

# City of Glendale

5850 West Glendale Avenue  
Glendale, AZ 85301



## Meeting Minutes - Draft

Tuesday, November 22, 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

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

**PLEDGE OF ALLEGIANCE****PRAYER/INVOCATION**

Pastor Dan Simpson of Christ's Church of the Valley offered the invocation.

**CITIZEN COMMENTS**

Steve Einstman, a Sahuaro District resident, said he had spoken with staff about the condition of the streets, but was told the City did not have enough manpower. He asked Council to look into the issue.

Andrew Marwick, a Phoenix resident, spoke about the Coyotes and the transportation issues with the new stadium chosen. He said it was easier to get to Glendale for games than the proposed new site. The Coyotes could also move to Canada as there were several stadiums that would meet their needs.

Bill Demski, a Sahuaro District resident, spoke about his concerns with the professional standards unit of the Police Department. He described several incidents he had while riding his bike and his interactions with Glendale police officers. He had contacted the Justice Department.

James Deibler, a Phoenix resident, spoke about an article in the Glendale Star about chickens. He said chickens caused people to get sick and Council should do its research before approving chickens.

**APPROVAL OF THE MINUTES OF OCTOBER 25, 2016 VOTING MEETING AND NOVEMBER 14, 2016 SPECIAL VOTING MEETING**

1. [16-556](#) APPROVAL OF THE MINUTES OF OCTOBER 25, 2016 VOTING MEETING AND NOVEMBER 14, 2016 SPECIAL VOTING MEETING  
Staff Contact: Julie K. Bower, City Clerk

Mayor Weiers said there was a correction for the minutes.

Councilmember Turner said his explanation of his vote regarding the Cardinals settlement agreement was incomplete and provided the Clerk and other Councilmembers a corrected explanation of his vote. He asked that the November 14, 2016 Special Voting Meeting minutes be amended as followed: "Councilmember Turner was anxious to reset and repair the relationship that had been damaged in the past. He expressed concern about the short amount of time the public had been aware of the issue and it had made it difficult for him to contact members of the community and staff who might provide input.

He supported the improvements noted in the agreement, but was concerned about the loss of control over the City's parking lots. Councilmember Turner said the agreement was not clear about how parking decisions would be made. He was concerned how the agreement would affect the City's other partners in the area, including the arena management firm and Westgate management. He would like more time to study the agreement and share any concerns and receive input. Councilmember Turner also expressed concerns this agreement could possibly diminish the value of our arena and create difficulties with it in the future. Councilmember Turner also said that when he was sworn into office, he pledged to support the state constitution, not subvert it. Councilmember Turner voted Nay."

**A motion was made by Councilmember Turner, seconded by Councilmember Aldama, that the minutes of November 14, 2016 be amended and the minutes of October 25, 2016 and November 14, 2016 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

2. [16-530](#) RECOMMEND APPROVAL OF SPECIAL EVENT LIQUOR LICENSE, GLENDALE CIVIC PRIDE AMBASSADORS FOUNDATION  
Staff Contact: Vicki Rios, Director, Budget and Finance
3. [16-589](#) RECOMMEND APPROVAL OF WINE FESTIVAL LICENSES, KEELING SCHAEFER VINEYARDS  
Staff Contact: Vicki Rios, Director, Budget and Finance
4. [16-590](#) RECOMMEND APPROVAL OF WINE FESTIVAL LICENSES, AZ WINE CELLARS  
Staff Contact: Vicki Rios, Director, Budget and Finance
5. [16-591](#) RECOMMEND APPROVAL OF WINE FESTIVAL LICENSES, CORONADO VINEYARDS  
Staff Contact: Vicki Rios, Director, Budget and Finance
6. [16-531](#) RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 5-21557, EAST WIND SUSHI & GRILL  
Staff Contact: Vicki Rios, Director, Budget and Finance
7. [16-532](#) RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 5-21580, WESTGATE TAVERN & BOWL - SERIES 3  
Staff Contact: Vicki Rios, Director, Budget and Finance
8. [16-533](#) RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 5-21580, WESTGATE TAVERN & BOWL - SERIES 6  
Staff Contact: Vicki Rios, Director, Budget and Finance
9. [16-534](#) RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 5-21727, GLENDALE MINI MART

Staff Contact: Vicki Rios, Director, Budget and Finance

10. [16-537](#) RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 5-21662, LA RUBIA Y LA MORENA  
Staff Contact: Vicki Rios, Director, Budget and Finance
11. [16-558](#) AUTHORIZATION TO ENTER INTO AMENDMENT NO. 1 TO THE WESTERN STATES CONTRACTING ALLIANCE (WSCA) USER AGREEMENT AND TO RATIFY EXPENDITURES WITH VERIZON WIRELESS FOR CELLULAR SERVICES  
Staff Contact: Chuck Murphy, Chief Information Officer, Innovation and Technology
12. [16-518](#) AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HACH COMPANY FOR REAGENTS, PARTS AND LABORATORY SUPPLIES FOR WATER QUALITY TESTING  
Staff Contact: Craig Johnson, P.E., Director, Water Services
13. [16-519](#) AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH HACH COMPANY FOR MAINTENANCE AND SERVICE OF TESTING EQUIPMENT  
Staff Contact: Craig Johnson, P.E., Director, Water Services
14. [16-528](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH B & F CONTRACTING, INC., AND APPROVE THE EXPENDITURE OF FUNDS FOR THE DESIGN AND REPLACEMENT OF 1,418 LINEAR FEET OF WATERLINE IN THE AREA OF 62ND DRIVE AND MCRAE WAY  
Staff Contact: Craig Johnson, P.E., Director, Water Services
15. [16-536](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH MGC CONTRACTORS, INC., AND APPROVE THE EXPENDITURE OF FUNDS FOR DESIGN AND CONSTRUCTION SERVICES FOR THE REPLACEMENT OF CHEMICAL FEED PIPING AND PUMPS, AND SUMP PUMPS  
Staff Contact: Craig Johnson, P.E., Director, Water Services
16. [16-549](#) AUTHORIZATION TO ENTER INTO A CONSTRUCTION AGREEMENT WITH HUNTER CONTRACTING CO., AND APPROVE THE EXPENDITURE OF FUNDS TO REPLACE SEDIMENTATION GATES FOR CLARIFIERS AT THE WEST AREA RECLAMATION FACILITY  
Staff Contact: Craig Johnson, P.E., Director, Water Services
17. [16-562](#) AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BLACK & VEATCH CORPORATION FOR DESIGN SERVICES FOR THE PROCESS IMPROVEMENTS AND CAPACITY EXPANSION AT THE PYRAMID PEAK WATER TREATMENT PLANT  
Staff Contact: Craig Johnson, P.E., Director, Water Services

