

DRAFT

City of Glendale

*5850 West Glendale Avenue
Glendale, AZ 85301*



Meeting Minutes

Tuesday, November 9, 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 David Tomb of the Bellevue Heights Church.

POSTING OF COLORS

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES

1. APPROVAL OF THE MINUTES OF THE OCTOBER 26, 2021 VOTING MEETING

A motion was made by Vice Mayor Ian Hugh, seconded by Councilmember Joyce Clark to approve the minutes of the October 26, 2021 voting meeting minutes.

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. PROCLAIM NOVEMBER 2021 AS EMPLOYEE GRATITUDE MONTH
Presented by: Glendale Mayor Jerry P. Weiers
Accepted by: Glendale Employees

Mayor Weiers proclaimed November as Employee Gratitude Month in the City of Glendale.

CONSENT AGENDA

3. RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 600000021-L10, MR. LUCKY'S DRIVE THRU, 5043 W OLIVE AVE
4. RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 600000003-L07, PIZZA HUT #26974, 5825 W BELL ROAD
5. AUTHORIZATION TO ENTER INTO AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH WESTERN TOWING OF PHOENIX, INC.
6. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH DIVERSIFIED ROOFING, LLC. FOR ROOF REPAIRS AND RELATED SERVICES
7. AUTHORIZATION TO ENTER INTO AMENDMENT NO. 1 TO THE LINKING AGREEMENT (C20-0286) WITH CHEMICAL FEEDING TECHNOLOGIES, INC., WHICH INCREASES THE SCOPE OF WORK ON THE AGREEMENT TO INCLUDE REPAIRS AND MAINTENANCE OF THE CHLORINE SYSTEMS AT CITY POOLS AND SPLASH PADS
8. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH GHASTER PAINTING & COATINGS, INC. FOR EXTERIOR/INTERIOR PAINTING AND OTHER COATING APPLICATIONS
9. AUTHORIZATION TO ENTER INTO A CONSTRUCTION MANAGER AT RISK AGREEMENT WITH RUMMEL CONSTRUCTION, INC, FOR THE GLENDALE LANDFILL NORTH CELL LINER - PHASE I PROJECT
10. AUTHORIZATION TO ENTER INTO AMENDMENT NO. 3 OF THE PROFESSIONAL SERVICES AGREEMENT WITH BLACK & VEATCH CORPORATION FOR ASSESSMENT ADMINISTRATION AND PROFESSIONAL ENGINEERING SERVICES FOR THE PYRAMID PEAK WATER TREATMENT PLANT IMPROVEMENTS AND EXPANSION PROJECTS
11. AUTHORIZATION TO ENTER INTO A CONSTRUCTION MANAGER AT RISK AGREEMENT WITH MCCARTHY BUILDING COMPANIES, INC. FOR THE PYRAMID PEAK WATER TREATMENT PLANT IMPROVEMENTS PROJECT (GMP 3)
12. AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH G.E. DIGITAL, LLC FOR SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) LICENSES AND SUPPORT SERVICES

A motion was made by Councilmember Lauren Tolmachoff, seconded by Councilmember Jamie Aldama to approve Consent Agenda items 3 through 12.

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 items by title.

13. RESOLUTION NO. R21-111

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF AN AWARD UNDER THE FISCAL YEAR 2021 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP SOLICITATION THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF JUSTICE ASSISTANCE IN THE APPROXIMATE AMOUNT OF \$4,130.39 ON BEHALF OF THE GLENDALE POLICE DEPARTMENT.

14. RESOLUTION NO. R21-112

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF AN INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY FOR ANNEXATION AND DEANNEXATION EAST BY EL MIRAGE ROAD, WEST BY PERRYVILLE ROAD, SOUTH BY CAMELBACK ROAD AND NORTH BY PEORIA AVENUE.

A motion was made by Councilmember Lauren Tolmachoff, seconded by Councilmember Joyce Clark to adopt Consent Resolutions items 13 and 14.

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

Ms. Bower read the Bids and Contracts items by title.

15. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH TW ASSOCIATES, INC. DBA MISCOWATER FOR WATER AND WASTEWATER EQUIPMENT MAINTENANCE AND REPAIR SERVICES

Presented by: Craig Johnson, P.E., Director, Water Services

A motion was made by Councilmember Bart Turner, seconded by Vice Mayor Ian Hugh to approve item 15.

Councilmember Clark said, as was her habit and practice, she would be voting no on all Bids and Contracts items. She did not believe 5-year contracts were appropriate.

