

DRAFT

City of Glendale

*5850 West Glendale Avenue
Glendale, AZ 85301*



Meeting Minutes

**Tuesday, August 22, 2023
5:30 P.M.
Voting Meeting
Civic Center**

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
Michael Bailey, City Attorney
Julie K. Bower, City Clerk
Vicki Rios, Assistant City Manager
Jamsheed Mehta, Assistant City Manager

PRAYER/INVOCATION

The invocation was offered by Syed Mohi Ul Haq Hussain of the Musjid Al Kausur Mosque.

POSTING OF COLORS

PLEDGE OF ALLEGIANCE

Mayor Weiers asked for a point of privilege. He said there was not enough time at the workshop for the Council Items of Special Interest and he would take up the item now.

Councilmember Aldama said the City Manager had appointed a new Deputy Director of Economic Development. The appointment left the Downtown Manager position vacant. He requested information on who was acting as the Downtown Manager.

Councilmember Hugh requested information on what the City could do to reduce the use of illegal fireworks.

Vice Mayor Clark said the City had received a state grant for rights-of-way improvements. She requested Council have input on the types of trees and shrubs that would be planted.

Mayor Weiers requested a review of the staffing model for paramedics.

APPROVAL OF THE MINUTES

1. APPROVAL OF THE MINUTES OF THE AUGUST 8, 2023 VOTING MEETING
Presented by: Julie K. Bower, City Clerk

A motion was made by Councilmember Ian Hugh, seconded by Vice Mayor Joyce Clark to approve the minutes of the August 8, 2023 voting meeting.

AYE: Mayor Jerry Weiers
Vice Mayor Joyce Clark
Councilmember Jamie Aldama
Councilmember Ian Hugh
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 Raymond Malnar

A motion was made by Councilmember Ray Malnar, seconded by Vice Mayor Joyce Clark to make the following appointments:

Robert Escobedo to the Commission on Diverse Cultures for a term expiring January 31, 2025

Oscar Gonzales to the Community Development Advisory Committee for a term expiring June 30, 2024

Meegan Tosh to the Library Advisory Board for a term expiring January 31, 2024

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 AGENDA

3. RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 600000084-L12, MIMI'S CAFE, 7450 W BELL RD

4. RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 600000083-L12, LIL CAPO PIZZERIA, 9404 W WESTGATE BLVD STE C102

5. AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH RAFTELIS FINANCIAL CONSULTANTS, INC. TO PERFORM THE BIENNIAL AUDIT OF THE CITY'S LAND USE ASSUMPTIONS, INFRASTRUCTURE IMPROVEMENT PLAN, AND DEVELOPMENT IMPACT FEES, AND TO RATIFY EXPENDITURES
6. AUTHORIZATION TO ENTER INTO A SERVICES AGREEMENT WITH RELENTLESS BEATS, LLC FOR SPECIAL EVENT PRODUCTIONS SERVICES
Presented by: Jessi Pederson, Director, Economic Development

Ms. Pederson presented information on the proposed agreement with Relentless Beats, LLC.

Councilmember Tolmachoff said the item did not belong on the Consent Agenda. It had only been presented to Council at this afternoon's workshop. She asked where the item was budgeted.

Ms. Pederson said it was in the operating budget for special events.

Councilmember Tolmachoff asked if the total cost included the talent.

Ms. Pederson said it did include the talent.

7. AUTHORIZATION TO ENTER INTO AMENDMENT NO. ONE TO THE PROFESSIONAL SERVICES AGREEMENT WITH ARCHITEKTON, INC., FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE GLENDALE ELEMENTARY SCHOOL DISTRICT (GESD) SYSTEM OF CARE FACILITY
8. AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH NINYO & MOORE GEOTECHNICAL AND ENVIRONMENTAL SCIENCES CONSULTANTS, INC., FOR GEOTECHNICAL ENGINEERING ON GLENDALE AVENUE FROM 91ST AVENUE TO THE LOOP 101
9. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH BOX GANG MANUFACTURING, LLC FOR FRONT LOAD REFUSE AND ROLL-OFF CONTAINERS
10. AUTHORIZATION TO ENTER INTO AMENDMENT NO. 2 TO THE AGREEMENT WITH BROWN & BROWN INC., DBA BROWN INSURANCE OF ARIZONA, INC., FOR EMPLOYEE BENEFITS CONSULTING SERVICES
11. POSITION RECLASSIFICATIONS
Presented by: Jim Brown, Director of Human Resources and Risk Management

Mr. Brown presented information on the reclassifications.

Councilmember Tolmachoff asked if the Downtown Manager was reclassified to a Deputy Director of Economic Development, then who was the Downtown Manager.

Ms. Pederson said, during the budget process, there were several reclassifications that took place in the Economic Development Department. The Downtown Manager position was reclassified to a Deputy Director position. The position oversaw Arts and Culture, Special Events and Downtown Development. The position included the Downtown Manager role.

There would also be an Economic Development Specialist who would assist with the management of downtown.

Councilmember Tolmachoff asked if there was a dedicated Downtown Manager.

Ms. Pederson said that was one of the duties of the Deputy Director.

