

# City of Glendale

*5850 West Glendale Avenue  
Glendale, AZ 85301*



## Meeting Minutes - Draft

**Tuesday, November 10, 2015**

**6:00 PM**

**Voting Meeting**

**Council Chambers**

**City Council**

**CALL TO ORDER**

**Present:** 7 - Mayor Jerry Weiers, Vice Mayor Ian Hugh, Councilmember Jamie Aldama, Councilmember Samuel Chavira, Councilmember Ray Malnar, Councilmember Lauren Tolmachoff, and Councilmember Bart Turner

[Sahuaro representative Councilmember Sherwood was not present. Sahuaro representative Councilmember-Elect Malnar was sworn in during the meeting.]

Also present were Richard Bowers, Acting City Manager; Jennifer Campbell, Assistant City Manager; Tom Duensing, Interim Assistant City Manager; Michael Bailey, City Attorney; Pamela Hanna, City Clerk; and Darcie McCracken, Deputy City Clerk.

**PLEDGE OF ALLEGIANCE**

**PRAYER/INVOCATION**

The invocation was offered by Pastor R.E. Hall from the New Testament Christian Church.

**NEW BUSINESS**

**37.     [15-689](#)           RESOLUTION 5040: 2015 SPECIAL RECALL ELECTION CANVASS OF VOTE**

Staff Contact: Pamela Hanna, City Clerk

Ms. Hanna said staff's request was for City Council to declare and adopt the results of the November 3, 2015 special recall election.

Mayor Weiers asked Ms. Hanna to read Resolution No. 5040, New Series, in full as it had not been posted 72 hours in advance of tonight's meeting.

Ms. Hanna read Resolution No. 5040 in full.

**RESOLUTION NO. 5040 NEW SERIES**

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, DECLARING THE OFFICIAL CANVASS OF VOTES CAST IN THE CITY OF GLENDALE SPECIAL RECALL ELECTION HELD NOVEMBER 3, 2015; AND DECLARING THE RESULTS OF THE SPECIAL RECALL ELECTION FOR THE SAHUARO DISTRICT.

WHEREAS, the City of Glendale held a Special Recall Election Tuesday, November 3, 2015, for the purpose of filling the office of Councilmember in the Sahuaro District; and

WHEREAS, A.R.S. § 16-642 requires that the City Council canvass the returns of the election not less than six days nor more than 20 days following the election; and

WHEREAS, the City Council, having canvassed the returns of the November 3, 2015 Special Recall Election, finds the returns to be as stated in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the total number of ballots rejected was 107 (Exhibit A).

SECTION 2. That the total number of ballots cast at said Special Recall Election, as shown by the Polling Place and Precinct Canvass report, was 5,644 (Exhibit B).

SECTION 3. That the votes cast for the candidates for Councilmember were as follows:

District/Name Vote Total

**SAHUARO DISTRICT**

Malnar, Ray 2,840

Sherwood, Gary S. 2,499

SECTION 4. That it is hereby found, determined, and declared of record that the following candidate did receive the greatest number of votes cast for the office Councilmember in the Sahuaro District and is hereby issued a certificate of election:

**SAHUARO DISTRICT**

Ray Malnar

SECTION 5. That Exhibits A through B attached to this resolution include a detailed canvass of vote by polling place and precinct for the November 3, 2015 Recall Election.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this day of , 2015.

[No Sahuaro representative voted on this item.]

**A motion was made by Vice Mayor Hugh, seconded by Councilmember Turner, that this agenda item be approved. The motion carried by the following vote:**

**Aye:** 6 - Mayor Weiers, Vice Mayor Hugh, Councilmember Aldama, Councilmember Chavira, Councilmember Tolmachoff, and Councilmember Turner

**Abstain:** 1 - Councilmember Malnar

**38. [15-755](#)**

**OATH OF OFFICE – COUNCILMEMBER RAY MALNAR**

Staff Contact: Richard A. Bowers, Acting City Manager

Mr. Bowers said the results of the November 3, 2015 special election canvass of votes resolution read by Ms. Hanna have been approved. Now, the oath of office and swearing in ceremony will be conducted for Mr. Ray Malnar, Councilmember Elect of the Sahuaro

District. The oath of office was administered by Judge Elizabeth R. Finn, Judge of the Glendale City Court. Mr. Malnar has submitted proof of statutory qualification requirements and will be sworn in at the November 10, 2015 meeting. His term of office will commence November 10, 2015 and terminate on December 13, 2016.

