

City of Glendale

*5850 West Glendale Avenue
Glendale, AZ 85301*



Meeting Minutes - Final

Tuesday, March 21, 2017

1:30 PM

Workshop

Council Chambers

City Council Workshop

Mayor Jerry Weiers

Vice Mayor Ian Hugh

Councilmember Jamie Aldama

Councilmember Joyce Clark

Councilmember Ray Malnar

Councilmember Lauren Tolmachoff

Councilmember Bart Turner

CALL TO ORDER**ROLL CALL**

Present 7 - Mayor Jerry Weiers, Vice Mayor Ian Hugh, Councilmember Jamie Aldama, Councilmember Joyce Clark, Councilmember Ray Malnar, Councilmember Lauren Tolmachoff, and Councilmember Bart Turner

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

WORKSHOP SESSION**1. [17-091](#)****21ST CENTURY POLICING**

Staff Contact and Presenter: Rick St. John, Police Chief

Chief St. John said the Task Force on 21st Century Policing was established by President Obama on December 18, 2014 and the final report was released on May 18, 2015. The final report contained 58 recommendations and 91 action items. Chief St. John said 38 of those recommendations and 50 action items were directly related to law enforcement.

Chief St. John said the task force had created six pillars. The first pillar, building trust and legitimacy, was the foundational principal of the task force. There had been a loss of trust by the community in the police agencies and the pillar would work to rebuild that trust by using procedural justice. It meant that decision-making was transparent and kept the community's best interest in mind.

Chief St. John said the Glendale Police Department had accomplished 7 out of 9 recommendations and 11 out of 12 action items of the first pillar. The first change that needed to be made was publishing response to resistance statistics, commonly called use of force. The department did compile the information and the report was available for review. He was suggesting making the information even more transparent by overlaying the statistics onto a crime map with enough information about the crime so that the public was not alarmed by the statistics shown.

Councilmember Clark asked for the name of the report that was currently available.

Chief St. John said it was the crime capture report. He said the response to resistance report was part of the annual report and believed it was located on the City's website. He said the crime maps were on the police webpage.

Chief St. John said community surveys was the other item needed to complete the first pillar. A survey link could be placed on the tablets the officers used in the field. The officer would provide the survey to the people he or she came into contact with on a daily basis with the exception of victims of crime. Over time, it would provide the Police Department with information about where it was experiencing lower levels of trust.

Councilmember Clark asked if a suspect would give the Police Department glowing reviews after being pulled over on a traffic stop.

Chief St. John said it would be relevant for a person who was just issued a citation to be given an opportunity to complete the survey. How the officer interacted with that citizen was relevant. It was surprising how many compliments were given to officers who had just issued a ticket. He had received many calls from citizens who wanted to let him know what a great job the officer had done. The source of the information was taken into consideration, but it was a good starting point to find out what areas the department needed to target to build trust.

Councilmember Turner asked if the department would gather enough data to determine the source of the contact to determine which respondents had received a traffic ticket as opposed to someone who had been arrested.

Chief St. John said that was correct. A portion of the survey would include reasons for the stop and some type of rating. The survey would be quick and simple.

Mayor Weiers asked if there would be questions like was the officer respectful.

Chief St. John said the questions would be more general such as on a scale of 1 to 8, what was your overall satisfaction with the Glendale Police Department.

Councilmember Tolmachoff asked if the questions would be specific to the officer the person was interacting with, or if they would be more general.

Chief St. John explained some of the questions would be very general regarding the person's feelings about the Police Department and questions about the specific interaction.

Councilmember Tolmachoff said there were some people who might be generally distrustful of all police departments.

Chief St. John believed that was true and it would give the Police Department an opportunity to target areas to build that trust and develop targeted activities in the communities that needed it.

Chief St. John said pillar 2 was policy and oversight and whether the policies reflected the community's values and were the policies aimed at developing crime reducing strategies under a community policing philosophy. The Police Department had accomplished 12 out of 13 recommendations and 6 out of 7 action items. He said the Justice Department had used the Glendale Police Department as a model policy maker.

Chief St. John said a de-escalation policy was necessary and the action item would be completed by the time the report was posted along with the department's responses to it. The second requirement was an LGBTQ search and seizure policy. The policy had been signed off on yesterday and officers would undergo online training.

Chief St. John said pillar 3 addressed technology and social media and the department had accomplished 3 out of 3 recommendations and 5 out of 5 action items. He said staff was always balancing the advantages of using technology with the cost to the budget. He supported technology that pushed towards face-to-face communication. He spoke about social media and how beneficial it had been to recruiting.