18. [16-564](#) AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH WILSON ENGINEERS, LLC, FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES AT SRP WELL 22  
Staff Contact: Craig Johnson, P.E., Director, Water Services
19. [16-554](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH MIDWAY CHEVROLET COMPANY I, LLC, DOING BUSINESS AS MIDWAY CHEVROLET, FOR THE PURCHASE OF A VEHICLE  
Staff Contact: Jack Friedline, Director, Public Works
20. [16-570](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH RUSH TRUCK CENTERS OF ARIZONA, DOING BUSINESS AS RUSH TRUCK CENTER OF PHOENIX, FOR THE PURCHASE OF THREE SIDE-LOAD TRUCKS  
Staff Contact: Jack Friedline, Director, Public Works
21. [16-571](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH TCS SVC LLC DOING BUSINESS AS TOTAL CONSTRUCTION SERVICES, FOR GENERAL MAINTENANCE AND REPAIR (HANDYMAN SERVICES)  
Staff Contact: Jack Friedline, Director, Public Works
22. [16-572](#) AUTHORIZATION TO ENTER INTO AMENDMENT NO. 2 TO THE LINKING AGREEMENT WITH SAN TAN AUTO PARTNERS, LLC, DOING BUSINESS AS SAN TAN FORD, FOR THE PURCHASE OF VEHICLES  
Staff Contact: Jack Friedline, Director, Public Works
23. [16-573](#) AUTHORIZATION TO ENTER INTO AMENDMENT NO. 1 TO THE LINKING AGREEMENT WITH MIDWAY CHEVROLET COMPANY I, LLC, DOING BUSINESS AS MIDWAY CHEVROLET, FOR THE PURCHASE OF VEHICLES  
Staff Contact: Jack Friedline, Director, Public Works
24. [16-574](#) AUTHORIZATION TO ENTER INTO AMENDMENT NO. 2 TO THE LINKING AGREEMENT WITH COURTESY CHEVROLET FOR THE PURCHASE OF VEHICLES  
Staff Contact: Jack Friedline, Director, Public Works
25. [16-575](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH DON SANDERSON FORD, INC., FOR THE PURCHASE OF VEHICLES  
Staff Contact: Jack Friedline, Director, Public Works
26. [16-577](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH PAVEMENT RESTORATION, INC., FOR THE RECLAMITE® AND COS-50 SURFACE PRESERVATION PROJECT  
Staff Contact: Jack Friedline, Director, Public Works

27. [16-565](#) AUTHORIZATION TO ENTER INTO AMENDMENT NO. 1 TO THE LINKING AGREEMENT WITH DON SANDERSON FORD, INC., FOR THE PURCHASE OF VEHICLES  
Staff Contact: Jack Friedline, Director, Public Works
28. [16-584](#) AUTHORIZATION TO ENTER INTO A CONSTRUCTION AGREEMENT WITH TALIS CONSTRUCTION CORPORATION FOR THE REMOVAL AND REPLACEMENT OF SIDEWALK CURB RAMPS  
Staff Contact: Jack Friedline, Director, Public Works
29. [16-555](#) AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH AIRWEST HELICOPTERS, L.L.C. AND EXPENDITURE AUTHORIZATION FOR COSTS ASSOCIATED WITH POLICE HELICOPTER SERVICES  
Staff Contact: Rick St. John, Interim Police Chief
30. [16-581](#) POSITION RECLASSIFICATIONS  
Staff Contact: Jim Brown, Director, Human Resources and Risk Management

**CONSENT RESOLUTIONS**

Ms. Bower read Consent Resolution items 31 through 48.

31. [16-527](#) RESOLUTION NO. 5166 NEW SERIES
- A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF A SUBRECIPIENT AGREEMENT AND AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE FFY 2016 HOMELAND SECURITY GRANT PROGRAM AWARD (AGREEMENT NO. 160808-01) FROM THE STATE OF ARIZONA, DEPARTMENT OF HOMELAND SECURITY, TO ASSIST WITH THE 2016 UASI GLENDALE FIRE DEPARTMENT RRT PROJECT, IN THE APPROXIMATE AMOUNT OF \$100,000, ON BEHALF OF THE GLENDALE FIRE DEPARTMENT.  
Staff Contact: Terry Garrison, Fire Chief
32. [16-566](#) RESOLUTION NO. 5167 NEW SERIES
- A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO AND ACCEPTANCE OF THE ARIZONA DIAMONDBACKS FOUNDATION PLAY BALL FUND GRANT FOR THE SUMMER BALL PROGRAM IN THE APPROXIMATE AMOUNT OF \$1,000.  
Staff Contact: Erik Strunk, Director, Public Facilities, Recreation and Special Events

**33.**     [16-582](#)           RESOLUTION NO. 5168 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 WITH THE GLENDALE ELEMENTARY SCHOOL DISTRICT NO. 40 FOR FACILITY SHARING AND COOPERATIVE SERVICES.

Staff Contact: Erik Strunk, Director, Public Facilities, Recreation and Special Events

**34.**     [16-563](#)           RESOLUTION NO. 5169 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING A GRANT-IN-AID AGREEMENT FOR A REVENUE SHARING GRANT FROM THE TOHONO O'ODHAM NATION ON BEHALF OF THE PEORIA UNIFIED SCHOOL DISTRICT IN THE AMOUNT OF \$137,500.

