

DRAFT

City of Glendale

*5850 West Glendale Avenue
Glendale, AZ 85301*



Meeting Minutes

Tuesday, September 28, 2021

5:30 P.M.

**Voting Meeting
Council Chambers**

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 5:30 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 Pastor Jeff McAfee of The Well Church.

POSTING OF COLORS

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES

1. APPROVAL OF THE MINUTES OF THE SEPTEMBER 14, 2021 VOTING MEETING

A motion was made by Vice Mayor Ian Hugh, seconded by Councilmember Joyce Clark to approve the minutes of the September 14, 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

BOARDS, COMMISSIONS AND OTHER BODIES

2. APPROVE RECOMMENDED APPOINTMENTS TO BOARDS, COMMISSIONS & OTHER BODIES

Presented by: Councilmember Turner

A motion was made by Councilmember Bart Turner, seconded by Councilmember Joyce Clark to appoint Donna Brown to the Personnel Board for a term ending January 31, 2022.

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

Mayor Weiers proclaimed the month of October as Domestic Violence Awareness Month in the City of Glendale.

CONSENT AGENDA

3. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH UNIVERSAL PROTECTION SERVICE, L.P., DOING BUSINESS AS ALLIED UNIVERSAL SECURITY SERVICES, FOR SECURITY GUARD SERVICES AT THE 99TH AVENUE AND GLENDALE AVENUE PARK-AND-RIDE

The item was pulled from the Consent Agenda by Councilmember Clark for a separate vote.

A motion was made by Councilmember Ray Malnar, seconded by Vice Mayor Ian Hugh to approve item 3.

Councilmember Clark said, as was her habit and practice, she would be voting no on all 5-year contracts.

The vote on the motion was:

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

NAY: Councilmember Joyce Clark

Passed

4. FIRST AMENDMENT TO THE AGREEMENT FOR PURCHASE OF REAL ESTATE WITH TWG DEVELOPMENT, LLC
5. AUTHORIZATION TO ENTER INTO AMENDMENT NO. 4 TO THE SERVICE AND MAINTENANCE AGREEMENT C-4543 WITH INFOR PUBLIC SECTOR, INC., FOR THE CITY'S ANNUAL HANSEN MAINTENANCE RENEWAL
6. AUTHORIZATION TO ENTER INTO AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CREDIT MANAGEMENT GROUP, LLC, DOING BUSINESS AS (DBA) CHRISTMAS LIGHT DECORATORS, FOR MURPHY PARK LIGHTS DISPLAY
7. AUTHORIZATION TO ENTER INTO AMENDMENT NO. 2 TO THE LINKING AGREEMENT (C20-0913) WITH ELITE SPORTS BUILDERS, LLC WHICH INCREASES THE SCOPE OF WORK ON THE AGREEMENT TO INCLUDE REPAIRS OF SPORT COURTS CITYWIDE
8. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH RBC CAPITAL MARKETS, LLC FOR MANAGING UNDERWRITING SERVICES UTILIZING A STATE OF ARIZONA PURCHASING COOPERATIVE CONTRACT

A motion was made by Councilmember Ray Malnar, seconded by Councilmember Lauren Tolmachoff to approve Consent Agenda items 4 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

CONSENT RESOLUTIONS

Ms. Bower read the Consent Resolutions by title.

9. RESOLUTION NO. R21-92

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE APPLICATION AND ACCEPTANCE OF THE FY2021 CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT GRANT AWARD FROM THE MARICOPA ASSOCIATION OF GOVERNMENTS IN THE APPROXIMATE AMOUNT OF \$318,031 FOR THE PURCHASE OF A PM-10 CERTIFIED STREET SWEEPER.

A motion was made by Councilmember Ray Malnar, seconded by Councilmember Lauren Tolmachoff to adopt Consent Resolutions 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

BIDS AND CONTRACTS

- 10. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH SAFEWARE, INC. FOR THE PURCHASE OF VARIOUS SAFETY EQUIPMENT AND SUPPLIES FOR THE GLENDALE POLICE DEPARTMENT**

A motion was made by Councilmember Jamie Aldama, seconded by Councilmember Lauren Tolmachoff to approve item 10.

