

DRAFT

City of Glendale

*5850 West Glendale Avenue
Glendale, AZ 85301*



Meeting Minutes

Tuesday, May 9, 2023

5:30 P.M.

Voting Meeting

Council Chambers

City Council

Mayor Jerry Weiers

Vice Mayor Joyce Clark

Councilmember Jamie Aldama

Councilmember Ian Hugh

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

Also Present: Kevin Phelps, City Manager
Jim Gruber, Deputy City Attorney
Julie K. Bower, City Clerk
Vicki Rios, Assistant City Manager
Jamsheed Mehta, Assistant City Manager

PRAYER/INVOCATION

The invocation was offered by Bill Davenport, Calvary Church.

POSTING OF COLORS

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES

1. APPROVAL OF THE MINUTES OF THE APRIL 25, 2023 VOTING MEETING
Presented by: Julie K. Bower, City Clerk

A motion was made by Councilmember Lauren Tolmachoff, seconded by Councilmember Ian Hugh to approve the minutes of the April 25, 2023 voting meeting.

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

PROCLAMATIONS AND AWARDS

2. PROCLAIM MAY 2023 AS HISTORIC PRESERVATION MONTH IN THE CITY OF GLENDALE

Presented by: Mayor Jerry Weiers

Mayor Weiers proclaimed May as Historic Preservation Month in the City of Glendale. He presented the proclamation to Brenda Bartels, President of the Glendale Historical Society.

Mayor Weiers presented the Mayor's Youth Advisory Committee Public Service Award to high school student, Yohavarsheni Muthuvinayagam. Ms. Muthuvinayagam volunteered more than 60 hours of her time during the school year, well beyond the average of 20 hours.

CONSENT AGENDA

3. RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 600000043-L10, CARNICERIA EL TAPATIO, 4362 W OLIVE AVE
4. AUTHORIZATION TO ENTER INTO AMENDMENT NO. ONE OF THE PROFESSIONAL SERVICES AGREEMENT WITH HIGHGROUND, INC. PUBLIC AFFAIRS CONSULTANTS FOR PUBLIC RELATIONS AND COMMUNITY ENGAGEMENT CONSULTING SERVICES
5. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH GONZALEZ ASPHALT, INC. FOR THE CITYWIDE UTILITY CUTS PROGRAM
6. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH FERGUSON ENTERPRISES, LLC, FOR PLUMBING, BUILDING SUPPLIES AND HVAC PRODUCTS
7. AUTHORIZATION TO APPROVE EXPENDITURE OF FUNDS FOR THE COSTS ASSOCIATED WITH PARTIAL OWNERSHIP IN THE SUB-REGIONAL OPERATING GROUP
8. AUTHORIZATION TO APPROVE EXPENDITURE OF FUNDS FOR ORGANIZATIONAL MEMBERSHIP IN THE ARIZONA MUNICIPAL WATER USERS ASSOCIATION
9. AUTHORIZATION TO APPROVE EXPENDITURE OF FUNDS FOR THE SUPPLY OF RAW WATER FROM CENTRAL ARIZONA PROJECT
10. AUTHORIZATION TO APPROVE EXPENDITURE OF FUNDS FOR THE COSTS ASSOCIATED WITH PARTIAL OWNERSHIP OF NEW RIVER-AGUA FRIA UNDERGROUND STORAGE PROJECT
11. AUTHORIZATION TO APPROVE EXPENDITURE OF FUNDS FOR THE SUPPLY OF RAW WATER FROM SALT RIVER VALLEY WATER USERS' ASSOCIATION

A motion was made by Councilmember Ian Hugh, seconded by Councilmember Lauren Tolmachoff to approve Consent Agenda items 3 through 11.

AYE: Mayor Jerry Weiers

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

Passed

CONSENT RESOLUTIONS

Ms. Bower read the Consent Resolutions item by title.

