

DRAFT

City of Glendale

*5850 West Glendale Avenue
Glendale, AZ 85301*



Meeting Minutes

Tuesday, March 23, 2021

5:30 P.M.

Voting Meeting

Civic Center

City Council

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

Mayor Weiers called the meeting to order at 5:31 p.m.

ROLL CALL

Present: Mayor Jerry Weiers
Vice Mayor Ian Hugh
Councilmember Jamie Aldama
Councilmember Joyce Clark
Councilmember Ray Malnar
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

Also Present: Kevin Phelps, City Manager
Michael Bailey, City Attorney
Julie K. Bower, City Clerk
Vicki Rios, Assistant City Manager
Jack Friedline, Assistant City Manager

PRAYER/INVOCATION

The invocation was offered by David Barton, President of the Glendale North Stake of the Church of Jesus Christ of Latter Day Saints.

POSTING OF COLORS

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES

1. APPROVAL OF THE MINUTES OF THE MARCH 9, 2021 VOTING MEETING

A motion was made by Councilmember Jamie Aldama, seconded by Vice Mayor Ian Hugh to approve the minutes of the March 9, 2021 voting meeting.

AYE: Mayor Jerry Weiers
Vice Mayor Ian Hugh
Councilmember Jamie Aldama
Councilmember Joyce Clark
Councilmember Ray Malnar
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

Passed

PROCLAMATIONS AND AWARDS

2. RECOGNITION OF PRESIDING JUDGE ELIZABETH FINN FOR DEDICATION AND SERVICE TO THE CITY OF GLENDALE

Presented by: Glendale Mayor Jerry P. Weiers

Accepted by: Presiding Judge Elizabeth Finn

Mayor Weiers recognized Glendale Presiding Judge Elizabeth Finn for her 18 years of service to the City of Glendale. Judge Finn was retiring after serving as a judge for over forty years, making her the most senior judge in the State of Arizona. He thanked her for her dedication and service to the City.

CONSENT AGENDA

3. AUTHORIZATION TO ENTER INTO AMENDMENT NO. 3 TO THE LINKING AGREEMENT WITH ARIZONA ELEVATOR SOLUTIONS, INC FOR ELEVATOR MAINTENANCE AND REPAIR SERVICES
4. AWARD OF IFB 21-11 AND AUTHORIZATION TO ENTER INTO AGREEMENTS WITH BALLISTIGLASS, LLC. AND TOTAL SECURITY SOLUTIONS, INC. FOR THE FABRICATION AND INSTALLATION OF BULLET RESISTANT MATERIAL THROUGHOUT THE CITY OF GLENDALE
5. L303 BETHANY BUSINESS PARK FINAL PLAT, FP21-01
6. AUTHORIZATION TO ENTER INTO A CONSTRUCTION AGREEMENT WITH DESERT SERVICES INTERNATIONAL, INC., FOR THE CONSTRUCTION OF THE HEROES REGIONAL PARK LAKE
7. AUTHORIZATION TO RATIFY SCHEDULE C OF PROFESSIONAL SERVICES AGREEMENT WITH INTERIM PUBLIC MANAGEMENT, LLC C19-0599-4
8. AUTHORIZATION TO INCREASE THE ANNUAL NOT-TO-EXCEED AMOUNT FROM \$70,000 TO \$120,000 FOR SUN LIFE ASSURANCE COMPANY OF CANADA FOR LONG TERM DISABILITY CLAIMS PAYMENTS

A motion was made by Councilmember Ray Malnar, seconded by Councilmember Lauren Tolmachoff to approve Consent Agenda items 3 through 8.

AYE: Mayor Jerry Weiers
Vice Mayor Ian Hugh
Councilmember Jamie Aldama
Councilmember Joyce Clark
Councilmember Ray Malnar
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

Passed

BIDS AND CONTRACTS

9. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH ELONTEC, LLC FOR MOVING AND RELOCATION SERVICES
Presented by: Michelle Woytenko, Director, Field Operations

Ms. Bower read the item by title.

A motion was made by Councilmember Bart Turner, seconded by Councilmember Joyce Clark to approve item 9.