Judge Elizabeth Finn administered the oath to Councilmember-Elect Ray Malnar.

Mr. Malnar said if anyone were to ask me a year ago that I would be standing here as your newest Councilmember, I would probably laugh them out of the room. I didn't seek this position, but apparently it was seeking me. I chose to serve in order to represent the constituents of my district, to meet the needs of my Sahuaro District neighbors. You know, it's time to focus on the future of Glendale. Our Council has been moving in the right direction. Let's keep that momentum going. This is a new day for Glendale and it is a fresh start for our city to get back to where it should be. For the last several years, the Mayor and the Council have been making very tough decisions, trying to fix some problems they inherited, and I'm looking forward to being a part of that constructive team that is focused on making Glendale the best that it can be. Things have been getting better; sometimes it is difficult to notice because of the negative headlines that you see in the newspapers. My friends in the media please pay attention. It is time for those negative headlines to go away and for positive headlines to replace them. I have a vision of a Glendale that has significantly reduced its debt and that encourages business to prosper with friendly regulations, fair taxes and fee schedules, which businesses, in turn, create jobs for the members of the community, who, in turn, shop, entertain and eat out in Glendale because of its great tax rates and excellent services. It is a city that functions efficiently and takes care of its people and pays attention to the public concerns that are brought before it. This is the city that I aspire to be a part of; let's work together it's going to take some time to get there. May God bless each one of you to do your part in helping us to make this happen. Thank you for giving me this opportunity to be of service in this great city. Thank you.

Mayor Weiers said he wanted to be the first one to congratulate Councilmember Malnar.

Mayor Weiers also placed Mr. Malnar's name plate at Council Malnar's seat on the City Council dais.

Mayor Weiers called a five minute recess to allow those present an opportunity to offer congratulations to Councilmember Malnar.

## RECESS

The meeting was called back to order.

## CITIZEN COMMENTS

James Deibler, a Phoenix resident, congratulated Councilmember Malnar and said he would represent the city of Glendale very well. He spoke an incident he had with a homeless person. James received a ride home from a police officer and thanked the

police officer for assisting him. James said he sees homeless people everywhere he goes.

#### APPROVAL OF THE MINUTES OF OCTOBER 13, 2015 VOTING MEETING

1. [15-716](#) APPROVAL OF THE MINUTES OF OCTOBER 13, 2015 VOTING MEETING  
Staff Contact: Pamela Hanna, City Clerk

**A motion was made by Councilmember Chavira, seconded by Vice Mayor Hugh, that this agenda item be approved. The motion carried by the following vote:**

**Aye:** 7 - Mayor Weiers, Vice Mayor Hugh, Councilmember Aldama, Councilmember Chavira, Councilmember Malnar, Councilmember Tolmachoff, and Councilmember Turner

#### CONSENT AGENDA

Mr. Richard Bowers, Acting City Manager, read agenda item numbers 2 through 28.

Ms. Pamela Hanna, City Clerk, read consent agenda resolution item numbers 29 through 33 by number and title.

2. [15-691](#) APPROVE SPECIAL EVENT LIQUOR LICENSE, OUR LADY OF PERPETUAL HELP  
Staff Contact: Vicki Rios, Interim Director, Finance and Technology

**This agenda item was approved.**

3. [15-685](#) APPROVE LIQUOR LICENSE NO. 5-17717, LA RUBIA Y LA MORENA  
Staff Contact: Vicki Rios, Interim Director, Finance and Technology

**This agenda item was approved.**

4. [15-686](#) APPROVE LIQUOR LICENSE NO. 5-17739, Z MART  
Staff Contact: Vicki Rios, Interim Director, Finance and Technology

**This agenda item was approved.**

5. [15-687](#) APPROVE LIQUOR LICENSE NO. 1-33863, PIZZA OLD ROMA  
Staff Contact: Vicki Rios, Interim Director, Finance and Technology

**This agenda item was approved.**

6. [15-688](#) APPROVE LIQUOR LICENSE NO. 5-17725, WINGSTOP  
Staff Contact: Vicki Rios, Interim Director, Finance and Technology

