

# **City of Glendale**

*5850 West Glendale Avenue  
Glendale, AZ 85301*



## **Meeting Minutes - Final**

**Tuesday, April 4, 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*

**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; and Julie K. Bower, City Clerk.

**WORKSHOP SESSION**

1. [17-116](#) PRESENTATION OF THE PROPOSED GLENDALE URBAN SHUTTLE (GUS) 2 ROUTE RECONFIGURATION

Staff Contact: Jack Friedline, Director, Public Works

Staff Presenter: Trevor Ebersole, Deputy Director, Public Works

Staff Presenter: Kevin Link, Transit Administrator

Mr. Link said the item was to inform Council on proposed changes to the GUS 2 service route and obtain approval to move forward with the change. There had been no modifications to the route since 2003. Requests had been made to expand the routes further east and to the south and expanding the service would provide nearby neighborhoods with additional options for their transportation needs. The expansion could cause riders to have to wait an additional 15 minutes and catch GUS 1 on the opposite side of the street, but no changes would be made to the existing stops. GUS 1 and GUS 3 routes would not be affected by the change. The operating hours of GUS 2 would not change.

Mr. Link said the new route would service many more neighborhoods and explained the new GUS 2 route was longer and the run time would be approximately 15 minutes longer. The routes intersected at 55th Avenue and Northern. He said ridership had been declining over the last three years and there was increased ridership potential with the new GUS 2 route.

Mr. Link said the reconfiguration was being done as part of Valley Metro's service change cycle. Since GUS was a fixed route, changes to the route needed to coincide with Valley Metro's service change cycle. Valley Metro would conduct targeted outreach for each cycle change. Outreach staff would go out during the first week in May to GUS 2 stops to speak with riders as well as riding the GUS 2 route to solicit feedback from customers about the route change. If adopted, the service changes would take effect on October 23rd. Staff was seeking approval to move forward with reconfiguration of the new GUS 2 route.

Councilmember Aldama asked why the GUS routes didn't take passengers down to Camelback Road.

Mr. Link didn't have any data on that, but said that change would make the route about 60 minutes long. The routes tried to stay within a 30 to 45-minute length. He explained that extension would probably have to be a separate route and that would be the next area looked at. He said staff would like to put the plan in place for about 6 months to see how it was received by the neighborhoods.

Councilmember Aldama asked if Council would consider moving the service west and down to Camelback Road when the time was appropriate. He said there was an adult home at 59th Avenue and Missouri that would be well-served by the service.

Vice Mayor Hugh said residents in his area would be excited about the new service.

Councilmember Clark asked why the ridership had dropped so much in the last couple of years.

Mr. Link said the trend had been seen across the country and ridership was down across the region, as well. It might be a combination of the improving economy and lower gas prices. He hoped the new route would jump start ridership.

Councilmember Clark asked if there was a point at which it would not be feasible to continue the service if the ridership continued to drop.

Mr. Link said a neighborhood circulator like the GUS program was different than regular fixed-route bus service. He said there was a point where it might not be fiscally responsible to keep the program going, but he did not know what the number would be. Staff would continue to review the number of boardings per route.

Councilmember Turner asked about the budget for the GUS program.

Mr. Link said the budget was about \$780,000 per year for the three routes, which included overhead and labor.

Councilmember Turner asked if that was \$250,000 per route, per year.

Mr. Link said that was correct.

Councilmember Turner asked if the new GUS 2 route was 7.6 miles and how long the GUS 1 and GUS 3 routes were.

Mr. Link said GUS 2 was 7.6 miles, GUS was 6.3 miles and GUS 3 was just under 10 miles.

Councilmember Turner asked if the Gus 2 route could access Rose Lane.

Mr. Link said staff was looking at running GUS 2 up by the park, and did not think that would be a problem.

Councilmember Turner said he would like the GUS 2 to travel on Rose Lane, so it could stop at the pool and the community center.

Mr. Link said staff would look at that and possibly incorporate that change in the summer when the pools were open.

Councilmember Turner had concerns about service west of Grand Avenue and suggested adding some miles to GUS 1 to service that area. He also suggested adding an additional route to service that area.

Mr. Link said staff would look at the possibility of expanding GUS 1 service or adding another route.

Mayor Weiers asked if there were two routes that were the same, but ran in opposite directions. He also asked if there was a higher cost for that.

