



**MINUTES OF THE  
GLENDALE CITY COUNCIL MEETING  
Council Chambers  
5850 West Glendale Avenue  
January 25, 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, H. Philip Lieberman and Manuel D. Martinez.

Also present were Ed Beasley, City Manager; Horatio Skeete, Assistant City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk.

Mayor Scruggs welcomed members of the Civil Air Patrol of the United States Air Force Auxiliary present at the meeting. She also welcomed Representative Jerry Weiers and his wife to the meeting.

**COMPLIANCE WITH ARTICLE VII, SECTION 6(c) OF THE GLENDALE CHARTER**

A statement was filed by the City Clerk that the 7 resolutions and 4 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 DECEMBER 14, 2010 AND JANUARY 11, 2011 CITY COUNCIL MEETINGS**

It was moved by Martinez, and seconded by Knaack, to dispense with the reading of the minutes of the December 14, 2010, as each member of the Council had been provided copies in advance, and approve them as written: and, not to consider the January 11, 2011 Regular City Council meetings at this time. The motion carried unanimously.

**BOARDS, COMMISSIONS AND OTHER BODIES**

**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 Mayor to administer the Oath of Office to those appointees in attendance.

			<b>Effective</b>	<b>Expiration</b>
<b><u>Citizens Advisory Commission on Neighborhoods</u></b>				
Arneida Miller	Barrel	Appointment	01/25/2011	06/30/2011
<b><u>Citizens Bicycle Advisory Committee</u></b>				
Garrett Simpson	Barrel	Appointment	01/25/2011	01/16/2013
<b><u>Glendale Municipal Property Corporation</u></b>				
Leland Peterson – Chair	Cactus	Reappointment	01/25/2011	12/01/2011
<b><u>Judicial Selection Advisory Board</u></b>				
Jerry Berntsen	Barrel	Reappointment	04/23/2011	04/23/2014
Jerry Berntsen – Chair	Barrel	Reappointment	01/25/2011	11/29/2011
Terrance Mead – Vice Chair	Sahuaro	Appointment	01/25/2011	11/29/2011
<b><u>Personnel Board</u></b>				
Richard Westby	Mayoral	Reappointment	01/25/2011	01/23/2013

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

Councilmember Clark, Chairperson of the Government Services Committee, presented the list of appointees.

It was moved by Frate and seconded by Martinez to approve the appointments as presented. 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.**

Mayor Scruggs requested Item No. 8 be heard separately and noted that there was a citizen request to speak on it.

Councilmember Lieberman requested Item No. 14 be heard separately.

1. WINE FESTIVAL LICENSES, KOKOPELLI WINERY

This is a request for City Council to approve two wine festival licenses for Kokopelli Winery. The events will be held in downtown Glendale at 58<sup>th</sup> Avenue and Glenn Drive. The purpose of

these wine festival licenses is for Kokopelli Winery to participate in the Glendale Chocolate Affaire February 4-6, and Glendale Jazz & Blues Festival April 9 and 10, 2011.

If these licenses are approved, the total number expended by this applicant will be 4 of the allowed 25 licenses per calendar year and 9 of the allowed 75 days per calendar year. Under the provisions of A.R.S. § 4-203.03, the Arizona Department of Liquor Licenses and Control may issue a wine festival license only if the Council recommends approval of such license.

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.

## 2. SPECIAL EVENT LIQUOR LICENSE, ST. RAPHAEL CATHOLIC CHURCH

This is a request for City Council to approve a special event liquor license for St. Raphael Catholic Church. The event will be held at St. Raphael Catholic Church inside Hibner Hall located at 5525 West Acoma Road on Saturday, February 12, 2011, from 6:30 p.m. to 10 p.m. The purpose of this special event liquor license is for a fundraiser.

If this application is approved, the total number of days expended by this applicant will be one 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. LIQUOR LICENSE NO. 3-1323, PIZZA HUT #26974

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license for Pizza Hut #26974 located at 5825 West Bell Road. The Arizona Department of Liquor Licenses and Control application (No. 12078564) was submitted by Theresa June Morse.

The location of the establishment is 5825 West Bell Road in the Sahuaro District. The property is zoned C-2 (General Commercial). The population density within a one-mile radius is 12,489. This series 12 is a new 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.

<b>Series</b>	<b>Type</b>	<b>Quantity</b>
06	Bar - All Liquor	7
07	Bar - Beer and Wine	3
09	Liquor Store - All Liquor	3
10	Liquor Store - Beer and Wine	4
12	Restaurant	19
	<b>Total</b>	<b>36</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. LIQUOR LICENSE NO. 3-1324, PIZZA HUT #26990

This is a request for City Council to approve a person-to-person transferable series 7 (Bar - Beer and Wine) license for Pizza Hut #26990 located at 8860 North 43<sup>rd</sup> Avenue. The Arizona Department of Liquor Licenses and Control application (No. 07070142) was submitted by Theresa June Morse.

The location of the establishment is 8860 North 43<sup>rd</sup> Avenue in the Cactus District. The property is zoned C-2 (General Commercial). The population density within a one-mile radius is 21,514. This series 7 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.

<b>Series</b>	<b>Type</b>	<b>Quantity</b>
06	Bar - All Liquor	8
07	Bar - Beer and Wine	2
09	Liquor Store - All Liquor	4
10	Liquor Store - Beer and Wine	8
12	Restaurant	9
	<b>Total</b>	<b>31</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.

5. LIQUOR LICENSE NO. 3-1325, AJ'S

This is a request for City Council to approve a location-to-location transferable series 7 (Bar - Beer and Wine) license for AJ's located at 20050 North 67<sup>th</sup> Avenue. The Arizona Department of Liquor Licenses and Control application (No. 07070287) was submitted by Michael Joseph Basha.

The location of the establishment is 20050 North 67<sup>th</sup> Avenue in the Cholla District. The property is zoned C-2 (General Commercial). The population density within a one-mile radius is 18,954. AJ’s is currently operating with a series 9 license, which they plan to keep and add the location-to-location transferable series 7 license to this location, 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	1
07	Bar - Beer and Wine	2
09	Liquor Store - All Liquor	4
10	Liquor Store - Beer and Wine	2
12	Restaurant	12
14	Private Club	1
	<b>Total</b>	<u>22</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.

6. LIQUOR LICENSE NO. 3-1326, MAMA GINA'S PIZZERIA

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license for Mama Gina's Pizzeria located at 9380 West Westgate Boulevard. The Arizona Department of Liquor Licenses and Control application (No. 12078592) was submitted by Sami N. Khanisho.

The location of the establishment is 9380 West Westgate Boulevard in the Yucca District. The property is zoned PAD (Planned Area Development). The population density within a one-mile

radius is 5,765. 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>
03	Domestic Micro - Brewery	1
06	Bar - All Liquor	7
07	Bar - Beer and Wine	4
10	Liquor Store - Beer and Wine	2
11	Hotel/Motel	1
12	Restaurant	12
	<b>Total</b>	<b>27</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.

