



**MINUTES OF THE
GLENDALE CITY COUNCIL SPECIAL MEETING
Council Chambers
5850 West Glendale Avenue
July 15, 2014
1:30 p.m.**

One or more members of the City Council may be unable to attend the Council Special Meeting in person and may participate telephonically, pursuant to A.R.S. § 38-431(4).

The meeting was called to order by Mayor Jerry P. Weiers. Vice Mayor Yvonne J. Knaack and the following Councilmembers were present: Norma S. Alvarez, Samuel U. Chavira, Ian Hugh, Manuel D. Martinez and Gary D. Sherwood.

Also present were Julie Frisoni, Acting City Manager; Jennifer Campbell, Assistant City Manager; Michael Bailey, City Attorney; and Pamela Hanna, City Clerk

Mayor Weiers called for the Pledge of Allegiance followed by a Moment of Silence.

NEW BUSINESS

1. DISCUSSION, UPDATE AND POSSIBLE ACTION RELATED TO PROPERTY LOCATED AT APPROXIMATELY 91ST AND NORTHERN AVENUES AND THE TOHONO O'ODHAM NATION'S APPLICATION FOR TRANSFER OF THE LAND INTO TRUST FOR THE BENEFIT OF THE TOHONO O'ODHAM NATION

PRESENTED BY: Brent Stoddard, Intergovernmental Programs Director

Mr. Stoddard said on July 9, 2014, City staff were notified that a hearing would be held on July 23rd, titled Indian Gaming, the Next 25 Years. He said the hearing is in response to a request from Senator McCain and Senator Flake to discuss the national gaming law known as the Federal Indian Gaming Regulatory Act, or IGRA. He explained in more detail the format of this hearing. He said no action would be taken at the hearing and it was for information only. He said this committee is also the committee where HR 1410 has been referred to. He said the committee has not taken any action on the bill since it was referred to them. Mr. Stoddard explained this committee meeting is not a hearing on HR 1410. He explained the city's opposition to HR 1410.

Councilmember Sherwood asked about the four options. He asked Mr. Stoddard to summarize the four options.

Mr. Stoddard said the committee schedule has not been finalized at this time. There could be three or possibly four panels during the committee meeting. He said the panels were federal, tribal and a discussion on off-reservation gaming.

Mr. Bailey provided information to help frame the discussion. He reminded the Council to keep any discussions from an e-session confidential. He explained the two resolutions that currently exist. Resolution 4246 is in opposition to the land being taken into trust. He explained the land has been taken into trust. He said this resolution also addresses the land being used for gaming and said the Council will need to address that as well. The last section of Resolution 4246 is in regard to Council providing direction to city staff. Resolution 4783 is in regard to HB 1410 and the city's opposition to HB 1410. He said there may be some conflict between the two resolutions and said this is Council's opportunity to resolve those discrepancies. He went over Council's operating rules in regard to their discussions.

Councilmember Chavira said the city has to make an attempt to change the resolutions in favor of the recent federal rulings. He said the people in the audience today represented the jobs that will be created. He said the city is moving forward to take care of the citizens and employees of this city. Councilmember Chavira asked if he could make a motion now.

Mr. Bailey said it was the Councilmember's prerogative to make a motion as he saw fit.

Councilmember Chavira said he would wait to have further discussion, if there is any.

Councilmember Sherwood said this issue has been discussed in e-session since November and in August they will make public the fact finding and negotiations that has been completed. He said the intent of the meeting today was to solidify the city's position pending the Senate committee hearing. He said they wanted to put two items out for consideration. The first item was to draft a resolution rescinding the Council's position on Resolution 4246 and to approve gaming on land at that location. He said if they do not act on that today, they will show they are not in approval of having gaming on that land. He said they want to show they are in support of that. The second item was to say that Glendale is in support of the west valley resort and casino. He said they are not approving it and have not seen the final results of the negotiations.

Councilmember Alvarez said they have been discussing this for years. She said she agreed on Resolution 4246 and on Resolution 4283, the opposition, she said supporting is not enough. She said they need to remove the opposition. She said they have put the Tohono O'Odham (TO) Nation through a lot and the city has been stalling. She said they need to vote and not only support, but rescind the opposition today.