12. RESOLUTION NO. R23-33

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO AMENDMENT NO. ONE TO THE INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION (IGA 21-0008180-I) FOR THE INSTALLATION OF BICYCLE LANES AND ENHANCEMENT OF PEDESTRIAN FACILITIES ON 67TH AVENUE BETWEEN MISSOURI AVENUE AND CHOLLA STREET.

A motion was made by Councilmember Ray Malnar, seconded by Councilmember Jamie Aldama to adopt Consent Resolutions item 12.

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

Passed

BIDS AND CONTRACTS

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

13. AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH KOWALSKI CONSTRUCTION INC. FOR HOMELESS ENCAMPMENT CLEAN-UP SERVICES

A motion was made by Councilmember Bart Turner, seconded by Councilmember Lauren Tolmachoff to approve item 13.

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

14. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH INSTRUMENTATION AND CONTROLS, LLC FOR MSA GAS MONITORS, PARTS, SERVICES, & ACCESSORIES

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

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

LAND DEVELOPMENT ACTIONS

15. RESOLUTION NO. R23-31

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 GPA22-06 FOR A PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 75TH AVENUE AND BETHANY HOME ROAD.

ORDINANCE NO. O23-12

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 75TH AVENUE AND BETHANY HOME ROAD FROM C-O (COMMERCIAL OFFICE) TO C-1 (NEIGHBORHOOD COMMERCIAL) AMENDING THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE; AND ORDERING THAT A CERTIFIED COPY OF THE ORDINANCE BE RECORDED. (PUBLIC HEARING)

(CONTINUED FROM APRIL 25, 2023)

Presented By: Tabitha Perry, Planning Manager

Ms. Bower read the resolution and ordinance by title.

Mayor Weiers opened the public hearing.

Mayor Weiers said Councilmember Tolmachoff had spoken with the applicant and the applicant had agreed to additional stipulations.

Ms. Perry said the request was for a Minor General Plan amendment from OFC (Office) to GC (General Commercial) and a zoning change from C-O (Commercial Office) to C-1 (Neighborhood Commercial).

Ms. Perry said the developer was proposing two access points off of 75th Avenue. The access point off of Bethany Home Road would be right in/right out only. A prospective tenant was Dutch Brothers Coffee, which would require a conditional use permit (CUP). The CUP would require approval by the Planning Commission.

Ms. Perry said the developer held a neighborhood meeting in October 2021, attended by one person who was in support of the proposal. A follow-up neighborhood meeting was held in May 2022 and was attended by four people.

Ms. Perry said the application was heard by the Planning Commission on March 23, 2023. The Planning Commission recommended approval of the application with three stipulations. The applicant held a follow-up virtual neighborhood meeting to address some of the concerns expressed by people who spoke in opposition at the Planning Commission meeting.

Councilmember Tolmachoff had talked with residents to find out what uses were objectionable. Prohibited uses included:

- Adult boutique/novelty merchandise
- Blood or bodily fluid donation center
- Checking cashing or payday loan center
- Dispensary
- Dollar store
- Gas station
- Gun store
- Laundromat
- Liquor store
- Pawn shop
- Smoke or vape shop
- Tax preparation office
- Tattoo shop
- Thrift shop

Councilmember Tolmachoff said the applicant had agreed to prohibit all of the listed uses except the tax preparation office because it was already zoned for office uses.

Rafat Abdeljaber, Diversified Partners, said that Councilmember Tolmachoff was correct. He clarified that a restaurant serving alcohol or a convenience store selling tobacco products would not be prohibited.

