

**\*PLEASE NOTE: Since the Glendale City Council does not take formal action at the Workshops, Workshop minutes are not approved by the City Council.**



**GLENDALÉ CITY COUNCIL WORKSHOP SESSION**  
**Council Chambers**  
**5850 West Glendale Avenue**  
**February 5, 2013**  
**1:30 p.m.**

**PRESENT:** Mayor Jerry P. Weiers and Councilmembers Norma S. Alvarez, Yvonne J. Knaack, Manuel D. Martinez, Gary D. Sherwood, and Samuel U. Chavira

**ABSENT:** Councilmember Ian Hugh

**ALSO PRESENT:** Horatio Skeete, Acting City Manager; Jamsheed Mehta, Interim Assistant City Manager; Craig Tindall, City Attorney; and Pamela Hanna, City Clerk

1. EXTENSION OF THE ARENA MANAGEMENT AGREEMENT WITH THE NATIONAL HOCKEY LEAGUE UPDATE  
**PRESENTED BY:** Horatio Skeete, Acting City Manager

This is a request for City Council to provide guidance and direction to staff on how to move forward with the Arena Management Agreement for Jobing.com Arena.

Councilmember Knaack expressed disappointment that Mr. Jamison couldn't finalize the deal, but wanted to pursue keeping the Coyotes in Glendale. She hoped for a new deal that would be more beneficial to the city.

Councilmember Martinez had questions about the month to month agreement with the NHL.

Mr. Skeete commented he has asked the NHL about extending the agreement until at least the end of the hockey season to avoid having to sign agreements every month and he said he would discuss it further in executive session so the Council could provide direction.

Councilmember Martinez asked if the City had saved money by extending the management agreement with the NHL, the delayed hockey season, etc.

Mr. Skeete said the city has not had to pay any money to the NHL to manage the arena this year.

Councilmember Sherwood still supports the Coyotes staying in Glendale. He would like to discuss the numbers again which were presented previously and have them updated.

Councilmember Alvarez asked how much money was coming in from the NHL for rent.

Mr. Skeete said this is the first month the facility is being used due to the hockey strike. He said the figure was about \$45,000 per month in rent, or about \$500,000 per year.

Councilmember Alvarez said they made a promise to the community that these issues were going to be made public. The Coyotes issue should be discussed in public so everyone knows what is going on. She said more could be done with the arena that doesn't involve the Coyotes. It is not right that the Coyotes issues are on the agenda, but they will be talking about it in executive session. She wanted to know how much money the city has made since the Coyotes have been here.

Mr. Skeete said he would get those figures and make them available to the council.

Councilmember Alvarez said at one time she was told the amount the city had made was zero. She would like to let her constituents know how much money was made.

Mr. Skeete said he would get that to her. The profit made from the arena is still zero; however, money has been made. He said none of the money collected has offset the total obligation for the arena. He said the debt service for the arena started in the area of \$6 million and last year's debt services were just over \$10 million a year.

Mayor Weiers asked Mr. Skeete for more specific numbers.

Councilmember Chavira asked if the terms of the extension with the NHL could be changed as they move to work out a new agreement.

Mr. Skeete said changes to any part of the agreement could be discussed with the NHL, but in light of the fact they are currently in the middle of the season, it might not be the right time to discuss changes in the contract. It might be better to wait until the season is over.

Councilmember Knaack confirmed that the city is not paying the NHL anything right now, and Mr. Skeete confirmed the agreement extended over the past few months remains the same.

Mayor Weiers said the question might be will they allow the NHL to stay in Glendale and will they entertain offers from other potential owners. He said direction from the council would be to continue to pursue offers.

Councilmember Alvarez said the deal fell through and there were no repercussions to anyone and now the council wants to do it all over again.

Mayor Weiers said Mr. Jamison's deal is done and the council is still willing to accept any and all bids to purchase the team.

Councilmember Alvarez was agreeable to new offers, but wanted the discussions out in public so the community was aware of what was going on.

Councilmember Martinez said they are discussing everything in front of the public right now. He said he is willing to listen to buyers as they come forward with offers. He said responses from his constituents were mixed. He said they have to deal with the issues as they are now. He hopes they can discuss this and get it resolved.

