

City of Glendale

5850 West Glendale Avenue
Glendale, AZ 85301



Meeting Minutes - Final

Tuesday, May 9, 2017

6:00 PM

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**ROLL CALL**

Present: 7 - Mayor Jerry Weiers, Vice Mayor Ian Hugh, Councilmember Jamie Aldama, Councilmember Joyce Clark, Councilmember Lauren Tolmachoff, Councilmember Ray Malnar, and Councilmember Bart Turner

PLEDGE OF ALLEGIANCE**PRAYER/INVOCATION**

The invocation was offered by Pastor Mike Hodges from West Side Church of God.

CITIZEN COMMENTS

Irmgard Holm, a Cactus resident, had lived in her home for 47 years and would like information on speed bumps without the petition process. She was concerned about traffic safety due to no sidewalks and narrow streets in her subdivision.

James Deibler, a Phoenix resident, spoke about a go fund me account for his college expenses. He also spoke about copper stolen from a nearby church.

Bill Demski, a Sahuaro resident, spoke about the salaries of city employees. He also spoke about raises that employees would be receiving and his past service with the city.

Ray Strahl, a Barrel resident, spoke about the Public Safety Awareness breakfast in his district and said both the Police and Fire Chief, the Mayor and Vice Mayor as well as many public safety officers were in attendance. He thanked Councilmember Turner for hosting the event and suggested having the event next year. He would like to see a car show event because many would attend. Mr. Strahl said that many in the community supported the Council and appreciated all they did.

Danielle Snyder, a Cholla resident, spoke about the barking dog problem in her neighborhood and wished the process was easier to solve the problem.

Steve Einstman, a Sahuaro resident, spoke about unreturned phone calls regarding pot holes in the street. He also spoke about issues with the traffic signals. He asked for a return phone call to discuss the traffic and street issues.

APPROVAL OF THE MINUTES OF APRIL 11, 2017

1. [17-184](#) APPROVAL OF THE MINUTES OF APRIL 11, 2017 VOTING MEETING
Staff Contact: Julie K. Bower, City Clerk

A motion was made by Councilmember Clark, seconded by Vice Mayor Hugh, that this agenda item be approved. The motion carried by the following vote:

Aye: 7 - Mayor Weiers, Vice Mayor Hugh, Councilmember Aldama, Councilmember Clark, Councilmember Tolmachoff, Councilmember Malnar, and Councilmember Turner

PROCLAMATIONS AND AWARDS

2. [17-166](#) PROCLAIM MAY 21 THROUGH MAY 27, 2017 AS NATIONAL PUBLIC WORKS WEEK IN THE CITY OF GLENDALE
Staff Contact: Michelle Woytenko, Deputy Director, Public Works
Presented By: Office of the Mayor
Accepted By: Craig Johnson, Director, Water Services
Accepted By: Michelle Woytenko, Public Works Deputy Director
- Mayor Weiers proclaimed May 21st through May 27th, 2017 as National Public Works Week. He said the Public Works group provided a wide variety of essential services to the citizens, street design and maintenance and solid waste collection. He said the health and safety of the community depended on the services. He said they were some of the first responders in a disaster and the proclamation would provide recognition to the employees.
- Gabriel Parra had worked for the City for ten years and while he didn't interact with citizens the way many employees did, his group provided a service so that the other employees could do their jobs.

CONSENT AGENDA

Mayor Weiers said a request was made to vote on items 5 and 14 through 18 separately.

3. [17-147](#) RECOMMEND APPROVAL OF SPECIAL EVENT LIQUOR LICENSE, ASSYRIAN CHURCH OF THE EAST
Staff Contact: Vicki Rios, Director, Budget and Finance
4. [17-143](#) RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 5-22401 ZOE'S KITCHEN
Staff Contact: Vicki Rios, Director, Budget and Finance
6. [17-145](#) RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 5-22385, BOTTEGA PIZZERIA RISTORANTE
Staff Contact: Vicki Rios, Director, Budget and Finance
7. [17-146](#) RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 1-25123, SAFEWAY #1636
Staff Contact: Vicki Rios, Director, Budget and Finance
8. [17-159](#) POSITION RECLASSIFICATIONS
Staff Contact: Jim Brown, Director, Human Resources and Risk Management
9. [17-160](#) AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH SOMERSET LANDSCAPE, LLC, FOR LANDSCAPE MAINTENANCE IN CITY PARKS AND FACILITIES
Staff Contact: Erik Strunk, Director, Public Facilities, Recreation and Special Events

