

D R A F T

City of Glendale

*5850 West Glendale Avenue
Glendale, AZ 85301*



Meeting Minutes

Tuesday, February 27, 2024

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 5:30 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
Jamsheed Mehta, Assistant City Manager

PRAYER/INVOCATION

The invocation was offered by Pastor Jose Gonzales, Arizona Christian Link.

POSTING OF COLORS

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES

1. APPROVAL OF THE MINUTES OF THE FEBRUARY 13, 2024 VOTING MEETING
Presented by: Julie K. Bower, City Clerk

A motion was made by Vice Mayor Ian Hugh, seconded by Councilmember Joyce Clark to approve the minutes of the February 13, 2024 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. PROCLAIM FEBRUARY 2024 DIGITAL TECHNOLOGY MONTH
Presented by: Mayor Jerry P. Weiers

Mayor Weiers proclaimed the month of February as Digital Technology Month in the City of Glendale.

The proclamation was accepted by Innovation & Technology Department Director Feroz Merchhiya and members of his staff.

BOARDS, COMMISSIONS AND OTHER BODIES

3. APPROVE RECOMMENDED APPOINTMENTS TO BOARDS, COMMISSIONS & OTHER BODIES
Presented by: Councilmember Ray Malnar

A motion was made by Councilmember Ray Malnar, seconded by Councilmember Lauren Tolmachoff to appoint Dalaina Hand to the Arts Commission and the Citizens Utility Advisory Commission for terms expiring January 31, 2026.

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 AGENDA

4. RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 600000050-L10, 43RD AVE MINI MART, 6520 N 43RD AVE
5. AWARD OF REQUEST FOR PROPOSAL 24-15 AND AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BIBLIOTHECA, LLC. FOR AUTOMATED MATERIALS HANDLERS
6. APPROVAL OF LEGACY PLACE PHASE 1 FINAL PLAT (FP23-02)
7. AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH TISCHLER BIASE, INC. FOR CONSULTING SERVICES TO UPDATE THE CITYWIDE INFRASTRUCTURE IMPROVEMENT PLAN, LAND USE ASSUMPTIONS AND DEVELOPMENT IMPACT FEES
8. AUTHORIZATION TO ENTER INTO AMENDMENT NO. 1 TO THE LINKING AGREEMENT WITH FIRE TRUCK SOLUTIONS, LLC, FOR FIRE VEHICLES MAINTENANCE AND REPAIR SERVICES

9. AUTHORIZATION TO ENTER INTO AMENDMENT NO. 4 TO THE SOFTWARE AS A SERVICE AGREEMENT C17-0488 WITH TYLER TECHNOLOGIES, INC. AND RATIFICATION OF EXPENSES
10. AUTHORIZATION OF EXPENDITURE OF FUNDS TO TACTICAL NIGHT VISION COMPANY
11. AUTHORIZATION TO ENTER INTO A DESIGN PROFESSIONAL AGREEMENT WITH ARCADIS U.S., INC. FOR RAW SEWAGE PUMP STATION FORCE MAIN ALTERNATIVES STUDY FROM CAMELBACK ROAD AND LOOP 101 TO THE WEST AREA WATER RECLAMATION FACILITY
12. AUTHORIZATION TO ENTER INTO A CONSTRUCTION MANAGER AT RISK AGREEMENT WITH MGC CONTRACTORS, INC. FOR PRE-CONSTRUCTION SERVICES FOR IMPROVEMENTS AT THE WEST AREA WATER RECLAMATION FACILITY
13. AUTHORIZATION TO ENTER INTO A PURCHASE AGREEMENT WITH BRINKMANN INSTRUMENTS, INC., DOING BUSINESS AS METROHM USA, INC., FOR THE PURCHASE OF BRINKMANN INSTRUMENT CONSUMABLES
14. AUTHORIZATION TO ENTER INTO AMENDMENT NO. 1 TO THE CONSTRUCTION MANAGER AT RISK AGREEMENT WITH MCCARTHY BUILDING COMPANIES, INC., FOR GMP1 CONSTRUCTION SERVICES FOR IMPROVEMENTS AT THE CHOLLA WATER TREATMENT PLANT

A motion was made by Councilmember Jamie Aldama, seconded by Councilmember Lauren Tolmachoff to approve Consent Agenda items 4 through 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

CONSENT RESOLUTIONS

Ms. Bower read the Consent Resolutions items by title.

15. RESOLUTION NO. R24-08

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF A MEMORANDUM OF AGREEMENT BETWEEN TERROS, INC., DBA TERROS HEALTH AND THE CITY OF GLENDALE FOR THE REIMBURSEMENT OF THE REMODEL OF THE MAVERICK HOUSE

FACILITY TO INCLUDE AN ONSITE INTAKE SECTION.

