City of Glendale

5850 West Glendale Avenue Glendale, AZ 85301



Meeting Minutes - Draft

Tuesday, September 13, 2016 6:00 PM

Voting Meeting

Council Chambers

City Council

Mayor Jerry Weiers
Vice Mayor Ian Hugh
Councilmember Jamie Aldama
Councilmember Samuel Chavira
Councilmember Ray Malnar
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

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

> [Councilmember Chavira participated by telephone. Councilmember Turner joined the meeting at 6:27 p.m.]

Also present were Kevin Phelps, City Manager; Tom Duensing, Assistant City Manager; Michael Bailey, City Attorney; Julie Bower, City Clerk; and Darcie McCracken, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

PRAYER/INVOCATION

The Venerable from the Truc Lam Buddhist Center offered the invocation.

Mayor Weiers recognized the Glendale Police Officers and Glendale Police Explorers who were attending the meeting.

Mayor Weiers said Councilmember Chavira was attending the meeting by phone and Councilmember Turner had an emergency and would be arriving later.

CITIZEN COMMENTS

James Deibler, a Phoenix resident, spoke about the Glendale Elementary School District At that meeting, ways to accommodate displaced students from Challenger Middle School and Landmark Elementary School were discussed. schools needed to be made and he hoped they would reopen soon.

Kim Baker, an Avondale resident, congratulated the winners of the recent election. would be seeking a federal criminal indictment against Interim Police Chief Rick St. John. Mr. Baker hoped the Council would take that into consideration when selecting the new Police Chief.

Connie Kiser, a Sahuaro District resident, was concerned about the lack of citizen participation regarding the proposed text amendment ZTA 16-02. The amendment, which allowed unlimited numbers of chickens to be kept on residential properties, would impact the City. She said opposition to the amendment was strong, and before it was voted on, the citizens of Glendale should be given a chance to voice their opinions on the issue. Ms. Kiser asked that neighborhood meetings be held to allow for greater participation because it affected the property rights of many residents.

Bob Gonzalo, a Barrel District resident, spoke about the damage done at the fiesta and asked who was going to pay for the vandalism. He also congratulated the winners of the recent election. He spoke about candidates supported by the Fire Department and said the department should have chosen better candidates to support. He hoped no one would dispute the validity of the election.

Bill Demski, a Sahuaro District resident, spoke about his rising property tax bill and the fact that Cabela's paid no property taxes. He spoke about the \$28 million the deal with Cabela's had cost the City. He asked the City Attorney to look into the deal.

APPROVAL OF THE MINUTES OF AUGUST 9, 2016

1. 16-399 APPROVAL OF THE MINUTES OF THE AUGUST 9, 2016 VOTING

MEETING

Staff Contact: Julie K. Bower, City Clerk

A motion was made by Councilmember Malnar, seconded by Vice Mayor Hugh, 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 Malnar, and Councilmember Tolmachoff

Absent: 1 - Councilmember Turner

PROCLAMATIONS AND AWARDS

2. 16-398 PROCLAIM OCTOBER 2016 AS NATIONAL FIRE PREVENTION MONTH

Staff Contact: Terry Garrison, Fire Chief

Presented By: Office of the Mayor

Accepted By: Jason Webb, Glendale Firefighter Paramedic

Mayor Weiers recognized the members of the Bicycle Advisory Commission for the time and effort they put into planning the 2016 Glendale Family Bike Ride that was held in April 2016. He also recognized the Glendale Police Explorers and volunteers from Glendale High School who also helped make the bike ride successful.

Mayor Weiers declared October 2016 as National Fire Prevention Month. The proclamation was accepted by Glendale Firefighter Paramedic Jason Webb.

CONSENT AGENDA

3. 16-394 RECOMMEND APPROVAL OF SPECIAL EVENT LIQUOR LICENSE,

ST. LOUIS THE KING ROMAN CATHOLIC CHURCH

Staff Contact: Vicki Rios, Director, Budget and Finance

4. <u>16-395</u> RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 5-21186, PITA

KITCHEN

Staff Contact: Vicki Rios, Director, Budget and Finance

5. <u>16-396</u> RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 5-21156, K

SUSHI BAR & GRILL

AUTHORIZATION TO ENTER INTO A CONSTRUCTION AGREEMENT

12.