Chief St. John said pillar 4 was community policing and crime reduction. The department met 4 out of 4 recommendations and 17 out of 17 action items. The department had

worked toward engaging the community for a very long time.

Councilmember Clark asked if any new strategies had been developed to allow officers adequate time to cruise neighborhoods.

Chief St. John said there were times during the day when officers had plenty of time to drive through neighborhoods and engage with residents. During the busier times, he was encouraging his officers to get off the arterial streets and go call-to-call through the neighborhoods. The department was working on staffing issues and vacancies and hoped to be at full staffing in September or October.

Councilmember Clark asked about the number of officers on duty per shift in each police district.

Chief St. John said the staffing ratio Councilmember Clark was talking about was two officers per beat and there were 190 officers in the patrol division. He recommended decreasing the size of the beat and would like each officer to have a beat that was their responsibility instead of two officers to a beat. He would like the officers to be proactive in the smaller areas and not be so reliant on a partner.

Councilmember Clark asked about the protocol for a domestic violence call being two officers.

Chief St. John said that was correct.

Councilmember Clark asked where the manpower came from for various calls when officers were taken off beats for major events.

Chief St. John said there were never enough officers to have an officer in every community every minute of the day. The smaller beats would give officers the ability to have more control over their beats and officers in areas with a lower call volume might spend more time in other beats than officers who worked in a beat with a higher call volume. It was the officer's responsibility to get the work done in his beat.

Mayor Weiers said incidents might be diffused quicker if an officer was more familiar with the residents in a smaller beat.

Chief St. John said there were many times he knew the names of the people he was dealing with when he was on patrol, and spending a lot of time in one area gave officers the opportunity to get to know the people.

Councilmember Clark asked if rotating officers every couple of years defeated the purpose of having smaller beats and getting to know the community.

Chief St. John said there were benefits to officers working various beats for long periods of time and officers liked working in familiar areas. He said there was a need to get officers community-driven instead of organization-driven. He said there were mandatory rotations through specialized units to allow officers to stay in the core function of community policing. He explained they now do a two-year bid, with a mini bid in the off-years for officers coming out of specialty positions.

Chief St. John said pillar 5 was training and education. He explained the advanced officer training that was done every year needed to evolve with the community. The department met 2 out of 3 recommendations and 1 out of 2 action items. He said the arrest

procedures for the transgender community were already in place. He said there also needed to be community involvement with an internal training committee and the public had been invited to participate.

Chief St. John said pillar 6 was officer wellness and safety. The department met 3 out of 3 recommendations and 3 out of 3 action items. He said officer wellness was very important and officers needed to feel comfortable talking about what was bothering them. Officers also needed resources available for getting the help they needed.

Councilmember Clark asked if there were any dedicated resources available for officers suffering from PTSD.

Chief St. John said the department partnered with Bullet Proof, which was an online resource guide that assisted officers in recognizing problems. The City's EAP program was also a tremendous resource for PTSD, as well as contracted psychological services, that respond to serious incidents. Chief St. John said the database that tracked internal investigations was not meeting the needs of the department. The department had selected a vendor and was starting to implement the early warning system.

Councilmember Tolmachoff asked how the department handled the wellness of an officer's family.

Chief St. John said there was a spousal support network and the online resources available for officers were also available for family members.

Councilmember Clark asked if the results of the citizen surveys would be used to evaluate the performance of an officer.

Chief St. John said the surveys would not be used to evaluate performance. The surveys would be used to look for areas that required targeted engagement to build relationships and trust.

2. [17-082](#)

COUNCIL ITEM OF SPECIAL INTEREST: ZONING TEXT AMENDMENT

ZTA16-01 DONATION DROP BOX REGULATIONS

Staff Contact: Sam McAllen, Director, Development Services

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

Mr. Froke said the request was initiated by the Planning Commission on December 3, 2015. This item addressed the regulation of donation drop off boxes and was citywide and not specific to one Council district. Glendale 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 fire stations. He explained several other cities recently began regulating donation drop off boxes, including Phoenix, Peoria and Surprise. The boxes would be regulated by a temporary use permit and the number of boxes would be limited based on the size of the parcel. He also said boxes would require some sort of identification sticker and pickup and maintenance of the boxes would be required by the owner. Different standards would apply to the boxes based on the zoning district.

