

City of Glendale

*5850 West Glendale Avenue
Glendale, AZ 85301*



Meeting Minutes - Final

Tuesday, September 20, 2016

1:30 PM

Workshop

Council Chambers

City Council Workshop

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** 6 - Mayor Jerry Weiers, Vice Mayor Ian Hugh, Councilmember Samuel Chavira, Councilmember Ray Malnar, Councilmember Lauren Tolmachoff, and Councilmember Bart Turner
- Absent** 1 - Councilmember Jamie Aldama

[Councilmember Chavira attended via telephone.]

Also present were Kevin Phelps, City Manager; Michael Bailey, City Attorney; and Julie Bower, City Clerk.

WORKSHOP SESSION

1. [16-429](#) DISCUSSION OF CORVEL ENTERPRISE COMP., INC. WORKERS' COMPENSATION CLAIMS ADMINISTRATION CONTRACT
Staff Contact: Jim Brown, Director, Human Resources & Risk Management
Staff Presenter: Dianne Shoemake, Risk Manager, Human Resources & Risk Management

Mr. Brown explained the City had contracted with CorVel to provide for third party administration (TPA) of the workers' compensation program for one year, with an option to renew for another four years. The cost for that five-year contract was \$102,500. Additional costs were incurred as the City processed the workers' compensation claims and all costs had been budgeted for and approved by the Council.

Ms. Shoemake said the City became self-insured for workers' compensation in 1994 and carried excess insurance for each accident above \$800,000. The TPA handled claims in accordance with state statutes, Arizona Workers' Compensation Act, Industrial Commission of Arizona (ICA) rules and regulations and City policies and procedures. The claims, expenses and handling fees (non-fixed costs) were included in the Workers' Compensation Trust Fund budget.

Ms. Shoemake said costs charged in the contract included administration fees (fixed costs) and claims expense and handling fees (non-fixed costs). The claims expense fees were estimated based on what had been paid to date. Ms. Shoemake said the expenses and fees were reviewed by the Workers' Compensation Trust Fund Board and the Board had recommended that the information be provided to Council.

There were no questions or comments from the Council.

2. [16-435](#) COUNCIL ITEM OF SPECIAL INTEREST – DONATION DROP-OFF BOXES & FLAG POLE REGULATIONS
Staff Contact and Presenter: Sam McAllen, Director, Development Services
Staff Presenter: Jon M. Froke, AICP, Planning Director

Mr. McAllen said the presentation was in response to two Council items of special interest. He said zoning text amendments (ZTA) were appropriate for both of the items and the amendments would be applied city-wide and not specific to any Council district.

Mr. McAllen explained the passage of Senate Bill 1504 required owners of donation drop-off boxes to obtain permission from property owners prior to placing a drop-off box on private property and required the box to be clearly marked with the owner's name and contact information.

Mr. Froke said the City did not regulate donation drop-off boxes and it was common to find drop-off boxes throughout the City on commercial properties, schools, churches and at fire stations. He said other cities had recently begun to regulate donation drop-off boxes.

Mr. Froke said donation drop boxes had been regulated in the past by temporary use permits (TUP). TUPs would require administrative approval and would be part of the zoning text amendment (ZTA). The proposed ZTA would provide a definition of donation drop-off boxes and bins and identify in which zoning districts donation drop-off boxes would be permitted. It would also establish criteria for where donation drop-off boxes could be located, such as paved surfaces, outside of landscape buffers, or outside of required building setbacks. Staff was proposing that the TUP be valid for three years. Mr. Froke said a neighborhood meeting, held during the summer, was attended by only three people. He said there was support from the industry regarding the issue.

Mr. Froke said the other Council item of special interest under discussion today was flag pole regulation. The current standard height for flag poles was 30 feet. The Planning Commission had formally initiated a zoning text amendment, ZTA16-01, regarding flag poles. He said in new infill developments, flag poles would be allowed to attract potential buyers, but the flag poles would be removed once the model homes were closed.

Mr. McAllen said that the zoning text amendments were not appropriately noticed for the meeting.