**This agenda item was approved.**

7. [15-604](#) AUTHORIZATION TO RATIFY AND RENEW THE AGREEMENT WITH APPLICATION SOFTWARE, INC., DOING BUSINESS AS ASIFLEX  
Staff Contact: Jim Brown, Director, Human Resources and Risk Management

**This agenda item was approved.**

8. [15-719](#) REQUEST TO APPROVE CHANGE TO HUMAN RESOURCES POLICY 301 – COMPENSATION AND CLASSIFICATION TO INCLUDE HOLIDAY AND HOLIDAY SPECIAL HOURS TO THE OVERTIME CALCULATION FOR EMPLOYEES  
Staff Contact: Jim Brown, Director, Human Resources and Risk Management

**This agenda item was approved.**

9. [15-700](#) AWARD OF BID RFP 16-06, AUTHORIZATION TO ENTER INTO AN AGREEMENT AND APPROVE EXPENDITURE OF FUNDS TO PURCHASE FESTIVAL SHUTTLE SERVICES FOR GLENDALE GLITTERS, GLENDALE GLITTER & GLOW AND GLENDALE CHOCOLATE AFFAIRE FROM INDUSTRIAL BUS LINES DOING BUSINESS AS ALL ABOARD AMERICA!  
Staff Contact: Laurie Sapp, Assistant Communications Director

**This agenda item was approved.**

10. [15-690](#) AWARD OF BID IFB 16-05, AUTHORIZATION TO ENTER INTO AN AGREEMENT AND APPROVE EXPENDITURE OF FUNDS TO PURCHASE FOUNDRY-METAL CASTING SERVICES FROM GRATE SOLUTIONS COMPANY, INC.  
Staff Contact: Craig Johnson, P.E., Director, Water Services

**This agenda item was approved.**

11. [15-692](#) AWARD OF BID IFB 16-05, AUTHORIZATION TO ENTER INTO AN AGREEMENT AND APPROVE EXPENDITURE OF FUNDS TO PURCHASE FOUNDRY-METAL CASTING SERVICES FROM DANA KEPNER COMPANY, INC.  
Staff Contact: Craig Johnson, P.E., Director, Water Services

**This agenda item was approved.**

12. [15-693](#) AWARD OF BID IFB 16-05, AUTHORIZATION TO ENTER INTO AN AGREEMENT AND APPROVE EXPENDITURE OF FUNDS TO PURCHASE FOUNDRY-METAL CASTING SERVICES FROM NEENAH FOUNDRY COMPANY  
Staff Contact: Craig Johnson, P.E., Director, Water Services

**This agenda item was approved.**

- 13. [15-694](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH MGC CONTRACTORS, INC., AND APPROVE THE EXPENDITURE OF FUNDS FOR CONSTRUCTION OF THE THUNDERBIRD RESERVOIR IMPROVEMENTS  
Staff Contact: Craig Johnson, P.E., Director, Water Services

**This agenda item was approved.**

- 14. [15-695](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH EUROFINS EATON ANALYTICAL, INC., AND APPROVE THE EXPENDITURE OF FUNDS FOR LABORATORY TESTING SERVICES  
Staff Contact: Craig Johnson, P.E., Director, Water Services

**This agenda item was approved.**

- 15. [15-696](#) AUTHORIZATION TO ENTER INTO A DESIGN AND CONSTRUCTION AGREEMENT WITH SALT RIVER VALLEY WATER USERS' ASSOCIATION FOR NEW INFRASTRUCTURE AT A REPLACEMENT WELL SITE  
Staff Contact: Craig Johnson, P.E., Director, Water Services

**This agenda item was approved.**

- 16. [15-718](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH ABM ELECTRICAL POWER SERVICES, LLC, AND APPROVE THE EXPENDITURE OF FUNDS FOR REPAIR SERVICES AT VARIOUS WATER AND WASTEWATER FACILITIES  
Staff Contact: Craig Johnson, P.E., Director, Water Services

**This agenda item was approved.**

- 17. [15-701](#) AWARD OF BID IFB 16-14, AUTHORIZATION TO ENTER INTO AN AGREEMENT AND APPROVE EXPENDITURE OF FUNDS TO PURCHASE TIRES FROM PURCELL TIRES  
Staff Contact: Jack Friedline, Director, Public Works