Councilmember Tolmachoff said Council was not informed that the attention to Downtown would be narrowed.

Councilmember Aldama asked how often positions were reviewed for parity and how long the positions had been out of parity.

Mr. Brown said staff found in early spring that positions in Transportation and Water Services were below market level. It was too late for the reclassifications to be included in the budget process. The reclassification process could take 30-60 days to complete. He said the preference would be to do it as part of the budget process, but it was not always possible because of timing issues.

Councilmember Aldama asked how the salary range placement was determined and how reclassifications affected other employees in similar positions.

Mr. Brown said the goal was to keep the employee at the same range penetration. The City conducted a class and comp study every two years.

12. AUTHORIZATION TO APPROVE "SCHEDULE F" TO THE PROFESSIONAL SERVICES AGREEMENT C-19-0599 WITH INTERIM PUBLIC MANAGEMENT
13. APPROVAL OF DESERT RIVER II - AMENDED FINAL PLAT (FP23-05)
14. APPROVAL OF CLARIUS PARK GLENDALE FINAL PLAT (FP23-03)
15. AUTHORIZATION TO ENTER INTO AMENDMENT NO. ONE (1) TO THE RIGHT-OF-WAY (ROW) AND MEDIAN LANDSCAPE ENHANCEMENT PROJECT CONTRACT WITH SOMERSET LANDSCAPE, LLC. FOR ADDITIONAL CITYWIDE ROW LANDSCAPE ENHANCEMENTS
16. AUTHORIZATION TO ENTER INTO AMENDMENT NO. ONE (1) TO THE RIGHT-OF-WAY (ROW) AND MEDIAN LANDSCAPE ENHANCEMENT PROJECT CONTRACT WITH URW, LLC., FOR ADDITIONAL CITYWIDE ROW LANDSCAPE ENHANCEMENTS

A motion was made by Councilmember Bart Turner, seconded by Vice Mayor Joyce Clark to approve Consent Agenda Items 3 through 16.

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.

17. AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH ELONTEC, LLC., FOR FURNITURE AND RELATED SERVICES

A motion was made by Councilmember Lauren Tolmachoff, seconded by Councilmember Ian Hugh to approve item 17.

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

18. AUTHORIZATION TO ENTER INTO A PURCHASE AGREEMENT WITH MOUNTAIN STATES PIPE & SUPPLY CO., FOR THE PURCHASE OF ITRON PRODUCTS

A motion was made by Councilmember Jamie Aldama, seconded by Councilmember Ian Hugh to approve item 18.

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

19. RESOLUTION NO. R23-74

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 GPA22-13 FOR PROPERTY LOCATED EAST OF THE NORTHEAST CORNER OF 87TH AVENUE AND GLENDALE AVENUE.

ORDINANCE NO. O23-28

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING 2.47 ACRES LOCATED EAST OF THE NORTHEAST CORNER OF 87TH AVENUE AND GLENDALE AVENUE FROM A-1 (AGRICULTURAL) TO PAD (PLANNED AREA DEVELOPMENT) FOR A DEVELOPMENT PLAN ENTITLED "RESIDENCES AT WESTGATE"; AMENDING THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE; AND ORDERING THAT A CERTIFIED COPY OF THIS ORDINANCE IS RECORDED.

Presented by: Tabitha Perry, Planning Manager

Ms. Bower read the resolution and ordinance by title.

Ms. Perry said the request was for a Minor General Plan Amendment from (Medium Density Residential: 2.5-3.5 d/ac) to HDR 20 (High-Density Residential: 12-20 du/ac) and a zoning change from Agriculture to Planned Area Development. The intent was to develop the property as an upscale, thirty-seven (37) unit townhome project. The Planning Commission had recommended approval of the Minor Gendal Plan Amendment as written and approval of the zoning change subject to two stipulations.

A motion was made by Councilmember Lauren Tolmachoff, seconded by Vice Mayor Joyce Clark to adopt Resolution No. R23-74.

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. O23-28.

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

Councilmember Bart Turner
Passed

NEW BUSINESS

- 20.** AUTHORIZATION FOR THE CITY ATTORNEY TO RETAIN OUTSIDE LEGAL SERVICES FOR LITIGATION SERVICES RELATED TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES (“PFAS”)
Presented by: Michael D. Bailey, City Attorney

Ms. Bower read the item by title.

Mr. Bailey requested authorization to retain outside legal services related to perfluoroalkyl and polyfluoroalkyl substances (“PFAS”) and, if necessary, initiate litigation and take all steps to preserve the interests of the City.

A motion was made by Councilmember Bart Turner, seconded by Councilmember Jamie Aldama to approve item 20.

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

Passed

- 21.** CONSIDERATION AND ACTION REGARDING THE CITY COUNCIL ACTION ON JUNE 13, 2023, DIRECTING THE CITY MANAGER TO ENTER INTO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT
Presented by: Michael D. Bailey, City Attorney

Ms. Bower read the item by title.