The following people spoke in support:

Andy Conovaloff, Sun City resident
Oscar Gonzales, Cactus District resident

The following people were in support but did not wish to speak:

Brisa Ramos, Yucca District resident
Malik (no last name), Cholla District resident
Susana Gonzales, Cactus District resident
Hasson Abdel, Cholla District resident
Jocelyn Luna, Cholla District resident
Adam Abass, Cactus District resident
Louay Attiya, Barrel District resident
Dawood Altae, Barrel District resident
Cynthia Romeo, Cactus District resident
Ashley Galvan, Ocotillo District resident
Elizabeth Gomez, Yucca District resident

The following people spoke in opposition:

Bill Tolmachoff, Yucca District resident
Mike Zaremba, Yucca District resident
Trina Jaycox, Yucca District resident
Karen Aborne, Ocotillo District resident
Marina Graona, Sahuaro District resident
Ramon Riesgo, Buckeye resident

The following people were opposed but did not wish to speak:

Gloria Dahl, Sun City resident
Wayne Dahl, Sun City resident
Claudia Hernandez, Yucca District resident
Michael Tolmachoff, Yucca District resident
Wayne McColgah, Yucca District resident
Brooke Tolmachoff, Yucca District resident
Cecilia Riesgo, Buckeye resident
Hannah Beldener, Yucca District resident

Mayor Weiers closed the public hearing.

A motion was made by Councilmember Lauren Tolmachoff, seconded by Vice Mayor Joyce Clark to adopt Resolution No. R23-31.

Vice Mayor Clark addressed comments made by members of the public. She said the 300-foot notification area was under review. She said there was a Dutch Brothers at 95th and Glendale Avenue. It was very busy but there were no traffic problems associated with it. Traffic was bad because Cardinals Way had been opened up, but it needed to be done. It was something the City would continue to work through to mitigate traffic. As the City grew, traffic would intensify. She said if the 3-acre property was developed as residential, it would be multi-family. The proposal was the best use for a small parcel, and she would be supporting the project.

Mayor Weiers said he lived very close to the subject property. For the past 4 years, Maricopa County had been the fastest growing county in the United States. The traffic would only get worse because people in surrounding communities used Glendale as a cut through. People wanted to live here because of the opportunities. Progress was not

always the best thing, but it was inevitable. He would support it because of the additional stipulation regarding uses.

The vote on the motion was:

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

Passed

A motion was made by Councilmember Lauren Tolmachoff, seconded by Vice Mayor Joyce Clark to adopt Ordinance No. O23-12.

A motion was made by Councilmember Lauren Tolmachoff, seconded by Vice Mayor Joyce Clark to amend Section 2 of Ordinance No. O23-12, to add a 4th stipulation: "All uses within the C-1 are permitted except the following uses:

- Adult boutique/novelty merchandise
- Blood or bodily fluid donation center
- Checking cashing or payday loan center
- Dispensary
- Dollar store
- Gas station
- Gun store
- Laundromat
- Liquor store
- Pawn shop
- Smoke or vape shop
- Tattoo shop
- Thrift shop

The vote on the motion to amend was:

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

Passed

Councilmember Aldama apologized if the City fell short regarding the process. The parcel would be developed and would not remain vacant. He said the CUP for Dutch Brothers would have to go through the CUP process and was not a done deal. The applicant had done everything correctly.

Councilmember Tolmachoff thanked the applicant for being willing to work with the neighborhood. She said under the existing zoning, uses such as a plasma donation center would have been permitted. It was a fair compromise.

Councilmember Turner said the process had been excruciatingly painful. He did not understand why a PAD (Planned Area Development) with stipulations had not been proposed. He thanked Councilmember Tolmachoff for working with the applicant to get a project with zoning and stipulations that most people could live with. It should have been resolved much earlier.

Vice Mayor Clark said one of the elements of the CUP process was traffic design.

The vote on the main motion as amended was:

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

Passed

ORDINANCES

16. ORDINANCE NO. O23-14

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING TO ENTER INTO AN AGREEMENT WITH BYPG HOLDINGS, LLC FOR CONSTRUCTION OF THE MAIN STREET AND VISION 2 LIFT STATION, LLC. THE MAIN STREE PAD AND VISION 2 DEVELOPMENT AREA IS BOUNDED BY GLENDALE AVENUE TO THE NORTH, 99TH AVENUE TO THE EAST, THE EAST BANK OF NEW RIVER TO THE WEST, AND BETHANY HOME OUTFALL CHANNEL (BHOC) TO THE SOUTH.