10. [17-174](#) AWARD OF RFP 17-09 AND AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH COPPER STATE COMMUNICATIONS TO PROVIDE TELEPHONE SYSTEM MAINTENANCE, HARDWARE, SOFTWARE AND SUPPORT
Staff Contact: Steve O’Ney, Deputy Chief Information Officer, Innovation and Technology
11. [17-161](#) AUTHORIZATION TO ENTER INTO A CONSTRUCTION AGREEMENT WITH RED HAWK SOLUTIONS, LLC, AND APPROVAL OF A BUDGET APPROPRIATION TRANSFER FOR THE FY2016/2017 RUSTED STREETLIGHT POLE REPLACEMENT
Staff Contact: Michelle Woytenko, Deputy Director, Public Works
12. [17-164](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH CANNON & WENDT ELECTRIC COMPANY, INC., FOR ELECTRIC SWITCHGEAR TESTING, MAINTENANCE AND REPAIRS
Staff Contact: Michelle Woytenko, Deputy Director, Public Works
13. [17-165](#) AUTHORIZATION TO ENTER INTO AMENDMENT NO. 1 TO THE LINKING AGREEMENT WITH SOUTHWEST AVIAN SOLUTIONS, LLC, FOR BIRD REPELLANT SERVICES
Staff Contact: Michelle Woytenko, Deputy Director, Public Works
19. [17-175](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH ISS FACILITY SERVICES, INC., TO PROVIDE CUSTODIAL SERVICES AT VARIOUS CITY FACILITIES AND TO RATIFY EXPENSES INCURRED
Staff Contact: Michelle Woytenko, Deputy Director, Public Works
20. [17-176](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH HAMPTON TEDDER TECHNICAL SERVICES, INC., FOR ELECTRIC SWITCHGEAR TESTING, MAINTENANCE AND REPAIRS
Staff Contact: Michelle Woytenko, Deputy Director, Public Works
21. [17-177](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH DBA CONSTRUCTION, INC., FOR NEEDED CRITICAL AND SAFETY RELATED ITEMS AT THE GLENDALE MUNICIPAL PARK CEMETERY
Staff Contact: Michelle Woytenko, Deputy Director, Public Works
22. [17-178](#) AUTHORIZATION FOR A BUDGET APPROPRIATION CONTINGENCY TRANSFER TO CAPITAL PROJECTS BUILDING MAINTENANCE RESERVE FOR CRITICAL OR SAFETY-RELATED REPAIR AND REPLACEMENT PROJECTS AT CITY FACILITIES
Staff Contact: Michelle Woytenko, Deputy Director, Public Works

Approval of the Consent Agenda

A motion was made by Turner, seconded by Hugh, to approve the

recommended actions on Consent Agenda Item Numbers 3, 4 and 6 through 13, and 19 through 22. The motion carried by the following vote:

Aye: 7 - Mayor Weiers, Vice Mayor Hugh, Councilmember Aldama, Councilmember Clark, Councilmember Tolmachoff, Councilmember Malnar, and Councilmember Turner

5. [17-144](#) RECOMMEND APPROVAL OF LIQUOR LICENSE NO. 5-22397, CRAZY MIKE'S CHICKEN
Staff Contact: Vicki Rios, Director, Budget and Finance
14. [17-168](#) AUTHORIZATION TO ENTER INTO A CONSTRUCTION AGREEMENT WITH CACTUS ASPHALT, A DIVISION OF CACTUS TRANSPORT INC., FOR THE PAVEMENT MANAGEMENT PROGRAM CRACK SEAL PROJECT
Staff Contact: Michelle Woytenko, Deputy Director, Public Works
15. [17-169](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH ELONTEC, LLC, FOR REFURBISHED FURNITURE AND SERVICES
Staff Contact: Michelle Woytenko, Deputy Director, Public Works
16. [17-170](#) AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH MAKPRO SERVICES, LLC, FOR PAVEMENT MANAGEMENT PROGRAM PUBLIC OUTREACH
Staff Contact: Michelle Woytenko, Deputy Director, Public Works
17. [17-171](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH DAVE SCOTT & ASSOCIATES, INC., FOR REFURBISHED FURNITURE AND SERVICES
Staff Contact: Michelle Woytenko, Deputy Director, Public Works
18. [17-173](#) AUTHORIZATION TO ENTER INTO A LINKING AGREEMENT WITH GOODMAN'S INC., FOR REFURBISHED FURNITURE AND SERVICES
Staff Contact: Michelle Woytenko, Deputy Director, Public Works

A motion was made by Turner, seconded by Hugh, to approve the recommended actions on Item Numbers 5 and 14 through 18. The motion carried by the following vote:

Aye: 6 - Mayor Weiers, Vice Mayor Hugh, Councilmember Aldama, Councilmember Tolmachoff, Councilmember Malnar, and Councilmember Turner

Nay: 1 - Councilmember Clark

LAND DEVELOPMENT ACTIONS

23. [17-151](#) FINAL PLAT (FP) APPLICATION FP17-01: 51 CAMPANA - 5200 WEST BELL ROAD
Staff Contact: Jon M. Froke, AICP, Planning Director
Staff Presenter: Sam McAllen, Director, Development Services

Ms. Bower introduced Item 23.

