

City of Glendale

5850 West Glendale Avenue
Glendale, AZ 85301



Meeting Minutes - Final

Tuesday, October 6, 2015

1:30 PM

Workshop

Council Chambers - Room B3

City Council Workshop

Mayor Jerry Weiers

Vice Mayor Ian Hugh

Councilmember Jamie Aldama

Councilmember Samuel Chavira

Councilmember Gary Sherwood

Councilmember Lauren Tolmachoff

Councilmember Bart Turner

CALL TO ORDER**Rollcall**

- Present** 6 - Vice Mayor Ian Hugh, Councilmember Jamie Aldama, Councilmember Samuel Chavira, Councilmember Gary Sherwood, Councilmember Lauren Tolmachoff, and Councilmember Bart Turner
- Absent** 1 - Mayor Jerry Weiers

Also present were Richard Bowers, Acting City Manager; Jennifer Campbell, Assistant City Manager; Michael Bailey, City Attorney; and Pamela Hanna, City Clerk.

WORKSHOP SESSION

1. [15-679](#) COUNCIL ITEM OF SPECIAL INTEREST: UPDATE ON THE COMMUNITY CONVERSATIONS FINAL REPORT RELATED TO A POSSIBLE ANTI-DISCRIMINATION ORDINANCE
Staff Contact: Jennifer Campbell, Assistant City Manager
Guest Presenter: Ms. Karen Kurtz, Facilitator

Ms. Campbell said the final report on the information collected during four community conversations regarding a possible anti-discrimination ordinance will be presented by Karen Kurtz, the facilitator.

Ms. Kurtz first explained the process used to collect information and comments during the community conversations on anti-discrimination. As Council directed in a prior workshop, she and City staff held 4 public input sessions on the need for an anti-discrimination ordinance using certain ground rules and tools. Ms. Kurtz said June 10th was the business meeting, and there were community meetings held on June 18th, July 25th and July 30th. In addition, the public was invited to submit additional comment sheets, voicemail and email comments. All the data was combined and then reviewed by each facilitator to make sure it reflected the content and spirit of the conversations held. Ms. Kurtz explained this is qualitative and anecdotal data of perceptions and experiences, and is not a statistically significant representation of the community. She also explained the dot votes system. Ms. Kurtz explained how participants in the community conversation sessions were invited to fill out a "demographics" sheet, which helped identify if they were Glendale residents, business owners or interested parties. She said in the conversation part of the discussion, there were 131 unduplicated participants, 94 were residents and business owners and 35 were interested parties. She said some participants attended more than one meeting, but they were only counted once. She said the numbers do not add up to 131 because she took that information from the demographic surveys that participants filled out and two people did not turn in their surveys. She said the interested parties varied - some were employed or went to church in Glendale, some were former residents or business owners, and some had friends and family that live in Glendale. She said a number of participants shopped or

attended events in Glendale. Ms. Kurtz said staff from other cities also attended to observe the process and others were from advocacy organizations. She said of the 131 participants, 7 attended more than one meeting.

In turning to the content of the community input sessions, Ms. Kurtz said they first asked if Glendale was a welcoming and inclusive community. Some comments received said Glendale is a diverse and inclusive community, but other commenters stated Glendale has improved, but has more work to do to be more diverse and inclusive. She said there were comments about segregation based on where you lived, north versus south Glendale as well as historical and newer sections of the city.

Ms. Kurtz said the participants were next asked what makes it easy or difficult to be in your group. Comments included: community diversity, personal qualities such as being compassionate and open-minded, connection and support, time heals, being (or appearing to be) in dominant culture, laws and policies that protect and provide recourse as well as other factors. Ms. Kurtz said comments about what makes it difficult to be in your group ranged from not having protection, not knowing each other, lack of compassion, the community did not highlight its diversity, people not in a diverse group do not understand what it feels like to be in that circumstance and fear of the unknown.

The participants were then asked if there was discrimination in Glendale. Responses included: need data to decide, demographic differences mean different awareness of different treatment, a melting pot, not identity groups, already protected by law, a new law equals special rights, and there were examples from those who have experienced differential treatment.