Staff Contact: Vicki Rios, Director, Budget and Finance

**35.**     [16-538](#)           RESOLUTION NO. 5170 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF A SUBRECIPIENT AGREEMENT AND AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE FFY 2016 HOMELAND SECURITY GRANT PROGRAM AWARD (AGREEMENT NO. 160809-01) FROM THE STATE OF ARIZONA, DEPARTMENT OF HOMELAND SECURITY, TO ASSIST WITH THE GLENDALE POLICE 2016 UASI TLO SUSTAINMENT PROJECT, IN THE APPROXIMATE AMOUNT OF \$5,946, ON BEHALF OF THE GLENDALE POLICE DEPARTMENT.

Staff Contact: Rick St. John, Interim Police Chief

**36.**     [16-539](#)           RESOLUTION NO. 5171 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF A SUBRECIPIENT AGREEMENT AND AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE FFY 2016 HOMELAND SECURITY GRANT PROGRAM AWARD (AGREEMENT NO. 160809-02) FROM THE STATE OF ARIZONA, DEPARTMENT OF HOMELAND SECURITY, TO ASSIST WITH THE GLENDALE POLICE 2016 UASI RRT SUSTAINMENT PROJECT, IN THE APPROXIMATE AMOUNT OF \$100,000, ON BEHALF OF THE GLENDALE POLICE DEPARTMENT.

Staff Contact: Rick St. John, Interim Police Chief

**37.**     [16-540](#)           RESOLUTION NO. 5172 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF A HIGHWAY SAFETY CONTRACT AND ACCEPTING THE GRANT OFFER, FROM THE ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY (GOHS CONTRACT NO. 2017-405B-003), FOR PERSONNEL SERVICES (OVERTIME) AND EMPLOYEE RELATED EXPENSES TO ENHANCE OCCUPANT PROTECTION ENFORCEMENT AND EDUCATION THROUGHOUT THE CITY OF GLENDALE.

Staff Contact: Rick St. John, Interim Police Chief

**38.**     [16-541](#)     RESOLUTION NO. 5173 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF A HIGHWAY SAFETY CONTRACT AND ACCEPTING THE GRANT OFFER, FROM THE ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY (GOHS CONTRACT NO. 2017-405D-011), FOR PERSONNEL SERVICES (OVERTIME) AND EMPLOYEE RELATED EXPENSES TO ENHANCE DUI/IMPAIRED DRIVING ENFORCEMENT THROUGHOUT THE CITY OF GLENDALE.

Staff Contact: Rick St. John, Interim Police Chief

**39.**     [16-543](#)     RESOLUTION NO. 5174 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF A HIGHWAY SAFETY CONTRACT AND ACCEPTING THE GRANT OFFER, FROM THE ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY (GOHS CONTRACT NO. 2017-AI-001), FOR PROFESSIONAL AND OUTSIDE SERVICES (IPTM TRAINING) TO ENHANCE ACCIDENT INVESTIGATION THROUGHOUT THE CITY OF GLENDALE.

Staff Contact: Rick St. John, Interim Police Chief

**40.**     [16-544](#)     RESOLUTION NO. 5175 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF A HIGHWAY SAFETY CONTRACT AND ACCEPTING THE GRANT OFFER, FROM THE ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY (GOHS CONTRACT NO. 2017-AI-002), FOR ACCIDENT INVESTIGATION ENFORCEMENT EQUIPMENT TO ENHANCE ACCIDENT INVESTIGATION THROUGHOUT THE CITY OF GLENDALE.

Staff Contact: Rick St. John, Interim Police Chief

**41.**     [16-545](#)     RESOLUTION NO. 5176 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF A HIGHWAY SAFETY CONTRACT AND ACCEPTING THE GRANT OFFER, FROM THE ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY (GOHS CONTRACT NO. 2017-AL-020), FOR DUI/IMPAIRED DRIVING RELATED MATERIALS, SUPPLIES AND EQUIPMENT TO ENHANCE DUI/IMPAIRED DRIVING ENFORCEMENT THROUGHOUT THE CITY OF GLENDALE.

Staff Contact: Rick St. John, Interim Police Chief

**42.**     [16-546](#)     RESOLUTION NO. 5177 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF A HIGHWAY SAFETY CONTRACT AND ACCEPTING THE GRANT OFFER, FROM THE ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY (GOHS CONTRACT NO. 2017-PT-021), FOR PERSONNEL SERVICES (OVERTIME), EMPLOYEE RELATED EXPENSES AND EQUIPMENT TO ENHANCE THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) THROUGHOUT THE CITY OF GLENDALE.

Staff Contact: Rick St. John, Interim Police Chief

**43.**     [16-547](#)     RESOLUTION NO. 5178 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF A HIGHWAY SAFETY CONTRACT AND ACCEPTING THE GRANT OFFER, FROM THE ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY (GOHS CONTRACT NO. 2017-PT-022), FOR SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) RELATED EQUIPMENT TO ENHANCE THE STEP THROUGHOUT THE CITY OF GLENDALE.

Staff Contact: Rick St. John, Interim Police Chief

**44.**     [16-548](#)     RESOLUTION NO. 5179 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 WITH THE CITY OF PEORIA TO PROVIDE DETENTION AND WEEKEND COURT SERVICES FOR THE CITY OF PEORIA POLICE DEPARTMENT.

Staff Contact: Rick St. John, Interim Police Chief

**45.**     [16-578](#)     RESOLUTION NO. 5180 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF AN INTERGOVERNMENTAL AGREEMENT (GRANT PASS-THROUGH AGREEMENT) WITH THE CITY OF PHOENIX FOR GRANT NOS. AZ-2016-010-00 AND AZ-2016-017-00 RELATING TO TRANSIT SERVICES.

Staff Contact: Jack Friedline, Director, Public Works

46. [16-579](#) RESOLUTION NO. 5181 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF AMENDMENT NO. ONE TO THE INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION (IGA/JPA 11-176-I).