Mr. Bailey said some of the items were not appropriately noticed. He explained there were some significant items to discuss regarding the zoning text amendments and he wanted to make sure the public had sufficient notice of the items. The items could be brought forward at a future meeting. He asked that the discussion be limited to the drop-off boxes and the flag pole items.

Mayor Weiers said that Councilmember Aldama had requested that he put the following comments on the record: Councilmember Aldama's reason for requesting the item of special interest regarding drop boxes was to ensure that whenever possible the City act on opportunities to reduce blight in our communities. His proposal to Council and City staff was to create an ordinance that addressed the lack of regulations on donation bins within the City. He also noted Arizona State Senate Bill 1504, which went into effect August 6th of this year, required donation bin operators to receive signed and notarized permission from the property owner before placing a bin on a property. Councilmember Aldama stated that the senate bill would aid cities in addressing and enforcing operators that were defiant to the law and provided property owners the right to refuse the donation bin, or establish a relationship based on SB1504 and the proposed City of Glendale zoning text amendment. For the record, Councilmember Aldama supported staff's recommendation, as he stated that he had studied and met with the Planning Department

regarding the text amendment and their recommendation prior to the meeting.

Mayor Weiers asked Council to address the drop box issue first.

Councilmember Tolmachoff asked if there were going to be any conditions associated with the TUP, such as keeping the site clean.

Mr. Froke said if staff received direction to draft an ordinance, language would be included in the ordinance regarding that issue.

Mayor Weiers said there were already laws in place on blight.

Councilmember Turner asked about the three-year time limit on the temporary use permit.

Mr. Froke said staff would like to give an applicant sufficient time to recoup any costs expended for fees and other expenses of that nature.

Councilmember Turner asked if TUP permits could be rescinded if compliance was not met.

Mr. Froke said that was correct.

Councilmember Turner said other cities regulated the number of boxes, restricted locations site, etc. He wanted to know if staff wanted direction from Council today on those issues.

Mr. McAllen said staff was looking for that type of direction so that language could be incorporated into the ordinance.

Mr. Froke said the quantity of boxes was consistent between the other cities and staff would use similar provisions.

Councilmember Turner asked if the state's box identification requirements were adequate.

Mr. McAllen said the state law required the name of the business and contact information, including address, phone number and email and that seemed to be adequate.

Councilmember Turner said discussions were held previously to include the name of the charity that the donations would benefit. He said staff didn't provide any of the required standards from the other cities. He thought the number of boxes should be regulated based on the size of the lot but didn't know he was going to be expected to come up with that number.

Mayor Weiers didn't want to step on the rights of business owners regarding supporting a particular charity. Smaller charities might be squeezed out by larger organizations. He suggested bringing the item back once more information was gathered.

Councilmember Malnar asked if staff was talking about limiting the boxes per site, per business or citywide.

Mr. McAllen said staff was asking for guidance on that issue. Some sites would have restrictions. He said Council suggestions would assist staff in drafting the proposed

ordinance. State law had clarified some of the questions that came up in prior discussions.

Councilmember Malnar asked if the boxes would be allowed on City property.

Mr. Froke said he had noticed boxes primarily at fire stations.

Councilmember Malnar said that was something that needed to be considered. He felt a three-year permit was lengthy. He asked that a temporary permit option of 30 or 60 days also be considered for special occasions or holiday donations. Councilmember Malnar asked about the staff time involved in regulating the donation boxes and if staff had estimated how many additional permits would be generated per year.

Mr. Froke said the additional work would not require additional staffing. The number of applications would be in the hundreds if the additional temporary use permits were required by ordinance.

Councilmember Malnar asked what the fee would be for this type of permit.

Mr. Froke said the fee would be in the \$100 to \$200 range.

Mr. McAllen said staff time was required to process the application and inspect the site to make sure the box was in the correct location.

Councilmember Tolmachoff said with the information provided, she wasn't sure how the other cities determined where and how many boxes to place on a site. She would like to see more information on that issue before making a decision.

Mr. Froke said staff would prepare a more detailed report for Council review.

Councilmember Turner favored charging a little more for the permits for a better cost recovery. He also would like to see more information provided from staff so Council could make a more informed decision on the issue.

Vice Mayor Hugh looked forward to a future presentation that included more detail.

Mr. McAllen asked if there was Council consensus on the temporary permits for 30 and 60 days.

