION AREA NO. 183 (ORDINANCE): 115<sup>TH</sup> AVENUE ALIGNMENT – 11401 WEST GLENDALE AVENUE (PUBLIC HEARING REQUIRED)

Jon Froke, AICP, Planning Director, presented this item.

This is a request for City Council to conduct a public hearing and adopt an annexation ordinance for Annexation Area No. 183, which consists of approximately one acre. The property at 11401 West Glendale Avenue, is located along Glendale Avenue and includes a portion of the 115<sup>th</sup> Avenue alignment.

The proposed annexation is consistent with the Council goal for one community with quality economic development, as the private property is intended to be developed as a business park. This is an opportunity to develop an employment base in this portion of the Glendale Avenue Corridor.

The proposed annexation includes approximately .6 acres of private property, and the remainder of the area is existing road right-of-way. Appropriate signatures have been gathered in support of annexation.

The proposed annexation is not within the noise contours of Luke Air Force Base or the Glendale Municipal Airport. The property is not in a floodplain or floodway. The area is designated HI (Heavy Industrial) and LI (Light Industrial) on the Glendale General Plan. A portion of the property designated LI is the subject of a General Plan Amendment application. The property is currently zoned Rural Residential (RU-43) in Maricopa County.

On August 11, 2009, Council conducted a public hearing on the blank annexation petition for Annexation Area No. 183 as required by State Statute.

On May 7, 2009, the Planning Commission held public hearings and made recommendations to Council concerning the portion of the annexation area subject to the simultaneous General Plan and rezoning applications.

There was no input expressed from the public as part of the Citizen Participation process.

The annexation of the area will require that any future development meet the Glendale General Plan requirements as well as all other Glendale development standards.

The recommendation is to conduct a public hearing, waive reading beyond the title and adopt an ordinance for Annexation Area No. 183.

**Ordinance No. 2694 New Series was read by number and title only, it being AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF GLENDALE, MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, SECTION 9-471, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING THERETO CERTAIN TERRITORY LOCATED IN THE VICINITY OF 115<sup>TH</sup> AND GLENDALE AVENUES WITHIN AN EXISTING COUNTY ISLAND OF THE CITY OF GLENDALE TO BE KNOWN AS ANNEXATION AREA NO. 183.**

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

**It was moved by Knaack, and seconded by Lieberman, to approve Ordinance No. 2694 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Knaack, Martinez, and Frate. Members voting “nay”: none.**

11. GENERAL PLAN AMENDMENT GPA08-09 (RESOLUTION) AND REZONING APPLICATION ZON08-14 (ORDINANCE): COPPERWING AT GLENDALE AIRPARK – 11401 WEST GLENDALE AVENUE (PUBLIC HEARING REQUIRED)

Jon Froke, AICP, Planning Director, presented this item.

This is a request for City Council to conduct a public hearing and adopt a resolution to approve a General Plan Amendment, for the property located at the southeast corner of 115<sup>th</sup> and Glendale avenues from LI (Light Industry) to BP (Business Park), and to adopt an ordinance to rezone the property from M-1 (Light Industrial) to PAD (Planned Area Development).

This request meets the City Council goal of one community with quality economic development by capitalizing on the unique character and identity of the City of Glendale. The location of this project next to the Glendale Airport is a unique location that helps to identify Glendale to those who utilize the municipal airport. In addition, the request also helps to properly zone a site that can assist in identifying and pursuing business sectors that may be most valuable to the economic development strategy for Glendale.

The proposed mixed-use development titled “Copperwing at Glendale Airpark” will accommodate a mixed-use development on approximately 216 acres within a single project. There are two districts identified in the PAD development plan. Those districts are Business Park and Light Industrial. As part of the recommendation and approval by the Planning Commission, some stipulations have been incorporated into the revised PAD development plan.

The Planning Commission unanimously recommended approval of GPA08-09 and ZON08-14 on May 7, 2009.

The project will allow continued growth in the city's Western Area and contribute to a strong, self-sustaining business park and light industrial project that can be an economic resource to the community.