Participants were asked to discuss what they perceived as the benefits of having a city ordinance. The benefits included: protection, recourse and inclusion, business attraction and a positive image for and pride in the city. Ms. Kurtz said there was a lot of interest in working with businesses that do demonstrate inclusion. Participants said some of the perceived adverse impacts of an ordinance included infringements on religious freedom, the cost of enforcement, concern about potential lawsuits, and other concerns. She said many comments about religious freedom came by email and it offered an opportunity to see where those commenters were coming from in their thought process. Other concerns included were concerns about transgender persons using restrooms appropriate to their identified gender.

Ms. Kurtz said participants were asked to generate a list of ideas they thought might be effective to address issues of unequal treatment or discrimination in the community. The dot votes for **residents and business owners** showed over 21% wanted to adopt an ordinance, and 1.7% wanted to adopt an ordinance with exclusions. Participants who did not want an ordinance came in at just over 15%. Thirteen percent of the participants said they believed there was no discrimination problem in Glendale. Education programs for cultural diversity and anti-discrimination issues received 12.5% of the votes and all other ideas listed as approaches to address diversity and discrimination received less than 5% of the votes cast. Dot votes from the 114 **interested parties** who attended the meetings showed 54% wanted to adopt an ordinance, 2.6% wanted to adopt an ordinance with

exclusions, 4.4% wanted no ordinance, less than 1% said there was no discrimination problem. Thirteen point two (13.2)% of interested party participants said education programs for cultural diversity would help address discrimination issues, while 5.3% of the interested party participants wanted to promote diversity more. All other ideas from interested parties had less than 5% of the votes.

Ms. Kurtz said participants had varying levels of awareness and experiences with differential treatment, and there was no consensus among participants whether Glendale needs an anti-discrimination ordinance because there were participants on both sides of the issue.

Councilmember Turner asked Ms. Kurtz if she had done this type of study before.

Ms. Kurtz said she had facilitated this process in Mesa.

Councilmember Turner asked if Ms. Kurtz has some expertise in this.

Ms. Kurtz said she had worked with the diversity issue quite a bit in Mesa since 2000, when their diversity office first opened.

Councilmember Turner asked Ms. Kurtz if she had a sense of how Glendale compares to other communities.

Ms. Kurtz said she didn't see anything in people's comments that was unusual. Some of the comments received on both sides of the issue were the same comments she received in Mesa.

Councilmember Sherwood asked what percent of comments were not received as part of the four sessions that were held.

Ms. Kurtz said 36 additional comment sheets came from people who attended the meetings. They also received 7 voicemails and 25 emails. She said about 4 or 5 emails were from people that had attended the meeting. She said about 158 people contributed to the comments.

Councilmember Sherwood said the people submitting outside comments did not have the ability to look at the presentations first. He said there was varying degrees of participant's awareness on this issue, and he hoped attendees were enlightened after the presentations.

Ms. Kurtz said an evaluation was passed out after the community conversations. About 108 of the evaluations were returned. Seventy-one percent of the participants said they did learn new things as a result of their participation. Ninety-two percent said they understood others' perspectives better, even when they disagreed with them, and 50% said the conversation made them more curious about others. Ms. Kurtz stated that many of the participants told her they learned something new just by sitting and having a conversation with someone they didn't know who has had different experiences.

Councilmember Chavira said he is familiar with Ms. Kurtz's work in Mesa. He thanked staff for their involvement with this report. He said the report was comprehensive, unbiased and it captured the honesty of participants' remarks.

Councilmember Tolmachoff said she attended one of the community meetings. She said it was important to have groups of people sit down, have a conversation and get to know one another. She said promoting diversity, having a community dialogue and education is a big step forward. The community wanted more education and opportunities to talk to their neighbors. She said she had a meeting in her district about this issue and information provided at her meeting said most of the hate crimes in Glendale were due to race, religion and ethnicity. She said those are already protected classes and wasn't sure if laws would change people's minds. She said she wasn't sure if they had enough information right now to decide if an ordinance was necessary. She said knowledge and education changes people's minds.

Vice Mayor Hugh said he was not sure what an ordinance would look like, and passing an ordinance is not going to give someone good manners. He asked if Ms. Kurtz and the staff were able to see what participants wanted from their exercise.