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

NAY: Councilmember Joyce Clark

Passed

- 11. AWARD OF RFP 22-02 AND AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH PRECISION CONCRETE CUTTING, INC. FOR TRIP HAZARD REMOVAL SERVICES**

A motion was made by Councilmember Bart Turner, seconded by Vice Mayor Ian Hugh to approve item 11.

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

NAY: Councilmember Joyce Clark

Passed

12. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH HORIZON DISTRIBUTORS, INC. FOR THE PURCHASE OF PARTS, MATERIALS, AND SUPPLIES USED FOR IRRIGATION MAINTENANCE AND REPAIR WITHIN THE CITY RIGHTS-OF-WAY, MEDIANS, AND PARKS

A motion was made by Councilmember Lauren Tolmachoff, seconded by Vice Mayor Ian Hugh to approve item 12.

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

13. AWARD OF REQUEST FOR PROPOSAL 21-53 AND AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH EST COMPANIES, LLC, FOR AUTOMATED TRUCK AND CAR WASH BAY SERVICE AND SUPPLIES

A motion was made by Councilmember Bart Turner, seconded by Councilmember Jamie Aldama to approve item 13.

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

14. AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH GOVERNMENTJOBS.COM, INC., DOING BUSINESS AS (DBA) NEOGOV FOR HUMAN RESOURCES SOFTWARE APPLICATIONS

A motion was made by Councilmember Jamie Aldama, seconded by Vice Mayor Ian Hugh to approve item 14.

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

Passed

LAND DEVELOPMENT ACTIONS

15. ORDINANCE NO. O21-61

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 AT THE NORTHWEST CORNER OF GLENDALE AVENUE AND REEMS ROAD IN THE CITY OF GLENDALE CONSISTING OF APPROXIMATELY 75 ACRES TO BE KNOWN AS ANNEXATION AREA NO. 226; AMENDING THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE; AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE ORDINANCE.

Presented by: Tabitha Perry, Interim Planning Manager

Ms. Bower read the ordinance by title.

Ms. Perry said the annexation request was for a 75-acre parcel located at the northwest corner of Glendale Avenue and Reems Road. The property was currently within Maricopa County's jurisdiction and was zoned RU-43, a single-family zoning district with a minimum lot size of 43,000 square feet. The most compatible City zoning would be RR-45.

Mayor Weiers opened the public hearing.

No one wished to speak.

Mayor Weiers closed the public hearing.

Councilmember Clark said the two annexations on the agenda had the potential to earn the City \$1.2 million in revenue and possibly 2,700 jobs.

A motion was made by Councilmember Joyce Clark, seconded by Vice Mayor Ian Hugh to adopt Ordinance No. O21-61.

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

Passed

PUBLIC HEARING - LAND DEVELOPMENT ACTIONS

16. ORDINANCE NO. O21-62

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING 75 ACRES LOCATED AT THE NORTHWEST CORNER OF GLENDALE AVENUE AND REEMS ROAD FROM RR-45 (RURAL RESIDENTIAL) TO PAD (PLANNED AREA DEVELOPMENT) FOR A DEVELOPMENT PLAN ENTITLED "BICKMAN INDUSTRIAL"; AMENDING THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE; AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE ORDINANCE.

Presented by: Tabitha Perry, Interim Planning Manager

Ms. Bower read the ordinance by title.

Ms. Perry said the rezone application was for the parcel that was annexed in the previous action. The request was to rezone the approximately 75-acre parcel from RR-45 (Rural Residence) to PAD (Planned Area Development). A maximum building height of 55 feet was being proposed. A General Plan amendment was not required. The applicant was proposing 1.3 million square feet of warehousing and distribution uses. There was no residential land use being proposed. Full access would be provided along Glendale Avenue and also along Reems Road. There were no access points being proposed along Alsup Avenue. The building setback from Alsup Avenue was approximately 250 feet. There were currently no identified end users.

Ms. Perry said the applicant had conducted a virtual neighborhood meeting and seven individuals participated and expressed concerns regarding building setbacks, building height, traffic and circulation, and roadway improvements.

Ms. Perry said the Planning Commission held a public hearing on September 2, 2021. A resident expressed concerns about possible truck traffic traveling north on Alsup Avenue and decreased property values. The Planning Commission recommended approval of the application.

Mayor Weiers opened the public hearing.