Mayor Weiers suggested checking with charities to see if there was interest in the short-term permits. Mayor Weiers said Council would now address flag pole restrictions.

Councilmember Tolmachoff had heard from residents about concerns regarding how big the flag would be on a 60-foot flag pole.

Mr. McAllen said the size of the flag would depend on how the pole was engineered and stabilized. He said staff would do further investigation on whether there was a standard size flag for a 60-foot flag pole.

Councilmember Tolmachoff said there was concern about the large flag poles in existing neighborhoods to advertise the infill development.

Mayor Weiers said the pole would come down as soon as the last home was sold.

Councilmember Tolmachoff said that it could potentially take two to three years to finish a subdivision.

Councilmember Turner asked what type of flag the 60-foot poles were intended to fly.

Mr. Froke said the intent was to fly the American flag.

Councilmember Turner said the size of the flag was not a measure of patriotism and it was clear that the businesses were flying the flags as some sort of advertising. He said the U.S. Flag Code specifically said the flag should not be used for any type of advertising whatsoever. He was disinclined to do anything more than what was already being done. It offended him that the homebuilders wanted to use the patriotic symbol for advertising.

Councilmember Malnar said sometimes there was a need to know where the infill properties were and he agreed with the concept of advertising those locations. It helped promote development in the City. He said there was an opportunity for a discreet display of the flag to identify homebuilding.

Mayor Weiers said a tall flag pole with an American flag was very identifiable for new home builders and car dealerships. The poles would be taken down once all the homes were sold.

Councilmember Tolmachoff clarified that people were not offended by flying the American flag. She wanted to know the size of the flag in case a nearby resident had a view they didn't want disrupted. She asked if any commercial property could install a 60-foot flag pole. She said the existing neighbors had a right to know what was being planned in the infill neighborhoods. She asked about specifications for commercial properties.

Mr. Froke said the intent of the commercial portion was for properties such as Westgate. He said such requests would require a building permit.

Councilmember Turner suggested businesses fly their own business flag to advertise the business.

Councilmember Chavira agreed with Councilmember Tolmachoff and Councilmember Turner.

Mr. Froke asked if there was consensus for staff to continue researching the topic and bring it back to a future workshop.

Mayor Weiers said there were questions that had not been answered. He would like to see both issues come back with more information. Mayor Weiers asked if there was consensus.

Councilmember Turner said enough time had been spent on the issue and he would like to see staff work on something else.

Mr. McAllen said there was consensus. He said that staff would come back with additional details about other cities' donation drop box policies and the impacts and how they dealt with the drop box issue. Staff would also come back with more details about the size of the flag that would be flown on a 60-foot flag pole and the property size relationship to the flag pole.

Mayor Weiers said additional information about what other cities were doing would also be helpful.

Mr. McAllen said staff will also provide information on the zoning text amendment items that were not discussed today.

CITY MANAGER'S REPORT

Mr. Phelps said the Economic Development Department had worked with the Lockheed team regarding the F-35. He was informed that the number of Lockheed employees would increase from about 350 to 800-900. He said this reflected the positive benefit of Luke Air Force Base in Glendale.

Mayor Weiers said Luke Air Force Base was now one-third of the way to having all of the F-35s.

CITY ATTORNEY'S REPORT

Mr. Bailey had no items to report.

COUNCIL ITEMS OF SPECIAL INTEREST

Councilmember Tolmachoff wanted to have a discussion about a proposed ordinance regarding distracted driving.

Mayor Weiers said Saturday from 8 a.m. to 1 p.m., Glendale Community College would host the Stand Up for Veterans event.

CALL TO ENTER INTO EXECUTIVE SESSION

A motion was made by Vice Mayor Hugh, seconded by Councilmember Tolmachoff, to enter into Executive Session. The motion carried by the following vote:

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

Absent: 1 - Councilmember Aldama

EXECUTIVE SESSION

A motion was made by Councilmember Malnar, seconded by Vice Mayor Hugh, to adjourn Executive Session.. The motion carried by the following vote:

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

Absent: 1 - Councilmember Aldama

ADJOURNMENT

The City Council adjourned at 4:54 p.m.