Staff Contact: Jack Friedline, Director, Public Works

47. [16-580](#) RESOLUTION NO. 5182 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO AND ACCEPTANCE OF A GRANT FROM THE ARIZONA DEPARTMENT OF TRANSPORTATION, MULTIMODAL PLANNING DIVISION, FOR THE CONAIR LAND ACQUISITION, PHASE 1 OF 6 PROJECT AT THE GLENDALE MUNICIPAL AIRPORT.

Staff Contact: Jack Friedline, Director, Public Works

48. [16-583](#) RESOLUTION NO. 5183 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF AN AGREEMENT ENTITLED "TEMPORARY LICENSE AGREEMENT" WITH THE NEW WESTGATE, LLC FOR CERTAIN TEMPORARY PARKING RIGHTS AT WESTGATE.

Staff Contact: Jack Friedline, Director, Public Works

Approval of the Consent Agenda

**A motion was made by Turner, seconded by Tolmachoff, to approve the recommended actions on Consent Agenda Item Numbers 2 through 30 and Consent Resolutions 31 through 48. 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**

49. [16-551](#) AGENDA ITEM REMOVED AT THE REQUEST OF THE APPLICANT ON 11/18/16.

ORDINANCE NO. 3016 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING PROPERTY LOCATED AT 16480 NORTH 59TH AVENUE FROM C-O (COMMERCIAL OFFICE) TO G-O (GENERAL OFFICE); AMENDING THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE IS RECORDED.

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

50. [16-552](#) RESOLUTION NO. 5184 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 GPA16-04 FOR PROPERTY LOCATED AT 18800 NORTH 51ST AVENUE.

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

ORDINANCE NO. 3017 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING PROPERTY LOCATED AT 18800 NORTH 51ST AVENUE FROM A-1 (AGRICULTURAL) TO R1-4 PRD (SINGLE RESIDENCE, PLANNED RESIDENTIAL DEVELOPMENT) FOR A DEVELOPMENT PLAN, AMENDING THE ZONING MAP; PROVIDING FOR 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. 5184 and Ordinance No. 3017.

Mr. Froke said the general plan amendment would increase density to 3.5 to 5 units per acre and the property would be rezoned from agricultural to single residence, planned residential development.

Mr. Froke said the proposal was for an 18-lot subdivision in an area that was primarily residential and with development of this lot, the gap in the semi-regional equestrian trail on 51st Avenue would be filled. There was a single point of access to address headlight issues and the applicant had agreed to limit Lot 16 to a single-story out of concern for the existing neighborhood to the north. The Planning Commission unanimously recommended approval of the general plan amendment and the zoning case.

Councilmember Aldama asked if the trail along 51st Avenue would be disturbed and then

reconstructed during the project.

Mr. Froke said there was no defined trail currently from the south property line to the north property line of the lot. The developer would complete the trail for equestrian use.

Councilmember Malnar asked about the feedback received from the neighborhoods surrounding the project.

Mr. Froke said questions concerned the size of the lots and density. The project was very comparable to the neighborhood to the north. There was concern about having only two-story homes so the developer had addressed the concern by requiring a single-story home on the lot that bordered the neighborhood to the north of the project.

Councilmember Malnar asked if there was any opposition to the project.

Mr. Froke said there was not.

Councilmember Tolmachoff had attended the neighborhood meetings for the project and the main concern was that there be no two-story homes backing up to the neighborhood to the north.

Mayor Weiers opened the public hearing on GPA 16-04 and ZON 16-03.

Jane McBride, a Cholla District resident, thanked the developer and Planning staff for the considerations given to the neighborhood. She wanted clarification for the proposed drainage for rain water and watering of playground and common areas. The new home site elevation was much higher than the property to the north. She had spent over \$40,000 in repairs because of drainage issues at her property.

Mayor Weiers closed the public hearing.

Councilmember Malnar made a motion, seconded by Vice Mayor Hugh, to approve Resolution No. 5184.

Councilmember Malnar asked if an answer could be provided regarding the drainage question.

Mr. Froke said it might be more appropriate to answer that question under the zoning case as it was more site development related.

**A motion was made by Councilmember Malnar, seconded by Vice Mayor Hugh, to approve Resolution 5184 New Series. 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

Councilmember Malnar made a motion with stipulations, seconded by Councilmember Aldama, to approve Ordinance No. 3017.

Mr. Froke said the technical review of every project included an engineering review for land development. He said a drainage study was prepared by a private engineer. Every new development in Glendale had to contain its own water.

Zach Hilgart, Hilgart Wilson, said a developer could not put water on someone else's property and the water was designed to fall on the lot, drain to the streets and fall into a

retention basin. In the event the water exceeded that basin, the project was designed so the water went into 51st Avenue and nothing would drain into the lots to the north.

**A motion was made by Councilmember Malnar, seconded by Councilmember Aldama, to approve Ordinance 3017 New Series with stipulations. 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

**51.**     [16-559](#)     ORDINANCE NO. 3018 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF GLENDALE, MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, SECTION 9-471, ARIZONA REVISED STATUTES AND ITS AMENDMENTS, BY ANNEXING CERTAIN TERRITORY LOCATED WITHIN AN EXISTING COUNTY ISLAND OF THE CITY OF GLENDALE CONSISTING OF APPROXIMATELY 16 ACRES AT 7740 NORTH 83RD AVENUE TO BE KNOWN AS ANNEXATION AREA NO. 201; AMENDING THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE IS RECORDED.

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

Ms. Bower read Ordinance No. 3018.

Mr. Froke said the site was 16 acres in size, which included vacant lots and some custom homes. Single-family homes were planned for the vacant lots, with future development consistent with the City's general plan. Approval of the ordinance was the final step in the annexation process. Mr. Froke said the site was located at 83rd Avenue and Northern. The action closed a significant county island in the City.

Mayor Weiers opened the public hearing on AN-201 at 7740 N. 83rd Avenue.

There were no speakers on this item.

Mayor Weiers closed the public hearing.