Mayor Weiers said everyone in the city wanted to see a resolution to this issue, and if it brought the city money and didn't burden the taxpayers.

Councilmember Alvarez said all of them want the best for Glendale. She said good employees are leaving the organization because the council cannot give them concrete answers about what is going on. She said she will continue to vote no as long as city employees, taxpayers and city services are being affected.

Councilmember Sherwood said he thinks they have the rest of the season to find an owner for the Coyotes, but after that the team may move out of Glendale. This process has been going on for four years. He thinks a professional negotiator might be the answer to get this deal done. In the meantime, they need to discuss how to keep the arena viable if the Coyotes leave Glendale. They have only a few months to get this deal done or come up with a plan B.

Councilmember Chavira confirmed with Mr. Skeete that the purpose of this workshop item was to discuss the lease with the current tenant and discussing a potential buyer for the team and the future of the arena.

Mr. Skeete said his ideal outcome would be for the council to have the discussion about their ideals and objectives for the Coyotes issue and advise him what they want him to do. He advised he had drafted an RFP previously and could bring that forward again for consideration.

Mayor Weiers said everyone wants to move forward with this and said he was ready to move on to the next item on the agenda.

Councilmember Sherwood asked about the costs to run the arena with and without the team. He referenced Mr. Skeet's RFP and said he would like to see it.

Mr. Skeete said they have not done a blanket RFP and sent it out. They do not have a list of potential arena operators and the fees they would charge.

Councilmember Sherwood asked the council if they thought this information might be good to have.

Councilmember Martinez said he originally opposed putting out an RFP, but thinks it might be a good idea at this point as they have a window of opportunity right now.

Mayor Weiers said he has had very preliminary discussions with others and there may be offers soon. He asked the council if they wanted to consider both the pending offers and have Mr. Skeete put together the RFP at the same time.

Councilmember Alvarez said Mr. Skeete should start the process and they want to follow the charter, so Mr. Skeete should handle the negotiations. She said Mayor Weiers should give his buyer contact information to Mr. Skeete and let him handle it so the Goldwater Institute won't get involved again.

Mayor Weiers said he hasn't done anything to violate the charter. He said he has been adamant that this is a council decision, not his decision.

Councilmember Sherwood said it would be a great idea to run both processes simultaneously. He said the negotiations should be handled by one individual, but they need to move forward.

Councilmember Martinez said it would be appropriate to have an executive session once they get a proposal.

2. CITY COUNCIL GUIDELINES ITEM: VICE MAYOR APPOINTMENT  
PRESENTED BY: Horatio Skeete, Acting City Manager

Pursuant to City Council Guidelines, this is a request for Council to discuss and consider the appointment of a Vice Mayor for the remainder of the Fiscal Year 2012-13.

Nominations for Vice Mayor will be discussed by Council. If nominations are indicated by Councilmembers at this workshop, a formal nomination and selection process will be placed on the agenda for the next regular Council meeting.

Councilmember Martinez asked if it would be appropriate at this time to make a nomination.

Mr. Skeete said the nominations would be made in an evening meeting. He said they should just discuss the procedures for making the nomination at this time.

Councilmember Martinez said council guidelines call for a vote in the first meeting in June. He said they have done nominations in the past at workshops and then taken the actual vote in the evening meeting.

Mr. Tindall said usually the nominations are made in the workshop and that was taken to a voting meeting. He said they could accept nominations at this workshop and the vote would take place at an evening meeting.

Councilmember Sherwood said he would like to see the term run as a calendar year and decisions not made in June before their summer break. He said the nominations should be for the rest of the calendar year, through December and then at a December workshop, they decide on the Vice Mayor for the following year.

Mr. Tindall said they put a discussion of the guidelines on the agenda as they are adopted by Resolution.

Mayor Weiers asked if the council was comfortable making a motion in Councilmember Hugh's absence. Everyone agreed.

Councilmember Martinez nominated Councilmember Knaack as Vice Mayor and Councilmember Sherwood seconded the nomination.

Mayor Weiers asked if Councilmember Hugh had a nomination, would he be able to make it at a future time.

Mr. Tindall said this is not binding and subsequent nominations can be made or withdrawn.