7. LIQUOR LICENSE NO. 3-1327, OUTBACK STEAKHOUSE

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license for Outback Steakhouse located at 5605 West Bell Road. The Arizona Department of Liquor Licenses and Control application (No. 12078590) was submitted by Randy D. Nations.

The location of the establishment is 5605 West Bell Road in the Sahuaro District. The property is zoned PAD (Planned Area Development). The population density within a one-mile radius is 11,925. This series 12 is a new 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.

<b>Series</b>	<b>Type</b>	<b>Quantity</b>
06	Bar - All Liquor	6
07	Bar - Beer and Wine	3
09	Liquor Store - All Liquor	3
10	Liquor Store - Beer and Wine	4
12	Restaurant	20
	<b>Total</b>	<b>36</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.

#### 9. AWARD OF CONSTRUCTION CONTRACT FOR O'NEIL PARK IMPROVEMENTS

This is a request for City Council to award the bid and authorize the City Manager to enter into a construction agreement with Gothic Landscaping, Inc., for O'Neil Park improvements in an amount not to exceed \$139,159.73.

This project addresses Council's goals of one community with strong neighborhoods and one community with high-quality services for citizens by leveraging grant monies to enhance O'Neil Park.

O'Neil Park is an 11-acre community park that features active (football, soccer, softball, picnic and playground) recreation amenities that were developed in 1961. Due to high use and the overall age of the park, an assessment was completed to prioritize improvements to the park's existing amenities and infrastructure. The assessment focused on landscaping, lighting, irrigation, drainage, sports fields and accessibility.

Based on demand for use of park amenities and the long-term benefits to Glendale residents, the proposed improvements to the park focus on the renovation of the irrigation system, creation of a defined and managed sports field including a new grass football field, bleachers, electronic score board, fencing to enclose the football field and path lighting, as well as accessibility and pedestrian connectivity to and around the sports field. Operating and maintenance costs will be reduced as a result of more efficient irrigation and lighting systems.

The opportunity to bid was advertised in November 2010. Twelve bids were received in response to the advertisement. An evaluation of the bids by Parks and Recreation and Engineering staff determined that Gothic Landscaping, Inc. was the lowest and qualified responsible bidder.

In May 2010, Council approved a resolution to accept and administer a grant in the amount of \$100,000 awarded by the Arizona Sports and Tourism Authority (AZSTA). In June 2009, the city entered into agreement with Arizona Youth Football Federation – Pop Warner and the Local Initiatives Support Corporation (LISC) to receive a grant in the amount of \$70,000. In November 2008, staff engaged IAS Laboratories to conduct an extensive soils analysis of turf area in O'Neil Park.

O'Neil Park is a popular and heavily used park. The improvements to the sports field, including fencing, will allow for a new multi-purpose field resulting in new programming opportunities, cost savings, and revenue generating opportunities, including a wider variety of football and soccer activities. Various portions of the park, such as the picnic areas and sports fields,

generate income and the proposed improvements will attract additional local and regional athletic events, increase league and tournament participation, improve visitor accessibility to the sports fields and reduce operating and maintenance costs.

Staff presented the information to the Parks and Recreation Advisory Commission at its September 13, 2010 meeting. During spring 2010, staff provided informational flyers to residents using the O’Neil Park Recreation Center, along with door-to-door visits and telephone calls. Feedback from the residents was positive and all supported the prospects of having a revitalized park.

Funding is available through two grants: the LISC grant and the AZSTA grant. There are no additional operating and maintenance expenses associated with this project.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X					\$139,159.73

<p><b><u>Account Name, Fund, Account and Line Item Number:</u></b>  LISC Grant, Account No. 1840-35017-518200, \$39,159.73  AZSTA Grant, Account No. 1840-35018-518200, \$100,000</p>
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The recommendation is to award the bid and authorize the City Manager to enter into a construction agreement with Gothic Landscaping, Inc., for O’Neil Park improvements in an amount not to exceed \$139,159.73.

**10. AWARD OF BID FOR FIRE STATION BAY EXHAUST REMOVAL SYSTEM**

This is a request for City Council to award the bid and authorize the City Manager to enter into a construction agreement with DCS Solutions LLC dba Magne Grip South for the purchase and installation of hoseless exhaust removal systems to aid air purification in six Glendale fire stations in an amount not to exceed \$155,094. The remaining three fire stations already utilize hoseless exhaust removal systems.

This request supports Council’s goal of one community committed to public safety by continuing to provide healthy air quality levels at Glendale fire stations.

In the early 1990’s, the Fire Department equipped all of its fire station apparatus bays with fixed-hose exhaust collection systems to capture and remove diesel fumes emitted from the tailpipes of fire engines as they exit and return to the stations.

The fixed hose systems now require frequent repairs and lack the flexibility to attach to every type of vehicle in the department fleet. The department’s fixed-hose exhaust capture systems will be replaced with the hoseless exhaust removal systems that are more efficient and effective. The automatic hoseless, air filtration units will be installed at the following six fire stations: Station 152 (68<sup>th</sup> Avenue and Bethany Home Road); Station 153 (59<sup>th</sup> Avenue and Thunderbird Road); Station 154 (43<sup>rd</sup> Avenue and Peoria Avenue); Station 155 (62<sup>nd</sup> Avenue and Union Hills



Road); Station 156 (67<sup>th</sup> Avenue and Deer Valley Road) and Station 157 (59<sup>th</sup> Avenue and Mountain View Road).

The Engineering Department solicited bids and four offers were received. DCS Solutions LLC dba Magne Grip South was the lowest responsive and qualified bidder.

On August 31, 2010, Council approved the acceptance of the 2009 Assistance to Firefighters Grant from the Federal Emergency Management Agency in the amount of \$161,604.

This project will benefit the community by continuing to ensure healthy air quality and protecting the health of firefighters and station visitors at Glendale fire stations.

The costs associated with this project are contained within the Assistance to Firefighters Grant from the Federal Emergency Management Agency. The operating and maintenance costs are minimal and will be absorbed by the Fire Department’s operating budget.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X					\$155,094

<b><u>Account Name, Fund, Account and Line Item Number:</u></b> 2009 Assistance to Firefighter, Account No. 1840-34065-518200, \$155,094
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The recommendation is to award the bid and authorize the City Manager to enter into a construction agreement with DCS Solutions LLC dba Magne Grip South for the purchase and installation of hoseless exhaust removal systems to aid air purification in six Glendale fire stations in an amount not to exceed \$155,094.

**CONSENT RESOLUTIONS**

**11. MARICOPA COUNTY COMMUNITY WILDFIRE PROTECTION PLAN**

This is a request for City Council to adopt a resolution adopting the Maricopa County Community Wildfire Protection Plan.

This request supports Council’s goal of one community committed to public safety by providing a county-wide wildfire protection plan to protect communities from wildfire risks.

