



**MINUTES OF THE
GLENDALE CITY COUNCIL MEETING
Council Chambers
5850 West Glendale Avenue
September 08, 2009
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 5 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 AUGUST 25, 2009 CITY COUNCIL MEETING

It was moved by Goulet, and seconded by Clark, to dispense with the reading of the minutes of the August 25, 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.

PROCLAMATIONS AND AWARDS

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

This is a request for City Council to accept the Certificate of Achievement for Excellence in Financial Reporting award for the city's Comprehensive Annual Financial Report (CAFR) for FY 2007-08.

The Government Finance Officers Association of the United States and Canada recently awarded the city with its Certificate of Achievement for Excellence in Financial Reporting for its CAFR for the fiscal year ending June 30, 2008. This award is presented to the city for the twenty-first consecutive year.

Each year, a CAFR is prepared to provide complete, readily available information to Council, citizens and bond-rating agencies. Preparation of a CAFR reflects positively on local government's financial management, as it relates to providing complete public disclosure of its financial condition. It provides valuable information on topics as diverse as debt management and ten-year trends in general government revenues and expenditures.

Mayor Scruggs accepted the Certificate of Achievement for Excellence in Financial Reporting on behalf of the Council. She thanked everyone in the finance department and expressed the Council's appreciation for their hard work.

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 numbers 8 through 12 by number and title.

1. LIQUOR LICENSE NO. 3-1259, CAPRICORN RESTAURANT

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license. Capricorn Restaurant is located at 6522 North 59th Avenue. The Arizona Department of Liquor Licenses and Control application (No. 12078084) was submitted by Angelo Iozzo.

The location of the establishment is 6522 North 59th Avenue and is located within the Ocotillo District. The property is zoned C-2 (General Commercial). The population density within a one-mile radius is 22,396. 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.

Series	Type	Quantity
06	Bar - All Liquor	3
07	Bar - Beer and Wine	3
09	Liquor Store - All Liquor	5
10	Liquor Store - Beer and Wine	12
12	Restaurant	7
14	Private Club	3
	Total	<u>33</u>

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, THE BEAD MUSEUM FUNDRAISER, SEPTEMBER 24, 2009

This is a request for City Council to approve a special event liquor license for the Bead Museum. The event will be held at The Bead Museum located at 5754 West Glenn Drive on Thursday, September 24 from 6:00 p.m. to 10:00 p.m. The purpose of this special event liquor license is a fundraiser, which will take place outside adjacent to the museum.

If this application is approved, the total number of days expended by this applicant will be two 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. SPECIAL EVENT LIQUOR LICENSE, VALLEY OF THE SUN YMCA, GLENDALE-PEORIA YMCA, PRO BEACH VOLLEYBALL EVENT, SEPTEMBER 25-27, 2009

This is a request for City Council to approve a special event liquor license for the Valley of the Sun YMCA, Glendale-Peoria YMCA. The event will be held at Westgate City Center located at 6770 North Sunrise Boulevard, in the parking lot on Friday, September 25 from 10:00 a.m. to 1:00 a.m.; Saturday, September 26 from 9:00 a.m. to 1:00 a.m.; and Sunday, September 27, from 10:00 a.m. to 7:00 p.m. The purpose of this special event liquor license is the Pro Beach Volleyball Event.

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.

4. SPECIAL EVENT LIQUOR LICENSE, SUMMIT BUILDERS CHARITIES, CARDINALS TAILGATE PARTY, SEPTEMBER 27 AND OCTOBER 11, 2009

This is a request for City Council to approve a special event liquor license for the Summit Builders Charities. The event will be held at Westgate City Center located at 6770 North Sunrise Boulevard, in the plaza on Sunday, September 27 from 10:00 a.m. to 5:00 p.m. and on Sunday,

October 11 from 10:00 a.m. to 3:00 p.m. The purpose of this special event liquor license is for a Cardinals football tailgate fundraiser.

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

5. AWARD OF CONTRACT FOR AMERICANS WITH DISABILITIES ACT IMPROVEMENTS TO CITY FACILITIES

This is a request for City Council to award a design build contract to Brignall Construction Co., Inc. for Americans with Disabilities Act (ADA) upgrades to city buildings.