Mr. Bailey presented information on the referendum process. At its meeting on June 13, 2023, Council approved the amended and restated development agreement with VAI Resorts LLC. A referendum petition was pulled, signatures were gathered and qualified for a popular vote. He said the question focused on the amendment to the original agreement. The original agreement already provided for all of the elements questioned in the referendum. The agreement was approved by Council on September 28, 2020 and there was no public opposition to the agreement at that time.

Mr. Bailey said, since the agreement was approved in 2020, there had been an ownership change which was allowed by the original agreement. The premature filing of the GPLET had been addressed and it would not be recorded until there was 90 percent completion of the project. There had also been a change in the size and scope of the project and there was a parking space lease agreement. Due to the changes, VAI Resorts asked that amendments be

made to the development agreement. The primary changes were the ownership change, references to Crystal Lagoon were changed to lake, inclusion of additional property, acknowledgment of the premature filing, acknowledgment of the parking space lease agreement, completion date of November 7, 2024, an additional section regarding live events and the City's ability to regulate the events and amended the language regarding the funding.

Mr. Bailey said the Council action in June was to approve a motion to authorize the City Manager to enter into the amended and restated development agreement. Since that authorization, a referendum was qualified for the ballot. The Council had the right and responsibility to place the question on a future ballot or repeal the action that was the subject of the referendum. The referendum addressed the amendment and could not challenge the original agreement. Recognizing that the original agreement continued to serve the parties, there was an expense associated with a referendum election and the economic cost of having a large project held in limbo while the question was considered and that there was no opposition to the original agreement, he requested that Council repeal the action taken on June 13, 2023. If repealed, the amendment would no longer exist and the original agreement would be relied upon.

Councilmember Aldama said it was a significant agreement. The decision was made at a public meeting and there was no opposition, but it was not until people were made aware of it that there was opposition. The City needed to do a better job of notifying citizens.

Councilmember Tolmachoff said there was a lot going on in 2020 but the City was open to the public and Council had conducted public hearings. The public was notified and welcomed to address Council and the public did participate in the meetings.

Vice Mayor Clark said Council was elected to make decisions on behalf of the public. There was a great deal of due diligence with regard to the project. She supported the project. It was a good project and would deliver sales tax dollars to the City's General Fund that would be used to benefit all residents. The fact that Worker Power chose to raise the issue after 3 years made her suspicious of its motives. The project would bring over 1,200 jobs to the community and \$10 million in sales tax revenue.

A motion was made by Councilmember Ray Malnar, seconded by Vice Mayor Joyce Clark to approve the repeal of the action that Council took on June 13, 2023 regarding the amended and restated development agreement.

The following people spoke in favor of the item:

- Abdelgabar Mohamdian, Glendale resident
- Alondra Morales Sanchez, Glendale resident
- James Deibler, Phoenix resident
- Kevin Smith, Phoenix resident
- Jordan Greenslade, Phoenix resident
- Shawn Foley, Phoenix resident
- Maria Elena Santana, Cactus District resident
- Carolina Martinez, Cactus District resident

Councilmember Malnar said the project would bring major benefits to the community. The property originally produced approximately \$1,800 in annual property tax. The property tax on the proposed development could be as much as \$6 million per year. There was a GPLET that might provide a reduction of up to \$1 million with a net property tax of \$5 million. There was also an estimated \$23 million in sales, hotel and other taxes that would benefit the entire state. It was a very good investment.

Councilmember Turner said it was incumbent on the leadership of the referendum movement that the representations made were accurate. It appeared that had not been the case here. There were several misconceptions that had been spread throughout the community. The property tax forbearance was not for the whole project but only for the lagoon or what was now being called the lake. It was never for the hotel. The number of jobs created by the project was huge and included all levels of jobs. He did not understand why an organization called Worker Power would want to stand in the way of that.

Councilmember Turner said the water issues were important but were localized. The project was occurring within the Salt River Project. The Salt River Project reservoirs were full to the brim and water had to be released into the Salt River this year. The water in this area laid with the land and could not be moved to other areas.

Councilmember Turner said people had been misled about the amphitheater. Repealing the amendment would not take the amphitheater out of the picture. It was part of the original agreement. The amendment would have allowed the City to better regulate the noise from events.

Vice Mayor Clark said Council was repealing the amendment and the original agreement would stand for the development of the project.

Mayor Weiers said the project would create nearly 2,000 jobs in the City. It would showcase the City and it was a fantastic project. Council was trying to provide opportunities for people to live and work in the City for a better quality of life.

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

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Aldama said on August 12th, there was a significant fire at 67th Avenue and Myrtle Avenue. He praised the Police and Fire Departments for the work done to extinguish the fire. He acknowledged the work of City staff to clean up the debris left by fighting the fire. The facility that caught fire had recently been inspected.

Councilmember Turner agreed with Councilmember Aldama's comments. He was impressed that a fire that size was kept contained for hours, did not spread to other structures and no lives were lost. It was due to the level of expertise and commitment of the City's public safety personnel.

CITIZEN COMMENTS

James Deibler, Phoenix resident, commented on transit issues.

ADJOURNMENT

Mayor Weiers adjourned the meeting at 6:51 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 22nd day of August, 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