Ms. Kurtz said for those who were interested in the ordinance, it wasn't going to change people's minds, but it will give those people who experience differential treatment some kind of recourse to take action. She said an organization can write down its values, but the real values of the organization come out when someone violates those values. If nothing happens, it sends a very strong message. People who spoke in favor of this issue were concerned about having recourse or somewhere to go if something did happen.

Councilmember Tolmachoff said the Council does not have any data because they don't have any place to direct people if discrimination occurs. She spoke about Councilmember Aldama's previous suggestion about establishing a commission on diversity. She said the Council might need the data to find out before moving forward on this issue. She said she struggled to find the starting place on this issue, but said the starting place wasn't the ordinance. She said they need to get people to know one another so they realize we all want the same things. She said if the city had a commission, they would be part of this process already.

Councilmember Sherwood said there isn't a place to collect the data, so it is important to have a Human Relations Commission. He said there should also be protection to give recourse to people who come to the commission with an issue. He said he didn't think there was much of a cost to set this up. He said an opening and welcoming community is very important. He said there are several cities in Arizona that score 100 on the Human Rights Campaign's Municipal Equality Index. He said that would be a great tool for the city to get companies to relocate to Glendale. He said they are talking about doing the right thing for the community. He said one person experiencing discrimination is too much. He thought the public involvement in the community meetings was great, but he would like staff put an ordinance together to see what it would look like. He also

said they also needed to look at what exclusions might be added to an ordinance, if necessary. He said this is a great economic development tool, as well as just doing the right thing. He said the open and welcoming community comes up every time he is involved in a panel discussion.

Councilmember Chavira said the starting point is behind us just because we are having this dialogue today. He said with the report that was presented today, the city now has a template for respect. He said he likes the direction the city is going with this.

Councilmember Aldama said those individuals who have a different sexual orientation never have an opportunity to turn to anyone and having an ordinance in place could give someone in that situation a place to turn. He is favor of looking at a draft ordinance and comparing it to other cities that have similar ordinances.

Councilmember Tolmachoff clarified by saying the no data was part of the presentation. She said the majority of hate crimes being reported by protected classes and the laws are not making a difference. She said she doesn't believe laws change people's minds, she thinks education and a change in culture changes people's minds. She asked if a commission could enforce an ordinance.

Mr. Bailey said a commission would lack the authority to enforce an ordinance unless the authority was granted to them. He said it would depend on what that authority would be, noting that Council cannot delegate certain authority to the commission.

Councilmember Aldama said many of the comments talked about not being inclusive. He asked staff what the city specifically does to be inclusive.

Ms. Campbell said Mr. Brown is working on diversity issues, as directed in a prior Council workshop. There has been diversity training in the city, but she said staff can research what other diversity-related actions are being taken by the city and bring an answer back to Council.

Councilmember Aldama said he did not ask the question to demonstrate there is a lack of diversity, but to demonstrate that some of the comments are right on the money. He said the city has a long way to go to promote and adopt inclusiveness. He said he had no problem looking at a draft ordinance.

Vice Mayor Hugh said he would like to see examples of ordinances that have been adopted by the other Arizona cities, and he asked what the next step would be.

Ms. Campbell said Phoenix, Tempe, Flagstaff, and Tucson have ordinances and that a description of these ordinances has already been provided to Council in previous workshops. She also offered to provide copies of the full text of those ordinances to Council. She said Mesa is dealing with this issue right now and also has a Human Relations Commission that has been provided recommendations as a result of its own study. One of those recommendations was to look at adopting an ordinance. She informed Council that Scottsdale, like Glendale, signed a One Community's Unity Pledge

and is reconsidering moving forward with an anti-discrimination ordinance. Ms. Campbell understands the Scottsdale City Council has tasked its City staff with researching what ordinances in other cities look like and has asked staff to bring that information before the Scottsdale Council so they can determine if they will do community outreach. Ms. Campbell further reminded Council that they do have a comparison chart showing the attributes and differences of each anti-discrimination ordinance has already been provided to them. She lastly reminded Council that the City of Tempe took adopted both an ordinance and city charter amendment so that their citizens voted on it.