Councilmember Sherwood asked if they were going forward with a resolution amending the dates. Discussion was held with Mr. Tindall and council agreed to move forward with that process.

3. COUNCIL COMMITTEES AND REGIONAL COMMITTEES  
PRESENTED BY: Horatio Skeete, Acting City Manager

This is a request for Council to discuss and formalize the appointment of membership to standing Council committees for the remainder of the Fiscal Year 2012-13 pursuant to City Council Guidelines. The two standing committees specifically to be addressed at this time are the Government Services Committee (GSC) and the Sustainability Committee.

This is also the time for Council to discuss appointments to Regional Committees and Sub Committees.

Mayor Weiers discussed with Mr. Skeete how nominations would proceed for the committees. Councilmember Alvarez, Councilmember Sherwood and Councilmember Chavira all volunteered to sit on the Government Services Committee.

Councilmember Martinez referenced council guidelines that said the new councilmembers shall serve on the committees in the place of the Councilmembers they replaced, which would be Councilmember Martinez, Councilmember Hugh and Councilmember Chavira on the Government Services Committee.

Mr. Skeete said that is currently how the guidelines read and the standing committees are usually filled in June and a new Councilmember will serve in the place of the Councilmember vacating that position for the remainder of the term.

Councilmember Alvarez said she offered before to serve on the Government Services Committee, but no one currently serving wanted to vacate their position. She said everyone should be given an opportunity to serve.

Councilmember Knaack thought Councilmember Martinez should stay on the Government Services Committee as it was a very intense committee with a lot to know.

Councilmember Alvarez disagreed and felt she should be allowed to serve on the committee.

Councilmember Martinez said he volunteered to serve and was appointed. He said the committee is down to one person so they need two more people. He said he would be willing to step down in June. He said the process in place has worked well in the past. He discussed positions on other committees and said those are very important as well. He said there are districts that are not represented very well on the committees.

Councilmember Knaack said she would stay on the Sustainability Committee.

Mayor Weiers and Councilmember Chavira both said they didn't think it was fair to select committee members with Councilmember Hugh absent. Mayor Weiers asked to table the conversation until all Councilmembers were present.

Councilmember Knaack asked who was going to make the decision on committee selection.

Mayor Weiers said they would table the issue until next time and asked the Councilmember to indicate which committee they wanted to serve on.

Councilmember Martinez asked if a Councilmember is absent in the future, if they are going to table an item.

Mayor Weiers said that is not going to be the case.

Councilmember Martinez referenced the council guidelines, saying the new Councilmembers that come in fill the open positions.

Councilmember Alvarez said they should think about putting limits on how long you can serve.

Mr. Tindall said the term is one year.

Councilmember Martinez said the Government Services Committee should consist of himself, Councilmember Hugh and Councilmember Chavira.

Discussion was held and Councilmember Chavira said he would forfeit his position to give Councilmember Alvarez an opportunity to serve.

Mayor Weiers and the council decided that Councilmember Hugh, Councilmember Chavira and Councilmember Martinez would serve on the Government Services Committee and Councilmember Sherwood and Councilmember Knaack would serve on the Council Sustainability Committee. Councilmember Alvarez withdrew her name.

Mayor Weiers advised which Councilmembers he recommended serve on various external committees.

Councilmember Martinez offered up his seat on the MAG Committee to any Councilmember. No one volunteered to serve on that committee.

Councilmember Chavira asked if there could be an alternate for the Valley Metro RPTA and Mayor Weiers said he did not know.

4. COUNCIL MEETING ORDER OF BUSINESS  
PRESENTED BY: Horatio Skeete, Acting City Manager

The purpose of this Council Report is to review and consider the current Council Meeting Rules and Procedures, and the Glendale City Code provision setting the date, time and location for regular meetings. Staff is seeking Council guidance on any requested modifications to the current meeting criteria.

Mr. Skeete discussed the issue of the public speaker portion of the meeting. He said the majority of cities present their call to the public at the beginning of the meeting.

Mayor Weiers said the public has had to sit in through the entire meeting to speak and it has been frustrating for the public. He said letting the public speak at the open forum at the beginning of the meeting would work, but the speaker would not be able to speak twice, at the beginning and end of the meeting, on the same issue. He also said that there are many city employees who have to attend meetings to answer questions the Councilmembers may have. He suggested starting the voting meeting at 1:00 p.m. so city employees don't have to stay so late in the evening. In his experience, he said if there is an issue that is important, people will show up at the meetings. He also suggested the schools could participate more in the government process if the meetings were held during the day.