This project is consistent with the Council goal of one community with high quality services for citizens. This goal will be achieved by renovating ten city facilities to comply with ADA requirements.

As part of the ongoing assessment of facilities, Centennial Contractors Enterprises, Inc. surveyed 38 city buildings and park facilities for the city to assess the facilities needs relative to the requirements of the ADA. All city facilities are built to code at the time of construction, but as improvements are made to buildings, upgrades to meet ADA requirements are also made.

The city issued a Request for Qualifications, RFQ-089020, in December 2008 for facilities improvements, of which Brignall Construction was selected from 28 qualified responses. The submitted Statement of Qualifications was reviewed by staff from Field Operations and Engineering Departments. Renovations to several city facilities including the airport, Field Operations center, Cactus pool, Community Center North, Ironwood Pool, Paseo Racquet Center and Thunderbird Paseo Park will be designed and constructed to comply with ADA requirements. Most of the modifications consist of improvements to restroom facilities.

This program will result in greater citizen access and amenities at city buildings and parks by renovating these facilities to meet ADA requirements.

Funds are available in the FY 2009-10 and Capital Improvement Plan. There are no operating costs associated with this project once it is completed.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
	X		X		\$514,474

Account Name, Fund, Account and Line Item Number:

Environmental (ADA Compliance), Account No. 2080-77505-550800, \$514,474

The recommendation is to authorize the City Manager to enter into a Design-Build contract with Brignall Construction Co., Inc. for ADA upgrades to city buildings in an amount not to exceed \$514,474.

6. **PROFESSIONAL SERVICES AGREEMENT WITH GREATER PHOENIX ECONOMIC COUNCIL**

This is a request for City Council to authorize the City Manager to enter into a professional services agreement with the Greater Phoenix Economic Council (GPEC) for FY 2009-10, in the amount of \$91,974. Through this agreement, GPEC will market the city and generate qualified business and industry prospects within targeted economic industries, as well as leverage public and private partnerships to locate such prospects.

This request supports the Council goal of one community with quality economic development. GPEC supports the city by providing prospective business leads to the Economic Development Department.

The city has had a professional services agreement in place with GPEC since 1989. The city's participation reflects regional cooperation which is significant to businesses who are considering a metropolitan area.

The organization promotes the region to a broad variety of national and international companies and generates editorial stories and advertisements in markets we could not otherwise afford. For FY 2008-09, the contracted amount for services with GPEC was \$94,917. This year, GPEC adjusted fees in response to economic conditions for all cities. As a result, this year's fee is less than the amount paid last year and will be \$91,974 for the current fiscal year.

Funds have been appropriated for this purpose for the past 20 years and approved by Council via the annual budget process.

GPEC provides the community the opportunity for greater economic growth by providing prospective leads for new businesses, which ultimately creates more employment opportunities for the citizens.

Funds are available in the FY 2009-10 operating budget of the Economic Development Department.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$91,974

Account Name, Fund, Account and Line Item Number:

Economic Development Operations Account, 1000-16010-518200, \$91,974

The recommendation is to authorize the City Manager to enter into a professional services agreement with the Greater Phoenix Economic Council in the amount of \$91,974, for services which promote the city and generate qualified business and industry prospects, and to leverage public and private partnerships to locate such prospects.

7. COURT SECURITY GUARD SERVICES

This is a request for City Council to award the bid and authorize the City Manager to enter into an Agreement for Court Security Services with Confidential Background Investigations, Inc. dba CBI Security Services.

This request addresses the City Council strategic goals of one community committed to public safety and one community with high quality services for citizens. The Court security guards will continue to provide a safe and secure environment in which to conduct Court business by ensuring all customers entering the Court are screened for any prohibited items, hazardous materials and weapons.

Glendale City Court has used contracted security guard services for approximately 12 years. A team of trained professional uniformed guards is stationed at the security checkpoint located at the main entrance to the Court building. The security guards require all Court customers to pass through metal detectors and place all personal items on a conveyor belt for x-ray screening. During FY 2008-09 nearly 126,000 Court customers were screened by the security guards prior to entering the Court facility.