**A motion was made by Councilmember Aldama, seconded by Vice Mayor Hugh, to approve this item. 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

**52.**     [16-560](#)     ORDINANCE NO. 3019 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING PROPERTY LOCATED AT 11401 WEST GLENDALE AVENUE FROM PAD (PLANNED AREA DEVELOPMENT) TO PAD (PLANNED AREA DEVELOPMENT) WITH A SUD (SPECIAL USE DISTRICT) OVERLAY ON AN APPROXIMATELY 61

ACRE PORTION AND REZONING FROM M-1 (LIGHT INDUSTRIAL) WITH A SUD (SPECIAL USE DISTRICT) OVERLAY TO M-1 (LIGHT INDUSTRIAL) WITH A SUD AMENDED (SPECIAL USE DISTRICT AMENDED) OVERLAY ON AN APPROXIMATELY 99 ACRE PORTION; AMENDING THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE IS RECORDED.

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

Ms. Bower read Ordinance No. 3019.

Mr. Froke said the request was to rezone the northern portion of the site located at 11401 W. Glendale Avenue to establish a special use district and to rezone 99 acres on the south portion of the site to amend the special use district, which was approved in ZON13-05 by Council in 2013. Mr. Froke said it would also add five additional years to the length of the temporary land use. The site was located on the south side of Glendale Avenue and west of Glen Harbor Blvd.

Mr. Froke said the SUD allowed mining and extraction of sand and gravel to 2028. Since initial Council approval, there had been sand and gravel operations at the location. The SUD had not caused any issues to the operation of Glendale Municipal Airport, nor nearby mining operations located in Maricopa County. In October 2016, the Planning Commission unanimously recommended approval of ZON16-05, subject to five stipulations. Staff recommended approval of the ordinance, subject to the five stipulations.

Councilmember Malnar asked what the options were for the land next to the airport over the next twenty years.

Mr. Froke explained that some of the revenues from the sand and gravel operation would help develop Copperwing for industrial use along Glendale Avenue.

Stephen Anderson, John F. Long Properties, said the land was near two rivers and the soil in the area was ideal for sand and gravel operations, but not suitable for construction. The sand and gravel operation would remove the problems from the soil. The company was required to reclaim the soil as it moved forward with its operation. It made the soil suitable for construction over a period of time. They had approval for a project known as Copperwing, which was a business park. Once the sand and gravel operation was completed in about 20 years, they would move forward to complete approval for the rest of the Copperwing project.

Mayor Weiers opened the public hearing.

Mr. Anderson said it was a successful operation and there had been no complaints regarding the project. He said there were no comments or questions in response to their citizen participation efforts. He had received a letter of approval and support from West-Mec. There had been a unanimous recommendation for approval from the Planning Commission and the company fully supported the stipulations.

Mayor Weiers closed the public hearing.

**A motion was made by Councilmember Tolmachoff, seconded by Councilmember Aldama, to approve this agenda items. 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

**53.**     [16-499](#)           ORDINANCE NO. 3020 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ABANDONMENT OF BETHANY HOME ROAD RIGHT-OF-WAY WEST OF LITCHFIELD ROAD, AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

Staff Contact: Jack Friedline, Director, Public Works

Ms. Bower read Ordinance No. 3020.

Mr. Friedline said the proposed ordinance would approve the abandonment of Bethany Home Road right-of-way, west of Litchfield Road. In 2013, the Council authorized annexation of property on the northwest and southwest corners of Bethany Home Road and Litchfield Road, including an existing right-of-way for a Bethany Home Road extension. Litchfield and Bethany Home LLC had requested the right-of-way be abandoned to accommodate future development.

Mr. Friedline said staff had determined that constructing Bethany Home Road would be of little benefit to Glendale or its residents. It was recommended that the City abandon the right-of-way.

Councilmember Malnar asked if rights-of-way had value and asked who would benefit from the City removing the right-of-way.

Mr. Friedline said the value was the ability to install infrastructure, such as water and sewer lines. He said typically a developer would give the City the right-of-way at no cost. If the City had no use for it, it was fair to give it back to the developer at no cost.

**A motion was made by Councilmember Turner, 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

**54.**     [16-576](#)           ORDINANCE NO. 3021 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND APPROVING A MASTER SPECIALIZED AVIATION SERVICE OPERATOR (SASO) AGREEMENT TEMPLATE FOR USE BY THE GLENDALE MUNICIPAL AIRPORT.

Staff Contact: Jack Friedline, Director, Public Works

Ms. Bower read Ordinance No. 3021.

Mr. Friedline said the proposed ordinance would approve a new Master Agreement template with Specialized Aviation Service Operator (SASO) Agreement. A SASO was a

business that provided commercial aeronautical services at the airport. The City did not currently have an agreement other than the Terminal Master Agreement that authorized a SASO to conduct businesses at the airport that were already adopted by Council. The agreement incorporated all the required FAA language and comments provided by Risk Management and Airport administration. The SASO would allow aviation businesses to offer their services quickly and provide revenue to the Airport.

Mr. Friedline said there were currently five SASOs on site. They paid fees, but there were no formal agreements in place. The Master Agreement template would ensure cooperative relationships, reduce the amount of time necessary to sign new agreements, encourage new businesses and ensure businesses had proper assurances. The agreement was approved by the Aviation Advisory Commission in August of 2016.

**A motion was made by Councilmember Tolmachoff, 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

**55.**     [16-567](#)

**ORDINANCE NO. 3022 NEW SERIES**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 2, ARTICLE VIII, DIVISION 5 OF THE CITY CODE BY RENAMING THE COMMISSION ON PERSONS WITH DISABILITIES TO A DIVERSITY COMMISSION; EXPANDING ITS DUTIES; AND SETTING FORTH AN EFFECTIVE DATE.

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

Ms. Bower read Ordinance No. 3022.