Councilmember Martinez did not agree and said it would be a burden on the working public to attend voting meetings in the afternoons.

Councilmember Knaack said staff who don't have items on the agenda shouldn't have to stay at the meetings if they aren't needed. Also, she said she has a full time job and it is much more convenient for her to attend evening meetings. She was open to trying public comments at the beginning of the meeting.

Councilmember Chavira said he would support moving public comments to the beginning of the meeting and moving the voting meetings up earlier, but would like to see the meetings begin at 4:30 p.m. because it would be more convenient for the public and the school children.

Councilmember Sherwood said the Council can do a better job utilizing employees' time during the meetings. He talked about how other cities format their public comments and meeting times. He mentioned putting a clock up on the screen so the public could see how long they have to speak. He mentioned possibly moving the meeting up an hour, but no earlier.

Mayor Weiers asked for consensus on moving the public comment to the meeting and Council agreed.

Councilmember Knaack asked about having the workshops in the Council Chambers.

Mayor Weiers said there was a cost due to audio equipment that needed to be moved and tested for each meeting. He said the workshop room also gets very warm, it is hard to see what is going on and the sound is not that good.

Councilmember Martinez asked what the cost is having the workshops in the Council Chambers. He felt the cost might be more due to the larger room.

Mayor Weiers asked Ms. Frisoni about the cost and moving the equipment for each meeting. Ms. Frisoni said the staffing costs are the same, but if the meetings are going to be held in the Council Chambers, they will use the excess equipment in Room B-3 as spare equipment and to replace other equipment. She suggested discussing a more table like setting for presenters in the Council Chamber if this change is made. She noted there would be a small cost.

Councilmember Knaack commented that the presentations would be different with meetings in the Council Chambers.

Councilmember Sherwood said he liked the workshop environment as it was more intimate. He said if it would benefit departments with a more efficient use of assets, he was okay with having the meetings only in the Council Chambers.

Councilmember Martinez said he did not like it, but he would agree to it. He also talked about the moment of silence versus prayer at the meetings and didn't think they should change the council guidelines without any discussion.

Councilmember Alvarez thought the chaplain at the prior meeting did a good job. She said the prayer is a good thing and she has no problem with it.

Councilmember Knaack said Councilmember Martinez was saying the issues should have been discussed by everyone, just as they discussed the moment of silence.

Councilmember Chavira said they should follow the process.

Councilmember Sherwood said the issues should have been discussed as a group. He said in terms of the decorum, they should follow the guidelines.

Councilmember Alvarez said the first meeting run by Mayor Weiers was well done. She said the guidelines should be studied to see what makes sense and what doesn't. She said she was not aware the council guidelines had been amended.

Mr. Tindall said a resolution was passed amending the guidelines on January 8<sup>th</sup>. He said a discussion was held under items of special interest.

Councilmember Knaack said it was discussed in workshop that Councilmembers could only bring items of special interest forward every three months, and that what was changed.

Councilmember Martinez said the guidelines should be reviewed and amended as they see fit.

Mayor Weiers asked if there was agreement on moving public comments forward and allowing a prayer. Agreement wasn't reached and the item was tabled.

5. CITY MANAGER RECRUITMENT

PRESENTED BY: Jim Brown, Interim Executive Director of Human Resources and Risk Management

This is a request for City Council to review and provide guidance to city staff on the selection of a professional executive search firm for the City Manager recruitment.

Mr. Brown spoke about what to expect in the City Manager recruitment process, to include developing a profile, working with the consultant to develop a brochure and negotiations. The top five candidates are chosen to complete the interview process and then a final decision is made. The consultant would assist with negotiations. This could be a 3 to 5 month process. The top three recruitment firms and their fees, Bob Murray & Associates, The Mercer Group, and Slavin Management Consultants, Inc., were presented and discussed by Mr. Brown.

Councilmember Sherwood commented on the great candidates found by their recruiters. He felt the time frame was appropriate and workable. He said this issue should be resolved.