Mr. Link said GUS 1 and GUS 2 ran the same route. The GUS 1 route would remain the same, but GUS 2 would move to the east. He said even though the new GUS 2 route was longer, there would be 6 fewer trips per day. The costs would remain about the same.

Mayor Weiers asked if the routes would be serving the citizens better at no higher cost.

Mr. Link said that was correct.

Councilmember Malnar asked if staff had considered reducing the cost per rider by incorporating Uber and Lyft into the routes. He said it looked like there was a need for that type of service.

Mr. Link said Uber and Lyft would combine better with the Dial-A-Ride and para-transit service. He explained the idea behind a neighborhood circulator was that people could jump on and connect to other existing fixed-routes and amenities in the neighborhood. He did see a value in the future for the Uber and Lyft applications and Valley Metro was considering those partnerships and was looking at an app to incorporate all modes of available transportation.

Councilmember Malnar asked if service ended at 6 p.m.

Mr. Link said that was correct.

Councilmember Malnar said some local business had suggested running the GUS service in the evening to run routes to Westgate or other destinations.

Mr. Link said staff was looking to incorporate the southern part of the City and Westgate into upcoming routes. Staff had not looked at using the current service for certain events, but that was an option that could be reviewed and discussed.

Councilmember Malnar was not talking about major events, but was interested in using GUS for evening service to bring people into the community.

Mayor Weiers asked if staff needed a consensus to move forward.

Mr. Link said yes.

Mayor Weiers said there was consensus.

Councilmember Turner asked if at least one route had no Sunday service.

Mr. Link said GUS 1 was the only route that offered weekend service.

Councilmember Turner said there were two existing routes with no Sunday service.

Mr. Link said that was correct.

Councilmember Turner was interested in providing a loop from Westgate to downtown on the Cardinals' game days. He said it might be something the downtown merchants

would participate in.

Mr. Link said staff would look into it.

2. [17-114](#)

**COUNCIL ITEM OF SPECIAL INTEREST: FIREWORKS ORDINANCE**

Staff Contact: Terry Garrison, Fire Chief

Staff Presenter: Chuck Jenkins, Fire Marshal

Mr. Jenkins said the Glendale City Code prohibited the use of most consumer fireworks within Glendale city limits, 365 days a year. Under state law, cities could prohibit the use of permissible fireworks, but only on days other than June 24th through July 6th, and December 24th through January 3rd of each year. He said the City Attorney's Office had determined the City was out of compliance with the law. He said the state law also applied to the sale of fireworks.

Mr. Jenkins said the City Code prohibited the use of fireworks of any kind within the City and conflicted with state law. Staff's recommendation was to adopt an ordinance on or before May 9th, to ensure the City was in compliance with state law before the June 24th date referred to in the state statute. Mr. Jenkins provided a proposed draft ordinance which would maintain the current position on the prohibition of fireworks in the City, but would not prohibit the use of fireworks during the dates the state had identified.

Mayor Weiers had voted on the 2010 statute in the Legislature, but never thought at the time that the cities would lose complete control, even for specific times. He asked if the police would even issue a citation regarding a fireworks violation, since state law superseded the City's ordinance.

Mr. Bailey said that was correct.

Councilmember Turner asked if the state statute was changed in 2010.

Mayor Weiers said it was originally, and had been amended several times since then.

Mr. Jenkins said the law that passed in 2010 was the initial fireworks law for the state that allowed consumer fireworks to be used.

Councilmember Turner asked if the City had been out of sync with state law for about 6 or 7 years.

Mr. Jenkins said the version of the state law that identified dates fireworks could not be prohibited changed in 2014.

Councilmember Turner said it was in 2014 that the state legislature preempted the City's ability to control fireworks between those specific dates.

Mr. Jenkins said that was correct.

Councilmember Turner said the City had been out of compliance for about three years.

Mr. Jenkins said that was correct.

Councilmember Turner asked what happened if the City stayed out of compliance with state law.

Mr. Bailey said it became an issue of enforcement. He said the conflict would arise when the City tried to enforce something it did not have the right to enforce.

Councilmember Turner asked how the Police Department had been handling the issue being out of sync with state law and how would the Police Department handle it now.

Chief St. John said the violations were based on complaints when citizens were using fireworks out in a public venue. He said officers simply educated the community about what the ordinance said and what state law allowed. He said officers would seize illegal fireworks, if necessary. Officers would issue a citation on a rare occasion if a citizen was launching fireworks into the air. He said officers primarily used an education campaign and typically did not take enforcement action.

Councilmember Turner asked if the Police Department would cite for use of fireworks during the times listed in state statute.