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

16. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH PHOENIX PUMPS, INC. FOR WATER AND WASTEWATER EQUIPMENT MAINTENANCE AND REPAIR SERVICES

Presented by: Craig Johnson, P.E., Director, Water Services

A motion was made by Councilmember Ray Malnar, seconded by Vice Mayor Ian Hugh to approve item 16.

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

17. AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH HACH COMPANY FOR HACH REAGENTS, INSTRUMENTS AND PARTS

Presented by: Craig Johnson, P.E., Director, Water Services

A motion was made by Councilmember Jamie Aldama, seconded by Vice Mayor Ian Hugh to approve item 17.

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

- 18. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH PLAYPOWER, INC. FOR PLAYGROUND AND WATER PLAY EQUIPMENT AND RELATED SERVICES AND ACCESSORIES FOR CITYWIDE PARKS, RECREATIONAL FACILITIES, AQUATICS CENTERS, AND SPLASH PADS**
Presented by: Jim Burke, Director, Public Facilities, Recreation & Special Events

A motion was made by Councilmember Bart Turner, seconded by Councilmember Lauren Tolmachoff to approve item 18.

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

Mayor Weiers said item 21 would be heard before items 19 and 20.

- 19. ORDINANCE NO. O21-75**

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 SOUTHEAST CORNER OF 99TH AVENUE AND NORTHERN AVENUE IN THE CITY OF GLENDALE CONSISTING OF APPROXIMATELY 24.21 ACRES TO BE KNOWN AS ANNEXATION AREA NO. 225: AMENDING THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE; AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE ORDINANCE.

(PUBLIC HEARING)

Presented by: Tabitha Perry, Interim Planning Manager

Ms. Bower read the ordinance by title.

Mayor Weiers opened the public hearing.

Ms. Perry said the proposed annexation was related to the pre-annexation development agreement considered in item 21 for the Thompson Thrift property.

Ms. Perry had distributed updated ordinances for items 19 and 20. The legal descriptions included with the original ordinances had been switched. The updated ordinances contained the correct legal descriptions.

Ms. Perry also corrected the title of Ordinance O21-75. It indicated the property was approximately 24.21 acres and was actually 27 acres.

Ms. Perry said the Thompson Thrift property was an approximately 27-acre parcel located at the southeast corner of 99th and Northern Avenues. The current County zoning was C-2 (Commercial) and upon annexation the like-zoning would be C-2. The applicant would be proposing a rezoning to PAD (Planned Area Development) for a mixed-use development with retail, restaurants, a car wash, gas station/convenience store, and multi-family residential.

Councilmember Tolmachoff asked for clarification regarding the size of the parcel.

Ms. Perry said for the current item, the total size of the property was approximately 27 acres. The ordinance title and staff report incorrectly stated the size as 24.21 acres. The 27 acres included the property to be developed as well as the right-of-way.

Councilmember Tolmachoff asked if the correction met the posting requirements.

Mr. Bailey said it did.

No one wished to speak on the item.

Mayor Weiers closed the public hearing.

A motion was made by Councilmember Joyce Clark, seconded by Vice Mayor Ian Hugh to adopt Ordinance No. O21-75 as corrected.

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

Passed

20. RESOLUTION NO. R21-113

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE GENERAL PLAN MAP OF THE CITY OF GLENDALE, ARIZONA, BY APPROVING GENERAL PLAN AMENDMENT GPA21-06 FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 99TH AVENUE AND NORTHERN AVENUE.

ORDINANCE NO. O21-76

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 99TH AVENUE AND NORTHERN AVENUE FROM C-2 TO PAD (PLANNED AREA DEVELOPMENT); AMENDING THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE; AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE ORDINANCE.

(PUBLIC HEARING)

Presented by: Tabitha Perry, Interim Planning Manager

Ms. Bower read the resolution and ordinance by title.

Mayor Weiers opened the public hearing.

Ms. Perry said the applicant was requesting a Minor General Plan Amendment from BP (Business Park) to RMU (Regional Mixed Use) and a zoning change from C-2 (General Commercial) to PAD (Planned Area Development) for a mixed-use development. The project size was approximately 24 acres.

Ms. Perry said the mixed-use development integrated 234 multi-family residential units on 10 acres and 11 acres of commercial uses, restaurants and convenience uses such as gas stations.

Ms. Perry said the Planning Commission recommended approval of both requests subject to eight (8) stipulations provided in the staff report.