16-404

City Council		Meeting Minutes - Draft	September 13, 2016
		WITH VIASUN CORPORATION FOR THE PAVEMENT MA PROGRAM SLURRY SEAL PROJECT Staff Contact: Jack Friedline, Director, Public Works	NAGEMENT
13.	<u>16-412</u>	AUTHORIZATION TO ENTER INTO A LINKING AGREEME ENNIS PAINT, INC., DOING BUSINESS AS ENNIS-FLINT, WATERBORNE FAST DRY TRAFFIC PAINT Staff Contact: Jack Friedline, Director, Public Works	
14.	<u>16-410</u>	AUTHORIZATION TO ENTER INTO A MUNICIPAL BILL-CF AGREEMENT WITH SALT RIVER PROJECT FOR HOOVE BILL CREDITING Staff Contact: Craig Johnson, P.E., Director, Water Services	R POWER
15.	<u>16-353</u>	AUTHORIZATION TO ENTER INTO A LINKING AGREEME CALMAT CO., DOING BUSINESS AS VULCAN MATERIAL AND APPROVE THE EXPENDITURE OF FUNDS FOR ROMATERIALS Staff Contact: Craig Johnson, P.E., Director, Water Services	S COMPANY, AD
16.	<u>16-358</u>	AUTHORIZATION TO ENTER INTO A LINKING AGREEME FISHER SCIENTIFIC COMPANY, LLC, AND APPROVE TH EXPENDITURE OF FUNDS FOR LABORATORY EQUIPME TESTING SUPPLIES Staff Contact: Craig Johnson, P.E., Director, Water Services	IE ENT AND
17.	<u>16-388</u>	EXPENDITURE AUTHORIZATION FOR ANNUAL AMORTIZE EQUIPMENT AND DISPATCH COSTS FOR FISCAL YEAR WITH THE CITY OF PHOENIX FOR COMPUTER AIDED D (CAD) SERVICES Staff Contact: Terry Garrison, Fire Chief	2016-17
18.	<u>16-422</u>	POSITION RECLASSIFICATIONS Staff Contact: Jim Brown, Director, Human Resources and Management	Risk

CONSENT RESOLUTIONS

Ms. Julie Bower, City Clerk, read consent resolution item numbers 19 through 26 by number and title.

19. 16-416 RESOLUTION NO. 5145 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF AN INTERGOVERNMENTAL AGREEMENT ENTITLED, "MASTER STUDENT PLACEMENT AGREEMENT" WITH PEORIA UNIFIED SCHOOL DISTRICT NO. 11, WORK BASED LEARNING PROGRAM, FOR STUDENT INTERNSHIP OPPORTUNITIES. Staff Contact: Jim Brown, Director, Human Resources and Risk Management

20. 16-406 RESOLUTION NO. 5146 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF A MODIFICATION TO THE FEDERAL FISCAL YEAR 2016 STATE AND LOCAL TASK FORCE INTERGOVERNMENTAL AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION.

Staff Contact: Rick St. John, Interim Police Chief

21. 16-407 RESOLUTION NO. 5147 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF AN INTERGOVERNMENTAL AGREEMENT ENTITLED "PROGRAM-FUNDED STATE AND LOCAL TASK FORCE AGREEMENT" WITH THE UNITED STATES DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT ADMINISTRATION (DEA), FOR FEDERAL FISCAL YEAR 2017 TO CONTINUE PARTICIPATING IN A DEA TASK FORCE IN THE PHOENIX AREA.

Staff Contact: Rick St. John, Interim Police Chief

22. 16-420 RESOLUTION NO. 5148 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO AND ACCEPTANCE OF THE FY 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM AWARD (AWARD NO. 2016-DJ-BX-1008) FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, IN THE APPROXIMATE AMOUNT OF \$86,509 ON BEHALF OF THE GLENDALE POLICE DEPARTMENT.

Staff Contact: Rick St. John. Interim Police Chief

23. <u>16-408</u> RESOLUTION NO. 5149 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF A LICENSE AND USE AGREEMENT WITH COW CHOW CROPPERS FOR THE USE OF CITY-OWNED PROPERTY LOCATED AT 91ST AVENUE AND BETHANY HOME ROAD IN GLENDALE, ARIZONA.

Staff Contact: Tom Duensing, Assistant City Manager

24. 16-417 RESOLUTION NO. 5150 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF AMENDMENT NO. 1 TO A LICENSE AGREEMENT WITH MARICOPA COUNTY FOR THE USE OF FIRE STATION NO. 154 AT 4439 WEST PEORIA AVENUE, GLENDALE, ARIZONA. Staff Contact: Jack Friedline, Director, Public Works

25. 16-418 RESOLUTION NO. 5151 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 1 TO A LICENSE AGREEMENT WITH MARICOPA COUNTY FOR THE USE OF CITY WELLSITE NO. 7 AT 4706 WEST OCOTILLO ROAD, GLENDALE, ARIZONA.