**This agenda item was approved.**

- 18. [15-702](#) AWARD OF BID IFB 16-14, AUTHORIZATION TO ENTER INTO AN AGREEMENT AND APPROVE EXPENDITURE OF FUNDS TO PURCHASE TIRES FROM CHARLIE CASE TIRE LLC, DOING BUSINESS AS COMMUNITY TIRES  
Staff Contact: Jack Friedline, Director, Public Works

**This agenda item was approved.**

- 19. [15-703](#) AUTHORIZATION TO ENTER INTO AMENDMENT NO. 1 TO THE LINKING AGREEMENT WITH FIVE G INC., FOR GUARD RAIL

INSTALLATION, SERVICES AND ACCESSORIES  
Staff Contact: Jack Friedline, Director, Public Works

**This agenda item was approved.**

20. [15-704](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH WATER & ENERGY SYSTEMS TECHNOLOGY, INC.  
Staff Contact: Jack Friedline, Director, Public Works  
**This agenda item was approved.**
21. [15-705](#) AUTHORIZATION TO ENTER INTO AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH GAVAN & BARKER, INC., FOR 2014-2015 DRAINAGE STUDIES  
Staff Contact: Jack Friedline, Director, Public Works  
**This agenda item was approved.**
22. [15-706](#) AWARD OF BID IFB 16-14, AUTHORIZATION TO ENTER INTO AN AGREEMENT AND APPROVE EXPENDITURE OF FUNDS TO PURCHASE TIRES FROM REDBURN TIRE COMPANY  
Staff Contact: Jack Friedline, Director, Public Works  
**This agenda item was approved.**
23. [15-708](#) AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH BASIN TREE SERVICE & PEST CONTROL, INC., DOING BUSINESS AS UNITED RIGHT OF WAY (URW), FOR LANDSCAPE SERVICES ALONG ROUTE US 60 (GRAND AVENUE)  
Staff Contact: Jack Friedline, Director, Public Works  
**This agenda item was approved.**
24. [15-710](#) AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH SOMERSET LANDSCAPE MAINTENANCE, INC., FOR LANDSCAPE SERVICES ALONG NORTHERN PARKWAY  
Staff Contact: Jack Friedline, Director, Public Works  
**This agenda item was approved.**
25. [15-711](#) AWARD OF BID IFB 16-14, AUTHORIZATION TO ENTER INTO AN AGREEMENT AND APPROVE EXPENDITURE OF FUNDS TO PURCHASE TIRES FROM PHOENIX TIRE  
Staff Contact: Jack Friedline, Director, Public Works  
**This agenda item was approved.**
26. [15-713](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT FOR A COOPERATIVE PURCHASE OF SHELVING FROM INTERIOR SOLUTIONS OF ARIZONA, LLC  
Staff Contact: Jack Friedline, Director, Public Works



**This agenda item was approved.**

27. [15-714](#) AUTHORIZATION TO ENTER INTO AMENDMENT NO. 3 TO THE AGREEMENT FOR STREETLIGHT MAINTENANCE SERVICES WITH FLUORESCO LIGHTING-SIGN MAINTENANCE CORPORATION  
Staff Contact: Jack Friedline, Director, Public Works

**This agenda item was approved.**

28. [15-715](#) AWARD OF BID IFB 16-14, AUTHORIZATION TO ENTER INTO AN AGREEMENT AND APPROVE EXPENDITURE OF FUNDS TO PURCHASE TIRES FROM ROBERTS TIRE SALES, INC.  
Staff Contact: Jack Friedline, Director, Public Works

**This agenda item was approved.**

#### CONSENT RESOLUTIONS

29. [15-707](#) RESOLUTION 5034: AUTHORIZATION TO REVISE RATES AND CHARGES AT GLENDALE MUNICIPAL AIRPORT  
Staff Contact: Jack Friedline, Director, Public Works
- RESOLUTION NO. 5034 NEW SERIES WAS READ BY NUMBER AND TITLE ONLY, IT BEING A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, SETTING FORTH RATES AND CHARGES AT THE GLENDALE MUNICIPAL AIRPORT; AND ESTABLISHING AN EFFECTIVE DATE.