The Maricopa County Community Wildfire Protection Plan (CWPP) was developed in response to the Healthy Forest Restoration Act of 2003 for the at-risk communities and unincorporated areas in Maricopa County. According to the plan, risk areas in Glendale include Thunderbird Conservation Park and parts of the city’s western area.

Currently there are a number of communities in the West Valley cooperating with the plan including Phoenix, Buckeye, El Mirage, Goodyear, Litchfield Park, Peoria, Surprise, Tolleson,

Youngtown, Avondale, Wickenburg, Sun City and Sun City West. These, and other communities across Maricopa County, are in various stages of adopting the plan.

On October 26, 2010, Council adopted the Maricopa County Multi-Jurisdictional Hazard Mitigation Plan which contains a specific section on wildfire danger and references the CWPP.

The CWPP benefits our community by assisting the Glendale Fire Department to identify at-risk public and private lands and to better protect these lands from wildfire threat. Based upon adoption of the plan, the City of Glendale will be eligible for federal and other grant funds to implement wildland fire mitigation projects and programs.

The recommendation is to waive reading beyond the title and adopt a resolution adopting the Maricopa County Community Wildfire Protection Plan.

**Resolution No. 4448 New Series was read by number and title only, it being A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ADOPTING THE MARICOPA COUNTY COMMUNITY WILDFIRE PROTECTION PLAN FOR THE CITY OF GLENDALE.**

**12. INTERGOVERNMENTAL AGREEMENT WITH THE FIRE DISTRICT OF SUN CITY WEST**

This is a request for City Council to adopt a resolution authorizing the City Manager to enter into an intergovernmental agreement with the Fire District of Sun City West for the dedicated aircraft and team known as Helicopter Air-Medical and Logistics Operations (HALO) which responds to pre-hospital air medical transport needs in Glendale and other West Valley cities.

This item addresses Council's goal of one community committed to public safety through standardized pre-hospital care from the scene of an incident to the emergency room.

The mission of the HALO team is to provide air medical treatment for pre-hospital patient transport requirements. The team is comprised of firefighter paramedics from the cities of Glendale and Surprise that provide support for other West Valley communities via the automatic aide system. The team consists of two experienced fire paramedics per shift matching the current fire department schedule of 24 hours on and 48 hours off.

On May 27, 2008, Council approved the intergovernmental agreement with the cities of Surprise and Avondale for the HALO project.

Air medical transport provides the rapid transport of patients to the appropriate hospital facility and level of care. The primary responsibility of the HALO team is to build on the immediate care provided by Emergency Medical Services and Fire Department personnel and then movement of the patient promptly to the receiving facility.

Other direct benefits to Glendale include: (a) City of Glendale emergency medical personnel stationed on site at the Glendale Airport twenty-four hours a day, seven days a week; (b) an aerial platform from which to assist in the management of greater alarm incidents in the region.

Petroleum Helicopters Incorporated (PHI) will pay \$751,491 annually for the staffing of six full time flight paramedics to the City of Glendale Fire Department. The amount of the contract with PHI will increase by 5% each year on the anniversary of the contract. Glendale Fire will subcontract with each of the participating coalition agencies for costs associated with a firefighter paramedic position. Participating coalition agencies will be responsible for any overtime associated with the back fill of their positions. All costs associated with this IGA are budgeted within the Air-Med Logistics Operations Division.

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 Fire District of Sun City West for the dedicated aircraft and team known as Helicopter Air-Medical and Logistics Operations.

**Resolution No. 4449 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 AN INTERGOVERNMENTAL AGREEMENT WITH THE FIRE DISTRICT OF SUN CITY WEST TO SUPPORT THE HELICOPTER AIR-MEDICAL LOGISTICS OPERATIONS (H.A.L.O.) HELICOPTER PROGRAM.**

### 13. ACCEPTANCE OF STOP VIOLENCE AGAINST WOMEN GRANT

This is a request for City Council to adopt a resolution authorizing the City Manager to accept a STOP Violence Against Women grant in the approximate amount of \$68,558 from the Arizona Governor's Office for Children, Youth, and Families.

This grant supports Council's goal of providing high-quality services for citizens by improving response to victims of violence through collaborative, multi-disciplinary training which will be provided with support from this grant funding.

Funding from this grant will be used to offer a two-day statewide Crimes Against Women Training Conference. This training effort will be developed to attract participants from a variety of disciplines including law enforcement officers, judges, court personnel, prosecutors, victim advocates, and related community agencies. The event will be held in late fall at the Glendale Civic Center. The grant will also fund one part-time contract position to support the coordination of this event.

On May 26, 2009, and February 9, 2010, Council accepted STOP Violence Against Women grants from the Arizona Governor's Office for Children, Youth, and Families. This grant is a renewal of the original 2009 grant for the 2011 calendar year.

The 25% match of in-kind contributions has been met by the commitment of existing personnel in time and efforts toward planning and curriculum development.

Grants	Capital Expense	One-Time Cost	Budgeted	Unbudgeted	Total
X					\$68,558

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

A specific project account will be established in Fund 1840, 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 accept a STOP Violence Against Women grant in the approximate amount of \$68,558 from the Arizona Governor’s Office for Children, Youth, and Families.

**Resolution No. 4450 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 A “STOP VIOLENCE AGAINST WOMEN” GRANT OFFER IN THE APPROXIMATE AMOUNT OF \$68,558 FROM THE ARIZONA GOVERNOR’S OFFICE FOR CHILDREN, YOUTH AND FAMILIES BY THE GLENDALE POLICE DEPARTMENT.**

**It was moved by Frate and seconded by Martinez, to approve the recommended actions on Consent Agenda Item Nos. 1 through 7 and 9 through 13, including the approval and adoption of Resolution No. 4448, New Series, Resolution No. 4449 New Series, Resolution No. 4450 New Series; and to forward Wine Festival Licenses for Kokopelli Winery, Special Event Liquor License Application for St. Raphael Catholic Church and Liquor License Application No. 3-1323 for Pizza Hut #26974, No. 3-1324 for Pizza Hut #26990, No. 3-1325 for AJ’s, No. 3-1326 for Mama Gina’s Pizzeria, and 3-1327 for Outback Steakhouse to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion carried unanimously.**

**8. LIQUOR LICENSE NO. 3-1328, BETTY'S NOSH**

Ms. Susan Matousek, Revenue Administrator, presented this item

This is a request for City Council to approve a new, non-transferable series 12 (Restaurant) license for Betty's Nosh located at 6685 West Beardsley Road, Suite 180. The Arizona Department of Liquor Licenses and Control application (No. 12078602) was submitted by Justin Robert Davis.

The location of the establishment is 6685 West Beardsley Road, Suite 180, in the Cholla District. The property is zoned C-2 (General Commercial). The population density within a one-mile radius is 18,901. 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	1
07	Bar - Beer and Wine	2
09	Liquor Store - All Liquor	3
10	Liquor Store - Beer and Wine	2
12	Restaurant	13
14	Private Club	1
	<b>Total</b>	<b>22</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.