16. RESOLUTION NO. R24-09

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ENTERING INTO OF A SUB-RECIPIENT AGREEMENT REALLOCATION (NO. 20-AZDOHS-HSGP-200206-03) WITH THE ARIZONA DEPARTMENT OF HOMELAND SECURITY AND AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE FFY 2020 HOMELAND SECURITY GRANT PROGRAM AWARD REALLOCATION IN THE APPROXIMATE AMOUNT OF \$31,739.

17. RESOLUTION NO. R24-10

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE ENTERING INTO OF AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF STREETLIGHTING ON 43RD AVENUE IN THE CITY OF PHOENIX.

A motion was made by Councilmember Joyce Clark, seconded by Councilmember Lauren Tolmachoff to adopt Consent Resolutions items 15 through 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

BIDS AND CONTRACTS

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

18. AWARD OF BID, RFP 23-36, AUTHORIZATION TO ENTER INTO A SERVICE AGREEMENT WITH MARICOPA AMBULANCE, LLC FOR EMERGENCY MEDICAL TRANSPORTATION SERVICES

A motion was made by Councilmember Lauren Tolmachoff, seconded by Vice Mayor Ian Hugh to approve item 18.

Councilmember Clark said, as was her habit and practice, she would be voting no on the 6-year contract.

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

LAND DEVELOPMENT ACTIONS

- 19. CARIOCA AT PEORIA AND SARIVAL (AN-244) ANNEXATION LOCATED AT THE SOUTHEAST CORNER OF PEORIA AVENUE AND SARIVAL AVENUE (PUBLIC HEARING)**
Presented by: Tabitha Perry, Deputy Director, Development Services

Ms. Bower read the item by title.

Mayor Weiers opened the public hearing.

Ms. Perry requested that Council hold the required public hearing on the blank petition regarding proposed annexation AN-244. The annexation request involved approximately 12.5 acres for commercial development. The property was currently within the Maricopa County jurisdiction and was zoned for Intermediate Commercial, a C-1 zoning district. After annexation, the City would apply the most compatible zoning district, which was C-1, Neighborhood Commercial. The applicant intended to retain the C-1 zoning designation.

No one wished to speak on the matter.

Mayor Weiers closed the public hearing.

NEW BUSINESS

- 20. PROTEST LIQUOR LICENSE NO. 600000094-L12, THE NEST NORTH SPORTS GRILL**
Presented by: Rick St. John, Deputy City Manager

Ms. Bower read the item by title.

Mr. St. John said the request was for Council to protest a new, non-transferable Series 12 (Restaurant) license for The Nest North Sports Grill located at 5843 W Thunderbird Rd. After conducting the background review, staff was recommending denial of the Series 12 license, so the applicant could pursue a Series 6 (Bar) license.

Councilmember Tolmachoff reviewed the criteria for granting a license. The Council report indicated the exterior window coverings were almost wholly alcohol advertisements. She had visited the establishment and the coverings were mostly sports-related. The criteria did not reference window coverings.

Councilmember Tolmachoff said the criteria required at least 40% of sales must be food. She knew the owner and the establishment had a full-sized commercial kitchen. Every table had

condiment caddies. She was surprised the Council report noted a large amount of alcohol displayed for sale and a large amount of bar equipment. The owner did not deny that he was serving alcohol but was more than meeting the 40% food sales requirement. The State would conduct an audit of sales in a year and would address it if the food requirement was not met.

Councilmember Tolmachoff said a Series 12 license was appropriate. She would support a recommendation of approval.

Councilmember Clark asked how the City determined if there was a minimum of food sales.

Police Detective Mitchell Ervin said the City did not determine the sales percentage. An audit would be conducted by the State Department of Liquor.

Mr. St. John said the staff did not suggest the establishment was not meeting the food sales requirements. Staff was suggesting there were other criteria that the establishment was not meeting as the reason for the protest.

Councilmember Malnar had visited the establishment. It had a family atmosphere, not a bar atmosphere. He also supported a recommendation of approval.

Councilmember Clark said a protest recommendation was very unusual. She would support staff's recommendation.

Councilmember Turner appreciated the recommendation. There was a huge monetary investment difference between the Series 12 and the Series 6 liquor license. He was inclined to error in the direction that the proprietor would meet the food sales requirement and it would be up to the State to deal with it.

Councilmember Aldama did not see a detriment to the community regarding the business. The State would audit the business. He supported a recommendation of approval.

Mayor Weiers said, after questioning the proprietor, he had owned a previous establishment for 8 years and had no history of liquor violations. Mayor Weiers was not concerned by the establishment looking more like a bar than a restaurant. The State would audit the establishment in a year and determine whether the food sales requirement was being met.