AYE: Mayor Jerry Weiers
Vice Mayor Ian Hugh
Councilmember Jamie Aldama
Councilmember Joyce Clark
Councilmember Ray Malnar
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

Passed

ORDINANCES

10. ORDINANCE NO. O21-16

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 24 (MOTOR VEHICLES AND TRAFFIC), ARTICLE IV (SPECIFIC PARKING PROHIBITIONS) OF THE GLENDALE CITY CODE AS IT RELATES TO RECREATIONAL VEHICLES.

Presented by: Rick St. John, Deputy City Manager

Ms. Bower read the ordinance by title.

Mr. St. John said the next seven agenda items regarding Code changes had been reviewed and recommended by the City Code Review Council Committee and/or the City's Code Compliance Officer. The items had also been discussed at Council workshops. The Code changes in the proposed ordinance only applied to public roadways, alleys and streets. The changes would prohibit recreational vehicles from parking on a street, alley or roadway for more than forty-eight (48) hours and expanded the definition of a recreational vehicle. It did not apply to parking on private property.

Councilmember Malnar urged Council to adopt the ordinance. It applied only to public streets. The private property issue would be addressed at a later date. He said the term "recreational vehicle" had replaced "travel trailer" but noted not all instances of "travel trailer" had been replaced. An amendment would be necessary.

Councilmember Tolmachoff asked what was meant by the phrase, "On the roadway side of any vehicle stopped or parked at the edge or curb of a street?"

Mr. St. John said it referred to double-parking by a vehicle.

Councilmember Turner could support the ordinance because it did not apply to parking on private property.

A motion was made by Councilmember Joyce Clark, seconded by Councilmember Lauren Tolmachoff to adopt Ordinance No. O21-16, and amending the ordinance by replacing all instances of "travel trailer" with "recreational vehicle."

AYE: Vice Mayor Ian Hugh
Councilmember Jamie Aldama
Councilmember Joyce Clark
Councilmember Ray Malnar
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

NAY: Mayor Jerry Weiers

Passed

11. ORDINANCE NO. O21-17

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 29.1. (RESIDENTIAL RENTAL PROPERTY) ARTICLE II (STANDARDS) OF THE GLENDALE CITY CODE AS IT RELATES TO HEATING AND COOLING REQUIREMENTS.

Presented by: Rick St. John, Deputy City Manager

Ms. Bower read the ordinance by title.

Mr. St. John said the proposed ordinance regarded minimum heating and cooling standards. The minimum standard for heating units would be 70 degrees. The minimum standard for an air conditioning unit would be 82 degrees and 86 degrees for evaporative cooling. The requirements further defined that a heating unit must be built to be a heating unit. Something such as a kitchen oven could not be used as a heating unit.

Councilmember Aldama asked how landlords would be informed of the new standards.

Mr. St. John said an education campaign would begin in the spring. Apartment complexes that staff believed might have issues would be notified first. The same standards would apply to the City's public housing units.

A motion was made by Councilmember Jamie Aldama, seconded by Councilmember Joyce Clark to adopt Ordinance No. O21-17.

AYE: Mayor Jerry Weiers
Vice Mayor Ian Hugh
Councilmember Jamie Aldama
Councilmember Joyce Clark
Councilmember Ray Malnar
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

Passed

12. ORDINANCE NO. O21-18

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 25 (NUISANCES), ARTICLE II (SPECIFIC ACTS, OMISSIONS AND CONDITIONS) AND CHAPTER 19 (LANDSCAPING) OF THE GLENDALE CITY CODE AS IT RELATES TO REQUIRED LANDSCAPE MAINTENANCE.

Presented by: Rick St. John, Deputy City Manager

Ms. Bower read the ordinance by title.

Mr. St. John said there were two proposed Code changes. The change to Chapter 25 stated no person owning or occupying any property fronting on any street, alleyway, or public place shall allow grass or weeds to grow in sidewalk cracks, curblin openings, or other areas adjacent to the property including parking lots that might create a tripping hazard. It was language that existed elsewhere in the Code.