Ms. Matousek the protests included 3 protest letters, one signed by 4 citizens received within the 20 day posting period. The citizens' specifically raised two concerns regarding another restaurant located in this complex. The first concern was odors coming from the dumpsters. Although the city does not provide the commercial sanitation services to this site, staff from the sanitation department has met with Ms. Buck previously on several occasions to assist with her concerns. Ms. Matousek noted staff worked with this other restaurant in the complex to exchange the grease trap to a newer style and recommended more frequent cleanings, as well as odor control treatment. Staff also arranged to have the two dumpsters replaced with new ones and emptied more frequently.

Ms. Matousek stated most recently, staff as well as the owner of Betty's Nosh, Mr. Davis met with Ms. Buck and Mr. Lipscomb on December 28<sup>th</sup> to discuss their concerns. Following this meeting, staff provided Ms. Buck with a contact number for the County's Environmental Services Department to file odor complaints. On December 30<sup>th</sup> Mr. Davis hand delivered a letter to Ms. Buck, which stated that his restaurant will use dumpsters to the north to dispose of their garbage

Staff has and continues to work with Ms. Buck to assist with a resolution to the odor issues.

Ms. Matousek said the second of their concerns was noise after 10 p.m. Recently, staff from the Police Department contacted Ms. Buck to discuss her issues and encouraged her to contact them in the future if needed.

Ms. Matousek stated although these concerns may be legitimate neighborhood concerns, they are unrelated to this liquor license application before you this evening; therefore, it is staff's recommendation to forward this application to the Az Department of Liquor Licenses & Control with a recommendation of approval.

Mayor Scruggs asked if the Glendale police department's worksheet Council received was for the entire complex. Ms. Susan Matousek, Revenue Administrator, stated she was correct. She indicated there had been only one call for service for the location in question, the rest were for the entire complex over a five year span.

Ms. Carol Buck, a Cholla resident, stated she was a citizen who once thought the democratic process still existed and believed she could still do something about situations in her neighborhood. However, after hearing staff's summary tonight, she feels she has not been taken seriously. She explained her calls to the police are now not considered emergencies. She noted her campaign to stop odors from the commercial dumpster behind her house was based on facts. Additionally, she believed more care should be taken when approving city developments and zoning in the area and dumpsters should be placed far away from residential property lines. She explained the dumpster in question was right behind her back wall property with no buffer, therefore, she can smell and hear it being emptied after 10:00 p. m. at night. She voiced her concerns regarding restaurants in the area and how they dispose of their garbage and grease, especially Oggi's Pizza. She noted that during the summer months, the smell was so bad she called the police to investigate for a possible dead body. She remarked it was her understanding that efforts have been made to clean up the dumpster area and its enclosure; however, she still has some concerns once the summer months begin. She stated she has been deprived of her sleep and the enjoyment of her backyard. She only asks that the businesses in the strip mall be good neighbors and respect the property owners on the other side of the fence. She asked that this application be denied.

Mr. Justin Davis, Managing Partner for Betty's Nosh, stated he met with Ms. Buck personally, along with two representatives at her home to address her concerns. He explained the meetings were positive and assured Ms. Buck that they will treat her with respect and dignity as they work through all her issues. He added it was their intent to be good neighbors. Since taking over the center, they have made significant changes to the sanitation issues discussed. They have incorporated new trash bins and a new grease container that is smaller and emptied more frequently. Additionally, they will continue to address complaints and concerns from all neighbors. Their goal is to have a successful business of which Glendale will be proud. He assured Ms. Buck that no bottles will be thrown out at night because of the noise and Betty's Nosh will use the north trash container instead of the bin behind Ms. Buck home.

Mayor Scruggs asked Mr. Davis if he was part of the management company for that center. Mr. Davis responded yes. Mayor Scruggs asked if he was in the position to address the issues regarding Oggi's Pizza. Mr. Davis noted he has met with representatives from Oggi's Pizza and has increased trash pickup to three times a week, as well as added a new grease container. He stated their management goal is to address and correct any issues that occur with the center. He added these were issues they had inherited from the previous owners and are now trying to correct.

Councilmember Martinez asked Mr. Davis how often the grease trap was serviced before new management took over. Mr. Davis stated the trap was serviced every three months and now the service occurs once every three weeks in addition to installing a smaller container.

Councilmember Martinez indicated that he visited the site and noted the dumpster area has been cleaned up. He also noticed the trash had been disposed of properly in sealed trash bags.

Councilmember Martinez commented that Mr. Davis had informed him of his meetings with Ms. Buck to address concerns pertaining to the center. He indicated he had been aware of odor issues pertaining to the center in the past. He believes that with the new ownership and their awareness of the problems, things will improve greatly. He thanked Mr. Davis for all he has done so far in trying to get these issues resolved.

Mayor Scruggs remarked it was her understanding that sanitation was not handled by the city of Glendale, but handled by a private sanitation provider. Mr. Davis stated she was correct. Mayor Scruggs asked if the offending restaurant was aware of these issues and working towards a solution. Mr. Davis replied yes.

Councilmember Clark remarked that these issues were unrelated to the issuances of a liquor license; however, appreciates Ms. Buck bringing forward her concerns and her attempt to resolve them. She asked Mr. Davis if they had the ability to regulate a more appropriate time to collect trash. Mr. Davis believes the pickup occurred at 5:00 a.m. and will change that to a more suitable time. Councilmember Clark commended Mr. Davis for being sensitive and receptive to the neighborhood's concerns and for his willingness to address those concerns.

Councilmember Clark also remarked on the speed racing issue and the possibility of adding more speed humps. Mr. Davis explained this was the first time he had heard about the speed racing in the area. He indicated they were going through great efforts to clean up the center and have succeeded in many areas. However, it was a progression and they are still in the process in trying to get the center to where they want it to be. He will look into adding additional speed humps where needed.

Mayor Scruggs suggested Mr. Davis speak to the Planning Department first before putting in any speed humps since there were many traffic issues involved in that center.

Vice Mayor Frate asked if Ms. Buck had the property manager's number to voice any additional concerns. Mr. Davis stated he had given her his cell phone number at their first meeting. Vice Mayor Frate thanked Mr. Davis and added these issues will not affect their decision for the issuances of this liquor license. He commended Ms. Buck for attending tonight's meeting and expressing her concerns. He was glad the issues were being addressed and rectified.

Mayor Scruggs remarked she was glad new management had taken over a center that has needed some help for some time.

**It was moved by Clark and seconded by Knaack, to forward Liquor License No. 3-1328, Betty's Nosh to the State of Arizona Department of Liquor Licenses and Control, with the recommendation for approval. The motion passed unanimously.**

#### **14. ARENA MIXED-USE DEVELOPMENT AND PARKING AGREEMENTS**

Mr. Jim Colson, Deputy City Manager presented this item.