Matthew Holloway, Litchfield Park resident, spoke in opposition.

Mayor Weiers closed the public hearing.

A motion was made by Councilmember Joyce Clark, seconded by Vice Mayor Ian Hugh to adopt Ordinance No. O21-62.

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

17. ORDINANCE NO. O21-63

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF CITY OF GLENDALE, ARIZONA GENERAL OBLIGATION REFUNDING BONDS IN ONE OR MORE SERIES FOR THE PURPOSE OF PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING BONDS AND TO PAY ALL NECESSARY LEGAL, FINANCIAL AND OTHER COSTS IN CONNECTION THEREWITH; PROVIDING FOR THE SALE OF SAID BONDS; AUTHORIZING THE EXECUTION OF A BOND REGISTRAR AND PAYING AGENT AGREEMENT; AUTHORIZING AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE UNDERTAKING, DEPOSITORY TRUST AGREEMENT, BANK SOLICITOR AGREEMENT AND CERTAIN OTHER DOCUMENTS AND THE TAKING OF CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE AND DECLARING AN EMERGENCY.

Presented by: Lisette Camacho, Director, Budget and Finance

Guest presenter: Kurt Freund, Managing Director, RBC Capital Markets, LLC

Guest presenter: Bill DeHaan, Shareholder, Greenberg Traurig, LLP

Ms. Bower read the ordinance by title.

Ms. Camacho said the proposed ordinance authorized the issuance and sale of City General Obligation Refunding Bonds in one or more series for the purpose of refunding General Obligation Bonds, Series 2016A and Series 2018. The General Obligation Bonds, Series 2016A required refinancing at a par amount of \$18,785,000 and the General Obligation Bonds, Series 2018 required refinancing at a par amount of \$13,760,000.

A motion was made by Councilmember Jamie Aldama, seconded by Councilmember Joyce Clark to adopt Ordinance No. O21-63.

Councilmember Tolmachoff said the City had bonded to turn the property into parking lots to satisfy a notice of claim. She asked if it was correct that there would be no additional cost to the taxpayer.

Mr. Freund said that was correct. Usually, a refinance was done to save money. In this case, it was to replace the tax-exempt bonds to free up the property for private development. New bonds would be issued that had a taxable rate of interest. Typically, taxable bond rates were higher than tax-exempt bond rates, but it was an unusual situation because the original bonds were issued several years ago with a 20-year borrowing term and a higher interest rate. The time period was being shortened and interest rates were lower now.

Mr. Freund said the debt service was principal plus interest. The principal was \$27 million, and the interest had to be paid until the call dates of 2026 and 2028 for a total of \$6 million. Issuance costs were \$220,000. The City would be issuing more principal but at a much lower interest rate. The new debt service would be very similar to the debt service of the bonds being paid off. The interest would not be set for some time and the market was currently very volatile.

Councilmember Tolmachoff said the City had not determined the future of the property. She was concerned about further obligating the taxpayers. She asked if the rates were

not favorable, would the City still move ahead. There was no real urgency to proceed.

Mr. Freund said if there was a big spike in the market, he would advise the City to wait.

Ms. Rios said if there was an opportunity, the City would move forward. If it was not a reasonably good deal for the City, staff would wait.

Councilmember Tolmachoff said even with the transaction fees, it would still be a wash.

Mr. Freund said that was correct.

Mayor Weiers trusted staff's judgment and was comfortable moving forward.

Councilmember Turner was disappointed that the agenda title did not include what property was in play. The Council report was not specific. Council was being asked again to take action on an item that was related to a plan that had yet to be presented formally in public.

Councilmember Turner said there was a \$220,000 estimated transaction fee. The debt service would be the same plus or minus \$5,000. He wanted to be sure it included the transaction fee.

Ms. Camacho said it did include the transaction fee.

Councilmember Turner asked at what point it would not be reasonable to proceed given the staff's dedication to the project.

Mr. Phelps said Council would need to trust staff to make the call. There was no magic number. Staff had a good track record and would use its judgment based on input from its advisor. It would provide a permanent entitlement that would give this Council and future Councils maximum flexibility on what to do with the property.

Councilmember Turner said the refinancing was key to the planned development of the parcel. It would not go forward without the proposed action. He felt there was more than whether or not it was a smart financial transaction.