Staff Contact: Jack Friedline, Director, Public Works

26. 16-415 RESOLUTION NO. 5152 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF A POWER SALES CONTRACT WITH ARIZONA POWER AUTHORITY. Staff Contact: Craig Johnson, P.E., Director, Water Services

Approval of the Consent Agenda

A motion was made by Turner, seconded by Aldama, to approve Consent Agenda items 3 through 18 and Consent Resolution items 19 through 26. 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

PUBLIC HEARING - LAND DEVELOPMENT ACTIONS

27. 16-423 RESOLUTION NO. 5153 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE GENERAL PLAN MAP OF THE CITY OF GLENDALE, ARIZONA, BY APPROVING GENERAL PLAN AMENDMENT GPA16-02 FOR PROPERTY LOCATED AT 8847 WEST GLENDALE AVENUE.

ORDINANCE NO. 3002 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING PROPERTY LOCATED AT 8847 WEST GLENDALE AVENUE FROM A-1 (AGRICULTURAL), C-O (COMMERCIAL OFFICE), AND R1-6 (SINGLE FAMILY RESIDENCE) TO PAD (PLANNED AREA DEVELOPMENT) FOR A DEVELOPMENT PLAN ENTITLED "WESTGATE VILLAGE", AMENDING THE ZONING MAP; PROVIDING AN EFFECTIVE DATE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE BE RECORDED.

Staff Contact: Jon M. Froke, AICP, Planning Director

Ms. Bower read Resolution No. 5153 and Ordinance No. 3002.

Mr. Froke said these were companion applications for property on the southeast corner of Glendale Avenue and the 89th Avenue alignment. He explained the General Plan amendment was a request to make a map amendment to the General Plan. The development would complete 89th Avenue so it connected from Glendale Avenue to Ocotillo Road. The amendment would rezone 19.81 acres from C-O, A-1 and R1-6 to PAD, Planned Area Development for a project known as Westgate Village.

Mr. Froke provided an aerial photograph of the area in question and a proposed site plan, which included retirement living and a KB Homes development. Staff recommended approval, subject to the four stipulations recommended by the Planning Commission.

Mayor Weiers confirmed that what was being presented tonight was exactly what was presented at a previous workshop and that there had been no changes.

Mr. Froke said that was correct.

Mayor Weiers opened the public hearing on General Plan Amendment GPA 16-02 (resolution), and the Zoning Application, ZTA 16-01 (ordinance) at 8847 West Glendale Avenue, and asked if there was anyone who wished to speak.

There were no speakers.

Mayor Weiers closed the public hearing.

A motion was made by Councilmember Aldama, seconded by Councilmember Chavira, to pass, adopt and approve Resolution 5153. 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

A motion was made by Councilmember Turner, seconded by Councilmember Tolmachoff, to approve Ordinance 3002. 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

28. 16-392 RESOLUTION NO. 5154 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 PRIMARY ELECTION HELD AUGUST 30, 2016; DECLARING THE ELECTION OF THE MAYOR AND THREE COUNCILMEMBERS; AND ORDERING THAT A CERTIFIED COPY OF THIS RESOLUTION BE RECORDED.

Staff Contact: Julie K. Bower, City Clerk

Ms. Bower said that the City had conducted its election in coordination with Maricopa County to fill the Mayor's seat and Council seats in the Sahuaro, Cactus and Yucca Districts. Also on the ballot was Proposition 497, approval of the City's General Plan. A.R.S. 16-642, required that Council canvass the results of the election not less than six days, nor more than 20 days following the election.

Ms. Bower explained that due to the short turnaround time in receiving election results from the County, the Clerk's Office was unable to post a copy of the resolution in advance of the meeting and therefore, the resolution would be read in full.

WHEREAS, the City of Glendale held a Primary Election Tuesday, August 30, 2016, for the purpose of electing persons to the office of Mayor and Councilmember in the Sahuaro, Cactus and Yucca Districts; and

WHEREAS, A.R.S. § 16-642 requires that the City Council canvass the returns

of the election not less than six (6) days nor more than twenty (20) days following the election; and

WHEREAS, the City Council having canvassed the returns of the August 30, 2016 Primary 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 361 (Exhibit A).

SECTION 2. That the total number of provisional ballots to be verified at said Primary Election, shown on Maricopa County's Provisional Ballots printout (Exhibit B) was 166. Of these, 67 ballots to be verified were found to be invalid.

SECTION 3. That the total number of votes cast at said Primary Election, as shown by the Precinct Canvass report was 25,939 (Exhibit C).