Mr. St. John said the second Code change was to Chapter 19. The word "shall" was changed to "may" regarding the City accepting responsibility for the maintenance and operation of all landscaping and appurtenances installed in public rights-of-way. It also excluded rights-of-way maintenance on properties managed by a Homeowners Association (HOA).

Mayor Weiers had an issue with the requirement regarding grass in sidewalk cracks. He did not understand why it was the resident's responsibility to keep the grass out of a public sidewalk.

Councilmember Aldama had expressed the same concern years ago and was told that if the grass traveled from the adjacent property to the sidewalk, it was the property owner's responsibility. Historically, the City had not done trip hazard enforcement. Because of the change, the City was expecting homeowners to do the job that used to be the City's responsibility.

Mr. St. John said under the current Code, it was the homeowner's responsibility to maintain the sidewalk. It currently had a 6-inch height requirement. The change would eliminate the height requirement and was instead focused on the safety hazard for users of the sidewalk. There was no change in responsibility. It had always been the homeowner's responsibility.

Councilmember Malnar agreed that the responsibility was not being changed. He believed everyone recognized that homeowners were responsible for maintaining the front yard.

Councilmember Tolmachoff asked if the six inches applied to blight but not the tripping hazard.

Mr. St. John said it was two different issues.

Councilmember Tolmachoff was concerned that there was no standard for the trip hazard.

Mr. St. John said it would be thick clumps of grass that would cause a pedestrian to trip or present a hazard to a wheelchair, walker or stroller.

Councilmember Aldama asked if there was grass growing in an alleyway, was that also the homeowner's responsibility.

Mr. St. John said it was the homeowner's responsibility to keep the alleyway free of debris.

Councilmember Clark said it had always been the homeowners' responsibility to maintain the sidewalk in front of their home. The only thing that had changed was the focus on trip hazards. She said the changes were minimal.

Councilmember Turner agreed with Councilmember Clark. Tripping hazards needed to be addressed and the change would allow Code enforcement to be able to inform residents of the problem.

Mayor Weiers said the City was turning itself into an HOA. He believed it was a solution in search of a problem. There were more important issues.

A motion was made by Councilmember Lauren Tolmachoff, seconded by Councilmember Joyce Clark to adopt Ordinance No. O21-18.

AYE: Councilmember Joyce Clark
Councilmember Ray Malnar
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

NAY: Mayor Jerry Weiers
Vice Mayor Ian Hugh
Councilmember Jamie Aldama

Passed

13. ORDINANCE NO. O21-19

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 25 (NUISANCES), ARTICLE II (SPECIFIC ACTS, OMISSIONS AND CONDITIONS) OF THE GLENDALE CITY CODE AS IT RELATES TO FEEDING PIGEONS ON PUBLIC PROPERTY AND HOLIDAY DECOR.

Presented by: Rick St. John, Deputy City Manager

Ms. Bower read the ordinance by title.

Mr. St. John said the language in the proposed ordinance would be an addition to the Code. One addition would prohibit the feeding of pigeons on public property. A violation of the article was a misdemeanor with a civil sanction of not less than \$50 nor more than \$150. The second addition applied to holiday decorations. Temporary, non-commercial decorations or displays associated with the celebration of a particular civic, patriotic, or religious holiday or season shall be displayed for a maximum of 30 days prior to and 30 days after the relevant holiday and must be maintained in good condition.

A motion was made by Councilmember Ray Malnar, seconded by Councilmember Lauren Tolmachoff to adopt Ordinance No. O21-19.

Mayor Weiers had a problem with the 30 days prior to the holiday. He did not have a problem if someone wanted to put Christmas lights up after Halloween. That would no longer be allowed.

The vote on the motion was:

AYE: Councilmember Jamie Aldama
Councilmember Joyce Clark
Councilmember Ray Malnar
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

NAY: Mayor Jerry Weiers
Vice Mayor Ian Hugh

Passed

14. ORDINANCE NO. O21-20

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 24 (MOTOR VEHICLES AND TRAFFIC), ARTICLE IV (SPECIFIC PARKING PROHIBITIONS) AND CHAPTER 25 (NUISANCES) OF THE GLENDALE CITY CODE AS IT RELATES TO VIEWING CITY CODE VIOLATIONS.