Mr. Brown said the proposed ordinance would amend Chapter 2, Article VIII, Division 5 of the City Code by renaming the Commission on Persons with Disabilities to a Diversity Commission, expanding its duties and setting forth an effective date. Benchmark cities had committees that were similar in purpose, structure and function. Council determined this commission should be advisory in nature and should review policies related to diversity and advise the Council. The commission should also be able to hold a public forum in which citizens and stakeholders could be heard and information presented to the commission could be presented to the Council. Staff met with the Commission on Persons with Disabilities and they were agreeable to transforming their commission into a Diversity Commission that would address the concerns of the disabled and other protected and diverse classes in Glendale.

Councilmember Aldama made a motion, seconded by Councilmember Turner, to approve Ordinance No. 3022.

Councilmember Tolmachoff was concerned there was nothing that specified members of the subcommittees had to be Glendale residents. She felt the subcommittees should be made up of commission members.

Councilmember Malnar had a similar concern. He asked if all commissions had subcommittees and wanted to know if they were members at large.

Mr. Brown was not familiar with the subcommittee structures of the other commissions.

Councilmember Malnar proposed removing subsection E from the Ordinance. This was seconded by Vice Mayor Hugh. He said it was a 14-member committee and the language was not specific that the members had to be Glendale residents. He suggested using the language, "any resident of Glendale." He said a committee with 14 members was large enough to fill subcommittees and should be members of the committee. He suggested changing the language to "any member of the committee."

Councilmember Malnar distributed an amendment he had prepared.

Mr. Phelps said it was not uncommon for subcommittees to act in an ad hoc manner. He explained there were times when the committee might need outside expertise and it would give the committee an opportunity to use experts who could participate in an advisory role. He said it could provide more flexibility for the committee, but thought it could work both ways.

Mayor Weiers asked Councilmember Malnar if that was different than what he was proposing.

Councilmember Malnar said it was.

Mayor Weiers asked if he had language prepared regarding his questions.

Councilmember Malnar said he had prepared two options.

Councilmember Tolmachoff said there was nothing to prevent a subcommittee from reaching out to other community members for input. She felt the language was vague and too general. She said committee members should be Glendale residents. She said Council could always amend the ordinance in the future, if necessary.

Mayor Weiers asked Councilmember Malnar if copies were given to the City Attorney.

Councilmember Malnar provided copies to the City Attorney. He said the first option was to make any Glendale resident interested eligible to be appointed to the subcommittee. He was not comfortable opening the committees up to non-residents. The second option was to allow only members of the commission to be members of the subcommittees.

Councilmember Aldama asked if staff put that language in the ordinance. He asked if staff was trying to eliminate research time.

Mr. Brown said subcommittees was discussed in previous Council sessions and this was put in to give the committee flexibility. He said not all members of the Diversity Commission were required to be residents. They could be employers, members of the education system or Glendale residents.

Councilmember Aldama said commission members should be Glendale residents and he could see the commission going outside to obtain information. He would feel more comfortable to give it to staff to research.

Councilmember Tolmachoff said the ordinance stated that the commission would be composed of 14 members who would be residents of Glendale.

Mayor Weiers said that was for the commission itself.

Councilmember Tolmachoff said the commission would be business leaders and others who might not necessarily be Glendale residents.

Mr. Brown apologized and said he was looking at a different section of the ordinance.

Councilmember Tolmachoff said she would be most comfortable with commission members forming subcommittees. She said if commission members wanted to expand to more than 14 members at some point in the future, Council could discuss it.

Mayor Weiers clarified the handouts provided by Councilmember Malnar. The handout that stated Glendale residents would be handout B and the other would be handout A.

Councilmember Malnar agreed with Councilmember Tolmachoff. His preference was handout A, which changed the language to say any commission member may be appointed as a member of the subcommittee and members of the subcommittee may be appointed by the commission. Each subcommittee may be chaired by a member who shall be appointed by the chairperson of the commission. The subcommittee shall have no authority to act independent of the commission.

Mr. Gruber said it sounded like the direction was to limit the subcommittee members to members of the commission. He suggested replacing the word "any" with the word "only", so only commission members may be appointed as members of the subcommittee to avoid any doubt.

Councilmember Malnar approved of the change. Councilmember Malnar wanted to make a motion on handout A, which was limiting the subcommittee members to members of the commission.

Councilmember Turner said there was a motion on the floor already that had been seconded that needed to be withdrawn.

Councilmember Malnar said this would be a substitute motion to amend the proposed ordinance.

Mayor Weiers asked Councilmember Aldama if he was comfortable amending his motion.

Councilmember Aldama said he was not comfortable amending his motion.

Mr. Gruber recommended withdrawing the original motion.

Mayor Weiers asked if Councilmember Aldama was going to withdraw his motion.

Councilmember Malnar made a motion to strike section E with a second from Vice Mayor Hugh.

Councilmember Malnar wanted to withdraw his motion to strike subsection E and instead make a motion to amend the original motion to go with the substitute language in handout A, substituting the word "only" for the word "any." He said he needed someone to second that.

Councilmember Tolmachoff said only commission members.

Councilmember Malnar said that was correct, only commission members.

Mayor Weiers requested that the main motion be withdrawn as the attorney had advised. He asked Councilmember Malnar to withdraw his motion so Council could begin again.

Councilmember Aldama withdrew his motion for the purpose of amending Ordinance No. 3022. Councilmember Turner withdrew his second.

Councilmember Malnar withdrew his motion.

Councilmember Malnar said he had another amendment.

Councilmember Aldama said he should have said that before Councilmember Aldama withdrew his motion.

Councilmember Malnar said that he had a couple of other amendments he would like to suggest and would like them considered separately since there might not be agreement on all of them.

Councilmember Malnar distributed an additional amendment (handout C). He said the amendment was to section 2-313, Powers and Duties. The language as written, was an attempt to include people that might not need to be included and there would be an exclusion of people under the proposed ordinance. He had looked at Mesa's and Scottsdale's ordinances and liked the wording in the Scottsdale ordinance. He would like to replace the language to read that under Powers and Duties, the "commission will advocate and promote all dimensions of diversity. The commission will act as an advisory body to the Mayor, City Council, staff, and to make recommendations on ways to encourage mutual respect and understanding among all people, to discourage prejudice and discrimination and to work toward cultural awareness and unity." He said that wording stated what Council wanted without getting into classes protected by the federal government, and covered everyone without leaving anyone out.