Materials Management issued a Request for Proposals (RFP) 09-11 to firms experienced in security guard services. The City received 16 offers. An evaluation panel reviewed the proposals and selected five firms as finalists to prepare and present their qualifications. Specific evaluation criteria included costs, capabilities of firm and staff, training, licensing and references. The recommended award is to Confidential Background Investigations, Inc. dba CBI Security Services. The current provider is Maricopa County Superior Court.

With Council approval, the new agreement will begin October 1, 2009 for an initial two-year period. The proposal contains an option clause that will permit the city, with the concurrence of the Contractor, to extend this agreement for four additional years, in one-year increments.

On November 12, 2002, Council adopted Resolution No. 3627, New Series, to enter into an Intergovernmental Agreement with Maricopa County Superior Court to provide security guard services.

Revenue generated from the Court Improvement Fee will fund the Court security guard services. The recommended budgeted amount will pay for these services and accommodate for potential future cost increases, overtime pay and possible expansions in the scope of guard duties.

The price sheet submitted by CBI Security Services is in the amount of \$80,582.40. It also lists the hourly rate for the City's optional pricing request. Funds in the amount of \$89,000 have been budgeted to cover the amount of the bid along with any additional services needed by Glendale City Court.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
			X		\$89,000

Account Name, Fund, Account and Line Item Number:

Court Security, Account No. 1240-10510-518200, \$89,000

The recommendation is to award the bid and authorize the City Manager to enter into an Agreement for Court Security Services with Confidential Background Investigations, Inc. dba CBI Security Services. The City Manager is further authorized, at his discretion and with the concurrence of the Contractor, to extend this agreement for four additional years, in one-year increments.

CONSENT RESOLUTIONS

8. AWARD OF LIBRARY SERVICES AND TECHNOLOGY ACT GRANT

This is a request for the City Council to adopt a resolution authorizing the application and acceptance of a Library Services and Technology Act (LSTA) grant from the Arizona State Library, Archives and Public Records Agency.

This “Glendale Public Library Recession Response” grant would provide funding for Library staff to hold classes aimed at assisting job seekers, those facing bankruptcy and foreclosure and residents dealing with the stress that accompanies these types of situations. Funds will be used to purchase computers to be used in job searching, computer training, applying for unemployment benefits and résumé writing. It will also pay for instructors for topic-related classes, library materials and marketing materials to support the project.

This request supports the Council priority of One Community with High Quality Services for Citizens.

The Library has the opportunity each spring to apply for LSTA grants through the Arizona State Library. Library staff members have observed an increasing number of laid-off workers utilizing the computers to apply for unemployment benefits and to search for job opportunities. There has also been an increase in the circulation of materials regarding résumés, foreclosure and bankruptcy. Staff realized the huge need for additional resources and decided that the most important thing we could do for the community would be to assist our citizens in dealing with the ailing economy, financial meltdown and accompanying job loss.

Approving this grant would allow job seekers to attend computer classes to help in job searching and unemployment-related activities. Library staff will work with community partners to offer a variety of classes on résumé writing, interview tips, online employment searches, money management issues and how to deal with stress.

Grant funding will allow the Main Library to add a dozen new desktop public computers, while the Foothills Branch will purchase ten laptops to be used for job searching and classes.

There is no financial match required for this grant.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X					\$54,882

Recession Response Grant, Account No. 1840-36040, \$54,882

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the application for and acceptance of an LSTA grant from the Arizona State Library, Archives and Public Records Agency.

Resolution No. 4294 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE SUBMISSION AND ACCEPTING THE 2009 LIBRARY SERVICES AND TECHNOLOGY ACT GRANT IN THE AMOUNT OF \$54,882 FROM THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS AGENCY FOR THE “GLENDALE PUBLIC LIBRARY RECESSION RESPONSE” PROJECT AT THE GLENDALE PUBLIC LIBRARIES.