This is a request for City Council to adopt a resolution authorizing the City Manager to enter into a First Amendment to the Mixed-Use Development Agreement with Coyote Center Development, LLC (CCD); Glendale-101 Development, LLC; and Arena Development, LLC; and an Amended and Restated Agreement for the Replacement of Temporary Parking with Coyote Center Development, LLC.

This request supports Council's goal of one community with quality economic development by encouraging new development in the Sports and Entertainment District that has been economic catalyst in bringing major national events to Glendale. New businesses and employers have been attracted to the area as well as residents, visitors and tourists patronizing nearby hotels, restaurants and shops.

In 2001, the Mayor and City Council entered into an Arena Development Agreement, an Arena Management and Use Agreement (AMULA), and a Mixed-Use Development Agreement (MUDA). The purpose of these actions was to create a high-quality major economic center in Glendale, consisting of offices, hotels, entertainment, retail and restaurants.

The city-owned Jobing.com Arena is recognized as one of the top venues for hockey and concerts in the United States. The arena anchors the city's largest mixed-use development and includes restaurants, hotels, entertainment facilities and offices at Westgate. As a result of the Council's strategic investment, the city's Sports and Entertainment District has transitioned from a primarily agricultural setting to a premier destination point for residents and tourists. Land values have increased from an initial starting point of approximately \$2 per square foot to a peak, prior to the economic downturn, of \$16.50 per square foot. Current land values are estimated to be up to \$10 per square foot.

Approval of this action will address potential issues created as a result of the Phoenix Coyotes bankruptcy and certain real estate and development transactions, encouraging incremental economic development and affirm parking improvement requirements to support the arena.

In the past, Council approved multiple arena-related agreements including a Memorandum of Understanding (MOU) for Development of Hockey Arena Site (April, 2001), Arena Development Agreement (November, 2001), Arena Management and Use Agreement (November, 2001), and Mixed-Use Development Agreement (November, 2001).

In November 2005, the city entered into a Temporary Parking Agreement permitting CCD to provide temporary replacement parking for the Jobing.com Arena in lieu of permanent replacement parking as required by the MUDA in support of CCD's development of residential units on Lots 7 and 14A. The Temporary Parking License Agreement expired in November 2008. The agreement provided for CCD to deposit \$25 million into an escrow account to construct a permanent parking structure for the replacement parking of 1,440 spaces.

On June 24, 2008, Council entered into an Agreement for the Replacement of Temporary Parking with Coyote Center Development, LLC, (CCD), and other parties, providing for temporary parking for the arena and outlines plans to construct a permanent parking structure on Lot 8 with deposited escrow funds.



Section three of the amended MUDA provides for an equal distribution of the \$25 million parking disbursement fund. The city will receive \$12.5 million (plus an equal portion of interest earned) of the parking disbursement account that is being held in escrow. There are no limitations on how these funds will be used.

The recommendation is to waive reading beyond the title and adopt a resolution authorizing the City Manager to enter into a First Amendment to the Mixed-Use Development Agreement with Coyote Center Development, LLC (CCD); Glendale-101 Development, LLC; and Arena Development, LLC; and an Amended and Restated Agreement for the Replacement of Temporary Parking with Coyote Center Development, LLC.

**Resolution No. 4451 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 EXECUTION AND DELIVERY OF THE FOLLOWING DOCUMENTS: (1) FIRST AMENDMENT TO MIXED-USE DEVELOPMENT AGREEMENT WITH COYOTE CENTER DEVELOPMENT, LLC; GLENDALE-101 DEVELOPMENT, LLC; AND ARENA DEVELOPMENT, LLC; AND (2) AMENDED AND RESTATED AGREEMENT FOR THE REPLACEMENT OF TEMPORARY PARKING WITH COYOTE CENTER DEVELOPMENT, LLC; AND DIRECTING THAT THE DOCUMENTS BE RECORDED.**

Councilmember Lieberman commented on the apparent land swapping pertaining to this project. He asked for clarification on the fountains parallel to Glendale Avenue. Mr. Colson clarified there was no land swapping occurring, but recognition of certain covenant rights on certain parcels. He stated in answer to his question, on lot 4, on the south side of Glendale Avenue, there is a right of CCD to purchase from the city the rights to develop those parcels. Additionally, any development on that parcel would need to be brought before the city; consistent with the existing PAD on site and the city would have approval over the developments that would occur there. Councilmember Lieberman asked how this affected the 5,500 parking spaces the city was in the process of obtaining. Mr. Colson explained that the 5,500 parking spaces were vital and critical to the continuing operation of the arena. This parking lot, both in the temporary agreement and in the permanent parking agreement that will result at the end of the temporary agreement, will ensure the city has the capacity to meet those parking requirements. Councilmember Lieberman noted the \$12.5 million could be used for anything and there was no commitment in the agreement on how to use the \$12.5 million. Mr. Colson explained that as far as this agreement was concerned, it was important to establish both for the city's purposes and for the bank, there was no specific obligation that was created for the use of those funds.

Councilmember Alvarez asked how much this agreement will cost the tax payers. Mr. Colson stated there was no cost to the city at this point. Mr. Colson further stated that it was not possible to project what the costs of future parking would be.

Councilmember Alvarez asked to comment on this issue. She stated this project has caused a lot of controversy within the city. She indicated tax payers have been very vocal about water

increases, funding cuts, reduction in programs and employee furloughs. She remarked that because of these issues, she cannot support any type of spending, even if it might be occurring in the future.

Mayor Scruggs asked to comment on this issue. She explained that at this point, the city was bringing \$12.5 million into the city. However, anytime the city does anything for its citizens, there is future expense. She explained if they were to build a new library, park or city program, there would be future expense. She remarked that in this particular instance, there has been a lot of misrepresentation as to what the city was doing. She noted that the Council collectively voted to move forward, so there would be a future for the City of Glendale. She explained if that area were to have only homes, the city would only have more people to serve as opposed to a project that brings in revenue to the city and its residents. She stated the city has the opportunity to secure half of \$25 million that never belonged to the city in the first place and never had a claim to. The money had been set aside to build a parking garage, which is not needed at the moment. She noted while she understands Councilmember Alvarez was here to prevent any money from being spent in the sports and entertainment district, she feels obligated to say this is an action that will bring money into Glendale that can be used for real needs. She reiterated that there was nothing the city does for its citizens that does not come with a cost to be paid on an ongoing basis.

Councilmember Clark commented that Westgate did provide the city with the opportunity for economic development, which she supports. However, she would like to remind everyone that there were at least 2,000 apartment units in the Westgate area and therefore, the need for amenities in west Glendale were needed.

Mayor Scruggs agreed with Councilmember Clark's comment. She remarked that at the moment, there were a lot of communities in the west valley who have had their opportunities for retail and commercial activities disappear, such as in the case of Surprise and Goodyear's development plans. She explained the importance of balancing future planning and having residential developments along with commercial activities in order to be successful and provide revenue for the area. She explained that by planning for the future with projects such as this one, it allows them to work together to assist in the vibrancy and strength of an area for those parts of the city that do not have the same earning potential.