Mayor Weiers asked for the stipulations.

Ms. Perry said the stipulations were:

1. Development shall be in substantial conformance with the applicant's Project Narrative, dated October 20, 2021.
2. The required right-of-way on Northern Avenue will comply with the right-of-way defined in the Northern Avenue Parkway projects.
3. The developer will provide 55 feet of right-of-way (65 feet of right-of-way within 250 feet of the intersection) along 99th Avenue. If additional right-of-way is needed to accommodate sidewalks or other roadway features, the developer shall incorporate this into the final design of the offsite plans and the final plat for the project.
4. The developer will continue to work with staff at the Transportation Department to define the design requirements of the road that connects the frontage road with 99th Avenue. The roadway shall be designed in such a way that it functions more like a street than a shopping center driveway aisle.
5. The developer shall provide a 5-foot ADA compliant sidewalk on the north side of the roadway that connects the frontage road with 99th Avenue.
6. The developer will add a third northbound lane starting a minimum of 150 feet south of

the development and terminating at the Northern Avenue section.

Ms. Perry said that was only six stipulations and there were eight stipulations listed in the ordinance. The stipulations listed in Section 2 of the ordinance were incorrect and did not relate to the property.

Councilmember Turner said Stipulation 8 of the proposed ordinance spoke to the right-of-way along 51st Avenue. It could not be 51st Avenue and asked if a change or amendment was required.

Mayor Weiers said the ordinance needed to include the stipulations approved by the Planning Commission. He suggested that the ordinance was referring to a previous development.

Ms. Perry said staff did update previous ordinances and missed updating the section.

Councilmember Tolmachoff said there were errors in several stipulations.

Mr. Bailey said the motion would need to strike Section 2 entirely and then add Section 2 with the correct six stipulations. The ordinance would be corrected after the meeting.

Mayor Weiers closed the public hearing.

A motion was made by Councilmember Joyce Clark, seconded by Councilmember Ray Malnar to adopt Resolution No. R21-113.

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

Passed

A motion was made by Councilmember Joyce Clark, seconded by Councilmember Jamie Aldama to adopt Ordinance No. O21-76, strike Section 2 of the ordinance and replace Section 2 with the following stipulations:

1. Development shall be in substantial conformance with the applicant's Project Narrative, dated October 20, 2021.
2. The required right-of-way on Northern Avenue will comply with the right-of-way defined in the Northern Avenue Parkway projects.
3. The developer will provide 55 feet of right-of-way (65 feet of right-of-way within 250 feet of the intersection) along 99th Avenue. If additional right-of-way is needed to accommodate sidewalks or other roadway features, the developer shall incorporate this into the final design of the offsite plans and the final plat for the project.
4. The developer will continue to work with staff at the Transportation Department to define the design requirements of the road that connects the frontage road with 99th Avenue. The roadway shall be designed in such a way that it functions more like a street than a shopping center driveway aisle.
5. The developer shall provide a 5-foot ADA compliant sidewalk of the north side of the roadway that connects the frontage road with 99th Avenue.

6. The developer will add a third northbound lane starting a minimum of 150 feet south of the development and terminating at the Northern Avenue section.

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

21. RESOLUTION NO. R21-114

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 FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 99TH AVENUE AND NORTHERN AVENUE WITH TTRG GLENDALE 101 NORTHERN AZ, LLC; AND DIRECTING THAT THE AGREEMENT BE RECORDED.

Presented by: Michael D. Bailey, City Attorney

Ms. Bower read the resolution by title.

Mr. Bailey said the proposed pre-annexation development agreement (PADA) was related to the other two land development items for the property generally known as the Thompson Thrift property located at the southeast corner of 99th Avenue and Northern Avenue. There were complex transportation issues related to the development of the property. The PADA would provide for the transportation issues to be dealt with at the permitting stage. The reimbursable infrastructure, if any, would be defined at that time as would the mechanism for reimbursement. The City Manager would be authorized to determine the amounts. Council would maintain the authority for funding appropriation that might occur.

Mr. Bailey read the following amendment to Paragraph 6 of the PADA into the record:

The Developer agrees that, in connection with the development of the Project, and as determined by the Parties during the planning and permitting phase of the Project in connection with their joint efforts to refine the Reimbursable Estimate, Developer shall provide the Reimbursable Infrastructure when and as determined by the Parties in connection with the development of the Project.

