



# City of Glendale

5850 West Glendale Avenue  
Glendale, AZ 85301

## City Council Workshop Agenda

*Mayor Jerry Weiers*  
*Vice Mayor Yvonne J. Knaack*  
*Councilmember Norma Alvarez*  
*Councilmember Sammy Chavira*  
*Councilmember Ian Hugh*  
*Councilmember Manny Martinez*  
*Councilmember Gary Sherwood*

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Tuesday, October 7, 2014

1:30 PM

Council Chambers - Room 3B

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### 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.     **14-287**            CONSTRUCTION UPDATES ON THE ARENA  
Staff Contact: Julie Frisoni, Assistant City Manager  
Presenter: Anthony LeBlanc, Co-Owner, President, CEO, Arizona Coyotes  
Presenter: Jim Foss, Senior Vice President of Strategic Planning, Arizona Coyotes  
Presenter: Ron Barrett, President, Brayden Management
  
2.     **14-223**            COUNCIL ITEM OF SPECIAL INTEREST - GLENDALE URBAN IRRIGATION UPDATE  
Staff Contact: Craig A. Johnson, P.E., Director, Water Services  
Staff Presenter: Craig A. Johnson, P.E., Director, Water Services  
Staff Presenter: Douglas Kupel, Ph.D., Deputy Director, Water Service  
Staff Presenter: Ron Short, Chairman, Water Services Advisory Commission

Attachments:     [Public Participation Plan](#)

#### 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.**

#### 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. City Council will meet with the City Attorney and Mr. William Sims, Sims Murray, LTD for legal advice, discussion and consultation regarding the Attorney General inquiry. (A.R.S. § 38-431.03(A)(2)(3))

B. 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))

C. 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. The City Council will meet with the City Attorney and City Manager to receive an update, consider its position and provide instruction and direction to the City Attorney and City Manager regarding Glendale's position in connection with one or more agreements associated with or near the Foothills Library. (A.R.S. § 38-431.03(A)(3)(4)(7))

B. The City Council will meet to discuss and consult with the City's attorneys for legal advice and designated representatives to consider its position and provide instruction in connection with a potential agreement related to the terms of engagement for a Financial Advisor, which are the subject of negotiations. (A.R.S. § 38-431.03(A)(3)(4))

C. Discussion and consultation with the City Attorney and City Manager to receive an update, to consider its position and provide instruction and direction to the City Attorney and City Manager regarding Glendale's position in connection with agreements associated with the Arena, which are the subject of negotiations. (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. Audit Committee
3. Aviation Advisory Commission
4. Board of Adjustment
5. Citizens Bicycle Advisory Committee
6. Citizens Transportation Oversight Commission
7. Commission on Neighborhoods
8. Commission on Persons with Disabilities
9. Community Development Advisory Committee
10. Glendale Municipal Property Corporation
11. Historic Preservation Commission
12. Industrial Development Authority
13. Judicial Selection Advisory Board
14. Library Advisory Board
15. Parks and Recreation Advisory Commission
16. Personnel Board
17. Planning Commission
18. Public Safety Personnel Retirement Board/Fire
19. Public Safety Personnel Retirement Board/Police
20. Risk Management/Workers Compensation Trust Fund Board
21. 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

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**File #: 14-287, Version: 1**

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### **CONSTRUCTION UPDATES ON THE ARENA**

Staff Contact: Julie Frisoni, Assistant City Manager

Presenter: Anthony LeBlanc, Co-Owner, President, CEO, Arizona Coyotes

Presenter: Jim Foss, Senior Vice President of Strategic Planning, Arizona Coyotes

Presenter: Ron Barrett, President, Brayden Management

### **Purpose and Policy Guidance**

The purpose of this report is to present a construction update on the Arena. The presentation by Jim Foss, Senior Vice President of Strategic Planning with the Arizona Coyotes Hockey Club, and Ron Barrett, President of Brayden Management, will showcase changes that have already been made, proposed future changes and how the team proposes these changes will increase revenue to the city.

### **Analysis**

Construction updates on the Arena completed by the team during summer 2014:

- Coyotes Office Space - Offices are now located within the Arena, which provides the ability to immediately interact with fans within the four walls of the arena.
- Tim Horton's - Due to the popularity of the main concourse stand, a second Tim Horton's stand on the upper concourse was added to increase product accessibility for fans.
- Locker Room - Home team locker room was refurbished to add a new classroom and coach's offices.
- Interview Room - Addition of a new space capable of producing the multiple network live pre/post-game interviews.
- Broadcast Deck - Construction of a state-of-the-art media space for pre/post-game broadcasts overlooking the bowl of the Arena.
- Concession Stand Upgrade - Lifted "windows" on the concourse to allow more line of sight for the patrons, addition of digital menu boards to the main concourse and the addition of 14 new portable concession stands with 27 new points-of-sale.
- Antenna System - Enhancement of in-arena cell service from 2G to 4G LTE for major cellular service carriers.
- Ticket Sales Center - A new ticket sales service center on the main concourse with an authentic hockey

goal, lockers, HD monitor, and internet connection to sell and service tickets and ticket packages during events at the Arena.