Councilmember Aldama said he did not gamble with City money. He took advice from staff and its consultants. He would be voting yes because it was the right thing to do and if interest rates were not favorable, he trusted it would not go forward.

Councilmember Clark said Council and senior staff has had many discussions about the Black Lot. The market was hot, and it was the right time to be pursuing development of City-owned property. Mr. Phelps had overseen many successful economic developments. He had not done the City any harm and she did not understand why anyone would suddenly expect the senior management team to pursue a goal that would be harmful to the City taxpayers. The action created the flexibility for the City to determine the future of the Black Lot.

Councilmember Malnar said it was not an opportunity to save taxpayer money. Without costing the taxpayer money, it was setting up an opportunity for economic growth.

Councilmember Tolmachoff said the City would have to take the proposed action no matter what was done with the Black Lot.

Councilmember Turner said the City had been in the epicenter of a booming economy for seven years straight. There was no guarantee that it would continue. The decision should be made on a stand-alone basis. The reason for the action had not been explained or presented to Council.

Vice Mayor Hugh said the City had done better than its competitors in the Valley. There had been nothing but winners, and he was going to bet with the winner.

Mayor Weiers said the economy was good, but developers were choosing Glendale because the City was doing it right. He trusted the judgment of senior staff.

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
NAY: Councilmember Bart Turner
Passed

18. ORDINANCE NO. O21-64

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ABANDONMENT OF A PUBLIC UTILITY EASEMENT AND PUBLIC RIGHT-OF-WAY AT VARIOUS LOCATIONS THROUGHOUT THE CITY AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE ORDINANCE. Presented by: Jayme E. Chapin, P.E., Principal Engineer

Ms. Bower read the ordinance by title.

Ms. Chapin said three of the five abandonment requests were related to the City's 95th Avenue Extension project which improved 95th Avenue from Camelback Road to Cardinals Way. The abandonments consisted of approximately 14,426 square feet of right-of-way and 828 square feet of public utility easement (PUE). The other two abandonments would clean up public right-of-way issues that had existed for many years.

A motion was made by Councilmember Lauren Tolmachoff, seconded by Councilmember Joyce Clark to adopt Ordinance No. O21-64.

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

Passed

19. ORDINANCE NO. O21-65

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE GLENDALE CITY CODE, CHAPTER 24, SECTION 24-3 (SPECIFIC DEFINITIONS).

Presented by: Rick St. John, Deputy City Manager

Ms. Bower read the ordinance by title.

Mr. St. John said there had been a complete overhaul of Chapter 24 over the summer. During that overhaul, there was a new definition for inoperable vehicles. The current definition defined an inoperable vehicle as a vehicle not currently registered or licensed, that was unable to operate or move under its own power. The new definition would add an “or” to the sentence, meaning an inoperable vehicle was a vehicle not currently registered or unable to operate under its own power.

Mayor Weiers asked about a trailer.

Mr. St. John said unregistered trailers would not meet the standard. A tow-behind trailer was not considered a vehicle.

A motion was made by Councilmember Bart Turner, seconded by Councilmember Joyce Clark to adopt Ordinance No. O21-65.

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 the next regularly scheduled City Council workshop on Tuesday, October 12, 2021 at 12:30 p.m. in City Council Chambers, 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 reported that Live @ Murphy Park would begin on Friday, October 1st.

Councilmember Clark said Ballet Under the Stars would be held on September 30th at 7:00 p.m. at Sahuaro Ranch Park and Touch-A-Truck would be held on Saturday, October 2nd at 9:00 a.m. at Westgate.

Councilmember Tolmachoff said at the last voting meeting she was in the minority on an opinion. She expressed her opinion and was chastised publicly by another Councilmember. She had never done that to a colleague, and it made everyone look bad. She was committed to not doing that and hoped that her fellow Councilmembers would commit to the same thing.

Mayor Weiers said Stand Up for Veterans would be held on Saturday, October 9th at Arizona Christian University at 8:00 a.m.

CITIZEN COMMENTS

Erin Cole, Sahuaro District, expressed concerns about metal structures being allowed in residential areas.

ADJOURNMENT

Mayor Weiers adjourned the meeting at 6:47 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 28th day of September, 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