Councilmember Martinez did not agree they should rescind Resolution 4246. He said the decision has been made by the court that the land can be taken into trust, however, as part of the resolution the city passed, it also said they are opposed to gaming on the property. He said it was taken into trust, but the second question is the gaming portion and Mr. Stoddard alluded to that in his comments. He reminded everyone that there are still two lawsuits that are pending. One by the state and one by the Gila River Indian Community on gaming. He said that

was also in the resolution. He said he did not see the point in rescinding it because it is obvious that part of what was intended is no longer valid because it has been taken into trust. He said that has happened, but the next questions is whether there will be a casino there. He said that is the question the city is faced with. He said there is still opposition to that and there are lawsuits. He wanted to remind everyone that they have been through this so many times and he didn't want to repeat how all this came about. He read one of the questions at the time the vote was going to be taken prior to the election for Proposition 202. He said one of the campaign materials for Proposition 202, developed in consultation with the Tohono O'odham Nation who helped fund and lead the campaign explicitly told voters as much, The question was: "Does Proposition 202 limit the number of tribal casinos in Arizona? The answer was: "Yes, in fact Proposition 202 limits the number and proximity of facilities each tribe may operate under Proposition 202. There will be no new additional facilities authorized in Phoenix and only one additional facility permitted in Tucson."

Councilmember Martinez said he read a couple of newspaper articles and there was a poll taken about whether it was time to start turning dirt and building a casino. He said although he hoped it never happened, he said it may eventually happen. He said there is still a lot of time before this comes to pass, if it ever does, because of the pending lawsuits. He said it was premature to rescind that Resolution the Council had passed.

Mayor Weiers opened the item for public comment.

An e-mail from Ms. Michele Tennyson to the Glendale City Council expressing her opposition "...to anything which paves the way for a casino to be built within our city limits" was entered into the record.

Jim Kieffer, a Barrel resident, said he focused on the education part of this. He said as principal of Glendale High School, one of his goals was to create as many business partnerships as possible, which included the Cardinals Football, the Chamber of Commerce and others. He said if he was the principal of Kellis High School, he would be seeking these kinds of partnerships as well. He sees the casino as an opportunity, not just for the schools, but for the community. He said it is difficult for elected officials to change their positions. He said the ability to change positions is one of the benefits of democracy. He thanked the Council for their dedication to the city.

Israel Torres, a Tempe resident, requested the support of the Council to bring the casino to Glendale. He spoke on behalf of several labor unions and asked Council to bring jobs to Glendale. He said these jobs will bring prosperity to all of Glendale. He said it was time for the west valley resort and casino.

Lauren Tolmachoff, a Cholla resident, said she supports the casino and said the community supports this project. She said the city cannot just count the casino jobs as benefit to the city. There will be many more jobs created from the casino. She said the trickle-down effect of the casino will be more jobs and possible completion of the city's sports and entertainment district.

Arthur Thruston, a Cactus resident, said the city has seen a lot of darkness. He spoke about some Councilmember's opposition to the casino. He said the casino will help the city and surrounding area. He said if they lose and the casino is built, the city needs to support and back it as much as they can. He said it is time to open up the west side of Glendale and move forward.

Gary Deardorff, a Cholla resident, said the people he has spoken to in the community do not want anything to do with the casino. He said he expects the Council to do everything they can to oppose the casino. He spoke about the opposition to the casino from the governor and mayors of other cities. He asked the Council to vote for better long term interests for the city.

Randy Miller, a Barrel resident, said the city wanted the Cardinals, Coyotes and Camelback Ranch and all have ended up being a burden to the city. He asked the Council to look and see if the casino is everything it is cracked up to be. He said he doesn't know what the casino is and doesn't have an opinion yet. He said Council should ask for more information.

Jaime Aldama, an Ocotillo resident, said he is in support of the casino and it was time the city supported the casino as well. He said the audience at the meeting displayed the workforce the casino project would require. Putting people to work will create a stronger city.

Councilmember Sherwood said the City Attorney would have to create a resolution and said there were two items in the resolution and asked if Council should make a motion, craft the resolution and read it back to make sure it says what Council wants it to say.

Mr. Bailey said the best way would be to have some discussion and vote on what Council would like to see in the resolution and then take a recess. He said they are required to post resolutions 72 hours in advance unless the City Clerk reads the resolution into the record. He said the resolution will be presented to the Council, read into the record and then Council can vote on it.

Councilmember Sherwood said there would be no voting decision on what to put into the resolution prior to it being read.

Mr. Bailey recommended Council provide some direction and there was further discussion on the best way to proceed.

Mayor Weiers asked if Council should go into executive session to discuss this. He said there were some questions he would like to ask.

Mr. Bailey said Council could do that as well.