Mr. McAllen said the final plat application, was requested by the Empire Group for an 11-lot commercial subdivision on 21 acres located at 5200 West Bell Road. The rezoning application was approved by Council in April. He said the proposed plat was consistent with the general plan and staff recommended approval of the final plat, which would allow for mixed commercial land uses.

A motion was made by Councilmember Tolmachoff, seconded by Councilmember Aldama, that this agenda item be approved. The motion carried by the following vote:

Aye: 7 - Mayor Weiers, Vice Mayor Hugh, Councilmember Aldama, Councilmember Clark, Councilmember Tolmachoff, Councilmember Malnar, and Councilmember Turner

ORDINANCES

24. [17-149](#) ORDINANCE NO. O17-18

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING GLENDALE CITY CODE, CHAPTER 26 (OFFENSES—MISCELLANEOUS), ARTICLE III (OFFENSES AGAINST PUBLIC SAFETY AND ORDER) BY ADDING A NEW DIVISION 5 ENTITLED "FIREWORKS" PROHIBITING THE USE OF FIREWORKS WITHIN THE CITY; PROVIDING FOR THE REPEAL OF CONFLICTING CODE PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

Staff Contact: Terry Garrison, Fire Chief

Staff Presenter: Chuck Jenkins, Fire Marshal

Ms. Bower read Ordinance No. O17-18.

Mr. Jenkins said the proposed ordinance adopted changes to the consumer firework code due to changes in state law. The updates included allowing the use of consumer fireworks during the state approved timeframes, which were June 24th through July 6th and December 24th through January 3rd of each year and clarifying that the use of fireworks on public or municipal property was prohibited at all times. A handout was provided to Council which showed additional changes that needed to be made to the ordinance which addressed posting of signage at the retail sales locations.

Councilmember Malnar made a motion, seconded by Councilmember Aldama, to adopt and approve Ordinance No. O17-18, as amended.

Councilmember Clark asked when were fireworks prohibited and when were fireworks allowed.

Mr. Jenkins said consumer fireworks were prohibited in the City of Glendale at all times with the exception of June 24th through July 6th and December 24th through January 3rd.

Councilmember Clark said it was easy for people to remember fireworks were allowed around July 4th and around New Year's. She asked if the City was currently out of compliance with State regulations.

Mr. Jenkins said it was.

Councilmember Clark asked if the purpose of the proposed ordinance was to bring the City back into compliance with State regulations.

Mr. Jenkins said that was correct.

Councilmember Malnar clarified there were prohibited fireworks and asked Mr. Jenkins to address that.

Mr. Jenkins said the language detailed the specific classification of fireworks that were allowed during the timeframes. He said the term consumer fireworks was specific to certain fireworks and only those fireworks under the consumer fireworks category were allowed. Information regarding fireworks that were allowed could be found on the State's website, as well as the City's website.

Councilmember Malnar clarified that any fireworks that go up into the air were illegal according to the ordinance.

Mr. Jenkins said that was correct and said bottle rockets, firecrackers and M80's were not in the category of permissible consumer fireworks.

Mayor Weiers asked the Clerk to read the additional wording that addressed posting of signage at the retail sales locations

Ms. Bower read additional wording to Ordinance No. O17-18.

Mayor Weiers asked Councilmember Malnar to rescind his motion and make the motion again to include the changes to make sure it was done correctly.

Councilmember Malnar rescinded his motion.

Councilmember Malnar made a motion, seconded by Councilmember Tolmachoff, to approve and adopt Ordinance No. 17-18, as presented and as amended.

Councilmember Turner made reference to the definition of permissible consumer fireworks, and said he wanted to make it clear that neither the City nor the State legalized fireworks such as bottle rockets, roman candles and M80s.

Mr. Jenkins said that was correct.

Councilmember Turner had received complaints from his constituents about fireworks and the effect on their pets. He said the complaints were normally regarding explosive type of fireworks, which were not legal fireworks. He wanted to let constituents know they needed to call the Police Department if those types of fireworks were used at any time during the year. He wanted to make sure the public knew they were not legalizing firecrackers and bottle rockets.

Councilmember Turner asked if the fireworks that were not legal for the consumer to use could be sold legally.