Councilmember Aldama said the issue was going sideways and he made a motion, seconded by Councilmember Turner, to approve Ordinance No. 3022 as presented.

Councilmember Malnar made a substitute motion, seconded by Vice Mayor Hugh, to substitute the language he read in handout C, for in the language of the proposed ordinance as it was presented.

Mayor Weiers said Council would vote on Councilmember Malnar's motion first and asked if there was discussion on the motion.

Councilmember Tolmachoff said in section E, Councilmember Malnar was changing the language to only commission members will serve in subcommittees.

Councilmember Malnar said that was correct.

Councilmember Tolmachoff said the other change requested was to eliminate a list of people and using the replacement language that Councilmember Malnar read.

Councilmember Malnar said instead of putting specific groups and identifying them, he wanted to be totally inclusive by using broader language.

Mayor Weiers asked if that was language that Scottsdale was currently using.

Councilmember Malnar said that was almost verbatim of the language used by Scottsdale in its ordinance.

Councilmember Aldama asked if Council could instead use the language "all people," instead of striking everything out.

Councilmember Malnar said he had made his motion and there was a second on that motion.

Mayor Weiers asked if there was any other discussion on the substitute motion.

Councilmember Aldama asked if Council should vote on the first motion and second.

Councilmember Malnar said the first vote should be on the substitute motion.

Councilmember Turner said he was unclear on the parliamentary aspect of the issue. He said if proposed language A and C are the substitute motion to the first motion, then all that exists are A and C.

Councilmember Malnar said that was not what he said.

Councilmember Turner said the Councilmember's intent was to amend the initial motion to include A and C in place of the sections that A and C replaced.

Councilmember Malnar said that was correct.

Councilmember Turner said this was not the way Council had generally done business in the past. He felt the item might need to go to a workshop for further discussion or put off for a period of time while the issues were worked out. He didn't know how striking the specific language in favor of the language "all people" would impact the affected communities that Council was trying to provide a sense of security and inclusion. He said if Council was concerned about some community being left out, it could use the original language and add "all people" to the end of it. He said Council couldn't be more inclusive than that and also have the benefit of providing a sense of security to those identified classes.

Councilmember Malnar said the problem was there were classes in there that were not federally protected classes and that was why he felt Council should keep the broader language. He said the motion was to amend the ordinance to replace section E with the A language and in section A, replace it with handout C.

Mayor Weiers said there was a motion and a second, and asked if there was any other discussion.

Councilmember Turner moved to table the item.

Mayor Weiers said there was a motion and he thought they had to vote on it.

Councilmember Turner said he thought a motion to table took precedence over all the other motions.

Councilmember Tolmachoff seconded Councilmember Turner's motion.

Mayor Weiers asked Mr. Gruber for his advice on procedure.

Mr. Gruber said the motion to substitute had to be voted on.

Councilmember Aldama said Councilmember Malnar had had plenty of time during workshops to bring this item up and said it would make more sense for Councilmember Malnar to support tabling the issue to have an opportunity for further discussion on his suggested changes. He said tabling the issue would be more beneficial to the citizens.

Councilmember Tolmachoff said there was consensus to limiting the subcommittees to commission members. She said she would prefer that Council had consensus on this.

Councilmember Malnar said it was first time he had seen the ordinance presented. He said it was the very first opportunity he had to discuss the item. Many times City Councils didn't debate, discuss issues or put their viewpoints on the table. He said his changes gave the City a commission and would help them move forward as a City.

Councilmember Turner was still confused as to whether Council had a substitute motion or amendments to what was presented. He said incorporating these changes was a clumsy way to do it and voting on the motions separately was amending the main motion.

Councilmember Malnar said he agreed with that.

Councilmember Turner asked if Council had lost track of whether this was a substitute motion or an amendment to the motion.

Mayor Weiers said it was a substitute motion.

Vice Mayor Hugh said Councilmember Turner made a motion and a second to table this item. He said it was his understanding if there was not discussion on that motion, it had to be voted on.

Mayor Weiers said Council couldn't entertain a motion and a second until it had cleared the previous motion.

Vice Mayor Hugh said the motion to table with a second had to be voted on without discussion.

Ms. Bower said when there was a motion on the floor, Council had to deal with the motion on the floor.

Councilmember Aldama asked for clarification of the motion.

Councilmember Malnar said the motion was to amend the ordinance, substituting his handout A as section E and substituting his handout C as section A. He was willing to vote on these items separately.

Mr. Gruber said the proposal to vote on each item separately was permissible and that would be his recommendation.

Councilmember Malnar amended his substitute motion to approve handout A, language that only commission members may be members of the subcommittee.

Vice Mayor Hugh seconded the motion.

There was no discussion on that motion.

A roll call vote was taken. Those voting Aye: Aldama, Chavira, Malnar, Tolmachoff, Turner, Hugh and Weiers. The motion carried unanimously.

Councilmember Malnar made a substitute motion to amend section 2-313, Powers and Duties, replace section A with what was identified as handout C. Councilmember Malnar read the passage as it was currently written and asked to replace that language with, "The commission will advocate and promote all dimensions of diversity. The commission will act as an advisory body to the Mayor, City Council and staff and to make recommendations on ways to encourage mutual respect and understanding among all people, to discourage prejudice and discrimination and to work toward cultural awareness and unity."

Vice Mayor Hugh seconded the motion.

Mayor Weiers asked if a person would be covered in the new language if they were not covered in the original language.

Councilmember Malnar said yes.

Councilmember Tolmachoff said language regarding disabled persons was listed twice and she was not sure if that was an error.

Mayor Weiers said he thought it was supposed to read from U.S. military veteran status or a disabled status.

Councilmember Tolmachoff said disabled was there twice and she was unsure if it was supposed to be written that way. She said after reading it twice, she now understood what Councilmember Malnar was saying. By making a list, they might leave someone off the list.