Councilmember Martinez moved, seconded by Vice Mayor Knaack to go into executive session. Councilmembers voting Aye: Weiers, Knaack and Martinez. Councilmembers voting Nay: Sherwood, Alvarez, Hugh and Chavira. The motion did not pass.

Mayor Weiers spoke about coming back from vacation to attend this meeting and expressed his concern about this item being pushed through so quickly. He added he was not happy with the process this item has taken.

Councilmember Alvarez disagreed and said they have discussed this over and over. She said they owe the citizens a decision. She explained what had occurred. She said they have been forced to wait around on this issue and said they cannot do that anymore. She said they need to stand up to their responsibilities and take a vote. She mentioned all the union workers in the audience and said the Council didn't object as much when they had a group of sports fans and said Council made up their minds right away. She said this impacts people's lives and they need to make a decision.

Vice Mayor Knaack said this meeting was not supposed to happen until August. She said she is here under protest and to be rushed into something is not the way to do business. She said they should not write a resolution on the dais and this could be handled better. She said she doesn't have a problem going into e-session and doing this properly, but it is not fair to the city attorney to have to write the resolution on the fly. She asked the other Councilmembers to allow the city attorney to do this properly.

Mayor Weiers asked Mr. Bailey's opinion of doing this without going into executive session.

Mr. Bailey provided Council with some alternatives. He said if the council just wants to take a vote, then they should just take a vote based upon repealing the resolution. He said if council wants to set a statement of policy that repeals the resolution and explains why they are doing it, he recommended council passes a resolution. He said if they just take a vote, they are not clearly delineating their position other than repealing a resolution. He said if they want to sit down to discuss a resolution that will provide Council the avenue to more fully explain their position. He said his office is prepared to draft the resolution if that is council's desire.

Councilmember Sherwood said all they are after are the two items he spoke about earlier. Those two items were to repeal the resolution and just to state their position. He said they are not voting on the casino, they do not understand the terms of any of the deals yet. He said they had no knowledge of a hearing scheduled in July. He said the current resolution is conflicting. He said they oppose HB1410 and are opposed to bringing the land into trust, which has already happened. He also said they are against gaming on that land. He said today's resolution is simply to renounce that and state very simply that they are in support of this. He said they are not voting for it and they are just voting for the process that they have been engaged in for a few months. He said he did not vote to go into e-session, because they are only looking at the two items he mentioned before. He said if council feels they need e-session and discussion, he didn't have a problem with that, but didn't think they needed to go that way.

Mayor Weiers clarified said the votes are there to make this happen, but wants to make sure they wanted to do this correctly. He is surprised no one talked to him about any of this. He said it is only smart to go into executive session, discuss the language of the resolution, bring it out to the public meeting and vote on it.

Councilmember Alvarez said she was confused that they were supporting the casino, but they were not ready to lift the opposition. She said this doesn't make sense to her. She asked how they could support the Tohono O'Odham Nation but still have resolution in opposition.

Councilmember Hugh said he is in favor repealing Resolution 4246. He said they can come back after a motion taking care of that resolution with a public statement of support.

Mr. Bailey asked if Councilmember Hugh just wanted to make a statement repealing the resolution.

Councilmember Hugh said there could be a motion to repeal the resolution and then the second part would be what Councilmember Sherwood was talking about in showing support for the casino.

Mr. Bailey agreed and said there is a change of policy direction. He said there was not the belief that a resolution would be coming forward. He said staff did not presume a resolution would be brought forward and he explained that is why there was no resolution at the time of this meeting. He said if the Council wanted to make a strong public statement, he recommended the Council do that by resolution.

Councilmember Hugh asked if Council could still just repeal Resolution 4246 and then come back with a resolution of support and not wrap it all up into one.

Mr. Bailey said from a practical standpoint and in terms of timing, he recommended Council do everything in a single document. He said his office was prepared to draft the resolution, he just needed the time. He said if Council wished to go into an e-session, he could advise them of what was going into the resolution so they would not be surprised by it when they returned to the dais.

Councilmember Hugh said it sounded like it would be a simple, short document.

Mr. Bailey said his role was to protect the Council and the city as a whole and an e-session would afford him the opportunity to do that.

Councilmember Chavira spoke about Mayor Weiers being surprised about the meeting and having to cut his vacation short and said he apologized for it. He said since they are elected officials, they are called to duty at any time. He said they did not know the land would be taken into trust. He also said he had to cancel his vacation. He said at the end of the day, this had to be done publicly. He said he supported Councilmember Sherwood's idea. He said this was easy and straightforward. He asked Mr. Bailey if that was okay.