Presented by: Rick St. John, Deputy City Manager

Ms. Bower read the ordinance by title.

Mr. St. John said the proposed change would allow viewing of a violation from beyond the boundaries of a lot at ground level. It would allow an inspector to enter onto private property when invited to view a violation on another property.

Mayor Weiers clarified that if there was a fence that separated the backyard from the front yard, even if the backyard was visible, it would not be a violation.

Mr. St. John said the section applied to side yards and front yards. The section did not apply to the backyard.

Councilmember Aldama asked if the ordinance would allow an inspector to be invited into a backyard to view a violation in a neighbor's backyard.

Mr. St. John said that was correct. It had to be viewed from ground level. The inspector was not allowed to climb on a ladder to view a violation. It had to be viewable from ground level.

Mayor Weiers asked if it was correct that an inspector could not view a violation from the second-story of a neighboring home.

Mr. St. John said that was correct. The inspector could not view the violation from anywhere other than ground level.

A motion was made by Councilmember Bart Turner, seconded by Councilmember Joyce Clark

AYE: Mayor Jerry Weiers
Vice Mayor Ian Hugh

Councilmember Jamie Aldama
Councilmember Joyce Clark
Councilmember Ray Malnar
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

Passed

15. ORDINANCE NO. O21-21

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 25 (NUISANCES), ARTICLE II (SPECIFIC ACTS, OMISSIONS AND CONDITIONS) OF THE GLENDALE CITY CODE AS IT RELATES TO VACANT OR ABANDONED BUILDINGS.

Presented by: Rick St. John, Deputy City Manager

Ms. Bower read the ordinance by title.

Mr. St. John said in 2017, the City Manager approved new vacant property securement standards to include a polycarbonate material on all openings visible. The text amendment in the proposed ordinance mirrored those standards.

A motion was made by Councilmember Joyce Clark, seconded by Vice Mayor Ian Hugh to adopt Ordinance No. O21-21.

AYE: Vice Mayor Ian Hugh
Councilmember Jamie Aldama
Councilmember Joyce Clark
Councilmember Ray Malnar
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

NAY: Mayor Jerry Weiers

Passed

16. ORDINANCE NO. O21-22

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 25 (NUISANCES), ARTICLE II (SPECIFIC ACTS, OMISSIONS AND CONDITIONS) OF THE GLENDALE CITY CODE AS IT RELATES TO PALM FRONDS.

Presented by: Rick St. John, Deputy City Manager

Ms. Bower read the ordinance by title.

Mr. St. John said in 2014, the Prosecutor's Office determined that the current ordinance to address dry blighting palm fronds was non-enforceable. The proposed change would clean up the language so that it was enforceable and identify who was responsible for the palm tree on the property. It also changed the height requirement from seven feet to ten feet from the ground.

A motion was made by Councilmember Lauren Tolmachoff, seconded by Councilmember Joyce Clark to adopt Ordinance No. O21-22.

Councilmember Aldama would prefer that the height requirement was greater than ten feet but it was better than what was currently existing and he would support the ordinance.

The vote on the motion was:

AYE: Mayor Jerry Weiers
Vice Mayor Ian Hugh
Councilmember Jamie Aldama
Councilmember Joyce Clark
Councilmember Ray Malnar
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

Passed

RESOLUTIONS

17. RESOLUTION NO. R21-15

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF A PRE-ANNEXATION DEVELOPMENT AGREEMENT WITH COWLEY MANAGEMENT, LLC, REGARDING ANNEXATION, ZONING, INFRASTRUCTURE, CITY SERVICES AND CITY FEES FOR A DEVELOPMENT KNOWN AS FALCON PARK 303.

Presented by: Brian Friedman, Economic Development Director

Ms. Bower read the resolution by title.

Mr. Friedman said the proposed resolution would authorize the City Manager to enter into a Pre-Annexation Development Agreement (PADA) regarding certain City fees between the City and Cowley Management, LLC. Falcon 303 was an 80-acre development that included four industrial and commercial buildings totaling nearly 1.2 million square feet. An annexation application had been submitted to the Planning Department. The project would provide substantial one-time revenues and would be a net-positive ongoing revenue source for the City. The public benefits anticipated to accrue to the City from the development were substantial relative to any economic incentive granted to Cowley Management, LLC.