9. ACQUISITION OF PROPERTY FOR GRAND AVENUE IMPROVEMENTS AND PROTECTION OF NORTHERN PARKWAY RIGHT-OF-WAY

This is a request for City Council to adopt a resolution authorizing the City Manager to execute all documents necessary to purchase 3.024 acres from David and Barbara Davies to acquire the Williams Family Trailers property in the amount of \$1,238,490. This property is needed for access control and beautification along Grand Avenue and for right-of-way protection for Northern Parkway.

This request addresses Council’s goals of one community with high quality services for citizens and one community with quality economic development. Acquiring the property contributes to these goals by improving and providing transportation options within the city of Glendale. Additionally, 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.

Two high profile transportation projects in Glendale include the Grand Avenue and the Northern Parkway projects.

The Grand Avenue project provides access control to better manage the growing traffic volumes and to beautification components to upgrade the appearance of this facility through central Glendale. It is a joint project between the City of Glendale and the Arizona Department of Transportation (ADOT). Glendale’s responsibilities include completing the Design Concept Report and the acquisition of right-of-way, and ADOT is responsible for funding design and construction services.

The Northern Parkway is a planned east-west transportation corridor linking Loop 303 in western Glendale to US 60 (Grand Avenue) in central Glendale. The city is actively involved in preserving the corridor from development and has made several land acquisitions when development of property is eminent.

The property targeted for acquisition is located at the junction of these two major transportation projects and will be used to provide ramp and connector road access between the two highways. The Williams Family Trailers business is located on this property, and 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. The cost of remediation of soil contaminants on the property will be shared between the owner and the city.

The property to be acquired is described below:

6548 Northwest Grand Avenue

David L. Davies and Barbara L. Davies, Trustees, owners of the two properties located at the southeast corner of Grand and Northern avenues, will sell approximately 3.024 acres of property for \$1,238,490.

On June 24, 2008, Council approved the General Engineering Consultant contract for the Glendale Onboard (GO) Transportation Program, which included completion of the Northern Parkway Design Concept Report and Grand Avenue improvements.

On October 9, 2007, Council approved the preparation of a Design Concept Report by DMJM Harris for Grand Avenue between 43rd and 71st 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.

Since 2006, Council approved a total of eight property acquisitions for the Northern Parkway and seven property acquisitions for Grand Avenue.

The proposed improvements on Grand Avenue will help improve traffic flow. It will also improve the appearance of Grand Avenue with landscaping, sign upgrades, sidewalks, and under-grounding of utilities. Future construction of the access ramps to Northern Parkway and improved transition from Northern to Grand will ensure a free flow of traffic between these facilities.

The proposed improvements on Grand Avenue and the Northern Parkway have been presented at each of the annual GO Program public meetings since 2003. A separate public meeting was hosted by the ADOT in 2008 to address right-of-way needs, and project timelines for Grand Avenue improvements with local business owners. The Members of the Citizens Transportation Oversight Commission have also reviewed the design concepts for these two projects.

Four general public meetings specifically addressing the Northern Parkway were held in February and July of 2003 and in June and December of 2005. Ten meetings with individual neighborhoods addressing the Northern Parkway were held in January through March of 2006, and there were no concerns relating to this portion of the Grand Avenue and Northern Parkway projects. A future public hearing for Northern Parkway is targeted for September 2009.

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		\$1,238,490

Account Name, Fund, Account and Line Item Number:

Northern Avenue Parkway Preliminary, Account No. 2210-65033-550400, \$1,238,490

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 3.024 acres along Grand Avenue for access control and beautification improvements, and for right-of-way protection for Northern Parkway in the amount of \$1,238,490 plus closing costs.

Resolution No. 4295 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 ACQUISITION OF PROPERTY GENERALLY LOCATED AT 6548 NORTHWEST GRAND AVENUE IN GLENDALE, MARICOPA COUNTY, ARIZONA, FOR GRAND AVENUE IMPROVEMENTS AS PART OF THE GLENDALE ONBOARD TRANSPORTATION PROGRAM; AND DIRECTING THE EXECUTION OF THE REAL PROPERTY PURCHASE AND SALES AGREEMENT AND ANY OTHER DOCUMENTS NECESSARY TO EFFECTUATE SAID PURCHASE.