Vice Mayor Hugh said he would like to see copies of the ordinances. He wanted to know what acts an ordinance would prohibit and asked what the next step is if someone is in violation of an ordinance.

Ms. Campbell said this ordinance would protect classes that were not currently protected in employment, public housing, and different accommodations. She explained that is what the ordinances do in the other cities.

Councilmember Aldama said they have already started this process, and asked where are they going to end? He said this Council can't really make a decision to move forward until they see the ordinances from other cities and then draft an ordinance for further review.

Councilmember Sherwood said this non-discrimination requirement was put on all the suppliers and vendors back in January. He said he has questions about enforcement and how a complaint is handled.

Ms. Mangone said the starting point for enforcement under all the ordinances in Arizona cities was mediation. The complainant and respondent would meet through the diversity office or human relations commission, and mediation would be provided by the city at no cost to the participants. She said she knows of few examples where cities have had to go beyond the mediation step in enforcing their ordinances. She explained the next step in the enforcement process would depend on how the ordinance was written, and there were variations between the cities that already have ordinances. Ms. Mangone explained that the ultimate penalty for a violation might be a civil penalty or fine, which were similar to misdemeanor penalties under the City Code and that the City of Phoenix was the only city that considered these violations criminal violations.

Councilmember Sherwood asked if the commissions were in cities that already had an ordinance.

Ms. Mangone said they were. She further explained that other cities also have Human Rights or Human Relations Commissions, but may not have an ordinance to enforce or a role to play in the process.

Councilmember Sherwood said the education component comes in during the mediation process.

Ms. Mangone said that was correct.

Councilmember Sherwood said having an ordinance in place may have deferred some actions and the cities that do not have ordinances simply mediate their complaints.

Ms. Mangone said it was unclear whether mediations occurred prior to filing of complaints in Phoenix, and said the City may have brought the parties together for mediation even before a formal complaint was filed with the Human Relations Commission.

Vice Mayor Hugh asked if there was a consensus to move forward to review ordinances from other cities and review an ordinance for Glendale.

Councilmember Aldama asked if that included drafting an ordinance.

Vice Mayor Hugh said it could include directing staff to draft an ordinance.

Councilmember Aldama said he would like Vice Mayor Hugh to ask for consensus to not only get the ordinances adopted by other cities, but to ask staff to return with a draft ordinance that Council could review.

Vice Mayor Hugh asked if the City Attorney had any direction.

Mr. Bailey said he wanted the Council to understand they would not receive an ordinance in final form and that Council would have an opportunity to make some decisions prior to considering an ordinance for adoption. He recommended this item come back to a future workshop.

There was City Council consensus to proceed, and Council directed staff to prepare a draft ordinance for Council review and discussion at a subsequent workshop.

2. [15-660](#)

REPORT ON COMPREHENSIVE PROCUREMENT POLICY

Staff Contact and Presenter: Vicki Rios, Interim Director, Finance and Technology

Staff Presenter: Tim Burkeen, Purchasing and Materials Manager

Ms. Rios said they were going to talk about the comprehensive Procurement Policy. She provided a history of a prior presentation that was presented in 2014. She said the next steps were to clarify the City Code and Directives by clearing up inconsistencies, clearly define exceptions and administrative processes, and clearly define the differences between awards, purchases and contracts. She said they were also going to centralize management of the procurement process and ensure that all staff understands procurement policies.

Ms. Rios said a comprehensive Procurement Policy has been developed, the Materials Management team is fully staffed and procurement training is underway. The procurement policy combines finance administrative policies for check requests,

signature authority, petty cash, emergency purchases, minority/women owned businesses, professional services, sole source procurements, and protest and hearings procedures.

Mr. Burkeen discussed the significant changes to the Procurement Policy. He said the policy contains clarification on how to calculate the value of a procurement and he said the value determines which procurement method is needed. He explained that the value of procurement is by type of supply or service or the value of procurement can be by department. Mr. Burkeen said Materials Management will review spending annually and he explained if departments are buying similar items or using or using the same vendor, a bid or RFP may be warranted in the future.

Councilmember Sherwood asked if the \$30 and \$20 example used was by fiscal year.

