



City of Glendale

5850 West Glendale Avenue
Glendale, AZ 85301

City Council Workshop Agenda

Mayor Jerry Weiers
Vice Mayor Ian Hugh
Councilmember Jamie Aldama
Councilmember Samuel Chavira
Councilmember Gary Sherwood
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

Tuesday, February 3, 2015

1:30 PM

Council Chambers - Room B3

Workshop

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

CALL TO ORDER

WORKSHOP SESSION

1. **15-105** POTENTIAL RELOCATION OF THE FOOTHILLS BRANCH LIBRARY AND
EXPANSION OF LIBRARY SERVICES
Staff Contact and Presented By: Erik Strunk, Director, Community Services
Department
Staff Contact and Presented By: Michael Beck, Chief Librarian
2. **15-076** OVERVIEW OF CERTIFICATE OF NECESSITY (CON) PROCESS
Staff Contact: Mark Burdick, Fire Chief
Staff Presenter: Mark Burdick, Fire Chief and Chris DeChant, Executive
Assistant Fire Chief
3. **15-102** CIOSI - AT WILL EMPLOYMENT FOR MAYOR AND COUNCIL STAFFING
Staff Contact: Jim Brown, Director, Human Resources and Risk
Management

Attachments: Chart A - At Will Staffing for Mayor and Council Offices

CITY MANAGER'S REPORT

This report allows the City Manager to update the City Council. The City Council may only acknowledge the contents to this report and is prohibited by state law from discussing or acting on any of the items presented by the City Manager since they are not itemized on the Council Workshop Agenda.

CITY ATTORNEY'S REPORT

This report allows the City Attorney to update the City Council. The City Council may only acknowledge the contents to this report and is prohibited by state law from discussing or acting on any of the items presented by the City Attorney since they are not itemized on the Council Workshop Agenda.

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.

MOTION TO GO INTO EXECUTIVE SESSION

EXECUTIVE SESSION

1. LEGAL MATTERS

A. The City Council will meet with the City Attorney for legal advice, discussion and consultation regarding the city's position in pending or contemplated litigation, including settlement discussions conducted in order to avoid or resolve litigation. (A.R.S. § 38-431.03(A)(3)(4))

B. Council will meet to discuss and consider records exempt by law from public inspection and are specifically required to be maintained as confidential by state or federal law. (A.R.S. § 38-431.03(A)(4))

2. LEGAL MATTERS - PROPERTY & CONTRACTS

A. Discussion and consultation with the City Attorney to receive an update, consider its position and provide instruction and direction to the City Attorney regarding Glendale's position in connection with agreements associated with the Arena and the Hockey Team. (A.R.S. § 38-431.03(A)(3)(4)(7))

3. PERSONNEL MATTERS

A. Various terms have expired on boards, commissions and other bodies. The City Council will be discussing appointments involving the following boards, commissions and other bodies. (A.R.S. § 38-431.03(A)(3)(4))

1. Arts Commission
2. Aviation Advisory Commission
3. Board of Adjustment
4. Citizens Bicycle Advisory Committee

5. Citizens Transportation Oversight Commission
6. Commission on Neighborhoods
7. Commission on Persons with Disabilities
8. Community Development Advisory Committee
9. Glendale Municipal Property Corporation
10. Historic Preservation Commission
11. Industrial Development Authority
12. Judicial Selection Advisory Board
13. Library Advisory Board
14. Parks and Recreation Advisory Commission
15. Personnel Board
16. Planning Commission
17. Public Safety Personnel Retirement Board/Fire
18. Public Safety Personnel Retirement Board/Police
19. Risk Management/Workers Compensation Trust Fund Board
20. Water Services Advisory Commission

Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (i) discussion or consideration of personnel matters (A.R.S. § 38-431.03(A)(1));**
- (ii) discussion or consideration of records exempt by law from public inspection (A.R.S. § 38-431.03(A)(2));**
- (iii) discussion or consultation for legal advice with the city's attorneys (A.R.S. § 38-431.03(A)(3));**
- (iv) discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. § 38-431.03(A)(4));**
- (v) discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. § 38-431.03(A)(5)); or**
- (vi) discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. § 38-431.03(A)(7)).**

Confidentiality

Arizona statute precludes any person receiving executive session information from disclosing that information except as allowed by law. A.R.S. § 38-431.03(F). Each violation of this statute is subject to a civil penalty not to exceed \$500, plus court costs and attorneys' fees. This penalty is assessed against the person who violates this statute or who knowingly aids, agrees to aid or attempts to aid another person in violating this article. The city is precluded from expending any public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced for violation of the statute unless the City Council takes a legal action at a properly noticed open meeting to approve of such expenditure prior to incurring any such obligation or indebtedness. A.R.S. § 38-431.07(A)(B).