Councilmember Clark commented on the differences in the Westgate and Arrowhead Mall agreements. She explained the Westgate agreement dedicates the sales tax revenue to pay off the arena bonds and help pay off the baseball spring training facility bonds. In regards to the Arrowhead Mall agreement, the city was able to have the opportunity to capture a large percentage of the sales tax for city amenities. She explained they did not have the same opportunity in west Glendale that was afforded to the Arrowhead area.

Mayor Scruggs stated 55% of the sales tax that is garnered at Arrowhead Mall goes directly to pay for the infrastructure. She noted not all the money went to north Glendale. She indicated that revenue from the mall enabled them to start the neighborhood partnership programs as well as other city amenities.

Councilmember Alvarez stated she agreed with Mayor Scruggs' comments. However, she was still waiting for some of those amenities to come to the Ocotillo District. She noted the district was still old Glendale. She remarked that when the city has money to spend; she was all for spending it. However, currently she is being told the city does not have any money, which makes it very hard for her to vote for projects that spend money. She will not support this project since she did not clearly understand how much the city was spending.

Mayor Scruggs asked Mr. Beasley to further explain the project.

Mr. Ed Beasley, City Manager, explained the revenue source will go to pay off the area that was contemplated by the full Council when they adopted Northern Crossing. He noted that without Northern Crossing, there was no arena.

Mr. Colson explained the city was receiving \$12.5 million out of the parking disbursement funds. There is no expense to the city contained anywhere within this agreement. He added that the temporary parking agreement is in place for at least seven years and parking requirements will be impacted by the substantial number of development transactions that will need to occur to make any structured parking necessary. However, at this point, it is not possible to state what the specific requirements will be or cost.

Councilmember Clark stated the agreements tonight had no direct relationship to any future need whether it's seven or ten years down the road as development occurs in Westgate for structure parking. Mr. Colson stated she was correct. Councilmember Clark remarked this was found money, and the city has found a creative way to work out a solution with the interested parties so that some of those dollars became Glendale's money.

Councilmember Knaack asked if they would lose the \$12.5 million if they did not vote to approve this project. Mr. Colson explained that the surest understanding of the future would be to move forward with this project.

Mr. Beasley commented that there were several different opportunities which exist beyond today in regards to this project. He reiterated this project did not cost the tax payers any money. However, if the city decides to not take the money, it will not be available next week, because the opportunity would be lost.

Councilmember Alvarez reiterated her position about using the funds to help the people who need assistance, not to a developer. She noted it was her understanding that these funds can be used for youth programs or possibly getting rid of the furloughs.

Councilmember Clark asked Mr. Colson if this project also gave Glendale the opportunity to creatively work on developing these lots on what is essentially city owned property. Mr. Colson stated she was correct and added that in the agreement, it addressed three particular parcels of land and removes developments rights from CCD and provides the city access to those lands for development purposes. Councilmember Clark remarked that essentially the city receives \$12.5 million and is also provided the availability for land development in the future. Mr. Colson stated she was correct.

Councilmember Lieberman stated his concerns about the city paying for the next parking structure in the future. He discussed the financial issues regarding Arrowhead Mall. He thanked Mr. Colson for his presentation and for staff's ability to negotiate for the \$12.5 million. He stated he appreciated Councilmember Alvarez's comments on using these funds for city amenities. He also agrees that he would not like to see these funds used for sporting events or debt service. He asked counsel if he could make an amendment to limit where the money might be spent.

Mr. Craig Tindall, City Attorney, explained these were agreements between the private parties and the city. Additionally, this was also a budgetary matter that would fall internal to the city and those decisions should be made at another time. Mayor Scruggs asked Mr. Tindall if the city was being told how to use the \$12.5 million. Mr. Tindall replied no.

Vice Mayor Frate commented that this money will not be used for ongoing programs. He indicated this money will probably be used to reduce debt. Mr. Beasley reiterated that there were no strings attached to the money. He noted the city had several processes that have to take place before any money is spent. He added that in no way has this money been dedicated to a certain source or been part of any agreement.

Councilmember Clark remarked she had a different understanding of the no limitation clause in the agreement than both Councilmembers Lieberman and Alvarez. She explained her understanding was that during budget time, there would have been competing interests as to how to dispose of the \$12.5 million.

**It was moved by Lieberman and seconded by Clark to approve Resolution No. 4451, New Series. Councilmembers voting "aye": Clark, Knaack, Martinez, Frate, and Scruggs. Members voting "nay": Alvarez and Lieberman.**

## **PUBLIC HEARING - LAND DEVELOPMENT ACTIONS**

### **15. GENERAL PLAN AMENDMENT APPLICATIONS GPA09-04 (RESOLUTION); GPA09-05 (RESOLUTION) AND REZONING APPLICATION ZON09-06 (ORDINANCE): CROSSINGS AT ARROWHEAD – 8195 WEST BEARDSLEY ROAD (PUBLIC HEARING REQUIRED)**

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

This is a request for City Council to conduct a public hearing and adopt two resolutions amending the General Plan Land Use Map. This is also a request to adopt an ordinance approving the rezoning of approximately 54 acres. The property is located at the southwest corner of the Loop 101 Freeway and West Beardsley Road.

The proposed General Plan Amendments and Rezoning are consistent with Council's goal of one community with quality economic development by combining several large and small parcels into a cohesive master planned development. These approvals will encourage infill development to take advantage of existing infrastructure.

A 4.6 acre portion of the property was recently annexed into Glendale. Annexation No. 184, South Crossings at Arrowhead was approved by Council on March 9, 2010. The Maricopa County Board of Supervisors ratified the City of Glendale annexation, and the simultaneous deannexation by the City of Peoria on October 20, 2010.

These requests will amend the General Plan Land Use Map from High Density Residential, Low Density Residential and Parks and Open Space to Corporate Commerce Center and approve a rezone from Agricultural, Single Residence Planned Residential Development, Multiple Residence and Planned Area Development to Planned Area Development to allow for a mixed use project titled Crossings at Arrowhead. The development plan consists of commercial, office, hotel, retail, and/or multi-family uses. The proposed requests to change from the listed categories are appropriate for the site and are compatible with the surrounding land use designations. The development will have unified architecture, landscaping, and signage to maintain a consistent project theme.

The Planning Commission unanimously recommended approval of GPA09-04; GPA09-05, and ZON09-06 on April 1, 2010.

These applications will encourage infill development that takes advantage of the infrastructure improvements along the Loop 101 Freeway and West Beardsley Road.

A public notice for the City Council hearing was published in *The Glendale Star* on January 6, 2011. Informational postcards were mailed to adjacent property owners and individuals on Glendale's Citywide Interested Parties List on January 7, 2011. The property was posted on January 7, 2011. There were no comments expressed through the Citizen Participation process.