The Parties acknowledge that they have not established the final amount of the reimbursable costs for the reimbursable infrastructure, if any, but that the reimbursable estimate is merely a good faith estimate of such costs and that the parties will work in good faith to establish the amount of costs for the reimbursable infrastructure to which the developer will be entitled to reimbursement, if any. In such discussions, and in undertaking such determination, the City Manager or his designee, is hereby empowered to make such determinations and establish the amount of costs of the reimbursable infrastructure to which the developer shall be entitled to reimbursement, if

any.

Further, upon and only upon, the City acceptance of any reimbursable infrastructure shall the developer be entitled to reimbursement.

Moreover, because the City has not yet determined the mechanism by which the City shall reimburse the developer for actual costs incurred as set forth below, the City Manager or his designee, is hereby empowered to make such determination as he believes appropriate in his reasonable discretion and subject to City Council appropriation, to select the mechanism by which the developer shall be reimbursed pursuant to this section. Accordingly, the City shall reimburse the developer as the City determines.

Mr. Bailey asked Council to approve the PADA as amended.

Councilmember Clark asked for an example of reimbursable infrastructure.

Mr. Bailey said there were times when the City asked the developer to do more than what would normally be required for the development and incur additional expenses. The City would generally reimburse the developer. For example, when a developer was required to put in street, gutter and sidewalk for the development, there was an economy of scale to have the developer complete the entire street instead of just one lane and reimburse the developer for the additional expense. If the infrastructure was required for the development, it would not be reimbursable.

Councilmember Tolmachoff said the agreement also included the Arizona Department of Transportation (ADOT) and Maricopa County Department of Transportation (MCDOT).

Mr. Bailey said there were plans for improvements to Northern Parkway which involved ADOT and MCDOT. The City did not want to operate in isolation with just the developer requiring transportation improvements that would not be in agreement with ADOT and MCDOT. Staff was trying to create flexibility and specific elements were still being ironed out.

Mr. Phelps said the City had already entered into a multi-jurisdictional agreement regarding the Northern Parkway alignment and expansion. The final alignment had not yet been completed. The City might ask the developer to put in infrastructure as part of the funded project.

Mr. Friedline said the City had not yet made the decision on what improvements would be required. The developer might be asked to construct a large portion of the cross section of Northern Parkway on its frontage. It would be more than what was normally required for a development.

Mayor Weiers asked if it was correct that there was no money involved at this point and once there was an infrastructure decision, staff would seek approval from Council.

Mr. Bailey said that was correct.

Councilmember Turner asked what the estimate was for the costs.

Mr. Bailey said the improvements were approximately \$1.9 million.

Councilmember Aldama said the reimbursement was subject to Council appropriation.

Mr. Bailey said that was correct.

A motion was made by Councilmember Joyce Clark, seconded by Councilmember Lauren Tolmachoff to adopt Resolution No. R21-114 with the amendment as stated by the City Attorney.

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 Malnar was a member of the Western Maricopa Coalition (WESTMARC) board and reported the following:

- WESTMARC would be fundraising for the Prop 401 extension
- Beginning next year, the Glendale Community College Digital Arts students who filmed WESTMARC's awards ceremony would earn college credit
- Glendale Community College President Terry Leyba Ruiz was approved as a member of the WESTMARC executive board
- The Multi-family housing shortage would be addressed at the November 17th meeting from 12:00 p.m. – 1:00 p.m.

Councilmember Tolmachoff thanked everyone who helped with the shred event on October 30th.

Councilmember Tolmachoff said the Cholla District meeting would be held on December 2nd, 5:30 p.m. at Foothills Recreation and Aquatics Center.

Mayor Weiers said the Phoenix Children's Hospital broke ground on a new hospital next to the Abrazo Arrowhead Hospital. Abrazo had provided the land for the new hospital.

Mayor Weiers said Thursday was Veterans' Day and an event to honor veterans would be held at 8:00 a.m. at the Main Library.

CITIZEN COMMENTS

Robert Neibauer, Jr., Ocotillo District, addressed a speeding and homeless issue near Landmark School, a rezoning issue at Catlin Court and a previous issue he had with Mayor Weiers.

Councilmember Aldama asked that staff meet with Mr. Neibauer regarding the issues concerning the Ocotillo District.

James Deibler, Phoenix resident, addressed his internship at the Glendale School District and a sidewalk issue.

ADJOURNMENT

Mayor Weiers adjourned the meeting at 6:38 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 9th day of November, 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