10. INTERNET CRIMES AGAINST CHILDREN FY 2009-10 GRANT ACCEPTANCE

This is a request for City Council to adopt a resolution allowing the Police Chief to accept an Internet Crimes Against Children (ICAC) grant, funded by the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention Internet Crimes Against Children. The ICAC Task Force is managed by the Phoenix Police Department, which is the primary ICAC grantee.

The acceptance of the ICAC grant addresses the Council goals of one community committed to public safety and a community with high quality services for citizens. Acceptance of this grant will fund equipment and training to enhance the ability of detectives in their investigation of internet crimes against children.

The Police Department assigned a detective to the ICAC Task Force in 2007. This detective conducts forensics analysis of technology used by offenders and works out of a Department of Public Safety (DPS) location, where the forensic computer section of the ICAC task force is located. It is imperative that the detective have adequate up-to-date equipment and advanced training to keep up with offenders, who frequently use the most up-to-date system and software available.

This grant will allow the department to replace two forensic computer systems; one PC operating system and one MAC operating system both of which will be used strictly for forensic analysis. The grant also will cover the tuition for training to allow the detective to become a Certified Forensic Computer Examiner. This is the most commonly nationally recognized court standard that will allow the admission of expert testimony to aid prosecution.

The training and updated equipment will enhance the detective’s ability to identify, obtain and successfully admit evidence into court to support adjudication of offenders who have victimized Glendale residents.

There is no financial match required for this funding. The technology equipment will be excluded from the city’s technology replacement fund since it will strictly be used for the ICAC task force and will not be connected to the city’s network. The Police Department will absorb all future operating and replacement costs through RICO, as required.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X					\$10,700

Account Name, Fund, Account and Line Item Number:

A specific account will be established in Fund 1840, the city’s grant fund, once the grant agreements are accepted.

The recommendation is to waive reading beyond the title and adopt a resolution allowing the Police Chief to accept and administer an Internet Crimes Against Children grant in the amount of \$10,700.

Resolution No. 4296 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ACCEPTING THE CRIMES AGAINST CHILDREN GRANT OFFER IN THE AMOUNT OF \$10,700 FUNDED BY THE UNITED STATES DEPARTMENT OF JUSTICE AND MANAGED BY THE PHOENIX POLICE DEPARTMENT ON BEHALF OF THE GLENDALE POLICE DEPARTMENT.

11. ACCEPTANCE OF FY 2009-10 GRANT FUNDING FROM THE GOVERNOR’S OFFICE OF HIGHWAY SAFETY

This is a request for City Council to adopt a resolution authorizing the City Manager to accept an additional FY 2009-10 Governor’s Office of Highway Safety (GOHS) *Click It or Ticket* grant in the amount of \$30,000.

This request supports the Council strategic goal of one community committed to public safety for citizens by providing the Police Department a means to focus on seat belt/car seat enforcement.

This grant award will support the Police Department by providing overtime funding for personnel during the grant period between September 26, 2009 and September 24, 2010. This will allow the department to increase the number of hours officers dedicate specifically to seat belt and car seat enforcement.

On February 10, 2009 Council approved acceptance of grant funding from the GOHS in the amount of \$15,000 for the *Click It or Ticket* program. This grant will be in addition to those funds.

This grant will benefit the Glendale community and the citizens by allowing the Police Department to provide additional hours of police officer patrol time dedicated to enforcing seat belt violations. Worn correctly, seat belts can significantly reduce the risk of fatal injury. High visibility enforcement of seat belt laws, like the *Click It or Ticket* program, has been effective in raising the awareness and the importance of seat belt and car seat usage.

There is no financial match required for this grant.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X					\$30,000

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 agreements are accepted.

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to accept and administer an additional FY 2009-10 Governor’s Office of Highway Safety *Click It or Ticket* grant in the amount of \$30,000.

Resolution No. 4297 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 FY 2009-10 GRANT FUNDING FROM THE GOVERNOR’S OFFICE OF HIGHWAY SAFETY FOR THE *CLICK IT OR TICKET* PROGRAM BY THE GLENDALE POLICE DEPARTMENT.