John Brink, liquor license applicant, said The Nest had been located by the stadium for 8 years, but the property owner sold the property, and he was forced to close. The restaurant's current point-of-sale system reported food sales at 47%. All of the food was made from scratch in the commercial kitchen. Every table had a caddie and a menu. The window signage was added to mitigate heat and provide security. If it was a major issue, he would remove it. It was a nice place to bring a family. There were other establishments in the City with Series 12 licenses that had pool tables and dance floors. The police officer had stated that it did not matter if food sales reached 90%, the establishment did not look like a restaurant. There was nothing in the regulations that indicated what a bar or a restaurant should look like. He felt he should have a Series 12 license.

Mayor Weiers thanked him for choosing to keep his business in Glendale.

Vice Mayor Hugh had visited the establishment and toured the kitchen. The kitchen equipment was brand new. He supported a recommendation of approval.

Mr. Brink said the kitchen took up 1,800 square feet of the 4,200 square feet total. The beef used in the menu items was all locally sourced.

Mr. Phelps did not know why the State involved local jurisdictions in the process. It was ultimately the State's decision. The State provided the criteria and Detective Ervin had determined the criteria was not met. The State would monitor the business. The City wanted its officers to do what was required.

Councilmember Tolmachoff said there was no disrespect meant by Council for the work done by Detective Ervin.

A motion was made by Councilmember Lauren Tolmachoff, seconded by Councilmember Jamie Aldama to recommend approval of Liquor License No. 600000094-L12.

Councilmember Clark said the State never met a liquor license it did not love. It was an unusual recommendation from staff. If staff felt the establishment did not meet the criteria, she felt the need to support the Police Department.

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

21. AUTHORIZATION TO ENTER INTO A DESIGN-BUILD CONSTRUCTION AGREEMENT WITH FISHER SAND AND GRAVEL CO. (FISHER) FOR THE PARKING GARAGE AT THE BLACK LOT

Presented by: Don Bessler, PWLF, Engineering Director

Ms. Bower read the item by title.

Mr. Bessler was requesting authorization for the City Manager to enter into a design-build construction contract with Fisher Sand and Gravel Co. in an amount not to exceed \$71,860,000 for the design and construction of a parking garage at the Black Lot. The overall cost of the parking garage was expected to be approximately \$71,860,000.

James Nguyen, Cholla District resident, spoke in opposition to the item.

A motion was made by Councilmember Bart Turner, seconded by Councilmember Joyce Clark to approve the design-build construction agreement with Fisher Sand and Gravel Company.

Councilmember Aldama had not seen any data that demonstrated the need for a parking garage for the VAI Resort. Absent the resort, Glendale did not require a parking garage. The City Manager had shared that aerial footage showed unused parking spaces during events. The City had spent more time on RFPs for lower dollar amounts than \$71 million.

He had asked if it was a legal way of doing business. The answer had been yes, but it should not be a practice for the City. It had favor written all over it.

Councilmember Clark said it would be a public parking garage. VAI Resort would have a minimum of 2,500 onsite parking spaces. Having a public parking garage in the Westgate area was long overdue as more vacant sites were being developed. The area was running out of parking spaces. There had to be adequate parking for the public.

Councilmember Tolmachoff had a number of concerns about the project and those concerns would not allow her to support it.

Councilmember Turner saw it as a classic public-private partnership that would lead to more tax income for the residents. The parking garage would be open for public use. Supporting it was the right thing to do.

The vote on the motion was:

AYE: Mayor Jerry Weiers

Vice Mayor Ian Hugh

Councilmember Joyce Clark

Councilmember Ray Malnar

Councilmember Bart Turner

NAY: Councilmember Jamie Aldama

Councilmember Lauren Tolmachoff

Passed

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Aldama said February's Live! @ the Lot on Myrtle Avenue in conjunction with Taqueria El Sol was a great event. The public-private partnership created a great event attended by over 3,000 people. He thanked the City staff and vendors who supported the event.

Councilmember Malnar thanked the City staff and community volunteers who assisted with the service day at Granada Estates. The neighborhood had been underserved in the past. He would like to see service days take place in other areas of the City.

Councilmember Turner reminded residents the Glendale Folk and Heritage Festival would be held March 2nd and 3rd at Sahuaro Ranch Park.

Mayor Weiers invited everyone to the Easter Egg Hunt taking place on March 30th at Glendale Community College.

CITIZEN COMMENTS

James Nguyen, Cholla District resident, commented on City budget issues.

John Whelan, Sahuaro District resident, commented on off-road vehicle issues.

James Deibler, Phoenix resident, commented on panhandling issues.

ADJOURNMENT

Mayor Weiers adjourned the meeting at 6:32 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 27th day of February, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ___ day of ____, 2024.

Julie K. Bower, MMC, City Clerk