- Team Store - Remodeled team store along with five new, unique boutique stores within the arena offering an upgraded selection of Arizona Coyotes merchandise.
- Outdoor Patio - Completely remodeled the outdoor terrace above the Team Store with a full service bar, outdoor furniture, flat screen LED TVs, and audio equipment for live bands, DJ's or recorded music.

Future upgrades considered could include the following:

- Opera Boxes
- Rinkside Club Renovation
- Club Renovation

### **Previous Related Council Action**

On July 2, 2013, Council voted to adopt an ordinance authorizing and directing the City Manager to enter into a Professional Management Services and Arena Lease Agreement with IceArizona Manager Co., LLC and IceArizona Hockey Co., LLC for the use of the city-owned Jobing.com Arena by the Phoenix Coyotes.

### **Background**

In 2001, the City of Glendale entered into an Arena Development Agreement, an Arena Management and Use Agreement (AMULA), and a Mixed-Use Development Agreement (MUDA) with Arena Management Group, LLC, Coyotes Hockey, LLC, Glendale 101 Development, LLC, and Coyote Center Development, LLC. The purpose of these actions was to create a high-quality major economic center in Glendale, consisting of offices, hotels, entertainment, retail and restaurants.

### **Budget and Financial Impacts**

All costs associated with any changes reflected in this presentation will be borne entirely by the Arizona Coyotes Hockey Club and will not be borne by the city.



## Legislation Description

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**File #: 14-223, Version: 1**

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### **COUNCIL ITEM OF SPECIAL INTEREST - GLENDALE URBAN IRRIGATION UPDATE**

Staff Contact: Craig A. Johnson, P.E., Director, Water Services

Staff Presenter: Craig A. Johnson, P.E., Director, Water Services

Staff Presenter: Douglas Kupel, Ph.D., Deputy Director, Water Service

Staff Presenter: Ron Short, Chairman, Water Services Advisory Commission

### **Purpose and Recommended Action**

At the August 5, 2014 Council Workshop, Council Member Norma Alvarez requested a Council Item of Special Interest on the urban irrigation program. The purpose of this report is to provide information to the City Council with regard to the urban irrigation program.

### **Background/ Analysis**

#### Early History

“Urban irrigation” refers to the direct delivery of non-potable Salt River Project (SRP) irrigation water to locations in urbanized areas. Urban irrigation is from open or underground ditch systems used for outside landscaping that takes place in several locations in the Salt River Valley. This is a remnant from an earlier era. The vast majority of water customers in the Valley and Glendale now receive potable water only from a municipal delivery system for both inside and outside use.

In the Glendale area, water for farm lands came from the Salt and Verde Rivers delivered from the Arizona Canal completed in 1885. Some came from the earlier Grand Canal. Farmers and land owners built and paid for these canals and smaller laterals and ditches to bring water to their land.

After the adoption of the 1902 Reclamation Act by Congress, these canals and other infrastructure became part of the Salt River Project. Federal reclamation laws govern how SRP delivers water to urban and agricultural customers across the Valley, including those in Glendale. Other Federal water reclamation laws such as the 1906 Townsite Act allows municipal governments to take responsibility for the delivery of water as an agent for the landowner.

Glendale has had an urban irrigation program since 1912 when the City Council first took interest in the water delivery system for town lots in the Glendale townsite. In 1912, Glendale adopted Ordinance 27 and took over the obligation of distributing, maintaining, and repairing the existing irrigation distribution system. City ordinances contain provisions that allow the City to collect a per lot fee for the water. These were for lots that have SRP rights to surface water and were no longer farms.

#### Recent History

There have been very few changes to the system over the last sixty years. When Glendale was smaller, many

of the lots in the downtown area which are now designated historic districts received urban irrigation water. Some of these lots, both inside and outside of historic districts, continue to receive urban irrigation water today. Although the City of Glendale has grown considerably since the 1960s, the mature landscaping and vegetation in the older part of town gives this area a distinct feeling and character.

In more recent years, the cost of providing the urban irrigation service has increased. In 1960, the City adopted Ordinance 588 requiring property owners to pay for the cost of installation. In 1989, Glendale conducted a legal analysis to determine if it could divest itself of the urban irrigation business. While attorneys agreed the City could discontinue urban irrigation and turn the system over to landowners, this did not take place.

In 1990, Glendale entered into a contract with Salt River Irrigation (SRI) to provide the irrigation service. While the city continued to have one full-time worker dedicated to repairing the residential irrigation system, the private contractor assumed the major responsibility to maintain and repair that portion of the system serving City parks. This initial contract was for \$78,500.