Councilmember Aldama did not understand how Council could not accept representing individuals that might be in a specific category and just adding the words "all people" to it. He said either Council was embarrassed by it or Council just didn't want to be a part of it. He said simply adding in "all people" would cover everyone, including those on the list. That list of persons was who Council wanted to take care of and represent.

Councilmember Malnar said Council was putting people into a protected class which they were not federally protected in. He asked if Council wanted to start having protected classes and bringing that to the City. He didn't want to single out any groups specifically. He said the City should be open and promoting diversity to all people. He said diversity was for all people.

Councilmember Aldama asked if Councilmember Malnar didn't want to support disabled veterans. He said the City wanted to support those protected individuals and that was what they were doing. He said again to add the words "all people" to the language.

Councilmember Turner asked how this change in language might impact ratings the City received from organizations active in diversity.

Mr. Phelps wasn't sure he was qualified to speak on their behalf. He said some groups

encouraged a citizen-driven body to promote diversity. He said it was clear the Council wanted a committee to promote diversity and didn't think either version of the suggested language would prohibit the Council from doing that.

Councilmember Turner asked if Mr. Brown knew about the issue.

Mr. Brown said outside organizations looked to see if the City had a diversity commission and other types of ordinances in place. He wasn't sure of any specific language that would be required.

Mayor Weiers asked if Councilmember Malnar's proposed language would prevent the Council from advocating and promoting diversity. He didn't see that it would. He said it accomplished the goal Council set out to do. He said there were people who were not on the list that would be included with the proposed language. He said everyone deserved to be looked at as an equal.

Councilmember Tolmachoff said she disagreed with having a list. She clarified the language was used in another city.

Councilmember Malnar said the language was used in Scottsdale.

Mayor Weiers asked if the language was verbatim.

Councilmember Malnar said it was almost verbatim.

Mayor Weiers said he did not think Scottsdale had lost any events because of it.

Councilmember Tolmachoff said it didn't not cover anyone on the original language, but said it also applied to anyone who was not on the list. She asked if that was Councilmember Malnar's intention in proposing the language.

Councilmember Malnar said yes. He said everyone needed to be included. He said he took out language from the Scottsdale ordinance which referred to making "recommendations and to special events which would further its purpose," explaining that he thought the Council had already discussed that.

Mayor Weiers said he didn't hear the words "all people" in the text Councilmember Malnar had read.

Councilmember Malnar said the language did not say all people and said he did add that in.

Councilmember Turner said using the generic "all people" was hiding in the dark and using the specific list shed more light on the subject. He said there was great value in knowing these groups were protected. He would not object to including the words "all people" as well. He also would not object to adding other classes at a future date. He would like to amend Councilmember Malnar's amendment.

Councilmember Malnar said he had already made a substitute motion and didn't think Councilmember Turner could amend an amendment.

Councilmember Turner said he was not substituting and wanted to propose adding "and all people" to the end of the original language in the ordinance.

Councilmember Malnar said he believed Council had to vote on the motion before it before making another motion.

Mayor Weiers said Council had to vote on the original motion.

Councilmember Malnar moved the question.

Mayor Weiers said the question had been moved and seconded.

A roll call vote was taken on the substitute motion to amend section 2-313, Powers and Duties, replace section A with what was identified as handout C. Those voting Aye: Malnar, Hugh and Weiers. Those voting Nay: Aldama, Chavira, Tolmachoff and Turner. The motion failed.

Mayor Weiers said Council now had the original ordinance without the amendment.

Councilmember Tolmachoff asked if Council could add "all people" to that.

Councilmember Malnar made a motion to table the item.

Councilmember Aldama said Councilmember Tolmachoff was asking a question and he didn't think she was finished.

Councilmember Tolmachoff wanted to know if she could make another motion on the item to add "all people" to the original language.

Mayor Weiers said Councilmember Tolmachoff could make a motion, but a motion had been made to table the item that had not been seconded.

Vice Mayor Hugh seconded the motion to table the item.

Councilmember Aldama wanted to explain his vote, and said it was important that the item be passed unanimously by Council and accepted by the community. He said Council needed to go back to the drawing board. He voted Aye.

A roll call vote was taken. Those voting Aye: Aldama, Chavira, Malnar, Tolmachoff, Turner, Hugh and Weiers. The motion carried unanimously.

Mayor Weiers said the item was tabled and hoped Council could get it worked out the next time around.

**A motion was made by Councilmember Malnar, seconded by Vice Mayor Hugh, that this agenda item be tabled. 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 Tolmachoff, to reschedule the Voting Meeting of Tuesday, December 13, 2016 to Tuesday, December 6, 2016 at 11:00 a.m. in City Council Chambers due to the Council Installation being held on Tuesday, December 13, 2016 at 6:00 p.m. in City Council Chambers, and further moved to hold the next regularly scheduled City Council Workshop on Tuesday, December 6, 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**

Councilmember Aldama said his mobile office hours would be held on December 5, 2016, at Desert Garden Elementary School, 7020 W. Ocotillo Road, in the cafeteria, from 5 p.m. to 6:30 p.m. He also congratulated Chief Rick St. John for his promotion to Chief of Police and was confident he would lead the Glendale Police Department. He wished everyone a safe and Happy Thanksgiving.

Councilmember Tolmachoff invited Cholla residents to the second annual Cholla Holiday Mixer on December 8, 2016 at Foothills Recreation and Aquatics Center from 6 p.m. to 8 p.m. She said there would be prizes, food and an ugly sweater contest.

Councilmember Turner congratulated Chief St. John on his promotion. He also wished everyone a Happy Thanksgiving. He reminded everyone about Glendale Glitters on Friday evening.

Vice Mayor Hugh congratulated Chief St. John and was looking forward to his continued service.

Mayor Weiers said Chief St. John already knew how he felt. He said the 4th Annual Hometown Christmas Parade was on December 10, 2016 at 11 a.m. He said the parade's Grand Marshall would be Jordin Sparks.

**ADJOURNMENT**

The City Council adjourned at 8:03p.m.