12. RATIFICATION OF A PIPELINE LICENSE WITH BNSF RAILWAY COMPANY

This is a request for City Council to adopt a resolution ratifying the entering into of a pipeline license with BNSF Railway Company for the installation, operation, and maintenance of a water pipeline under its railway; located along the rail corridor at or near Northern and Grand avenues.

This project is consistent with the Council goal of one community with high quality services for Glendale residents. This is part of the Oasis Groundwater Treatment Plant which provides additional water capacity to the overall water supply infrastructure to meet the city’s water demands.

The City of Glendale plans to install a pipeline as part of the Oasis Plant under the BNSF Railway. In order to install and operate the pipeline, the city must enter into a contract with the BNSF Railway as stipulated in the license agreement.

Funds are available in the FY 2009-10 and Capital Improvement Plan. The operating costs associated with this contract are minimal and will be absorbed by the Utilities Department operating budget. The total cost of \$3,500 includes a one-time cost of \$2,500 for the pipeline license and \$1,000 for a Licensor’s Blanket Railroad Protective Liability Insurance Policy.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
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	X		X		\$3,500
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Account Name, Fund, Account and Line Item Number:

Zn4 Groundwater Trtment Plant, Account No. 2400-61036-551200, \$3,500

The recommendation is to waive reading beyond the title and adopt a resolution ratifying the entering into of a pipeline license with BNSF Railway Company for the installation, operation, and maintenance of a water pipeline; located along the rail corridor at or near Northern and Grand avenues; in an amount not to exceed \$3,500.

Resolution No. 4298 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 RATIFYING THE ENTERING INTO OF A PIPELINE LICENSE WITH BNSF RAILWAY COMPANY TO PLACE A WATER PIPELINE ACROSS OR ALONG THE RAIL CORRIDOR AT OR NEAR NORTHERN AND GRAND AVENUES IN THE CITY OF GLENDALE.

Ms. Ricki Ray, Chairman of the Persons with Disabilities Commission, commented on Agenda Item 5. She stated she was there representing the Persons with Disabilities Commission. She explained that for most people this agenda item was not very important, however, for persons with disability issues, it means a great deal to renovate facilities and parks for the disabled. She indicated this project was consistent with the Council goal of one community with high quality services for citizens. This is in spite of the economic times facing everyone today. She thanked the field operations department for heading up the project. She also thanked the efforts of all city staff, which went beyond the items on submitted on paper.

Mr. Leonard Clark, a Phoenix resident, asked to comment on Agenda Items 5, 6, 8, 9, and 11. He thanked the Council for their support of the Persons with Disabilities Act. He said this was not a partisan issue, but helps the image of Glendale and other cities. He voiced his support of the other items and thanked the Council for their great leadership and having Glendale lead the way on important issues.

It was moved by Frate and seconded by Knaack, to approve the recommended actions on Consent Agenda Item Nos. 1 through 12, including the approval and adoption of Resolution No. 4294 New Series, Resolution No. 4295 New Series, Resolution No. 4296 New Series, Resolution No. 4297 New Series, and Resolution No. 4298; and to forward Liquor License Application No. 3-1259 for the Capricorn Restaurant, Special Event Liquor License Application for the Bead Museum Fundraiser on September 24, 2009, and the Special Event Liquor License for the Valley of the Sun YMCA, Glendale-Peoria YMCA, Pro Beach Volleyball Event September 25-27, 2009 and the Special Event Liquor License for the Summit Builders Charities Cardinals Tailgate Party September 27 and October 11, 2009 to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.

PUBLIC HEARING – ORDINANCES

13. REZONING APPLICATION ZON08-24 (ORDINANCE): WEST GLENDALE INDUSTRIAL – 11748 WEST GLENDALE AVENUE (PUBLIC HEARING REQUIRED)

This is a request by Snell and Wilmer, LLC for City Council to rezone 20 acres from A-1 (Agricultural) to M-2 (Heavy Industrial). The property is located on the north side of Glendale Avenue, approximately 1,300 feet west of the 115th Avenue alignment.

This rezoning application supports the Council goal of creating one community with quality economic development by creating additional opportunity for industrial development that is compatible with adjacent land uses.