Mr. Froke said the temporary use permits were proposed to have a three-year approval period and were proposed to be allowed in office and commercial zoning districts, including sites zoned PAD, planned area development. The donation drop boxes were also proposed to be allowed on public and private school sites as well as police and fire stations, city libraries and churches without a temporary use permit. Definitions had to

be amended pertaining to donation center and donation/drop off box. By proposing a new section relative to temporary use permits, the sections regarding establishing a historic preservation district and temporary restraint of demolition needed to be renumbered. The zoning text amendment did not differentiate between nonprofit and for-profit donation drop boxes.

Mayor Weiers confirmed a donation box would not be permitted if the property was less than one acre.

Mr. Froke said that was correct.

Mayor Weiers did not agree with that limitation.

Mr. Froke said staff was looking for Council input.

Councilmember Clark said many of PADs were residential and asked how staff would differentiate between residential and commercial PADs.

Mr. Froke said staff would review that point before bringing the ordinance back for approval. He suggested that no two donation boxes be clustered together on one site.

Councilmember Tolmachoff asked for further explanation about clustering two boxes together in any one location.

Mr. Froke provided an example of clustering six donation boxes together and said it would be a bit of a blight.

Councilmember Tolmachoff asked if on a three-acre parcel, two boxes were on one side of the property and two boxes were on the other side of the property, if that would be acceptable.

Mr. Froke said that would be acceptable under the proposal. Staff was trying to avoid an area being blighted by large groups of boxes.

Mr. Froke said the Planning Division held a neighborhood meeting to discuss the topic on July 23, 2015. Three people attended the meeting. There was support from the industry for the City to regulate donation drop off boxes. The zoning text amendment was discussed at a Council Workshop on September 20, 2016 and staff received guidance from Council to continue and a draft ordinance had been provided as part of the packet for the workshop.

Mr. Froke said the proposed ordinance was similar to what other cities had recently adopted. The property owner would have the right to remove a donation drop box at any time. Planning staff was seeking guidance from the Council on the draft zoning ordinance. A temporary use permit fee would need to be established as part of the process. Staff was suggesting a fee in the range of \$200. It was anticipated that each donation drop box would require a business license. Staff was seeking direction to bring the draft ordinance to a voting meeting for consideration after the Planning Commission considered the proposal.

Mayor Weiers was concerned about business owners that didn't have quite an acre of property who would not have an opportunity to allow a box on their property. He knew several business owners who were interested in nonprofit work who would like the opportunity to have a drop box. Not having an opportunity to help a charity didn't seem

quite right.

Mr. Froke suggested having the requirement read one acre or less instead of one acre.

Councilmember Tolmachoff asked if the \$200 permit fee would be renewable every three years.

Mr. Froke said staff had been evaluating what was fair to the business owners and operators of the boxes.

Councilmember Tolmachoff asked how everyone would get into the system.

Mr. Froke said staff would work with Public Affairs for public notice of the change. He explained many business owners and stakeholders were already aware of the zoning text amendment. The department would go through a notification process and would implement the amendment at all the commercial sites.

Councilmember Tolmachoff asked if there was a rough database in place.

Mr. Froke said staff already had a good idea where the boxes were located throughout the City.

Councilmember Tolmachoff said the item was past due, especially in light of the changes in other cities.

Councilmember Turner asked if the three-year period was a ramping up period or if the permit was valid for three years.

Mr. Froke said it would give staff time to make the current box owners aware of the new process and implement the temporary use permit. He explained the temporary use permit would be good for three years once it was approved administratively.

Councilmember Turner confirmed there would be a three-year period getting business owners and box owners on board with the new process and then the permits would be good for three years.

Mr. Froke said that was correct.

Councilmember Turner asked about the rationale for allowing donation drop boxes on school sites, police and fire stations, libraries and churches without a permit, and asked if there would be any restrictions at those locations regarding the parcel size.

Mr. Froke said staff was looking for Council input whether it wanted to regulate the boxes citywide regardless of whether it was a public or private facility. He explained most of the other cities were not regulating boxes on public facilities.

Councilmember Turner would consider waiving the permit fee for those types of facilities but felt those facilities would need to comply with the same regulations as other properties were required to do.

Councilmember Aldama also felt those facilities should be regulated the same as all the other businesses. His concern was the profit or nonprofit aspect of the boxes. He wasn't sure if that would be a requirement on the label of the box. He asked what other cities were doing regarding the profit and nonprofit issue.