The recommendation is to conduct a public hearing, waive reading beyond the titles, and adopt two resolutions for GPA09-04 and GPA09-05, and an ordinance for rezoning application ZON09-06, subject to the stipulations as recommended by the Planning Commission.

Vice Mayor Frate commented that staff had done an exemplary job of putting this application together. He stated staff did a great job of taking underdeveloped land, and making it an attractive and very desirable land along the 101. This development will be a good addition for the surrounding area neighborhoods.

Councilmember Knaack agreed this was an odd piece of land to have developed. She explained that just recently, they had allowed for the de-annexation and the annexation with Peoria which allowed for this project to happen. She commended everyone for the great work done on this project.

Councilmember Martinez agreed this was a great project. He stated this project takes away the high density and believes it will become a great addition for the future.

**Mayor Scruggs opened the public hearing on Agenda Item No. 15. As there were no comments, Mayor Scruggs closed the public hearing.**

**Resolution No. 4452 New Series was read by number and title only, it being AMENDING THE GENERAL PLAN MAP OF THE CITY OF GLENDALE, ARIZONA, BY APPROVING GENERAL PLAN AMENDMENT GPA09-04 FOR PROPERTY LOCATED AT 8195 WEST BEARDSLEY ROAD.**

**Resolution No. 4453 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 GPA09-05 FOR PROPERTY LOCATED AT 8195 WEST BEARDSLEY ROAD.**

**It was moved by Martinez, and seconded by Lieberman to adopt Resolution No. 4452 New Series and Resolution No. 4453 New Series. The motion passed unanimously.**

**Ordinance No. 2759 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 FROM A-1 (AGRICULTURAL), R1-6 PRD (SINGLE RESIDENCE PLANNED RESIDENTIAL DEVELOPMENT), R-4 (MULTIPLE RESIDENCE) AND PAD (PLANNED AREA DEVELOPMENT) TO PAD FOR DEVELOPMENT PLAN TITLED “CROSSINGS AT ARROWHEAD” LOCATED AT 8195 WEST BEARDSLEY ROAD; AMENDING THE ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.**

**It was moved by Martinez, and seconded by Frate, to approve Ordinance No. 2759 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Alvarez, Clark, Lieberman, Knaack, Martinez, Frate, and Scruggs. Members voting “nay”: none.**

**16. GENERAL PLAN AMENDMENT GPA10-02 (RESOLUTION) AND REZONING APPLICATION ZON10-03 (ORDINANCE): CENTRADA NORTE – 6252 NORTH 91<sup>ST</sup> AVENUE (PUBLIC HEARING REQUIRED)**

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

This is a request for City Council to conduct a public hearing and adopt a resolution amending the General Plan Land Use Map from Corporate Commerce Center to Entertainment Mixed Use. This is also a request to adopt an ordinance approving the rezoning of approximately 24.5 acres from Agricultural to Planned Area Development. The property is located at the southwest corner of 91<sup>st</sup> and Maryland Avenues.

The proposed general plan amendment and rezoning are consistent with the General Plan objective of a quality economic development project for the city. Approval of this request will position the city for continued economic vitality in the Sports and Entertainment District.

These requests will amend the General Plan Land Use Map and approve a Planned Area Development to allow for a mixed use project titled Centrada Norte. The development plan consists of office, hotel, retail, and residential land uses. The proposed request to change from the category Corporate Commerce Center to Entertainment Mixed Use is appropriate for the site and is compatible with the surrounding land use designations. The development will have unified architecture, landscaping, and signage to maintain a consistent project theme.

The Planning Commission unanimously recommended approval of GPA10-02, and ZON10-03 on November 18, 2010.

The project will allow continued growth in the city's Sports and Entertainment District and substantially contribute to a strong, self-sustaining office, hotel, retail, and residential core 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 January 6, 2011 and the property was posted on January 10, 2011. Informational postcards were mailed to 776 property owners and interested parties on January 7, 2011.

Three individuals spoke at the Planning Commission public hearing on November 18, 2010. All three speakers were in support of the project.

The recommendation is to conduct a public hearing, waive reading beyond the titles and adopt a resolution for General Plan Amendment GPA10-02, and an ordinance for rezoning application ZON10-03 subject to the stipulations as recommended by the Planning Commission, and as modified by staff.

Councilmember Clark stated she was glad to see this project finally move forward. She said this completes the last puzzle piece for the Westgate area. She added that this project has also benefited the city because it had created a resolution for the issue of 93<sup>rd</sup> Avenue. She explained 93<sup>rd</sup> Avenue will now be a connector from the Westgate area and will also relieve traffic issues during major events which had been desperately needed. Additionally, she was glad the applicant intended to develop this area as a localized shopping center since it was greatly needed.

Mr. Nick Wood, applicant's representative with Snell and Wilmer, stated that Ms. Pendergast was here tonight as well as two of the siblings. He explained it was very important to the Pendergast family that they reached out to the citizens to the east. He explained they had only been required to reach out to property owners within 300 feet of the site; however, they had done so to 776 property owners that went beyond a ½ mile. As a result, they had several meetings with the neighborhoods as well as phone calls and emails. Since those meetings, there have been several changes made in height, landscape and the orientation and design of the buildings. Therefore, because of the efforts of city staff and the Pendergast family, they are bringing something forth that is very special and adds to the sports and entertainment district.

Mayor Scruggs remarked on the relationships regarding apartments and use developments and if they aid or take from the area. She stated that in regards to this project, 60 percent of the developable land will be apartments. She asked for Mr. Wood to expand on the relationship of

people living in an area where they are trying to raise revenues through retail uses as well as having businesses come in and bring employment in the area. Mr. Wood explained the vision that has occurred for the sports and entertainment district. He noted this was a dynamic urban core and when finished, it will accommodate a significant amount of employment, residential and retail. The idea is the people who live in the area will not only live there, but stay there to work and spend money.

**Mayor Scruggs opened the public hearing on Agenda Item No. 16.**

Mr. Herb Haley, a Yucca resident, stated that over the years there have been a lot of proposals dealing with the Westgate area. He remarked this proposal was special because of the outreach that has been extended by the Pendergast family and the number of meetings that took place to address issues and concerns. He added this outreach has been greatly appreciated by the community. He indicated he was glad the developers listened to their concerns and made the appropriate changes. He believes the Pendergast family wanted to leave something special behind that the neighbors could look back on and appreciate. He asked that the Council support this application.

Mr. Walt Aydlett, a Glendale resident, stated he had attended several of the developer's meetings. He appreciated the way the community was listened to and how easy it was to work with and talk to them. He stated his support of this application and believes it will be a great addition to the community. He noted there had been a suggestion to name one of the streets in the development after the Pendergast family. He encouraged the Council to consider this request.

Councilmember Alvarez thanked Mr. Froke and Mr. Wood for all their help and patience in helping her understand this issue.