**This agenda item was approved.**

30. [15-709](#) RESOLUTION 5035: AUTHORIZATION TO ENTER INTO CONTRACT CHANGE ORDER NO. 1 TO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR FEDERAL TRANSIT ADMINISTRATION GRANT NUMBER AZ-90-X131 TO INCLUDE FUNDING FOR BUS ROUTES 59 AND 60  
Staff Contact: Jack Friedline, Director, Public Works
- RESOLUTION NO. 5035 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 ENTERING INTO CHANGE ORDER NO. 1 FOR AN INTERGOVERNMENTAL AGREEMENT (GRANT PASS-THROUGH AGREEMENT) WITH THE CITY OF PHOENIX FOR GRANT NO. AZ-90-X131 RELATING TO TRANSIT SERVICES.

**This agenda item was approved.**

31. [15-712](#) RESOLUTION 5036: AUTHORIZATION TO ENTER INTO CONTRACT CHANGE ORDER NO. 1 TO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR FEDERAL TRANSIT

ADMINISTRATION GRANT NUMBER AZ-57-X016 FOR BUS STOP ACCESSIBILITY ENHANCEMENTS

Staff Contact: Jack Friedline, Director, Public Works

RESOLUTION NO. 5036 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 ENTERING INTO CHANGE ORDER NO. 1 FOR AN INTERGOVERNMENTAL AGREEMENT (GRANT PASS-THROUGH AGREEMENT) WITH THE CITY OF PHOENIX FOR GRANT NO. AZ-57-X016 RELATING TO TRANSIT SERVICES.

This agenda item was approved.

32. [15-726](#)

RESOLUTION 5037: AUTHORIZATION TO ENTER INTO A 24-MONTH AGREEMENT FOR THE OPERATION AND MANAGEMENT OF THE GLEN LAKES GOLF COURSE

Staff Contact: Erik Strunk, Director, Community Services

RESOLUTION NO. 5037 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 CITY MANAGER TO EXECUTE A LICENSE, MANAGEMENT & OPERATIONS AGREEMENT WITH ARIZONA GOLF VENTURES, L.L.C. FOR THE MANAGEMENT AND OPERATION OF THE GLEN LAKES GOLF COURSE LOCATED AT 5450 WEST NORTHERN AVENUE IN GLENDALE, ARIZONA.

This agenda item was approved.

33. [15-721](#)

RESOLUTION 5038: ADOPT A RESOLUTION OF SUPPORT FOR A FINANCIAL POLICY RELATED TO CASH AND BUDGET APPROPRIATION TRANSFERS

Staff Contact: Vicki Rios, Interim Director, Finance and Technology

RESOLUTION NO. 5038 NEW SERIES WAS READ BY NUMBER AND TITLE ONLY, IT BEING A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, SUPPORTING A FINANCIAL POLICY RELATED TO CASH AND BUDGET APPROPRIATION TRANSFERS.

This agenda item was approved.

Approval of the Consent Agenda

**A motion was made by Councilmember Turner, seconded by Councilmember Aldama, to approve the recommended actions on Consent Agenda Item Numbers 2 through 28 and Consent Resolution Item Numbers 29 through 33. The motion carried by the following vote:**

**Aye:** 7 - Mayor Weiers, Vice Mayor Hugh, Councilmember Aldama, Councilmember Chavira, Councilmember Malnar, Councilmember Tolmachoff, and Councilmember Turner

ORDINANCES

34. [15-722](#) ORDINANCE 2967: FISCAL YEAR 2014-15 BUDGET AMENDMENTS – 4TH QUARTER

Staff Contact: Vicki Rios, Interim Director, Finance and Technology

Ms. Rios said this is a request for council approval of certain FY 2014-2015 budget amendments. She said the total budget appropriations do not change with these amendments. She said all of these transfers are being brought forward based on the policy in place at the time, prior to the policy changes made this evening. These transfers all involve closing out the books for FY 14/15. She explained the largest transaction is a cash transfer between two water funds. The fees are collected in one fund, but the debt service is paid out of another fund. She said under the next policy adopted this evening, these transfers will no longer be brought before Council as they are considered all one fund.

Ms. Hanna read Ordinance No. 2967, New Series by title.