Mr. Friedman said the County approved a Military Compatibility Permit (MCP). The MCP limited the property to commercial and industrial uses. There were no direct expenses to the City. The City would waive up to \$843,000 in City plan review and permit fees related to the design and construction of buildings within three years of the execution of the agreement.

Mayor Weiers asked if the City of Goodyear was in support of the additional lane on Camelback Road.

Mr. Friedman said Goodyear was in agreement.

A motion was made by Councilmember Jamie Aldama, seconded by Councilmember Lauren Tolmachoff to adopt Resolution No. R21-15.

AYE: Mayor Jerry Weiers
Vice Mayor Ian Hugh
Councilmember Jamie Aldama
Councilmember Joyce Clark
Councilmember Ray Malnar
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

Passed

NEW BUSINESS

18. ORDINANCE NO. O21-23

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 13 (CITY COURT), ARTICLE I (IN GENERAL) OF THE GLENDALE CITY CODE AS IT RELATES TO COMPENSATION OF JUDICIAL OFFICERS. Presented by: Judge Nicholas DiPiazza, Glendale City Court

Ms. Bower read the ordinance by title.

Judge DiPiazza said the proposed ordinance would amend the compensation of judicial officers. It confirmed the authority of the Council to set the compensation for all judicial officers. Compensation would no longer be linked to the presiding judge's salary. It also grandfathered the compensation of existing judicial officers.

A motion was made by Vice Mayor Ian Hugh, seconded by Councilmember Joyce Clark to adopt Ordinance No. O21-23.

AYE: Mayor Jerry Weiers
Vice Mayor Ian Hugh
Councilmember Jamie Aldama
Councilmember Joyce Clark
Councilmember Ray Malnar
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

Passed

REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION

A motion was made by Vice Mayor Ian Hugh, seconded by Councilmember Joyce Clark to hold special budget workshops at the Civic Center, 5750 West Glenn Drive, on the following dates and times: Tuesday, March 30, 2021 at 9:00 a.m.; Tuesday, April 6, 2021 at 9:00 a.m.; Thursday, April 8, 2021 at 9:00 a.m.; a visioning retreat on Friday, April 2, 2021 at 9:00 a.m. at the Civic Center, 5750 West Glenn Drive; and the next regularly scheduled City Council workshop on Tuesday, April 13, 2021 at 12:30 p.m. at the Civic Center, 5750 West Glenn Drive, to be followed by an executive session pursuant to A.R.S. 38-431.03.

AYE: Mayor Jerry Weiers
Vice Mayor Ian Hugh
Councilmember Jamie Aldama
Councilmember Joyce Clark
Councilmember Ray Malnar
Councilmember Lauren Tolmachoff
Councilmember Bart Turner

Passed

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Aldama reminded Ocotillo residents the Facebook Live event regarding the impact of small cell and 5G technology would take place on Thursday, March 25th at 10:00 a.m. It would also be streamed on Channel 11.

Councilmember Clark congratulated Judge Elizabeth Finn on her retirement. Judge Finn had been an asset to the City and worked tirelessly to improve the City Court and make it one of the best in the state.

Councilmember Malnar echoed Councilmember Clark's comments regarding Judge Finn. He also welcomed back Mayor Weiers.

Councilmember Tolmachoff was happy to have Mayor Weiers back at the meetings.

Vice Mayor Hugh said the whole Council welcomed Mayor Weiers back to the meetings.

Mayor Weiers said the support of hundreds of people during his illness had been overwhelming and amazing. He said it was very humbling, and he thanked everyone for the support.

CITIZEN COMMENTS

James Deibler, Phoenix resident, commented on proposed Glendale school closings and COVID vaccinations and precautions.

ADJOURNMENT

Mayor Weiers adjourned the meeting at 6:50 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the meeting of the Glendale City Council of Glendale, Arizona, held on the 23rd day of March, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this __ day of ____, 2021.

Julie K. Bower, MMC, City Clerk