Councilmember Martinez said all were top notch candidates but recommended Murray & Associates.

Councilmember Chavira said Murray & Associates came very highly recommended and would like to see this process expedited within 60 to 90 days.

Councilmember Knaack said she agreed with Bob Murray & Associates.

Mayor Weiers said the majority would like to go with Murray & Associates.

6. 2013 STATE LEGISLATIVE AGENDA

PRESENTED BY: Brent Stoddard, Intergovernmental Programs Director

This is a request for City Council to review and provide guidance on the proposed 2013 state legislative agenda and to give a legislative update.

The Intergovernmental Programs staff recommends prioritizing the state legislative agenda to a few key issues to allow the city to have a stronger, more consistent message on the items of greatest priority. The proposed key priority issues for consideration are described in the attached reports.

Mr. Stoddard spoke about the 2013 legislative agenda.

Ms. Goad spoke about the redrawn legislative districts. Glendale now has 5 districts instead of 6.

Mr. Stoddard spoke about the major themes and priorities at the legislature. Some of those were Medicaid coverage and economic recovery.

Ms. Goad said the budget was a major issue this year as well and said the state was expecting a surplus. The Governor wants to use the surplus to pay down debt. A portion of the surplus is attributed to the one cent sales tax increase imposed in 2010, accounting for approximately \$900 million. This is set to expire on June 1, 2013.

Mr. Stoddard talked about the recommendations of the transaction privilege tax simplification task force and the effects on cities and towns. He said a business that operations in several cities had to file different forms for each jurisdiction. The new online portal being developed will allow a business to use one website to pay their taxes for multiple jurisdictions. He said that they are a few of the recommendations that cities will be watching carefully that will negatively affect city's revenue collections. He also discussed prime contracting where sales tax collected goes directly to the city where the construction is being built. Under the new proposal, the tax would stay in the city where the items were purchased. This would be devastating to high growth communities, particularly in the west valley.

Ms. Goad discussed recurring legislative priorities, which included fiscal sustainability and economic development. The city's biggest priority is protection of the revenue streams to the city. Ms. Goad said they also will be working to protect the local taxing authority of the city and fighting off unfunded mandates. She said job creation is also a major theme of this session.

Mr. Stoddard said they will also continue to advocate for local authority for land use planning. He said military preservation continues to be a priority as well and is linked to land use. He said in November, voters approved Proposition 119 which allowed the state to exchange state trust land to assist in preservation of military facilities from encroachment development.

Ms. Goad spoke about how residents can utilize the Legislative Link program to keep them informed about bills that impact their communities. They are also watching bills related to public safety, to include issues such as the sale and use of consumer fireworks and funding for school resource officers.

Mr. Stoddard said they are supportive of a bill which would extend a surviving spouse's eligibility for employer's health insurance of any police officer or firefighter killed in the line of duty beyond the current statutory time limit at the group rate. He said that the city goes above and beyond what this bill would require and will provide health insurance coverage at no out of pocket costs for the surviving spouse and dependents. He also said they have begun educating legislators about the tremendous costs to host major events that bring tourists and revenue to the state. They are interested in developing a major events reimbursement program and are working to introduce legislation at the appropriate time for passage and funding.

Ms. Goad said the HURF funding is critical to transportation improvement. She also said that the use of our natural resources, water and sustainability will round out their legislative agenda for this session.

Mr. Stoddard said they encourage residents to sign up for the Legislative Link program to keep track and stay informed of what is going on at the legislature. They keep track of items that are of interest to residents that aren't only city related. Residents get weekly emails as to a bills status. The emails are also posted on the website. They encourage citizens to learn about the issues and want their feedback.

Councilmember Sherwood asked about the major events reimbursement.

Mr. Stoddard said it passed the House in 2007, but fell 2 votes short in the Senate.

Councilmember Sherwood spoke about the Super Bowl coming up and asked if the west valley cities were positioned together on most of the legislation.

Mr. Stoddard said the cities are united across the board on the TPT issue. He said this is where the development will be occurring, but businesses and vendors might not be here so we would miss out on revenue.

Councilmember Chavira asked for the bill number for the public safety bill.

Mr. Stoddard said it was HB2204 for the surviving spouse bill.