A public notice for the City Council public hearing was published in *The Glendale Star* on August 6, 2009, the property was posted on August 7, 2009, and informational postcards were mailed to adjacent properties and interested parties on August 7, 2009. No citizens expressed concerns regarding the project during the citizen participation process.

The recommendation is to conduct a public hearing, waive reading beyond the titles and adopt a resolution for General Plan Amendment GPA08-09, and adopt an ordinance for Rezoning Application ZON08-14 subject to the stipulations as recommended by the Planning Commission as modified by staff and the applicant.

**Resolution No. 4292 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE GENERAL PLAN MAP OF THE CITY OF GLENDALE, ARIZONA, BY APPROVING GENERAL PLAN AMENDMENT GPA08-09 FOR PROPERTY LOCATED AT 11401 WEST GLENDALE AVENUE.**

Councilmember Clark commented on a memo received which indicated that the Cooperwing Special Use District application number ZON08-15 had been withdrawn. She inquired if this was still the situation. Mr. Jon Froke, AICP, Planning Director, stated she was correct. He noted the applicant was in the audience tonight.

Vice Mayor Martinez remarked that the public hearing for ZON08-15 Cooperwing Special Use District will not take place at tonight's meeting as the application was withdrawn by the applicant.

**Vice-Mayor Martinez opened the public hearing on Agenda Item No. 11.**

Mr. Stephen Anderson, said he represented the John F. Long Family Revocable Living Trust. He introduced the engineers and developers who are working on the project, as well as Mr. Jim Miller, the property manager. The Cooperwing project is an employment oriented business park located on 212 acres west of the airport. He discussed the success of the surrounding business parks in the area. He discussed the traffic problems at 115<sup>th</sup> Avenue and Glendale Avenue and their work and cooperation to help accelerate this annexation and the traffic issues. He explained that the Planning Commission and staff unanimously recommended approval of GPA08-09 and ZON08-14 on May 7, 2009. He indicated there had been no citizen comments on these two cases. He believes it was because the development was far away from any residential development. He provided a list of the proposed uses for the development. He commented on their involvement with West-Marc and Trade and Vocational schools. He clarified that they were outside the area pertaining to Luke Air Force Base and posed no interference with the base and flight operations.

Councilmember Lieberman asked for clarification on what application they were voting on. He asked if they were hearing anything on case ZON08-15, the Cooperwing Special Use District, which had been previously withdrawn. Vice Mayor Martinez explained they were only hearing information on GPA08-09 and ZON08-14.

Ms. Diane McCarthy, representing West-Marc, stated her support of this development plan. She said nine years ago, Mr. Long proposed the idea of a west valley career and technical education center to prepare high school students for jobs in higher education. He sought the same opportunities in the west valley that were found elsewhere in the valley. She indicated that today, West-Marc provides career driven education in 40 high schools. They are currently proposing an Aviation Academy at the north end of the Glendale Airpark. She stated the Long Family will donate 6 acres to accommodate this school. She noted they have been working with an industry group for the past year to design, develop and build relationships with the FAA and the Glendale Airpark. She added they would like to begin construction in January 2010 and be open for classes in August of 2011.

**Vice-Mayor Martinez closed the public hearing.**

**It was moved by Clark, and seconded by Frate, to pass, adopt and approve Resolution No. 4292 New Series. The motion carried unanimously.**

**Ordinance No. 2695 New Series was read by number and title only, it being AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING PROPERTY LOCATED AT 11401 WEST GLENDALE AVENUE FROM M-1 (LIGHT INDUSTRIAL) TO PAD (PLANNED AREA DEVELOPMENT); AMENDING THE ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.**

**It was moved by Knaack, and seconded by Lieberman, to approve Ordinance No. 2695 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Knaack, Martinez, and Frate. Members voting “nay”: none.**

## **ORDINANCES**

12. ARIZONA PUBLIC SERVICE COMPANY UTILITY EASEMENT: PYRAMID PEAK WATER TREATMENT FACILITY

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

This is a request for City Council to adopt an ordinance granting a utility easement in favor of Arizona Public Service Company (APS) across City of Glendale owned land north of the Pyramid Peak Water Treatment facility.