Mr. Burkeen said that would be for the total procurement.

Councilmember Sherwood continued with additional questions about purchases for different fiscal years.

Mr. Burkeen said the example he used was intended to be a single instance, and he said if the total is going to be more than \$50,000, that is a formal procurement.

Ms. Rios said it would be over the life of the contract. Each one is going to be separate for purposes of looking at the policy. She said procurements would be treated separately for the purposes of an audit, but once a spending pattern is identified, Materials Management might suggest it would be appropriate in the future to use a formal bid process.

Mr. Burkeen went on to say sections were added to the policy regarding procurement ethics, anti-discrimination expectations, dollar limits for procurements are consistent with signature authority, and a section on cooperative purchasing was added. He said no City Code changes are required and these policies will be updated as necessary in the future.

Ms. Rios said this is an Administrative Policy which does not require Council approval, and it will be updated in the future as necessary.

Mr. Burkeen said the Materials Management Department is now fully staffed with three contract analysts and a management aide. The department publishes a monthly newsletter. He said procurement training starts on October 7th and will be conducted twice a year. This training also includes pro-card training.

Councilmember Sherwood asked when the city would be getting a contract administrator. He said he knows the budget did not permit it, but knows it needs to happen.

Mr. Bailey said with the Materials Management Department being fully staffed, many challenges have been addressed. He said the magnitude of the contract administrator position has grown and it is a discussion Council will need to have. He said that position

may be responsible for the larger deals the city is involved in.

Councilmember Tolmachoff asked who gets the monthly newsletter.

Mr. Burkeen said they started sending it to department buyers and pro-card holders, but they would be happy to send it to Council as well.

Ms. Rios said the newsletter is also available on the Materials Management intranet website.

Councilmember Aldama asked about the city's controls on petty cash.

Ms. Rios said there was a petty cash policy and it is for purchases under \$150. She explained there is dual custody controls in place and cash counts of the petty cash. She said the policy has not been revised significantly, but was added to this group of policies. She said they also clarified the petty cash purchasing rules.

Councilmember Aldama said he wanted more information about employees handling cash and multiple controls.

Ms. Rios said those policies are already in place for all types of purchases, not just for petty cash. She explained there are multiple levels of control for purchases and those are routinely monitored by auditors for compliance.

Councilmember Aldama wanted to make sure those watching knew those controls were in place.

Councilmember Turner said the standardization of policies brought transparency to the process.

3. [15-662](#)

EMERGENCY VEHICLE PREEMPTION FEDERAL FUNDING APPLICATION

Staff Contact: Jack Friedline, Director, Public Works

Staff Presenter: Debbie Albert, Transportation Engineer

Ms. Albert said this item concerns an opportunity for capital funding for emergency vehicle preemption and she wanted Council guidance about the funding application. She explained emergency vehicle preemption is a system where the emergency vehicle communicates with the traffic signals to request a green light to proceed through the intersection without having to stop. She explained the various ways these transmissions can occur, including line of sight communication or radio signal transmission. She said the equipment currently in use at several intersections in the city is obsolete and is no longer supported. The cost to install this technology is approximately \$711,000, which includes design, installation and construction and ADOT fees. The exact locations would be determined during the design process. Ongoing operating costs are about \$60,000 annually.

Ms. Albert said MAG requested applications for federal Congestion Mitigation and Air Quality Funding and she said funding is available in federal fiscal years 2018 and 2019. MAG has capped each project request at \$400,000; therefore about \$300,000 in city funds would be needed for this project. She said federal funds do have a 5.7% local match for construction and implementation. Project presentations are scheduled for October 7th and project rankings are due out on October 26th. She said if Council decided not to move forward with this project due to funding considerations, this would be a good time to pull the project from consideration.

Ms. Albert said federal funding requirements require the city to follow all Federal Highway Administration requirements for design and construction. An intergovernmental agreement is needed, which specifies that the city will cover all costs above the federal funding allocation and the city is required to commit to ongoing maintenance of the project. It is anticipated the local match and ongoing maintenance funding would come out of the General Fund since this project is used for emergency services.

Councilmember Chavira said he is in favor of reducing call times which improves our residents' way of live.