The applicant requests to rezone 20 acres of the 35-acre total project site. Fifteen of the 35 acres are currently zoned M-2. The property was a former gravel extraction pit. Currently, a private inert landfill (construction debris only) operates on the site as a means of filling the pit. The landfill is expected to operate three to five years prior to ceasing operation. It is anticipated that the pit will be filled to capacity at that time.

The Planning Commission recommended approval of the rezoning request at their meeting on May 7, 2009.

The rezoning of a portion of West Glendale Industrial will create a single, consistent zoning district over the entire site and will facilitate the future development of the site for industrial land uses.

A public notice for the City Council public hearing was published in *The Glendale Star* on August 20, 2009, and the property was posted on August 21, 2009. Notification postcards were mailed to adjacent property owners and interested parties on August 21, 2009.

The recommendation is to conduct a public hearing, waive reading beyond the title, and adopt an ordinance for rezoning application ZON08-24, subject to the stipulations as recommended by the Planning Commission.

Ordinance No. 2699 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 11748 WEST GLENDALE AVENUE FROM A-1 (AGRICULTURAL) TO M-2 (HEAVY INDUSTRIAL); AMENDING THE ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Scruggs opened the public hearing on Agenda Item No. 13. As there were no comments, Mayor Scruggs closed the public hearing.

It was moved by Clark, and seconded by Lieberman, to approve Ordinance No. 2699 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 Lieberman, to hold a City Council Workshop at 1:30 p.m. in Room B-3 of the City Council Chambers on Tuesday, September 15, 2009, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried unanimously.

CITIZEN COMMENTS

Mr. Ken Jones, an Ocotillo resident, commented on the offer of \$50 million to move the Coyotes from Glendale. He explained this could be a better alternative than any of the others offered. He stated the city could invest the \$50 million over 30 years and grow that investment, while continuing to book the arena for concerts and other events. He asked the Council to seriously consider this offer that could possibly turn this issue into something salvageable.

Mr. Leonard Clark, a Phoenix resident, stated is a former Glendale resident and was hoping to come back soon. He explained how Mr. Marty Robbins, a famous musician born and raised in Glendale, was a big part of Glendale’s heritage. He suggested they raise money to create some sort of memorial or museum dedicated to him and to bring in tourist dollars. He said there were many people who remember him and liked his music. He thanked the Council for their time.

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Clark commented on the opinion piece by Mr. Grady Gammage, attorney for the Tohono O’odham Nation. She said she had been very disturbed by the mistruths and misinformation she read. She stated she was compelled to send a response which was published in the in the Arizona Republic on September 5, 2009. She read her published response to Mr. Gammage’s opinion article.

Councilmember Lieberman reminded everyone that “Gain Night” was only three weeks away. He stated he is offering to defray cost of any parties held in his district. Please call his office for more information. On November 7, 2009, Glendale’s Coalition will host an event to support our Veterans starting at 9:00 a.m. The event will be held at the Water Plaza in Westgate from 9:00 a.m. to 5:00 p.m. He encouraged everyone to attend.

Councilmember Frate provided an update on Cody Mitchell, a 7 year old, who decided to help the needy. He said Cody donated \$878.00 dollars and 750 pounds of food from his book sale. This will provide approximately 7,000 meals for the food bank. He also remarked on a citizen comment from the August 11, 2009 meeting regarding the purchase of vision assistance software for the vision impaired by Glendale libraries. He reported the library had been testing the product and ordering it. Additionally, they ordered communication software which help people who are completely blind. He thanked the library department for their innovative and prompt thinking. He reminded everyone to watch children around water and shared the story of a recent infant drowning.

Councilmember Knaack thanked Chief Conrad and the department for the Click It or Ticket program grant. She stated she was a big advocate of wearing seatbelts, especially for children and car seats. This grant will benefit the Glendale community and the citizens by allowing the Police Department to provide additional hours of police officer patrol time dedicated to enforcing seat belt violations. She stated that when worn correctly, seat belts can significantly reduce the risk of fatal injury.

ADJOURNMENT

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

Pamela Hanna
Pamela Hanna - City Clerk