Mayor Weiers said Glendale already goes above and beyond that and it is important that we take care of our own.

Councilmember Chavira thanked the citizens and employees for getting behind this.

Councilmember Knaack thanked Mr. Stoddard for his presentation.

Councilmember Martinez asked about an article in the Arizona Republic where the city of Phoenix gave preference to vendors for items under \$50,000.

Mr. Stoddard said that Phoenix came up with some creative ideas on how to engage local businesses into coming forward to bid for projects and provide services for the Phoenix. He said that Phoenix recently made a presentation on their efforts at a MAG meeting, and that staff would compile those materials and through the City Manager distribute them to the Council.

Mr. Skeete mentioned the city would not limit the surviving spouse benefits to only public safety, they will provide the same no out of pocket benefits for a surviving spouse of any city employee killed on the job.

7. ANNEXATION APPLICATION AN-189: LITCHFIELD ROAD AND BETHANY HOME ROAD

PRESENTED BY: Jon M. Froke, AICP, Planning Director

This is a request for City Council to provide guidance on an annexation request for approximately 167 acres of privately owned land located at the northwest and southwest corners of Litchfield Road and Bethany Home Road.

Staff recommends that this area be annexed to allow future growth and employment opportunities for Glendale while also protecting Luke Air Force Base operations in the future. The annexation of the area would ensure city review of all development for compatibility with the mission of Luke Air Force Base.

Staff is seeking guidance from Council to continue with the annexation process in accordance with annexation procedures outlined in state statutes.

Mr. Froke explained the slides shown to the council. He said this is an excellent opportunity for Glendale to control land use and guide property development in and around Luke Air Force Base. He said he wanted to introduce the item and obtain guidance to move forward on this industrial park.

Council directed staff to move forward with this project.

8. DRAFT SCOPE OF WORK FOR FORENSIC AUDIT

PRESENTED BY: Sherry Schurhammer, Executive Director, Financial Services Department

This is a request for City Council to review the draft scope of work for a forensic audit and to provide direction on desired modifications to the draft so staff may proceed with issuing a Request for Proposal (RFP).

Ms. Schurhammer spoke about a draft RFP for a forensic audit.

Councilmember Chavira asked Mr. Tindall the difference between a forensic audit and a regular audit.

Mr. Tindall said a forensic audit will be used in a legal sense and may be raised in a legal issue. In a forensic audit, they are looking at issues they are being directed to look at. He said legal counsel will be involved to some extent. If issues are raised, then the city could determine if another type of audit needs to be done.

Mayor Weiers talked about the definition of a forensic audit. He said he didn't think they needed to go with a forensic audit until they find something has been done illegally. He said they should get this moving forward and it needs to be done.

Councilmember Alvarez said they told the public they were going to do a forensic audit because that is what the constituents wanted. She thinks the audit should be done by someone who has not worked with the city.

Councilmember Sherwood said the public is expecting a full accounting. He said a financial audit will just give you the financial statement and it won't tell you anything about misallocations or misappropriations. The council needs to see if there is anything else that needs to be uncovered. He said they need to develop a scope of what the audit will entail. He said the words forensic audit should not be used.

Councilmember Martinez said he agreed with Mayor Weiers that they need a general audit, which will also look at some specific areas.

Councilmember Alvarez said an audit is necessary when they have established that transfers were not done correctly. She said she asked about the workman's comp fund and the benefits fund. She said there are discrepancies there.

Councilmember Chavira said use of the word forensic, he said that is the only type of audit he knows of that involves a thorough scrubbing. He said they need a third party, independent audit done.

Mayor Weiers said they all have questions if something was done improperly. He said a full audit is necessary. He said if something was found to be done illegally, then a forensic audit would need to be done. He said the city attorney and the city manager should not be involved in the audit.

Councilmember Knaack noted she likes the draft memorandum given to the council. She said they don't know how to even select the citizens and two councilmembers who will participate in the audit committee

Mr. Skeete said that would be a committee that the council will appoint. He said an alternative is that the auditor would report to the entire council. Councilmember Knaack said she would prefer a direct report to City Council.

Mayor Weiers said it gives more credibility to the audit by keeping the city manager and the city attorney out of the process.