Presented by: Don Bessler, PWLF, Director of Engineering

Ms. Bower read the ordinance by title.

Mr. Bessler said the agreement would allow for the implementation of a sewer lift station that would ultimately be turned over to the City. It was a \$6 million project that the City was not fiscally responsible for but was administratively supporting BYPG's ability to recover the proportional fair share costs.

Councilmember Tolmachoff said as development occurred, there would be latecomer

agreements to cover the costs.

Mr. Bessler said that was correct.

A motion was made by Councilmember Bart Turner, seconded by Councilmember Ian Hugh to adopt Ordinance No. O23-14.

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

Passed

RESOLUTIONS

17. RESOLUTION NO. R23-34

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A TENTATIVE BUDGET OF THE AMOUNTS REQUIRED FOR THE PUBLIC EXPENSE FOR THE CITY OF GLENDALE FOR THE FISCAL YEAR 2023-2024; SETTING FORTH THE REVENUE AND THE AMOUNT TO BE RAISED BY DIRECT PROPERTY TAXATION FOR THE VARIOUS PURPOSES; ADOPTING CITY COUNCIL'S FINANCIAL POLICIES; AND GIVING NOTICE OF THE TIME FOR HEARING TAXPAYERS AND FOR FIXING TAX LEVIES. (Updated 5/4/23)

Presented by: Levi D. Gibson, Director, Budget and Finance

Ms. Bower read the resolution by title.

Mr. Gibson said the proposed resolution would adopt the tentative budget. If the tentative budget was approved, the final budget could be lower, but could not be higher. The resolution also provided notice of the date for the public hearing on the final budget adoption and property tax levy on June 13, 2023 and the property tax levy adoption on June 27, 2023.

Mr. Gibson said there were two changes to the tentative budget since April 25th. There had been Council consensus to add \$5.8 million from the General Fund to the Heroes Park Ball Field Capital Improvement Project (CIP). A new project had been added in the amount of \$825,000 from the General Fund for a covered parking structure at the Sine Building. The project was requested by the City Attorney's Office. The estimate for the project was received after the last budget workshop.

Mr. Gibson said the proposed tentative budget for FY24 was \$1.626 billion. It included an operating budget of \$595 million, a CIP budget of \$430 million, a debt service budget of \$98 million and a contingency appropriation of \$137 million. The total revenue budget of FY24 was \$990 million and the transfer budget was \$224 million. The FY24 budget did not include an increase to the primary property tax rate.

Councilmember Malnar said he and Councilmember Tolmachoff had discussed resources for

the sober living issue. He asked if it was correct that if it was not included in the tentative budget, funding would not be available for FY24.

Mr. Gibson said there was a contingency budget, and it could be used to fund the item.

Councilmember Turner asked if there was a description of the covered parking structure.

Mr. Bessler said it was a shade structure, possibly with a solar element for 57 spaces. He said it was only an estimate.

Councilmember Turner said that was over \$14,000 per space.

Councilmember Tolmachoff asked if this was the first time the project was being presented to Council.

Ms. Rios said that was correct. It was a late addition requested by the City Attorney's Office. It was a placeholder for the project. It would come back to Council as a contract once the design was completed.

Councilmember Tolmachoff was surprised that Council had not received a memo prior to the meeting for adoption.

Mr. Phelps said it was just a placeholder until detailed information was available. The covered parking was also for a number of City vehicles. The placeholder provided options for Council's consideration.

Councilmember Tolmachoff asked if it would be bonded for or would cash on hand be used.

Mr. Gibson said it would come from General Fund cash.

Councilmember Turner asked that when it came back that it not be placed on the Consent Agenda because at least one Councilmember had concerns about the project.

Councilmember Aldama asked if the intent was to include solar.