Mr. Bailey if there was a general consensus of the Council, Council can move forward in that direction and he would return with a resolution.

Mayor Weiers said he knew it was important and that is why he was here. He said the big fear of him testifying in Washington, DC has nothing to do with this issue. He said will state the

Council's views and also make a statement on his views. He said he will not misrepresent the Council. He said he is unclear about a recess and said he thought they should go into e-session to talk about this.

Councilmember Martinez asked what was the urgency of this issue. He said if he understood Councilmember Sherwood correctly, the urgency was because of the hearings that were going to be held. He said it was obvious there was going to be support to do whatever the majority wanted. He said he did not see the urgency of why this matter needed to be heard right now.

Mayor Weiers said the writing was on the wall and they knew what was going to happen.

Councilmember Chavira asked if they had consensus and wanted to move forward.

Mayor Weiers asked Mr. Bailey how he wanted to handle this.

Mr. Bailey asked that Council take a recess. He estimated he would return in about fifteen minutes with a draft resolution for consideration.

Vice Mayor Knaack moved seconded by Councilmember Sherwood to recess the meeting for 15 minutes. The motion passed unanimously.

The meeting was recessed for 15 minutes.

After the recess, the meeting was called back to order.

Mayor Weiers said a speaker card had gotten misplaced and the speaker was called up to speak.

William Burnette, an El Mirage resident, and said he did not understand why the Councilmember asked about rushing this issue. He asked if the Councilmembers had seen the for sale signs in front of homes in the area. He said many jobs will be created with this project.

Vice Mayor Knaack said to Mr. Bailey regardless of how she voted today, Council has an obligation to support and make sure the city's interests are being protected and maximized. She asked if this action have any impact on the city staff's ability to continue to negotiate the best possible deal with the TO.

Mr. Bailey said the answer to that question is most appropriately provided in an executive session. He said Council has a resolution before them and appealed to them to provide him a minute or two in executive session to answer that question, but he said it was up to Council.

Vice Mayor Knaack moved, seconded by Councilmember Sherwood that Council should move into e-session.

Mayor Weiers said they are voting blind on this resolution. He said if they do not receive legal advice from the attorney, then why does the city have an attorney. He said it would prudent

for everyone to take the attorney's advice. He said the agenda is very broad and the public has not had an opportunity to really understand what Council is voting on. He also said the Council has a history of making some bad decisions because they have been rushed decisions. He asked the Council to consider meeting in an e-session.

Councilmember Alvarez called for the question.

Councilmember Chavira said Council had consensus and he asked that they move forward.

Mayor Weiers said Councilmember Alvarez had called for a question and said the problem is it is a rushed decision.

A vote was taken on Vice Mayor Knaack's motion to move into e-session. Councilmembers voting Aye: Sherwood, Knaack, Weiers, Martinez, and Hugh. Councilmembers voting Nay: Alvarez and Chavira. The motion carried.

The City Council recessed into Executive Session.

The meeting was called back to order after the Executive Session.

Mr. Bailey read the resolution in its entirety.

Councilmember Martinez said the resolution talked about the negotiations and asked if they could get into a discussion about that discussion.

Mr. Bailey said the reference in the resolution is in reference to the fact that Council directed staff to do that. He said they wanted to include that in terms of the historical narrative.

Councilmember Martinez said Council gave approval to enter into negotiations and said negotiations have been ongoing. He asked if anything had been finalized.

Mr. Bailey said Council has been apprised as to the status of that in executive session.

Councilmember Martinez said by doing this, they are giving up any leverage they have.

Councilmember Chavira said the negotiations and fact finding are part of e-session and asked Mr. Bailey if that was correct.

Mr. Bailey said that was correct.

Councilmember Chavira asked Mr. Bailey if the resolution before Council today was the resolution that Mayor Weiers would be reading when he was called to testify in Washington D.C. next week.

Mr. Bailey said upon approval of the resolution, the Council would support that the land be utilized for gaming.

Councilmember Chavira said this would be the city's official stance.

Mr. Bailey said that was correct.

Mayor Weiers said there seemed to be concern that he was going to say something wrong. He went over Council guideline number 13 regarding state and federal lobbying. He said he would give both his personal opinion and the city's official opinion. He also read Section 4, of the Council's Code of Conduct with other public agencies and stated he would abide by those guidelines.

Councilmember Chavira said he wanted it to be perfectly clear beyond a shadow of a doubt.