**This agenda has been reviewed and approved for posting by Brenda S. Fischer, ICMA-CM,
City Manager.**



Legislation Description

File #: 15-105, Version: 1

POTENTIAL RELOCATION OF THE FOOTHILLS BRANCH LIBRARY AND EXPANSION OF LIBRARY SERVICES

Staff Contact and Presented By: Erik Strunk, Director, Community Services Department

Staff Contact and Presented By: Michael Beck, Chief Librarian

Purpose and Policy Guidance

This is a request for City Council to review and provide guidance on the potential relocation of the Foothills Branch Library to available space at the Foothills Recreation and Aquatics Center and expansion of library services. Specifically, staff is seeking Council direction to gather public input regarding this concept and subsequently share all public response and comment at a future Council workshop.

Background

With the advent of new technological innovations and the increased use of personal electronic devices to access digital media, traditional library services continue to evolve and undergo significant change in concept, design and meeting the needs of library patrons. Throughout the nation there are examples of digital libraries, creative spaces to allow 3-D printing and interaction with electronic media, Wi-Fi access to the Internet via personal tablets, stand-alone computers, and smart phones. In light of a partnership opportunity that has been presented to the City by Midwestern University and as a part of the City's ongoing efforts to explore new and improved service models and assess its assets, the Community Services Department recently conducted an internal staff review of the Glendale Public Library System. This review included a statistical analysis of use patterns, the identification of library trends and the type of library media used by library patrons. One of the opportunities discussed is the possible relocation and transformation of the Foothills Branch Library into a high-tech "Library and Technology Center" as well as partnership opportunities that enhance the library and community.

There is space available at the Foothills Recreation and Aquatics Center (FRAC). By relocating and creating a new branch library here, it is possible to utilize existing city-owned space. An overview would include:

1. Increased library hours for the public with 13 additional hours a week, going from currently 36 hours to 49 hours which is 676 hours more a year
2. Continue to provide patrons access to physical books, materials, technology, meeting room space, study room space, special interest classes and events, book drop and online ordering capabilities
3. Increase digital material collections and provide a new array of technologies (tablets, green screens, 3-D printer, new desktop computers, enhanced Wi-Fi, etc.)
4. Relocation costs covered by transaction revenue
5. Reduced annual operating expenses without eliminating full-time library staff

Patrons would still have access to group study rooms, a 24-48 hour guarantee delivery of books reserved in

person or online, special children and youth literacy programming initiatives, public computers, and drop off book bins. This new facility and amenity would be provided at no cost to library patrons and customers.

Additionally, Midwestern University, Arizona's largest non-profit medical school, has expressed partnership interest for:

1. Continuing to allow community groups to use the meeting rooms
2. A new and potential partnership with an organization dedicated to helping veterans with health related issues
3. Additional special interest healthcare classes
4. The mentoring and tutoring opportunities for youth
5. The sponsorship of free health-related clinics
6. Partnering with use of medical research and health related materials

Analysis

A new Library and Technology Center would offer library services for all ages, access to the digital world via an enhanced and expanded "e-library" concept, and a comfortable seating area with access to refreshments that patrons could enjoy while reading a book, periodical, or accessing the internet via tablets. It would be designed to be an enhanced library experience through the use of technology, one which would embrace the concept of a true digital library, while still providing traditional library services. Relocation would also provide cross-benefit to exposure and use of the Foothills Recreation and Aquatic Center by library patrons.

Community Benefit/Public Involvement

If directed by Council, staff would recommend a very robust and thorough public participation process that would include the hiring of an outside facilitator to oversee and coordinate the public input process. It is envisioned this would involve public open-houses, online comment opportunity for feedback and briefings to the appropriate city commissions, boards and community stakeholders.

Budget and Financial Impacts

Upon Council direction, staff would move forward with appropriate planning for public input and an outside facilitator. Budgetary impact will be determined based upon Council direction.



Legislation Description

File #: 15-076, Version: 1

OVERVIEW OF CERTIFICATE OF NECESSITY (CON) PROCESS

Staff Contact: Mark Burdick, Fire Chief

Staff Presenter: Mark Burdick, Fire Chief and Chris DeChant, Executive Assistant Fire Chief

Purpose and Policy Guidance

This is a presentation that will provide the City Council an overview on the Certificate of Necessity (CON) process for emergency transportation, and to seek Council direction authorizing the City Manager to send a letter of support to Arizona Department of Health Services (AZDHS) to award a CON to the Glendale Fire Department.