Councilmember Sherwood said he called for this to be completed with the same priority as hiring a city manager. He said he liked the scope of the document, but would like to add the budget book.

Mayor Weiers asked how many years do they need to go back in the audit.

Councilmember Martinez said he would like to go back to the time when the transfers were made.

Mr. Skeete said the transfers are a regular part of city business.

Councilmember Martinez asked about the questionable transfers.

Mr. Skeete said those were within the last three years.

Ms. Schurhammer said the questionable transfers started with FY10, the last three full fiscal years.

Councilmember Alvarez agreed with not involving the city manager or the city attorney in the audit, and the city needed to hire an outside attorney, independent of the city, to give recommendations.

Councilmember Martinez commented that he didn't see where an attorney would come in at this point.

Mayor Weiers said he didn't see where an attorney would be involved at this point either, but it would be good to have some guidelines in place in case they needed to look at that issue. Councilmembers agreed.

Mr. Tindall spoke about his recommendation to retain an attorney for this audit and said it could be discussed in executive session.

Councilmember Chavira said he would like to see the audit cover the time period when both the arena and Camelback Ranch were completed.

Councilmember Sherwood asked Ms. Schurhammer the benefit of going back 4 years in the audit.

Ms. Schurhammer said budget actions taken due to the economic downturn began in fiscal year 2009 and the big measures were taken in 2010. She spoke about the Transportation Department completing an RFP for the sales tax fund dedicated to Transportation.

Mayor Weiers suggested looking at the last 3 years for the audit and going back further only if something is found that needs further investigation.

Mr. Sherwood mentioned an audit going back 10 or more years would be very expensive.

Ms. Schurhammer and Mayor Weiers discussed the cost of auditing several funds.

Councilmember Knaack asked how far back the trust fund transfers went.

Ms. Schurhammer said it may have been FY10, but some go back more than a decade.

Mayor Weiers asked how many fund transfer there may have been in the last 3 years.

Ms. Schurhammer said there were hundreds. She said budget amendments are a routine part of city transactions. She suggested the council determine what questions they want answered as part of the audit in order to narrow down how many years they want to look at.

Councilmember Alvarez said she knew this was going to cost money, but people need to know where these transactions started. She isn't looking for a scapegoat; they are looking for the truth.

Mayor Weiers asked what is the council looking for. Councilmember Knaack said she is willing to go with the draft memorandum except she wanted it reported to the whole council and not just a couple of people. Councilmember Sherwood said it was fine as well, except he wanted to include the budget book. Mayor Weiers also asked that the forensic part be removed. The council supported this idea.

Mr. Tindall asked the council to talk about the structure and to discuss if they will retain an attorney firm or not.

9. AMENDED AND RESTATED TRIBAL WATER RIGHTS SETTLEMENT AND LEASE AGREEMENT

PRESENTED BY: Craig Johnson, P.E., Executive Director, Water Services  
Doug Kukino, Environmental Resources Director

Minor revisions have been made to the agreement settling the water rights claims of the White Mountain Apache Tribe (WMAT) and the lease of the Tribe's Central Arizona Project (CAP) water by Glendale and others. Because of these changes resulting from Federal legislation approving the settlement, all parties, including Glendale, must reaffirm the document by adopting the Amended and Restated White Mountain Apache Tribe Water Quantification and Lease Agreement.

This is for Council information and study only. This item will be presented at a future voting meeting for formal adoption by Council.

Mr. Kukino summarized the agreement for the Council and went over the settlement parties in the lawsuit. He went over the settlement summary which was approved in 2009.

Councilmember Martinez commented there were no substantive changes affecting Glendale.

### **CITY MANAGER'S REPORT**

The City Manager advised he did not have a report at this time.

### **COUNCIL ITEMS OF SPECIAL INTEREST**

Councilmembers may indicate topic(s) they would like to have discussed by the Council at a future Workshop and the reason for their interest. The Council does not discuss the new topics at the Workshop where they are introduced.

Councilmember Martinez said he would like to discuss the Council Guidelines.

Councilmember Knaack said she would council to look at an ordinance regarding garbage and recycling can placement. She would like the cans to be placed on the street instead of the sidewalk.

### **ADJOURNMENT**

The meeting was adjourned at 5:21 p.m.