In 1992, the City hired AGK engineers to evaluate the condition of the system. At that time, costs to rehabilitate the system ranged from \$6 million to \$7.26 million.

No action resulted from the 1992 study and the public-private partnership for the operation and maintenance of the non-residential portion of the system continued. In 2012, the City Council approved a separate contract with private business SRI for maintaining the residential portion of the system and extended the original contract with SRI for the non-residential portion.

#### Creation of the Task Force

On January 24, 2012, Council adopted an Ordinance establishing the Ad-Hoc Citizen Task Force on Water and Sewer (CTFWS) to review water and sewer policies and rates. At the April 3, 2012 Council budget meeting, former Mayor Elaine Scruggs directed staff to look for a recommendation from the CTFWS on urban irrigation after noting that cost recovery for urban irrigation was less than revenues.

The Task Force discussed urban irrigation as part of their group discussions in preparation for its final report. While some Task Force members expressed opinions that urban irrigation should be operated as a business and for a profit, others felt that urban irrigation was a historical and aesthetic amenity deserving of City support for its preservation. On December 18, 2012, staff presented the recommendations from the CTFWS to the City Council. The final report did not contain any recommendations regarding future actions or direction with regard to urban irrigation. The final report included several recommendations, one of which was to create a Water Services Advisory Commission (WSAC) to analyze water policies, including financial policies relating to water and wastewater services

#### Creation of Water Services Advisory Commission

On June 25, 2013, the City Council approved the creation of the Water Services Advisory Commission (WSAC). The commission consists of seven members. The City Council appointed six members on September 10, 2013; the first commission meeting took place on September 18, 2013. The Council appointed the seventh member from the Cholla District, on November 26, 2013.



WSAC Discussion of Urban Irrigation

On November 6, 2013, the WSAC identified potential items to discuss at future meetings. The WSAC selected urban irrigation as one item for discussion and requested staff to provide background. On December 4, 2013, Mark Fortkamp, Water Services Superintendent gave the requested presentation to the WSAC regarding urban irrigation. Commissioners asked numerous questions, both at the meeting and in writing. At the January 8, 2014 meeting, the WSAC asked staff to make a presentation of alternatives to the present system of urban irrigation at its next meeting. Due to the cancellation of the February 2014 meeting, the presentation was given on March 5, 2014 by Doug Kupel, Acting Deputy Director of Water Services.

There was considerable discussion and public input at the March 5 meeting. At the conclusion of discussion, the commission voted to table the item and requested staff to hold one or more community meetings on the subject. There was additional public input received at the April 2 WSAC meeting where Craig Johnson, Director of Water Services reported to the WSAC that staff will work on preparing a public participation plan for future meetings. Public comments on urban irrigation were received at the May 7 and June 4 WSAC meetings also.

The Commission did not hold meetings in July or August. During this time, Water Services staff researched public participation plans used by other city departments in Glendale and by other government agencies. Particularly useful was the experience of Tempe, which is also considering urban irrigation issues in that community. The proposed public participation plan for urban irrigation was completed and presented to the WSAC on September 3.

On September 3, 2014, the WSAC voted to adopt a public participation plan. This plan includes several mechanisms to ensure that the public, both inside and outside of areas served by the urban irrigation system will receive notice regarding future discussions on urban irrigation. The plan calls for an information meeting of the WSAC on urban irrigation to be held at City Hall in the Council chambers on October 1, 2014. Additionally, the plan calls for future discussion of urban irrigation rates to take place within the overall context of water and sewer rate discussions.

**Previous Related Council Action**

As noted earlier in this report, Council actions regarding urban irrigation date back to 1912. The most recent Council actions relate to the renewal of the contract with the private irrigation service provider (SRI) for parks and city facilities and the approval of an initial contract with SRI for operations and maintenance of the residential system.

On April 7, 2011, Council authorized a new agreement with SRI for flood irrigation at parks and city facilities. This contract was in the amount of \$30,000 for a one year initial period renewable on an annual basis for an additional five years. This contract (C-7624) was renewed on February 15, 2012 and April 2, 2013.

On June 26, 2012, Council authorized an initial contract with SRI for operations and maintenance of the residential portion of the urban irrigation system. This initial contract (C-8192) was in the amount of \$138,108.60 per year and covered a term of two years renewable for four additional years in one-year increments.

On August 12, 2014, Council authorized the City Manager to extend the agreement terms for contract C-8102 with SRI covering three years at \$138,108.60 per year, and expenditure authorization not to exceed \$414,325.80 for this period. This Council action ensures continued residential water service and delivery, including customer service and repairs for irrigation customers.