**Mayor Scruggs closed the public hearing.**

**Resolution No. 4454 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 GPA10-02 FOR PROPERTY LOCATED AT 6252 NORTH 91<sup>st</sup> AVENUE.**

**It was moved by Clark, and seconded by Lieberman, to pass, adopt and approve Resolution No. 4454 New Series. The motion carried unanimously.**

**Ordinance No. 2760 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 FROM A-1 (AGRICULTURAL) TO PAD (PLANNED AREA DEVELOPMENT) FOR DEVELOPMENT PLAN TITLED "CENTRADA NORTE" LOCATED AT 6252 NORTH 91<sup>st</sup>; AMENDING THE ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.**



**It was moved by Clark, and seconded by Lieberman, to approve Ordinance No. 2760 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Alvarez, Clark, Lieberman, Knaack, Martinez, Frate, and Scruggs. Members voting “nay”: none.**

## **ORDINANCES**

### **17. MASTER LEASE AGREEMENT FOR GLENDALE MUNICIPAL AIRPORT TERMINAL BUILDING OFFICES**

Judy Skeen, Airport Administrator, presented this item.

This is a request for the City Council to adopt an ordinance approving a new master lease agreement for the Glendale Municipal Airport Terminal building offices.

This master lease agreement supports Council’s goal of one community that is fiscally sound. Standardizing a terminal building office lease agreement provides for tenants to pay a pro rata portion of common area costs.

This new lease agreement incorporates additional Federal Aviation Administration (FAA) language, as well as comments provided by Risk Management, the City Attorney’s Office, and airport administration, to be consistent with current business practices.

Council previously approved the master lease for the Glendale Municipal Airport Terminal building offices on May 27, 2008.

Businesses interested in leasing space at the terminal building will be provided with clear, consistent, and specific agreements that delineate the responsibilities of the city and the tenant.

On August 11, 2010, the Aviation Advisory Commission reviewed the revised language and approved sending the new master lease agreement forward to Council for consideration.

The recommendation is to waive reading beyond the title and adopt an ordinance authorizing the City Manager to execute all documents necessary for future Glendale Municipal Airport Terminal building office leases that use the approved master lease agreement.

Councilmember Clark congratulated Representative Weiers on the approval of this ordinance. Council has been aware of how long they have waited for this application to move forward and was glad and delighted it was finally occurring.

Vice Mayor Frate thanked them for choosing Glendale for their hangar. He also commended the cadets attending tonight’s meeting.

**Ordinance No. 2761 New Series was read by number and title only, it being AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, APPROVING A MASTER AIRPORT TERMINAL OFFICE LEASE AGREEMENT FOR USE BY THE GLENDALE MUNICIPAL AIRPORT.**

**It was moved by Knaack, and seconded by Martinez, to approve Ordinance No. 2761 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Alvarez, Clark, Lieberman, Knaack, Martinez, Frate, and Scruggs. Members voting “nay”: none.**

**18. LEASE AGREEMENT – CIVIL AIR PATROL**

Judy Skeen, Airport Administrator, presented this item.

This is a request for City Council to adopt an ordinance authorizing the City Manager to enter into an Airport Lease Agreement (ground and hangar lease) with the Civil Air Patrol.

This lease agreement supports Council’s goal of one community with an active partnership with Luke Air Force Base by continuing to create opportunities to strengthen the connection and shared experiences with Luke Air Force Base leadership. This hangar facility will accommodate the Civil Air Patrol seniors and cadets in supporting their search and rescue missions.

The Civil Air Patrol has an aircraft that is based on the ramp and have been holding their meetings in the terminal building utilizing the lobby and conference room. The growth of the Civil Air Patrol membership and requirement to house their aircraft has necessitated that they seek a permanent hangar. The State of Arizona has awarded the Civil Air Patrol a grant for such a facility.

The lease term is for a period of 20 years with one successive 20-year option. The lease incorporates construction to be completed within six months of the start of construction.

The annual lease rate will be \$12.00 as allowed by the Federal Aviation Administration (FAA) Compliance manual Order 5190.6B, Part V, Chapter 17.16.a, Exception for Not-for-Profit Aviation Organizations.

Council has previously approved land leases for the development of hangar facilities on January 23, 2007 and June 24, 2008.

Adequate aviation facilities are important in meeting the needs of the Civil Air Patrol to further their mission to perform emergency services, aerospace education for youths and the general public, and cadet programs for teenagers. Civil Air Patrol recently has been tasked with homeland security and courier service missions.

The Aviation Advisory Commission reviewed the Civil Air patrol’s lease and voted unanimously on August 11, 2010 in support to recommend to Council approval of the lease agreement.

The recommendation is to waive reading beyond the title and adopt an ordinance authorizing the City Manager to enter into an Airport Lease Agreement with the Civil Air Patrol.

**Ordinance No. 2762 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 CITY MANAGER AND**

**CITY CLERK TO EXECUTE AN AIRPORT LEASE AGREEMENT (GROUND AND HANGAR LEASE) AT THE GLENDALE MUNICIPAL AIRPORT WITH THE CIVIL AIR PATROL.**

It was moved by Clark, and seconded by Lieberman, to approve Ordinance No. 2762 New Series. Motion carried on a roll call vote, with the following Councilmembers voting “aye”: Alvarez, Clark, Lieberman, Knaack, Martinez, Frate, and Scruggs. Members voting “nay”: none.

**REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION**

It was moved by Frate, and seconded by Knaack, to hold a City Council Workshop at 1:30 p.m. in Room B-3 of the City Council Chambers on Tuesday, February 1, 2011, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried unanimously.

**CITIZEN COMMENTS**

Mr. George Ferenc, a Barrel resident, read from a prepared statement regarding his assertion that his civil rights were being violated due to events which occurred in Las Vegas. He asked the Council for a letter.

Mr. Arthur L. Thurston, a Cactus resident, stated he appreciated Ms. Buck’s courage in coming before the Council and stating her concerns. He discussed the issue regarding the Goldwater Institute and the Coyotes. He remarked on how the news was full of someone requesting information from the city on this matter. He did not understand why the city was not making this information available in a proper and timely manner. He hopes the city reconsiders and makes that information accessible. He stated his opposition to the newly adopted Coyote deal and believes they could have done much better. He would have like their decision to have benefited the citizens of Glendale and not an out-of-town billionaire. He also commented on the issue of the casino and how most people supported the development. He believes the casino would be a great addition to Glendale and a great way to collect revenue that is now going to Scottsdale and casinos in other areas of town. He asked that the Council stop speaking for all of Glendale when expressing their opposition to the casino because he believes most people are in favor of it. He suggested the city have a referendum to find out what the majority of Glendale citizens really support.

**COUNCIL COMMENTS AND SUGGESTIONS**

Vice Mayor Frate reminded everyone to watch children around water.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:00 p.m.

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Pamela Hanna  
Pamela Hanna - City Clerk