Mr. Jenkins said both State law and the City Ordinance clearly stated the sale or possession of those fireworks was a violation of law.

Councilmember Turner said if citizens should not be seeing those types of fireworks for sale and if they were hearing them in their neighborhoods, they might be brought into the state illegally. Additionally, they should report use of those fireworks to the Police Department.

Councilmember Aldama asked about a section of the ordinance that spoke about a live animal and asked if that was an error. Councilmember Aldama said he was referring to Section 21.

Mr. Jenkins explained they were referring to Section 26 and he did not have Section 21.

Councilmember Aldama said the language was in Ordinance No. O17-18.

Mr. Jenkins did not have an answer and said the changes being made were a part of Chapter 26.

Councilmember Malnar said he saw that language as well, but it was a continuation of the ordinances of the City, but they were not making any changes to that language.

Councilmember Aldama asked for the Attorney to review the language to make sure it was correct.

Mayor Weiers asked if there were any other comments.

James Deibler, a Phoenix resident, said many people were using fireworks on their property to celebrate July 4th. He was concerned about children getting injured by fireworks. He said the City needed to make fireworks illegal and make the companies pay for it.

A motion was made by Councilmember Malnar, seconded by Councilmember Tolmachoff, to approve and adopt Ordinance No. 17-18, as presented and as amended. The motion carried by the following vote:

Aye: 7 - Mayor Weiers, Vice Mayor Hugh, Councilmember Aldama, Councilmember Clark, Councilmember Tolmachoff, Councilmember Malnar, and Councilmember Turner

25. [17-167](#)

ORDINANCE NO. O17-19

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF AN EASEMENT FOR TWO WATER LINES LOCATED AT 7815 WEST ASPERA BOULEVARD AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

Staff Contact: Michelle Woytenko, Deputy Director, Public Works

Ms. Bower read Ordinance No. O17-19.

Ms. Woytenko said the request was to accept a new waterline easement at 7815 West Aspera Boulevard. Two new waterlines were being constructed to meet fire protection requirements. The easement would allow the City to operate, maintain and repair the waterlines. Staff recommended acceptance of the easement. There would be no impact to City departments, staff or service levels as a result of the action. There might be minimal costs incurred to the City for operating these two waterlines.

A motion was made by Councilmember Aldama, seconded by Councilmember Tolmachoff, that this agenda item be approved. The motion carried by the following vote:

Aye: 7 - Mayor Weiers, Vice Mayor Hugh, Councilmember Aldama, Councilmember Clark, Councilmember Tolmachoff, Councilmember Malnar, and Councilmember Turner

REQUEST FOR FUTURE WORKSHOP AND EXECUTIVE SESSION

A motion was made by Vice Mayor Hugh, seconded by Councilmember Tolmachoff, to hold the next regularly scheduled City Council Workshop on Tuesday, May 16, 2017 at 1:30 p.m. in the City Council Chambers, to be followed by an Executive Session pursuant to A.R.S. 38-431.03. The motion carried by the following vote:

Aye: 7 - Mayor Weiers, Vice Mayor Hugh, Councilmember Aldama, Councilmember Clark, Councilmember Tolmachoff, Councilmember Malnar, and Councilmember Turner

COUNCIL COMMENTS AND SUGGESTIONS

Councilmember Aldama thanked residents, staff and business owners who attended the district meeting. He said another district meeting would be held soon.

Councilmember Clark said she recently had the opportunity to visit West-Mec. She explained West-Mec provided an opportunity for professional advancement for young people who were not college-bound with medical and trade programs. She encouraged parents and children to check out West-Mec.

Councilmember Malnar reminded residents about the defensive shooter class on Monday at the Foothills Recreation and Aquatics Center.

Councilmember Tolmachoff said she and Councilmember Malnar were partnering with the Police Department to present an active shooter awareness class. She said it would be Monday evening at 6:30 at the Foothills Recreation and Aquatics Center. She explained the presentation was geared to public places. She said seating was limited and encouraged interested participants to sign up early.

Councilmember Turner thanked everyone for attending the First Annual Public Safety Appreciation Pancake Breakfast. He said there were various demonstrations by the Fire and Police Departments and he thanked Chief Garrison, Chief St. John and their departments. He also thanked the Recreation staff for participating. He thanked Kowalski Construction Company who donated 30 smoke alarms to the event. He also thanked Erin Steffa and the rest of the Council staff who assisted in making it a successful event.

Vice Mayor Hugh thanked Councilmember Turner for the pancakes and said his grandchildren had a good time. He looked forward to the event next year.

Mayor Weiers had a good time with his grandchildren at that event as well.

ADJOURNMENT

The City Council adjourned at 6:59 p.m.