On April 1 and April 15, 2014, Council Member Alvarez requested special items of interest regarding urban irrigation. As a result staff sent a memo to the Mayor and Council on June 10, 2014 that a public participation plan was being prepared to assist with citizen engagement on the topic of urban irrigation. In addition, attached to the memo was the report presented to the WSAC at the March 5, 2014 meeting.

On August 5, 2014, Council Member Alvarez requested a special item of interest regarding more information on urban irrigation. At the September 16, 2014 City Council Workshop, staff will be presenting information on urban irrigation.

Prior to the most recent interest by the Council on this subject, there have been two other time periods when urban irrigation was of interest. The first, mentioned in the background portion of this report, started in 1989 when Glendale conducted a rate analysis and legal study. In 1991, the Council sponsored a series of three meetings on the subject, two at the main library auditorium on Brown Street and one in the Council chambers. Members of the Council Utilities Committee attended; this consisted of Council members Elaine Scruggs, Quentin Tolby, and Ian Hugh. At the end of the four-year period of discussion regarding the system, no Council action took place.

Another period of interest started in 2003 with a rate study similar to the one that took place in 1989. This second period of interest culminated five years later in 2008 with the completion of a study that outlined several possible alternatives for the urban irrigation program. No Council action took place as a result of this more recent period of study.

### **Community Benefit/Public Involvement**

To summarize, recent activity on the part of Water Services staff regarding urban irrigation has been at the request of the Ad Hoc Task Force and the Water Services Advisory Commission (WSAC). It is clear that there is considerable community benefit from the urban irrigation system with regard to the environment, tradition, and aesthetics of the downtown area and surrounding neighborhoods. At the same time, this is a service that has always cost more to operate than it has brought in through revenues collected from users.

There has been significant public involvement on this subject dating back over a number of years. Recently, there has been extensive public input at both the Task Force (2012) and Advisory Commission levels (2013-14). There will be an additional opportunity for public involvement at a special informational meeting of the WSAC on October 1, 2014.

It is the recommendation of staff that future public involvement and discussion of any changes to urban irrigation rates first be brought to the WSAC in conjunction with comprehensive discussions of overall water and sewer rates.



# Water Services Memorandum

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DATE: August 26, 2014

TO: Water Services Advisory Commission

FROM: Craig Johnson, P.E., Director, Water Services

SUBJECT: Proposed Public Participation Plan for Urban Irrigation Program

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At its meeting of June 4, 2014, the Water Services Advisory Commission (WSAC) requested Water Services staff prepare a draft public participation plan to outline future discussions of the urban irrigation program in Glendale.

Staff made a study of public participation plans used by other city departments in Glendale and by other government agencies. Particularly useful was the experience of Tempe, which is also considering urban irrigation issues in that community.

Outlined below are specific elements recommended by staff to be part of a public participation plan for the urban irrigation program. It is important to note the agenda item under consideration on September 3 is not urban irrigation itself. The agenda item is limited to discussion and possible action on a public participation plan for urban irrigation.

### **Staff Recommendation to Water Services Advisory Commission Proposed Public Participation Plan for Urban Irrigation**

Prepare a draft staff report summarizing current information regarding urban irrigation. Prepare a PowerPoint presentation summarizing the staff report.

Schedule an information-only WSAC meeting on October 1, 2014 to solicit public comments on urban irrigation issues identified in the staff report.

Hold the information-only WSAC meeting concerning urban irrigation at the Glendale Adult Center at N. 59<sup>th</sup> Avenue and W. Brown Street.

Publish a notice in the *Glendale Star* newspaper prior to the meeting noting the date and time of the information-only meeting. This should be not less than twenty days before the meeting.

Issue a press release two weeks prior to the meeting; post the press release on the WSAC web page under the urban irrigation heading.

Notify direct interest stakeholders of the meeting by USPS mail. Direct interest stakeholders include property owners / occupants in the urban irrigation area. Notify by email Glendale

homeowners associations, registered neighborhood groups, and others on the interested parties list from Planning (organized by district). Distribute notices two weeks prior to the meeting.

Create a master urban irrigation e-mail interest list. Interested persons may register to be placed on the list. Similar to other interest lists maintained by the city, it will be used to notify interested parties of any upcoming meetings and other opportunities for public involvement.

Create an urban irrigation heading on the WSAC web page where documents can be posted, meetings announced, and on-line comments submitted. Post a list of urban irrigation FAQs and answers under this heading.

The meeting will be considered a regular meeting of the WSAC; all regular Commission rules for public comment will apply.

Provide opportunity for written comments at the October 1 public information meeting (comment cards).

Keep track of the number of individuals that were sent mailed notices, who were on the master email list, attended meetings, submitted written comments, and gave public comments.

Upon completion of the public information meeting on October 1, provide the WSAC with a summary of comments received.

Discussion of any changes to urban irrigation rates will be brought to the WSAC in conjunction with future comprehensive discussions of overall water and sewer rates.