Background

The current ambulance market throughout the State of Arizona has 85 CON's that are owned by 51 local governments, 27 private companies, 5 non-profits, 1 county, and 1 hospital. AZDHS is the state agency responsible for regulation of ambulance services and approval of CON's. AZDHS is also the state agency responsible for restricting qualified ambulance providers and limiting local control of ambulance services when they allowed Rural Metro to purchase Professional Medical Transport in 2012.

The only CON qualified ambulance companies that are allowed to provide service in the City of Glendale are Rural Metro and Rural Metro subsidiaries, Southwest Ambulance and Professional Medical Transport.

American Medical Response (AMR) recognized Rural Metro's instability and applied for a CON for the entire Maricopa County Area including the City of Glendale. AMR is the largest ambulance provider in the national emergency medical services market and Rural Metro is the second largest. AMR's capital at \$3 billion is six times larger than Rural Metro at \$438 million. The two companies have been in direct competition throughout the country. In 2011, AMR proposed replacing the fire department as a primary emergency medical service provider in Dallas, Cincinnati, and Los Angeles, which forced city councils to choose between the fire department and AMR. Their proposal included removing paramedics from fire trucks while utilizing the fire department units to respond and deliver primary service including patient extrication, treatment, and packaging, while the ambulance would only transport and collect all revenue. This proposal places a majority of the cost on the local government, while allowing the ambulance company to collect all profit.

I have five concerns regarding the current status of emergency medical transportation in our city, which include:

1. Long term provision of 911 transportation services in our city.
2. Rural Metro may cancel our contract which will result in the loss of approximately \$1.3 million per year in funding.

3. Rural Metro may sell Southwest Ambulance to another company. The bankruptcy reorganization plan included Rural Metro being sold to an equity firm.
4. AMR is now attempting to enter the Phoenix Metropolitan Area.
5. AZDHS is feeling pressure to approve additional CON's for jurisdictions due to Rural Metro's Chapter 11 Bankruptcy filing.

On September 11, 2014, Rural Metro/Southwest Ambulance met with all Fire Chiefs from the West Valley. Rural Metro/Southwest Ambulance proposed a partnership with fire departments that would provide the advanced life support (ALS) CON, which is paramedic level medical care, to interested fire departments. In this proposal, Rural Metro/Southwest Ambulance would maintain a basic life support CON, which is emergency medical technician level medical care. I would like to support our relationship with Rural Metro/Southwest Ambulance by obtaining our own ALS CON. If we are successful in obtaining our own ALS CON, it will preserve our local right to provide the service within our city. The CON application has been submitted to AZDHS and a letter of support from the City that illustrates our commitment to providing emergency medical transportation service will enhance our chance of approval. The letter includes the financial commitment to support transportation service during the initial start-up period, until billing for service reimburses related expenses.

Previous Related Council Action

On October 14, 2014, City Council received a memo from the City Manager stating that the fire department was starting the CON application process.

Community Benefit/Public Involvement

Implementation of the ALS CON will provide response vehicles that are transport capable to assure critical patients are provided the highest level of customer service. The City of Glendale gaining authorization to operate an ALS CON will not be a threat to Rural Metro/Southwest Ambulance as this is a partnership between Rural Metro/Southwest Ambulance and Glendale Fire Department. Acquiring an ALS CON provides a level of local control over emergency transportation services for the City of Glendale.



Legislation Description

File #: 15-102, **Version:** 1

CIOSI - AT WILL EMPLOYMENT FOR MAYOR AND COUNCIL STAFFING

Staff Contact: Jim Brown, Director, Human Resources and Risk Management

Purpose and Policy Guidance

As a Council Item of Special Interest, Mayor Weiers has requested a discussion pertaining to the Mayor and Council Members having the authority to hire their own staff members and for those staff members to be employed “at will”.

Background

In the December 16, 2014 Council Workshop, Mayor Weiers requested a discussion regarding the authority for the Mayor and Council to hire their own staff members “at will” and that the staff member would leave his or her position once the Mayor or Council Member leaves office.