ORDINANCE NO. 2967 NEW SERIES, WAS READ BY NUMBER AND TITLE ONLY, IT BEING AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE TRANSFER OF CASH AND APPROPRIATION AUTHORIZATION BETWEEN BUDGET ITEMS IN THE ADOPTED FISCAL YEAR 2014-2015 BUDGET.

**A motion was made by Councilmember Tolmachoff, seconded by Councilmember Aldama, that this agenda item be approved. The motion carried by the following vote:**

**Aye:** 7 - Mayor Weiers, Vice Mayor Hugh, Councilmember Aldama, Councilmember Chavira, Councilmember Malnar, Councilmember Tolmachoff, and Councilmember Turner

35. [15-727](#) ORDINANCE 2968: FISCAL YEAR 2015-16 BUDGET AMENDMENTS  
Staff Contact: Vicki Rios, Interim Director, Finance and Technology

Ms. Rios said this is a request for Council approval of certain FY 2015-2016 budget amendments. She said the total budget appropriations remain unchanged with these amendments.

Ms. Hanna read Ordinance No. 2968, New Series by title.

ORDINANCE NO. 2968 NEW SERIES, WAS READ BY NUMBER AND TITLE ONLY, IT BEING AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE TRANSFER OF CASH AND APPROPRIATION AUTHORIZATION BETWEEN BUDGET ITEMS IN THE ADOPTED FISCAL YEAR 2015-2016 BUDGET.

**A motion was made by Councilmember Malnar, seconded by Councilmember Chavira, that this agenda item be approved. The motion carried by the following vote:**

**Aye:** 7 - Mayor Weiers, Vice Mayor Hugh, Councilmember Aldama, Councilmember Chavira, Councilmember Malnar, Councilmember Tolmachoff, and Councilmember Turner

## RESOLUTIONS

**36.**     [15-729](#)

**RESOLUTION 5039: AUTHORIZATION TO ENTER INTO THE FIRST AMENDMENT TO THE SETTLEMENT AGREEMENT AMONG THE CITY OF GLENDALE, THE TOHONO O'ODHAM NATION AND THE TOHONO O'ODHAM GAMING ENTERPRISE**

**Staff Contact:** Michael D. Bailey, City Attorney

Mr. Bailey said this amendment deals with the payments that are being tendered by the Tohono O'odham Nation to the city as consideration for settlement of litigation. He explained when the agreement was drafted, the city considered class 3 gaming and did not foresee class 2 gaming occurring on the property. He explained class 2 gaming may occur and they are amending the definition to include class 2 gaming and class 3 gaming as the sources of that consideration to be paid to the city. He said if Council rejects this amendment, they do not nullify the settlement agreement. The rejection will not include class 2 gaming in the definition. He said in terms of the settlement case, a recent decision was entered by the 9th Circuit with regard to that case. He said in the event there was any discussion about the settlement agreement; the underlying case has been resolved at the appellate level.

Mayor Weiers clarified that class 3 gaming approved by the previous Council will stay no matter what and the Tohono O'odham has agreed to pay for the class 2 gaming as well in this amendment.

Mr. Bailey said that was correct.

Mayor Weiers said even if the Council chose not to support this, the Tohono O'odham Nation would not have to pay the city if they did not want to.

Mr. Bailey said it meets the intent of the original agreement.

Mayor Weiers said the Tohono O'odham Nation have chosen to continue to work with and support the city, he is going to vote yes, although he is not saying he supports the overall idea.

Larry Rovey, a Yucca resident, complimented the Council in their change in attitude toward the Tohono O'odham nation. He welcomed the Tohono O'odham Nation as a neighbor and thanked them for extending the courtesies of this payment to the city. He said there are a lot of opportunities for everyone going forward.

Steve Davis, a California resident and project director of the Desert Diamond West Valley Resort and Casino project, has overseen this project for about three years. He thanked the Council for their support of this project. He said he has found the Tohono O'odham Nation to be people of deep integrity and it has been a privilege to work with them. He asked the Council for their continued support for this project.

Chairman Edward Manuel, Tohono O'odham Nation, said he was honored to appear before the Council and said he was here tonight in support of this agreement to include class 2 gaming. He spoke about the money that has been spent on this project and the number of people who have been employed. He said he hoped this continued partnership with the city is a prosperous one, and he hoped the city continued to support the Tohono O'odham Nation. He said the opening celebration will be held on December 20, 2015 and he invited the Council to attend.