Granting of the utility easement supports the Council goal of one community with high quality services for citizens by allowing APS access within city owned land for installation of an additional power line to deliver necessary electrical service to the community.

In 2004, APS negotiated a lease with the city for a substation site in the same general area. In 2002, the city granted APS an easement for its 69 kilovolt (kV) power line north of the Pyramid Peak Water Treatment facility. To keep up with growing demand, APS needs to construct another 69 kV power line adjacent to the substation site. The city will receive fair market value of \$18,750 for the easement as determined by an appraisal of the location.

APS provides much needed electrical service to the Valley. Granting the utility easement allows APS to meet the growing demand for electrical service by its customers.

The recommendation is to waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute a utilities easement in favor of Arizona Public Service Company across city-owned land north of the Pyramid Peak Water Treatment facility.

**Ordinance No. 2696 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 A UTILITY EASEMENT IN FAVOR OF ARIZONA PUBLIC SERVICE COMPANY FOR THE INSTALLATION OF POWER LINES AND RELATED FACILITIES AT THE PYRAMID PEAK WATER TREATMENT FACILITY IN GLENDALE, ARIZONA; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.**

**It was moved by Knaack, and seconded by Frate, to approve Ordinance No. 2696 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Knaack, Martinez, and Frate. Members voting “nay”: none.**

13. RIGHT-OF-WAY ABANDONMENT: MIDWESTERN UNIVERSITY CAMPUS

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

This is a request for City Council to adopt an ordinance abandoning a portion of Behrend Drive and adjoining right of way, west of 57<sup>th</sup> Drive, reserving to the city a needed waterline easement within Behrend Drive, and reserving an easement for any other existing utilities in the adjoining, unnamed right-of-way.

This request supports the Council goal of one community with quality economic development. By allowing Midwestern University to expand business operations it fulfills Council’s desire to retain and expand local business as a foundation for community economic development.

As part of its ongoing campus redesign and expansion, Midwestern University has requested the city abandon portions of public right of way, comprised of Behrend Drive west of 57<sup>th</sup> Drive, and

an adjoining thirty-foot wide right of way. The rights of way were originally granted to the city by Quitclaim Deed in February 1980.

There have been no objections to the abandonment from private utility companies, or from other city departments, as long as the city retains an easement for its existing waterline within Behrend Drive, and retains an easement for any other existing utilities in the adjoining right-of-way.

The expansion of Midwestern provides enhanced educational opportunities to medical students, creates additional employment opportunities, and helps serve the public through training of needed medical practitioners.

The recommendation is to waive reading beyond the title and adopt an ordinance abandoning a portion of Behrend Drive and adjoining right of way, west of 57<sup>th</sup> Drive, reserving to the city a needed waterline easement within Behrend Drive, and reserving an easement for any other existing utilities in the adjoining, unnamed right of way.

**Ordinance No. 2697 New Series was read by number and title only, it being AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ABANDONING A PORTION OF BEHREND DRIVE AND ADJOINING RIGHT-OF-WAY, WEST OF 57<sup>TH</sup> DRIVE (MIDWESTERN UNIVERSITY CAMPUS), RESERVING THE WATERLINE EASEMENT WITHIN BEHREND DRIVE AND RESERVING AN EASEMENT FOR ANY OTHER EXISTING UTILITIES IN THE ADJOINING RIGHT-OF-WAY IN THE CITY OF GLENDALE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.**

**It was moved by Knaack, and seconded by Frate, to approve Ordinance No. 2697 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Clark, Goulet, Lieberman, Knaack, Martinez, and Frate. Members voting “nay”: none.**

## **NEW BUSINESS**

### **14. CRIMINAL DIVERSION PROGRAM FEE (ORDINANCE & RESOLUTION)**

Craig Tindall, City Attorney, presented this item.

This is a request for City Council to: (1) adopt an ordinance amending the Glendale City Code establishing a criminal diversion program fee; and (2) adopt a resolution setting the diversion fee at \$50 per case for cases determined by the City Prosecutor to be appropriate for a diversion program. The diversion fee will be assessed in all cases where a defendant is referred to a diversion program.