SECTION 4. That the votes cast for the candidates for Councilmember were as follows:

<u>District/Name</u>	Vote Total
MAYOR	
Burdick, Mark Weiers, Jerry	12,767 13,172
SAHUARO DISTRICT	
Malnar, Ray	4,634
CACTUS DISTRICT	
Hugh, lan	3,147
YUCCA DISTRICT	
Chavira, Samuel Clark, Joyce V	1,545 1,591

SECTION 5. That it is found, determined, and declared of record that the following candidates received the greatest number of votes cast for the office of Mayor and Councilmember in the Sahuaro, Cactus and Yucca Districts and are issued a certificate of election:

MAYOR

Weiers, Jerry

SAHUARO DISTRICT

Malnar, Ray

CACTUS DISTRICT

Hugh, lan

YUCCA DISTRICT

Clark, Joyce

SECTION 6. The votes cast for Proposition 497, Envision Glendale 2040, the City of Glendale General Plan, were as follows:

Yes	16,321
No	6,601
TOTAL	22,922

SECTION 7. That it is found, determined, and declared of record that Proposition No. 497, having received a number of votes that was more than the majority of the votes cast, was approved by the qualified electors.

SECTION 8. That Exhibits A through C attached to this resolution include a detailed canvass of vote for the August 30, 2016 Primary Election.

SECTION 9. That the City Clerk is instructed and authorized to forward a certified copy of this resolution for recording to the Maricopa County Recorder's Office.

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

James Deibler, a Phoenix resident, congratulated the winners of the election. He knew Mayor Weiers and Councilmember-elect Joyce Clark would do a good job for the City. He said Councilmember Chavira would continue doing a good job with his work for the Phoenix Fire Department.

Councilmember Turner spoke about what canvassing the vote really meant. He said he believed it was Council receiving the vote tabulation from the County and by Council approval, they were changing it from an unofficial vote tabulation to an official vote tabulation. He was concerned that the County Elections Department was not proactive with some of the problems experienced during the election and that there was little communication about these problems. He was also concerned about the incident that occurred at Don Mensendick School and the chain of custody issues that incident raised. He said the County's lack of response and follow through on the incident was a disservice to the residents of Glendale. He expressed concern about the permanent early voter list and the fact that independent voters were not getting early ballots mailed to them in Glendale's nonpartisan election.

Councilmember Aldama agreed with Councilmember Turner's comments. He wanted the audience to be aware that he was disappointed in the County Elections Department and their lack of communication with the City Clerk. He asked the citizens to hold the County Elections Department accountable for their actions during the election process. He said neither the candidates nor the City received good customer service from the County.

Councilmember Tolmachoff said several of her constituents asked questions about the incidents that occurred during the election. She spoke with the City Clerk several days after the election and the Clerk had not been provided information about exactly what had

occurred. She said there was a lack of communication from the County to the City about what had occurred. She said the County needed to step up and get it right to preserve citizens' right to vote. She hoped constituents would reach out to the County to let it know this was unacceptable.

Councilmember Aldama said the City had an obligation to hold anyone who had a contract with the City accountable and that included the County.

Councilmember Malnar was satisfied with the explanations he received about the issues that occurred during the election. He said it wasn't fair to condemn the County for the problems that occurred during the election and the sentiment was a little stronger than the County deserved.

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 schedule City Council Workshop on Tuesday, September 20, 2016, at 1:30 p.m. in City Council Chambers, to be followed by an Executive Session pursuant to A.R.S. 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

Mayor Weiers recognized Matthew Monahan from Boy Scout Troop 365, who was attending the meeting as part of his civic requirement for Eagle Scout.

Councilmember Aldama said the invocation was a great display of diversity in the community. He thanked the Public Works Department for the tour they provided. He said the common theme was customer service. He asked the City Manager to provide follow-up on the damage that occurred during festival, and wanted that vandalism to be treated as any other vandalism on City property.

Councilmember Malnar thanked the community for the opportunity to serve for the next four years.

Councilmember Tolmachoff thanked public safety for their presence during the Cardinals game on September 11th. She also said she hoped the Cardinals win this week.

Councilmember Turner thanked the City Clerk and the Clerk's Office staff for getting them through the election process this year. He wanted the Clerk's Office to know he was not criticizing it in his previous comments about the election. He thanked the General Plan Steering Committee and Planning Department staff who assisted with amending the General Plan which was approved by the voters.

Mayor Weiers thanked The Venerable who provided tonight's prayer. He said there was a large Vietnamese population in Glendale and he had spent time at the Buddhist Temple, and said it was a lovely experience. He expressed his sadness at the news of the death

of former City Manager Marty Vanacour, who served the City from 1985 to 2002. He asked Councilmember Turner to say a few words about Mr. Vanacour.

Councilmember Turner said he was in high school when he first met Mr. Vanacour, and had known him throughout his career. He said Mr. Vanacour knew City employees by name and worked for Glendale for over 30 years. During Mr. Vanacour's tenure as City Manager, Glendale experienced huge growth and the City was so much better for it.

Mayor Weiers was happy the election was over and it was time to get back to making Glendale the greatest city in Arizona.

ADJOURNMENT

The City Council adjourned at 7:15 p.m.