Councilmember Sherwood asked how many locations the city had with this technology.

Ms. Albert said she did not know the exact number, but they have used existing equipment to keep the Bell Road corridor up and running.

Councilmember Sherwood asked about the useful life of this technology.

Ms. Albert said she would need to research that question and get back to Council with an answer. She said with other cities using this technology, there is more incentive from the company to continue to support this equipment.

Councilmember Sherwood said this project is needed and asked if it is only on fire equipment.

Ms. Albert said it is on fire engines and some ambulances.

Councilmember Sherwood asked if there had been discussion to put this technology on police vehicles.

Ms. Albert said they are beginning discussions with the Police Department about this, but this funding is just for fire vehicles.

Councilmember Aldama said this is to decrease call times and creates a safer intersection. He asked what criteria are used to determine the intersections that get these devices.

Ms. Albert said they are looking primarily at arterial intersections with a lot of cross traffic.

Councilmember Aldama asked if crash data was used in making a determination about the intersections.

Ms. Albert said crash data was also used in the decision-making process.

Councilmember Aldama said he wanted to make sure those who are watching understand how those decisions are made.

Ms. Albert said the devices would be put in various intersections across the entire city and not just in one area.

Councilmember Tolmachoff asked if the projected cost was for the GPS units. She said it sounded like they would work better.

Ms. Albert said they had to choose one of the devices in order to create an estimate and they did use the GPS system, but due to federal funding requirements, they will have to go through an approval process to determine which device would work better for the city.

Councilmember Tolmachoff asked if the devices work on a diagonal intersection, such as Grand Avenue.

Ms. Albert said that is the idea behind the GPS system and there a lot of flexibility with that system. She said the Grand Avenue intersections are maintained by ADOT, and the city would have to get ADOT permission to put the devices at those intersections.

Councilmember Tolmachoff asked if insurance premiums would be reduced if the city has these devices.

Ms. Albert said that has not been reported in any of the transportation studies she has read.

Councilmember Chavira said he would like to adopt Councilmember Tolmachoff's idea and look into the discounts on insurance.

Councilmember Turner said it sounded like this was a great idea and safer for citizens and public safety personnel. He said he would like some confirmation from the Police and Fire Chiefs that this is solid technology. He said he saw the Chiefs nodding their heads. He asked how the city will fund this and whether or not the city should stay in the MAG funding process. He asked if the city would consider applying for a grant for the city portion of the funding from the Indian Gaming Grant funding. He said this is an important project.

Councilmember Chavira agreed with Councilmember Turner. He said this technology provides a buffer so the intersections are clear for the Public Safety vehicles to enter the intersections safely.

Vice Mayor Hugh said there was consensus to move this item forward.

CITY MANAGER'S REPORT

Acting City Manager Bowers had nothing to report.

CITY ATTORNEY'S REPORT

City Attorney Bailey had nothing to report but reminded Council there was an Executive Session scheduled for immediately following the workshop.

COUNCIL ITEMS OF SPECIAL INTEREST

Councilmember Chavira would like to invite members of the 2015 Special Olympics at the beginning of the next City Council meeting.

Councilmember Tolmachoff wanted staff to investigate high speed fiber optic internet as a city utility. She said the cost is not prohibitive and it might enhance the quality of life for citizens. She noted this is an important economic development resource. Also, she would like to consider keeping the members of the Downtown Community Working Group active so they can be a resource for the light rail decision making process.

Vice Mayor Hugh said in March, he requested information on the status of Southwest Ambulance's debt to the city. Now, he believes it is time for the city find out through an RFQ what ambulance services are available to take care of the citizens.

MOTION TO GO INTO EXECUTIVE SESSION

Councilmember Turner moved, seconded by Councilmember Chavira, to enter into Executive Session. The motion carried by the following vote:

Aye: 6 - Vice Mayor Hugh, Councilmember Aldama, Councilmember Chavira, Councilmember Sherwood, Councilmember Tolmachoff, and Councilmember Turner

Absent: 1 - Mayor Weiers

EXECUTIVE SESSION

The City Council moved into Executive Session at 3:07 p.m.

ADJOURNMENT

The meeting adjourned at 3:50 p.m.