This item addresses the Council strategic goal of a city that is fiscally sound by pursuing and maintaining revenue streams that support service delivery through sound financial practices regarding infrastructure and upkeep.

Diversion programs are an alternative to traditional prosecution that focuses on behavior modification and rehabilitation through education, counseling and supervision. They are particularly useful in dealing with first-time offenders. A.R.S. § 9-500.22 allows city prosecutors to establish diversion programs to provide suitable alternatives to traditional prosecution.

Diversion programs have been implemented by city prosecutors throughout the Valley and fees are routinely charged in many jurisdictions. The cost of administration and monitoring participants' progress had been absorbed by the city.

At a workshop session on August 18, 2009, Council provided guidance to the City Attorney to forward an amendment to the Glendale City Code providing for a criminal diversion program fee.

Diversion programs are excellent tools for rehabilitation, particularly for first time offenders. The diversion fee represents a modification of our business practice that will allow the prosecutor's office to recoup some of the costs of the program.

A diversion fee of \$50 per case will be imposed upon referral of a defendant to a diversion program. It is projected that this fee will generate revenues of approximately \$15,000 per year. The fee will be collected and deposited into the General Fund.

No additional staffing is required to implement this fee.

The recommendation is to waive reading beyond the titles and (1) adopt an ordinance amending the Glendale City Code by establishing a criminal diversion program fee; and (2) adopt a resolution setting the diversion fee at \$50 per case for cases determined by the City Prosecutor to be appropriate for a diversion program effective October 1, 2009.

**Ordinance No. 2698 New Series was read by number and title only, it being AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE CHAPTER 13, ARTICLE I, SEC. 13-9 BY ADDING A NEW SUBSECTION (e) ESTABLISHING A DIVERSION FEE TO BE COLLECTED BY THE GLENDALE CITY COURT.**

**It was moved by Goulet, and seconded by Clark, to approve Ordinance No. 2698 New Series. Motion carried on a roll call vote, with the following Councilmembers voting "aye": Clark, Goulet, Lieberman, Knaack, Martinez, and Frate. Members voting "nay": none.**

**Resolution No. 4293 New Series was read by number and title only, it A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, SETTING FORTH THE DIVERSION FEE TO BE COLLECTED BY THE GLENDALE CITY COURT; AND ESTABLISHING AN EFFECTIVE DATE.**

**It was moved by Goulet, and seconded by Lieberman, to pass, adopt and approve Resolution No. 4293 New Series. The motion carried unanimously.**

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

**It was moved by Frate and seconded by Clark, to vacate the regularly scheduled City Council Workshop normally scheduled for Tuesday, September 1, 2009. The motion carried unanimously.**

## **MOTION TO EXCUSE MAYOR**

**It was moved by Frate, and seconded by Knaack, to excuse Mayor Scruggs from tonight's Council meeting. The motion carried unanimously.**

## **CITIZEN COMMENTS**

Mr. Paul Jones, a Phoenix resident, read from a prepared statement opposing the Tohono O'odham Nation's Casino. He cited excerpts from the United States Constitution which, in his opinion, refutes claims made by the Tohono O'odham Nation Tribe regarding the development of the casino in Glendale.

## **COUNCIL COMMENTS AND SUGGESTIONS**

Councilmember Lieberman encouraged the public to be careful on the road this upcoming Labor Day weekend since it was one of the most dangerous of the year. He wished everyone a great holiday weekend.

Councilmember Frate mentioned a newspaper article on seven year old Cody Mitchell. He said Cody was holding a book sale to raise money for the Saint Mary's Food Bank. It will be held at the Mitchell's home at 5638 Greenbrier Drive, this Saturday, August 29<sup>th</sup> and Sunday, August 30<sup>th</sup>. Anyone interested in donating books, cash or food, please call 602-843-0370. He noted that August was drowning prevention month and encouraged everyone to watch children around water.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:00 p.m.

Pamela Hanna

Pamela Hanna - City Clerk