Mayor Weiers indicated that his request was similar to what staff had brought to the Council Workshop on 12/17/13 regarding a change to City Ordinance that would expand the positions within the City considered “unclassified”, however his request is specific to positions within the Council and Mayor’s offices only and would require the Mayor and Council members to hire and supervise their staff members directly. These staff members would not be considered as employees under the merit system and would not report directly or indirectly to the City Manager.

Analysis

Article IV of the City Charter and Glendale City Code, Chapter 2, Article III, Division 2, Section 2-68 allow for Classified and Unclassified positions within the City. Those unclassified (at will) positions are limited by City Charter and City Code to:

- City Manager
- City Attorney
- City Judge
- City Clerk
- Assistant City Judge

These unclassified positions are the only positions within the City that are appointed by and serve at the pleasure of the Mayor and Council. All other employees within the organization are considered to be under the City’s merit system. They are subject to the City’s Human Resources Policies and Procedures and report either directly or indirectly to the City Manager.

Currently Phoenix, Surprise, Tempe, and Tucson are the only comparable Arizona cities that have positions within their Mayor or Council Offices that are considered “at will”. Please refer to the chart A attached to this communication that reflects the “at will” positions in mayor and council offices.

The following options are available to the Council in order to create positions within their offices that would be considered “at will”:

- 1) Amend Article IV of the City Charter and Glendale City Code, Chapter 2, Article III, Division 2, Section 2-68 (Unclassified and Classified) to include Mayor and Council staff positions in addition to those identified as current appointees of the Council. A change to the City Charter would require a vote of the citizens and the existing Mayor and Council staff would not be subject to the “at will” status since they were hired under the current City Charter. Staffing hired as Mayor or Council assistants after the City Charter change would serve at the pleasure of the Mayor or appointing Council member and be subject to “at will” status employment. Should the Mayor and Council members each hire their own staff members there would be a change from four positions serving the Mayor and Council to seven which would also have a budget impact.
- 2) Amend Glendale City Code, Chapter 2, Article III, Division 2, Section 2-68 (Unclassified and Classified) to include Mayor and Council staff positions. This action would not require a vote of the citizens and would create “at will” status employment for the Mayor and Council staff positions. These positions would be appointed by and serve at the will of the City Manager and would not be subject to the Human Resources Policies and Procedures. Existing Mayor and Council staff employees would not be subject to “at will” employment since they were hired under the current ordinance. Employees hired Mayor or Council staff assistants after the ordinance is in effect will be considered “at will” and will serve at the pleasure of the City Manager. Provided no additional staff members are hired this action would not impact the budget.
- 3) Allow Mayor and Council to contract temporary staffing. Temporary contracted staff are considered “at will” and the term of their contracts may be specified in their contract to coincide with the term of the elected official. Contracted workers may be hired by the Mayor or Council member and are not subject to the due process rights of City employees under the merit system. The Mayor or Council member may terminate the contract with the worker under the terms and conditions of the agreement. If Mayor and Council should choose to contract their staff it would need to be determined by the City Manager what action to take with the current Mayor and Council staffing. This option could add additional staffing to the Mayor and Council offices which would have a budget impact.

The Mayor and Council can also choose to keep staffing positions as they are currently, under the merit system and subject to the current Human Resources Policies and Procedures, reporting directly to the Intergovernmental Programs Director and indirectly to the City Manager. This option would not create “at will” employment status and would have no budget impact.

Previous Related Council Action

On November 26, 2013 an item to expand “unclassified” positions within the City to include the Assistant City

Manager, Department Director, Assistant Department Director, all positions in the Mayor and Council Offices, the City Manager's Office, the City Clerk's Office, and the City Attorney's Office, was brought before the Council for a vote. Council directed staff to bring this item back in a workshop for further discussion.

On December 17, 2013 staff brought the item to workshop to discuss the merits of expanding the unclassified positions and to review what Glendale's benchmark cities do with regard to unclassified positions. The direction from the Council at that time was not to move forward with expansion of the "unclassified" positions.

Budget and Financial Impacts

Budget impact ranges from zero, if no changes are made, up to \$200,000+ if additional positions are funded.

Chart A

Benchmark Cities "At Will" Staffing in Mayor and/or Council Offices

City	Council Office	Mayor's Office
	Avondale	
Chandler		
Gilbert		
Goodyear		
Mesa		
Peoria		
Phoenix		Personal Secretary
Scottsdale		
Surprise	2 positions serving both mayor and council offices	2 positions serving both mayor and council offices
Tempe	Asst. to the Council and Council Aide	Asst. to Mayor and Sr. Mayoral Aide
Tucson	All Positions	All Positions
Glendale		