Councilmember Alvarez said she had no doubt that Mayor Weiers would represent the city well. She said even if there were deals on the table, a decision has been made. If the TO wanted to negotiate with the city, they can and if they don't want to, they don't have to. She said the motion was on the floor and there was a second and she called for the question.

Mr. Bailey said there was no motion on the floor.

The City Clerk read the entire Resolution No. 4828, New Series into the record. The title of Resolution No. 4828 is as follows:

RESOLUTION NO. 4828 NEW SERIES; A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REPEALING RESOLUTION NO. 4246, EXPRESSING THE CITY'S SUPPORT TO THE CREATION OF AN INDIAN RESERVATION ON A PARCEL WITHIN THE GLENDALE MUNICIPAL PLANNING AREA.

Councilmember Sherwood moved, seconded by Councilmember Chavira, to accept Resolution 4828 New Series.

Mayor Weiers said he would call for a roll call vote but first wanted to explain his vote. He said he has been opposed to this for a very long time and he said this vote doesn't really change anything.

Vice Mayor Knaack said they have been dealing with this for five years. She said this comes down to the fact she needs to stand by the principals, she has not changed her opinion in the last five years.

Councilmember Martinez said when this first came up, he met with Chairman Norris and at that time he made his position clear, he was opposed to this. He said Chairman Norris told him it was going to happen. Councilmember Martinez told Chairman Norris he would do everything he could to prevent it from happening, but if it did happen, he said the city would have no option but to try and make the best of the decision. He said he still stands by that. He said the land has been taken into trust, but it is still not approved for gaming. He said that is another hurdle they face. He said there is the Indian Gaming Commission and the other

lawsuits pending. He said the land is theirs and they can have a reservation there and he has no problem with that. He said he has a problem with the gaming part. He said he does not think it is going to bring in all the revenue that has been promised. He said some studies were done very early on as to what that land would have brought to the city in terms of taxes for the city. He said this is a bad decision and by doing this, the city has given up any leverage the city might have had in final negotiations. He said in looking at other states that have gone through this and he said he cannot speak to discussions during executive session, but he can tell everyone they have a long ways to go, if and when this happens.

Councilmember Alvarez said she has no problem with this decision and it is the right decision. She said the city needs funds to get the city back to where it was. She said the city has spent money foolishly before and they have forgotten they made those mistakes before. She said she knows they are going to be better off. She said the TO have assured the city they will pay for infrastructure and they are going to be a good partner. She said no one has ever talked about the expenses that they will pay. She said they definitely never talked about the expenses the city has taken for sports and put on the shoulders of the taxpayers. She said it is time the TO come in and help the city out and they need to move forward. She said the city has made really big mistakes in spending money and they have not been responsible. She said this decision shows they are going to be responsible. She said citizens will be put to work and visitors will pay taxes and spend money in the city. She has no doubts about this decision.

Councilmember Sherwood said there has been a very long time where there was no discussion. He came out at the time that it was a shame there was no discussion during this period. He said when they decided in the fall to go forward with some fact finding, the numbers came back favorably and Council has been apprised of progress during e-sessions. He said they went into negotiations and the court has ruled that this resort does not break the compact and it is within state and federal laws. He said if anything were to come up later, it is not the responsibility of the city. He said Council, in good faith, is trying to come up with the best deal they can for the city. He said they are working with the TO as a partner. He said all the business people at Westgate are all for this project. He said this has the potential of revitalizing that area. He said he supports this resolution going forward.

A roll call vote was taken, Councilmembers voting Aye: Chavira, Hugh, Alvarez and Sherwood. Councilmembers voting Nay: Weiers, Knaack, and Martinez. The Resolution 4828, New Series passed.

CITIZEN COMMENTS

Arthur Thruston, a Cactus resident, spoke about the words keeping the promise. He said the TO has been keeping the promise of honest dealings and straightforward actions since the beginning. He thanked the Councilmembers for their votes.

Kenneth Sturgis, a Yucca resident, read some of the arena management agreement and spoke about revenue the city has received. He went into more detail speaking about the ticket surcharges and the loss of revenue to the city for free tickets. He also spoke about the ticket

surcharges for non-hockey events. He asked if anyone was auditing the figures received. He also said no budget information has been posted on the website from IceArizona.

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Chavira requested an item be added to a workshop on the issue of bulk trash pickup regarding taking out scrap materials. He said this is contributing to crime in neighborhoods.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:35 p.m.

Pamela Hanna
Pamela Hanna - City Clerk