Chief St. John said that was correct. Officers typically responded to fireworks calls during those dates and past practice had been to educate the public, not to write citations.

Councilmember Turner's preference would be to leave the City Code as it was. He said the state had taken the City's authority on the issue.

Councilmember Malnar said his constituent had not felt it was right to sell the fireworks in Glendale, but not be allowed to use them. It was when he found out the City was out of compliance with state law, that he wanted to send a message to residents that they could buy fireworks legally in Glendale and use them on private property. He said it was wrong to allow residents to buy fireworks in Glendale, but not allow residents to use them. The ordinance should be in compliance with state law and the conflict should be resolved. He asked the Council to move the item forward for a vote.

Mayor Weiers said it was not right to put the Police Department in the position of writing a citation it knew was wrong. It should be focusing on the legal and illegal use of fireworks. He would like to see the Police Department cite for the illegal use of fireworks and ignoring state law sent a very bad message. He would like to enforce City law correctly so there were less problems.

Councilmember Clark agreed with Mayor Weiers and Councilmember Malnar and saw no point in trying to ignore state law. She agreed with trying to enforce illegal fireworks. Councilmember Clark would like to move forward and adopt the ordinance so the City was in compliance with the state.

Councilmember Aldama asked if staff could conduct an awareness campaign to help residents understand the law during times of heavy fireworks use.

Mayor Weiers said the Fire Department had done a great job over the years spreading the word about fireworks safety.

Councilmember Tolmachoff had people ask her why they could buy fireworks, but could not use them in Glendale. She asked if most of the calls about fireworks were about people shooting them off into the air.

Chief St. John said most of the calls the Police Department received were from people who thought the noise might be gunfire. He said the fireworks calls they responded to

were regarding fireworks in use that were prohibited under state law.

Councilmember Clark asked if the fireworks prohibited under state law were also prohibited under Glendale law.

Chief St. John said yes they would be.

Councilmember Clark asked if anyone checked the fireworks sold by vendors in Glendale to confirm they were legal fireworks.

Mr. Jenkins said the Fire Department did a pre-inspection before the vendor was allowed to sell fireworks in the City. The inspection made sure all safety precautions were followed and looked at the product being sold to make sure it complied with state law. He said the fireworks industry worked with the Fire Department for training on what products were safe.

Councilmember Clark asked if any random inspections were done while the fireworks were for sale.

Mr. Jenkins said no spot checks were performed.

Councilmember Clark asked why no spot checks were performed.

Mr. Jenkins said there were many vendors selling during the allowable time and it took most of the staff time to conduct pre-inspections for vendors. He explained staff returned to their normal inspections of buildings and construction after that. He said staff would look at that issue.

Councilmember Clark asked Mr. Jenkins to let Council know the results.

Mayor Weiers said there was consensus to proceed with preparing an ordinance that complied with state law.

Mayor Weiers had heard of several instances when the Fire Department did conduct a second inspection of a fireworks vendor when there had been a complaint.

Mr. Jenkins said that was correct.

#### **CITY MANAGER'S REPORT**

Mr. Phelps has no items to present.

#### **CITY ATTORNEY'S REPORT**

Mr. Bailey congratulated Assistant City Prosecutor Julie Meeks for selecting North Carolina.

Mayor Weiers said he did win the Mayor's pool.

#### **COUNCIL ITEMS OF SPECIAL INTEREST**

Councilmember Aldama asked staff to look into a needs assessment for public safety facilities specifically regarding repairs, renovations and rebuilding unsafe structures for both Police and Fire.

Councilmember Clark asked for a review of the barking dog ordinance. She had received complaints from several residents.

Councilmember Malnar said Councilmember Clark's request could be included in his request for a code compliance review.

Councilmember Clark said that would work.

Councilmember Tolmachoff requested a report by department of the consultants that were hired, the scope of work of the consultants and the cost for the consultants through June 30th, 2017.

Mayor Weiers said there was no Executive Session today.

### **MOTION TO ADJOURN**

**A motion was made by Councilmember Aldama, seconded by Councilmember Tolmachoff, to adjourn the meeting. The motion carried by the following vote:**

**Aye:** 7 - Mayor Weiers, Vice Mayor Hugh, Councilmember Aldama, Councilmember Clark, Councilmember Malnar, Councilmember Tolmachoff, and Councilmember Turner

### **ADJOURNMENT**

The City Council adjourned at 2:17 p.m.