Mr. Froke did not think other cities were differentiating between the two. He said there were facilities that existed where a citizen could make a donation and get a receipt for tax purposes. He said staff would review that issue.

Councilmember Aldama said many people used the bins to get rid of their items and were not concerned about tax issues. He was concerned that patrons would assume the donations were going to a nonprofit and it should be identified somehow if they were not. He also brought up the issue of one box per acre size lot. He said it depended on how big the facility was. He was open to the suggestion of having boxes on smaller lots and didn't want to prevent someone from having a box.

Councilmember Clark agreed with Councilmember Turner and said all boxes should be regulated. She said not regulating the boxes might drive more boxes to nonprofit properties. She liked the idea of not charging a permit fee for nonprofit organizations. She said it made no difference to identify a box as profit or nonprofit as none of the boxes would provide a receipt for tax purposes.

Councilmember Tolmachoff said the goal was to try and stop dumping at the boxes and asked about enforcement of the ordinance.

Mr. McAllen said it was a zoning ordinance regulation and would be enforced by Code Compliance. He said property owners were the responsible parties in the case.

Councilmember Tolmachoff asked if the permit was going to be signed by the property owner and donation drop box provider. She was concerned that the items outside the box would create blight. She said the enforcement would be on the property owner and not the person who acquired the permit.

Mr. McAllen said that was correct.

Councilmember Aldama asked if the responsibility was on both the property owner and drop box owner.

Mr. Froke said it would be a collective effort. The property owner would clean up his own property and then work out compensation with the drop box owner.

Councilmember Turner agreed with Mayor Weiers to allow boxes on properties less than one acre. He asked if boxes would be disallowed if they were to be placed in a parking space that would bring the number of parking spaces lower than the minimum allowed.

Mr. Froke said that was correct.

Councilmember Turner asked how larger commercial parcels would be handled with the requirement of 4 boxes on parcels over 3 acres.

Mr. Froke explained parcels in larger commercial properties might have several different owners, which could allow more than 4 boxes on a three-acre parcel.

Councilmember Turner verified that each individually owned parcel in a large commercial property space would have its own right to the number of boxes provided for in the ordinance. He said it was his concern that if they limited the number of boxes in a commercial space, it might create more problems because then donation boxes would be placed in many other locations. He wasn't sure that was what the Council was looking to

do either.

Mayor Weiers asked a question about how many boxes would be allowed on a 20-acre apartment complex property.

Mr. Froke said staff was not suggesting allowing donation drop boxes in apartment zoning.

Councilmember Clark said that was why she asked about the residential PAD zoning because she did not think it was appropriate for that zoning designation to have drop boxes.

Councilmember Malnar asked if a financial analysis had been done on how it was going to affect the budget.

Mr. Froke said a financial analysis had not been done but staff had run through many scenarios. He said staff wanted to be fair to property owners who might be frustrated by the current lack of regulation. The proposed fee would potentially cover staff time. The City was not looking to make money on the program.

Councilmember Malnar asked if the permits would be issued to the groups who brought in the box or the owners of the boxes.

Mr. Froke said staff hadn't gotten to that level of detail yet. The discussion had centered on the issue of regulating the drop boxes. He explained property owners would like the boxes regulated so there was some level of control.

Councilmember Malnar would like that issued included in the report back to Council.

Mayor Weiers asked if there was a way that the property owner and the charity could both sign off on the permit.

Mr. Froke said the property owner needed to sign the application.

Mayor Weiers said he understood that. He said the box owner should be the first person responsible, but the property owner was also responsible if the box owner did not comply. He did not think the property owner should always be held responsible. The people reaping the benefits should be the first one to respond.

Mr. Froke said there could be a second signature if the property owner was deferring to an agent to handle the issue and that was the person staff would be dealing with during site plan review and other processes.

Mr. Froke said staff would take Council input back to the Planning Commission and would bring the item back to a future voting meeting.

3. [17-069](#)

THIS ITEM HAS BEEN REMOVED FROM THE AGENDA

COUNCIL ITEM OF SPECIAL INTEREST: DIVERSITY COMMISSION
ORDINANCE

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

This item was removed from the agenda prior to the meeting and not presented.

CITY MANAGER'S REPORT

Mr. Phelps had no items to report.

CITY ATTORNEY'S REPORT

Mr. Gruber had no items to report.

COUNCIL ITEMS OF SPECIAL INTEREST

The Council had no items to report

ADJOURNMENT

The City Council adjourned at 2:53 p.m.