Mr. Gibson said it was an option that was being considered.

Mr. Phelps said the principal purpose of the project was to provide covered parking for both City and employee vehicles. Council had expressed concerns about parking City vehicles in the sun and reducing the life of the vehicle.

Councilmember Aldama said adding it at the last minute prohibited a detailed discussion about the project. He asked what the justification was for covered parking.

Mr. Phelps said it was a new facility. Previously, City Attorney's Office employees had access to covered parking. Employees had been moved to the Sine Building and no longer had covered parking. If there was not Council consensus, the project could be removed.

Vice Mayor Clark supported including the project in the budget. If in the future, a majority of Council did not support the project, it could be removed after further discussion.

Councilmember Tolmachoff said if it had been handled in the normal way, the project would be covered by Streets and Parking in the CIP and could be bonded for. There had been a Council consensus earlier in the day not to use cash for Streets and Parking.

Mr. Gibson said it could be bonded for, but Streets and Parking was out of authority.

Councilmember Tolmachoff said there had been opposition to using cash to fund projects for Streets and Parking. Now, there was support to use cash for a project that benefited only 57 City employees.

Councilmember Turner said the City had offered the parking lots for sale in the past. He was surprised that the discussion was now to spend over \$800,000 to cover parking that the City was interested in selling.

Councilmember Malnar agreed with Vice Mayor Clark. It would come back to Council and Council could decide not to do it. He supported the placeholder until the actual costs were known.

Councilmember Hugh supported the placeholder until more information was available.

Mayor Weiers said covered parking was an incentive for employees. It also helped extend the life of City vehicles. It was a placeholder until more information could be provided to Council.

A motion was made by Councilmember Jamie Aldama, seconded by Vice Mayor Joyce Clark to adopt Resolution No. R23-34.

Councilmember Aldama said the action was to adopt the tentative budget. The final budget would be adopted on June 13th. He would be voting no tonight.

Councilmember Tolmachoff was concerned about the amount of cash that was being spent considering the economic times. \$40 million in cash was being spent on the City Hall remodel and \$5.8 million on the sports fields at Heroes Park. No one was willing to use cash for Streets and Parking. If the bond election in November was successful, money for Streets and Parking would not be available until next spring. Council had been surprised with the request tonight for an \$800,000 parking structure. She had never voted no on a budget before but would be voting no tonight.

Councilmember Turner had reservations about the direction the budget was heading. He would vote yes tonight so that the statutory requirements were met.

The vote on the motion was:

AYE: Mayor Jerry Weiers

Vice Mayor Joyce Clark

Councilmember Ian Hugh

Councilmember Ray Malnar

Councilmember Bart Turner

NAY: Councilmember Jamie Aldama

Councilmember Lauren Tolmachoff

Passed

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Aldama had attended the celebration for the \$2 billion in contributions from the Tribal Gaming Compact. He was able to share what the City had been able to do with the millions of dollars received by the City. He thanked the Tohono O’odham Nation for its partnership with the City.

Councilmember Tolmachoff thanked residents and staff for attending the Cholla District barbeque.

Mayor Weiers would be hosting the Military Induction Ceremony for over 400 Glendale high school students on Friday, May 12th from 6:00 p.m. to 9:00 p.m. He said less than 30% of high school students were eligible to serve in the military and he wanted to honor and support the young people and their families. The keynote address would be given by General Robin Rand, USAF (Ret.). The ceremony could be viewed live online at youtube.com/mayorweiers.

CITIZEN COMMENTS

James Masters, Sahuaro District resident, commented on parking restrictions.

Karen Aborne, Ocotillo District resident, commented on procedures for citizen participation.

Karl Naba, Cholla District resident, commented on programs for teenagers.

James Deibler, Phoenix resident, commented on the Westgate Entertainment District.

ADJOURNMENT

Mayor Weiers adjourned the meeting at 7:28 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 May, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ___ day of ___, 2023.

Julie K. Bower, MMC, City Clerk