Arthur Thruston, a Cactus resident, said he came to speak about Ken Jones who always supported the Tohono O'odham Nation. He said the Tohono O'odham Nation is right and good and the city should support them as much as they can. He asked the Council and the Tohono O'dham Nation consider inviting Mr. Jones' widow to be the first customer when they open their doors.

Robert Casares, an Ocotillo resident, spoke about the Tohono O'dham Nation coming to Glendale and the opportunity for more business and employment coming to the city. He wanted to thank the Tohono O'odham Nation for all they have done for the city. He said everyone has benefitted from their generosity. He said there will be many employment and economic opportunities. He thanked the Council and residents for supporting the casino. He said the cultures are joined together to become one.

Ron Kolb, an Ocotillo resident, said the Councilmembers are approachable and they are moving in the right direction. He said attitudes have changed and are more positive. He believes the Tohono O'odham project is good for both Glendale and the west side. He said they are going to be a very big part of the community and thanked the Tohono O'odham for the generous payment. The Tohono O'odham Nation will be good neighbors.

Ms. Hanna read Resolution No. 5039, New Series by title.

RESOLUTION NO. 5039 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 THE FIRST AMENDMENT TO THE SETTLEMENT AGREEMENT AMONG THE CITY OF GLENDALE, THE TOHONO O'ODHAM NATION AND THE TOHONO O'ODHAM GAMING ENTERPRISE.

Councilmember Turner explained his vote by thanking the Tohono O'odham Nation for their contributions and generosity and continuing commitment to Glendale.

Councilmember Chavira said the Tohono O'odham Nation has done the right thing from day one. He expected nothing else from the Nation, but the right thing.

**A motion was made by Councilmember Tolmachoff, seconded by Councilmember Chavira, that this agenda item be approved. The motion carried by the following vote:**

**Aye:** 7 - Mayor Weiers, Vice Mayor Hugh, Councilmember Aldama, Councilmember Chavira, Councilmember Malnar, Councilmember Tolmachoff, and Councilmember Turner

**REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION**

A motion was made by Vice Mayor Hugh, seconded by Councilmember Turner, to hold the next regularly scheduled city council workshop on Tuesday, November 17, 2015 at 1:30 p.m. in Room B3 of the City Council Chambers, to be followed by an executive session pursuant to ARS 38-431.03. The motion carried by the following vote:

**Aye:** 7 - Mayor Weiers, Vice Mayor Hugh, Councilmember Aldama, Councilmember Chavira, Councilmember Malnar, Councilmember Tolmachoff, and Councilmember Turner

**COUNCIL COMMENTS AND SUGGESTIONS**

Councilmember Aldama thanked all veterans for their service to the country.

Councilmember Chavira thanked the veterans for their service. He also welcomed Councilmember Malnar. He said it was great serving with Gary Sherwood. He wished Councilmember Aldama a Happy Birthday.

Councilmember Malnar thanked the members of the Armed Forces and asked everyone to remember their sacrifice.

Councilmember Tolmachoff thanked the veterans everywhere for their service. She also thanked the Tohono O'odham Nation for their integrity and generosity. She said they are honorable people and they honor their commitments. She announced the first annual Cholla Holiday Mixer from 7 p.m. to 9 p.m. on December 9th and the Foothills Aquatics Center. She said they will hold an ugly sweater contest, holiday desserts and wanted to give everyone an opportunity to have some fun.

Councilmember Turner thanked the veterans who have served our country. He thanked the Police Department for recognizing the veterans in a ceremony. He reminded everyone about the ceremony at 10 a.m. on November 11th honoring veterans at the Glendale Main Library.

Vice Mayor Hugh welcomed Councilmember Malnar and said Happy Birthday to Councilmember Aldama.

Mayor Weiers introduced his sister and mother who were in the audience. He asked everyone to fill up a box of donated food to help the local food bank, Hope for Hunger. He said 15,000 boxes of food were donated previously and asked everyone to contribute. He said the hunger problem is year round and challenged everyone to make a difference. He said the hometown Christmas parade will be held on December 12th.

**ADJOURNMENT**

The meeting adjourned at 7:21 p.m.